







**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.

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**SECRET JOURNALS**  
**OF THE**  
**CONGRESS OF THE CONFEDERATION.**



**FOREIGN AFFAIRS.**



## SECRET JOURNAL.

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### FOREIGN AFFAIRS.

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NOVEMBER 29, 1775.

**R**ESOLVED, That a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world ; and that they lay their correspondence before Congress when directed.

Resolved, That this Congress will make provision to defray all such expenses as may arise by carrying on such correspondence, and for the payment of such agents as they may send on this service.

The members chosen—Mr. Harrison, Dr. Franklin. Mr. Johnson, Mr. Dickinson, and Mr. Jay.

DECEMBER 2, 1775.

Resolved, That the committee of correspondence be directed to use their endeavours to find out and engage, in the service of the United Colonies, skillful engineers, not exceeding four, on the best terms they can ; and that the said committee be authorized to as-

sure such able and skilful engineers as will engage in the service, that they shall receive such pay and appointments as shall be equal to what they have received in any former service.

#### MAY 18, 1776.

The secret committee laid before Congress a letter from Mr. Langdon ; and the same being read,

Resolved, that it be referred to the committee of secret correspondence ; and that the said committee be directed to apply to the marine committee for the use of one or more of the continental fleet ; and that they send the same to the French West India Islands, in order to procure, if possible, a number of muskets, not exceeding ten thousand ; and further, that the said committee be directed to endeavour to discover the designs of the French in assembling so large a fleet, with so great a number of troops, in the West Indies, and whether they mean to act for or against America.

#### SEPTEMBER 17, 1776.

Congress took into consideration the plan of treaties to be proposed to foreign nations, with the amendments agreed to by the committee of the whole ; and thereupon,

Resolved, That the following plan of a treaty be proposed to his most christian majesty :

## PLAN OF A TREATY WITH FRANCE.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between the most serene and mighty prince, Lewis the sixteenth, the most christian king, his heirs and successors, and the United States of America ; and the subjects of the most christian king, and of the said states ; and between the countries, islands, cities and towns, situate under the jurisdiction of the most christian king, and of the said United States, and the people and inhabitants thereof of every degree ; without exception of persons or places. And the terms herein mentioned, shall be perpetual between the most christian king, his heirs and successors, and the said United States.

## ARTICLE I.

The subjects of the most christian king shall pay no other duties or imposts, in the ports, havens, roads, countries, islands, cities or towns of the said United States, or any of them, than the natives thereof, or any commercial companies established by them, or any of them shall pay, but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade, navigation, and commerce, in passing from one part thereof to another, and in going to and from the same, from and to any part of the world, which the said natives or companies enjoy.

## ARTICLE II.

The subjects, people and inhabitants of the said United States, and every of them, shall pay no other duties, or imposts, in the ports, havens, roads, countries, islands, cities or towns of the most christian king, than the natives of such countries, islands, cities or towns of France, or any commercial companies established by the most christian king, shall pay, but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, in passing from one port thereof to another, and in going to and from the same, from and to any part of the world, which the said natives or companies enjoy.

## ARTICLE III.

His most christian majesty shall retain the same rights of fishery on the banks of Newfoundland, and all other rights relating to any of the said islands, which he is entitled to by virtue of the treaty of Paris.

## ARTICLE IV.

The most christian king shall endeavour, by all the means in his power, to protect and defend all vessels, and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, lands, cities or towns; and to recover and to restore to the right owners, their agents, or at-

torneys, all such vessels and effects. which shall be taken within his jurisdiction ; and his ships of war, or any convoys sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States, or any of them, and 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 the most christian king.

#### ARTICLE V.

In like manner the said United States, and their ships of war, and convoys sailing under their authority, shall protect and defend all vessels and effects belonging to the subjects of the most christian king ; and endeavour to recover and restore them, if taken within the jurisdiction of the said United States, or any of them.

#### ARTICLE VI.

The most christian king and the said United States, shall not receive nor suffer to be received, into any of their ports, havens, roads, countries, islands, cities or towns, any pirates or sea robbers, or afford or suffer any entertainment, assistance or provision to be afforded to them ; but shall endeavour by all means, that all pirates and sea robbers, and their partners, sharers, and abet-

tors, be found out, apprehended, and suffer condign punishment ; and all the vessels and effects piratically taken, and brought into the ports and havens of the most christian king, or the said United States, which can be found, although they be sold, shall be restored, or satisfaction given therefor ; the right owners, their agents or attorneys demanding the same, and making the right of property to appear by due proof.

#### ARTICLE VII.

The most christian king shall protect, defend and secure, as far as in his power, the subjects, people and inhabitants of the said United States, and every of them, and their vessels and effects of every kind, against all attacks, assaults, violences, injuries, depredations or plunderings, by or from the king or emperor of Morocco, or Fez, and the states of Algiers, Tunis and Tripoli, and any of them, and every other prince, state and power on the coast of Barbary in Africa, and the subjects of the said king, emperor, states and powers, and of every of them, in the same manner, and as effectually and fully, and as much to the benefit, advantage, ease and safety of the said United States, and every of them, and of the subjects, people and inhabitants thereof, to all intents and purposes, as the king and kingdom of Great Britain, before the commencement of the present war, protected, defended and secured the people and inhabitants of the said United States, then called British colonies in America, their vessels and effects, against all such attacks, assaults, violences, injuries, depredations and plunderings.



## ARTICLE VIII.

If, in consequence of this treaty, the king of Great Britain should declare war against the most christian king, the said United States shall not assist Great Britain in such war, with men, money, ships, or any of the articles in this treaty denominated contraband goods.

## ARTICLE IX.

The most christian king shall never invade, nor, under any pretence, attempt to possess himself of Labrador, New Britain, Nova Scotia, Acadia, Canada, Florida, nor any of the countries, cities or towns on the continent of North America, nor of the islands of Newfoundland, Cape Breton, St. Johns, Anticosti, nor of any other island lying near to the said continent in the seas, or in any gulph, bay or river; it being the true intent and meaning of this treaty, that the said United States shall have the sole, exclusive, undivided and perpetual possession of the countries, cities and towns on the said continent, and of all islands near to it, which now are, or lately were under the jurisdiction of or subject to the king or crown of Great Britain, whenever they shall be united or confederated with the said United States.

## ARTICLE X.

The subjects, inhabitants, merchants, commanders of ships, masters and mariners, of the states, provinces

and dominions of each party, respectively, shall abstain and forbear to fish in all places, possessed, or which shall be possessed by the other party. The most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places which the said United States hold, or shall hereafter hold ; and in like manner, the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess. And if any ship or vessel shall be found fishing, contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated.

#### ARTICLE XI.

If in any war the most christian king shall conquer, or get possession of, the islands in the West Indies, now under the jurisdiction of the king or crown of Great Britain, or any of them, or any dominions of the said king or crown, in any other parts of the world, the subjects, people and inhabitants of the said United States, and every of them, shall enjoy the same rights, liberties, privileges, immunities and exemptions, in trade, commerce and navigation, to and from the said islands and dominions, that are mentioned in the second article of this treaty.

#### ARTICLE XII.

It is the true intent and meaning of this treaty, that no higher or other duties shall be imposed on the ex-

portation of any thing of the growth, production or manufacture of the islands in the West Indies, now belonging, or which may hereafter belong to the most christian king, to the said United States, or any of them, than the lowest that are or shall be imposed on the exportation thereof to France, or to any other part of the world.

ARTICLE XIII.

It is agreed by and between the said parties, that no duties whatever shall ever hereafter be imposed on the exportation of molasses from any of the islands and dominions of the most christian king in the West Indies, to any of these United States.

ARTICLE XIV.

The subjects, people and inhabitants of the United States, or any of them, being merchants and residing in France, and their property and effects of every kind, shall be exempt from the Droit d'Aubaine.

ARTICLE XV.

The merchant ship of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, ex-

pressly showing, that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XVI.

If, by exhibiting the above certificates, the other party discover there are any of those sorts of goods, which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, 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 parcels of her goods, whether such ship belong to the subjects of France or the inhabitants of the said United States, 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 courts 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 dis-

covered 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.

ARTICLE XVII.

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 enemy of the other, or to his subjects, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy himself, except such goods and merchandise as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without the knowledge of such declaration, so that the goods of the subjects or people of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of it, without the knowledge of it, shall no wise 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.

## ARTICLE XVIII.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of the most christian king, and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished; and shall moreover, be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the penalty and obligation of their persons and goods.

## ARTICLE XIX.

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 XX.

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 either party ; nor shall the searchers 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 place expressed in their commissions, which the commanders of such ships of war shall be obliged to show. On the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties ; but if such should come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out, and retire from thence as soon as possible.

#### ARTICLE XXI.

If any ships belonging to either of the parties, their subjects, or people, shall within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof ; and letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

## ARTICLE XXII.

In case the subjects and 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 and harbour, to retreat and enter into any of the rivers, creeks, bays, havens, roads, ports, or shores, belonging to the other party, they shall be received and treated 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 conveniency of their voyage; 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 XXIII.

For the better promoting of commerce on both sides, it is agreed, that if a war shall 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 settling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them, within that time, by either party, or the people or sub-



jects of either, full satisfaction shall be made for the same.

#### ARTICLE XXIV.

No subjects of the most christian 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, 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 any of the inhabitants of any of them, from any prince or state with which 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 ship or ships to act as privateers against the subjects of the most christian king, or any of them, or 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 commissions or letters of marque, he shall be punished as a pirate.

#### ARTICLE XXV.

It shall not be lawful for any foreign privateer, not belonging to the subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince, or state, in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner

whatsoever to exchange either ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

#### ARTICLE XXVI.

It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people and inhabitants of the said states, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both, or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods; and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the subjects of either of the confederates, 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 effect, 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 XXVII.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting 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, fire balls, gunpowder, match, cannon ball, pikes, swords, lances, spears, halberds, mortars, petards, granadoes, saltpetre, muskets, musket balls, helmets, headpieces, breastplates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatsoever. 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 material 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, lead, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and likewise all manner of spices, salt-

ed and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salt, and in general all provisions which serve for the nourishment of mankind, and the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors and any parts of anchors, also ships' masts, planks, boards and beams, of what tree soever, and all other things, proper either for building or repairing ships, and all other goods whatsoever, which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall wholly be 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 confederates, even to places belonging to an enemy, such towns and places being only excepted as are at that time besieged, blocked up, or invested.

#### ARTICLE XXVIII.

To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea letters or passports, expressing the name, property, and bulk of the

ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties; which passports shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year; that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships, being laden, are to be provided not only with passports, as abovementioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whether she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the persons to whom the goods on board belong, he may freely do it.

#### ARTICLE XXIX.

The ships of the subjects and inhabitants of either of the parties, coming 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, shall not be obliged to give an account of their lading, unless they should be suspected, upon some manifest tokens, of carrying to the enemy of the other ally any prohibited goods called contraband; and in case of such ma-

nifest suspicion, the parties shall be obliged to exhibit, in the ports, their passports and certificates in the manner before specified.

#### ARTICLE XXX.

If the ships of the said subjects, people or inhabitants of either of the parties, shall be met with, either sailing along the coast, or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chace or force her to quit her intended course. It is also agreed, that all goods, when once put on board the ships or vessels of either 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 the ships or vessels of the respective states; nor shall either the persons or goods of the subjects of his most christian majesty or the United States, be put under any arrest, or molested by any other kind of embargo for that cause;

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

The form of the sea letters and passports to be given to ships and vessels according to the 28th article.

To all who shall see these presents, Greeting.

It is hereby made known that leave and permission has been given to \_\_\_\_\_ master and commander of the ship called \_\_\_\_\_ of the town of \_\_\_\_\_ burden \_\_\_\_\_ tons, or thereabouts, lying at present in the port and haven of \_\_\_\_\_ and bound for \_\_\_\_\_ and laden with \_\_\_\_\_ after that his ship has been visited, and before sailing, he shall make oath, before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of \_\_\_\_\_ the act whereof shall be put at the end of these presents; as likewise that he will keep and cause to be kept, by his crew on board, the marine ordinances and regulations, and enter in the proper office a list signed and witnessed of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port and haven, where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them, of what passed and was done

during his voyage ; and he shall carry the colours, arms, and ensigns of \_\_\_\_\_ during his voyage.

In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by \_\_\_\_\_

at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_

A. D.

The form of the act containing the oath.

We \_\_\_\_\_ of the admiralty of \_\_\_\_\_ do certify, that \_\_\_\_\_ master of the ship named in the above passport, hath taken the oath mentioned therein.

Done at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A. D. .

The form of the certificate to be required of, and to be given by, the magistrates or officers of the customs of the town and port, in their respective towns and ports, to the ships and vessels which sail from thence, according to the directions of the 28th article of this present treaty.

We \_\_\_\_\_ magistrates (or officers of the customs) of the town and port of \_\_\_\_\_

do certify and attest, that on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of our

Lord \_\_\_\_\_ personally appeared before us \_\_\_\_\_ of \_\_\_\_\_ and declared,

by a solemn oath, that the ship or vessel called \_\_\_\_\_ of about \_\_\_\_\_ tons, whereof



of his usual place of habitation, is master or commander, does rightfully and properly belong to him and other subjects of and to them alone ; that she is now bound from the port of to the port of laden with the goods and merchandises hereunder particularly described and enumerated, that is to say,

In witness whereof we have signed this certificate, and sealed it with the seal of our office.

Given the day of the month of in the year of our Lord

#### INSTRUCTIONS TO

THERE is delivered to you herewith a plan of a treaty with his most christian majesty of France, approved of in Congress, on the part of the United States ; and you are hereby instructed to use every means in your power for concluding it, conformably to the plan you have received.

If you shall find that to be impracticable, you are hereby authorized to relax the demands of the United States, and to enlarge their offers agreeably to the following directions :

If his most christian majesty shall not consent that the inhabitants of the United States shall have the privileges proposed in the second article, then the United States ought not to give the subjects of his most christian majesty the privileges proposed in the first article ; but that the United States shall give to his

most christian majesty the same privileges, liberties, and immunities at least, and the like favour in all things which any foreign nation the most favoured shall have—provided, his most christian majesty shall give to the United States the same benefits, privileges and immunities which the most favoured nation now has, uses, or enjoys.

And, in case neither of these propositions of equal advantages is agreed to, then the whole of the said articles are to be rejected, rather than obstruct the further progress of the treaty.

The fourth article must be insisted on.

The seventh article ought to be obtained, if possible; but should be waved, rather than that the treaty should be interrupted by insisting upon it.

His most christian majesty agreeing, nevertheless, to use his interest and influence to procure passes from the states mentioned in this article for the vessels of the United States upon the Mediterranean.

The eighth article will probably be attended with some difficulty. If you find his most christian majesty determined not to agree to it, you are empowered to add to it, as follows:—That the United States will never be subject, or acknowledge allegiance, or obedience, to the king, or crown, or parliament of Great Britain; nor grant to that nation any exclusive trade, or any advantages, or privileges in trade, more than to his most christian majesty; neither shall any treaty for terminating the present war between the king of Great Britain and the United States, or any war which may be declared by the king of Great Britain against his most christian majesty, in consequence of this

treaty, take effect until the expiration of six calendar months after the negotiation for that purpose shall have been duly notified, in the former instance by the United States to his most christian majesty, and in the other instance, by his most christian majesty to the United States; to the end that both these parties may be included in the peace, if they think proper.

The twelfth and thirteenth articles are to be waved, if you find that the treaty will be interrupted by insisting on them.

You will press the fourteenth article; but let not the fate of the treaty depend upon obtaining it.

If his most christian majesty should be unwilling to agree to the sixteenth and twenty-sixth articles, you are directed to consent that the goods and effects of enemies, on board the ships and vessels of either party, shall be liable to seizure and confiscation.

The twenty-fifth article is not to be insisted on.

You will solicit the court of France for an immediate supply of twenty or thirty thousand muskets and bayonets, and a large supply of ammunition and brass field pieces, to be sent under convoy by France. The United States engage for the payment of the arms, artillery and ammunition, and to indemnify France for the expense of the convoy.

Engage a few good engineers in the service of the United States.

It is highly probable that France means not to let the United States sink in the present contest. But as the difficulty of obtaining true accounts of our condition may cause an opinion to be entertained that we

are able to support the war on our own strength and resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our favour, upon a suggestion that a re-union with Great Britain may be the consequence of a delay.

Should Spain be disinclined to our cause, from an apprehension of danger to his dominions in South America, you are empowered to give the strongest assurances, that that crown will receive no molestation from the United States, in the possession of these territories.

You will transmit to us the most speedy and full intelligence of your progress in this business, and of any other transactions that it may import us to know.

You are desired to get the best and earliest information that you possibly can of any negotiations that the court of London may be carrying on for obtaining foreign mercenaries to be sent against these states the next campaign; and if any such design is in agitation, you will endeavour to prevail with the court of France to exert its influence in the most effectual manner to prevent the execution of such designs.

You are desired to obtain, as early as possible, a publick acknowledgment of the independency of these states on the crown and parliament of Great Britain, by the court of France.

In conducting this important business, the Congress have the greatest confidence in your address, abilities, vigilance, and attachment to the interests of the United States, and wish you every success.

## SEPTEMBER 24, 1776.

Resolved, That Thursday next be assigned for appointing commissioners to transact the business of the United States at the court of France.

## SEPTEMBER 26, 1776.

According to the order of the day, Congress proceeded to the appointment of commissioners to the court of France.

Resolved, That three be appointed.

The ballots being taken, Mr. B. Franklin, Mr. S. Deane, and Mr. T. Jefferson, were elected.

Resolved, That a committee of four be appointed to prepare a draft of letters of credence to the commissioners; and that the said committee report the ways and means of providing for their subsistence.

The members chosen were Mr. Morris, Mr. R. H. Lee, Mr. Wythe, and Mr. J. Adams.

Ordered, That the said committee draw up and report to Congress a set of instructions for the commissioners relative to their entering into treaties and negotiations with other foreign states in Europe.

Resolved, That secrecy shall be observed until the farther order of Congress; and that, until permission be obtained from Congress to disclose the particulars of this business, no member be permitted to say any thing more upon this subject than that Congress have taken such steps as they judged necessary for the purpose of obtaining foreign alliances.

Ordered, That an express be sent to Mr. Jefferson, to inform him of his appointment; and that a copy of the resolve for secrecy be, at the same time, transmitted to him; and that he be requested to inform the President at what time and place a vessel shall be sent for him.

### SEPTEMBER 28, 1776.

The committee, appointed to prepare letters of credence, &c. brought in a report, which was taken into consideration.

The letters of credence being read and amended, were agreed to as follows:

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to all who shall see these presents, send greeting.

Whereas a trade upon equal terms between the subjects of his most christian majesty the king of France, and the people of these states, will be beneficial to both nations—Know ye therefore, that we, confiding in the prudence and integrity of\*                    have appointed and deputed, and by these presents do appoint and depute them the said                    our commissioners;

\* N. B. This blank was afterwards filled with the words Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said state, &c., Silas Deane, now in France, late a delegate from the state of Connecticut, and Arthur Lee, barrister at law.

giving and granting to them the said or any two of them, and in case of the death, absence, or disability of any two, to any one of them, full power to communicate, treat, agree and conclude with his most christian majesty, the king of France, or with such person or persons as shall by him be for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most christian majesty and the people of the United States; and to do all other things, which may conduce to those desirable ends; and promising in good faith to ratify whatsoever our said commissioners shall transact in the premises.

Done in Congress, at Philadelphia, the thirtieth day of September, in the year of our Lord, one thousand seven hundred and seventy-six.—In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

President.

Attest.

Sec'y.

Resolved, That the commissioners should live in such a style and manner, at the court of France, as they may find suitable and necessary to support the dignity of their publick character, keeping an account of their expenses, which shall be reimbursed by the Congress of the United States of America.

That besides the actual expenses of the commissioners, a handsome allowance be made to each of them as a compensation for their time, trouble, risk and services.

That the secretary of the embassy be allowed a salary of one thousand pounds sterling per annum, with the expenses of his passage out and home.

That the secret committee be directed to export produce, or remit bills, until they make an effectual lodgment in France of ten thousand pounds sterling, subject to the orders of the said commissioners for their present support; and report to Congress when it is effected, in order that Congress may then consider what further remittances then to order for this purpose.

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

#### OCTOBER 22, 1776.

Resolved, That the commissioners going to the court of France, be directed to procure from that court, at the expense of these United States, either by purchase, or loan, eight line of battle ships, of seventy-four and sixty-four guns, well manned and fitted in every respect for service; that as these ships may be useful in proportion to the quickness with which they may reach North America, the commissioners be directed to expedite this negotiation with all possible diligence.



Mr. Jefferson having informed Congress, that the state of his family will not permit him to accept the honour of going as their commissioner to France,

Resolved, That another be elected in his room.

The ballots being taken, Arthur Lee, esquire, was elected.

Ordered, That the committee of secret correspondence acquaint Mr. Lee of his appointment, and that his powers and instructions are lodged in Paris.

#### DECEMBER 23, 1776.

The committee of secret correspondence having applied for instructions to enable them to return an answer to the letter read yesterday from Mr. Deane—

Resolved, That the committee of secret correspondence be directed to inform the commissioners at the court of France, that Congress have received no advices concerning the proceedings of Portugal, but what they have seen in the newspapers, the authenticity of which may be doubtful.

That Congress desire exact information from the commissioners, whether any American vessels have been prohibited entering, or have been confiscated in the dominions of Portugal, and on what principles.

That they be directed to remonstrate in the firmest tone with the Portuguese ambassador on these subjects, so soon as they shall have well informed themselves of the facts abovementioned.

That the commissioners be authorized to arm and fit for war any number of vessels not exceeding six, at the

expense of the United States, to war upon British property ; and that commissions and warrants be for this purpose sent to the commissioners ; provided the commissioners be well satisfied this measure will not be disagreeable to the court of France.

Resolved, That the commissioners of Congress at the court of France be authorized to borrow, on the faith of the thirteen United States, a sum not exceeding two millions sterling, for a term not less than ten years.

That if the money borrowed cannot be obtained at a less interest than six per cent, the commissioners be permitted to engage for that rate of interest ; and that they stipulate for the payment of the interest at periods not less than annual.

That, if the commissioners can contract for the payment of the principal and interest in the products of North America, to be delivered here, it will be very agreeable to Congress. \*

#### DECEMBER 24, 1776.

Resolved, That a committee of five be appointed to prepare and report a plan for obtaining foreign assistance.

The members chosen—Mr. Gerry, Mr. Witherspoon, Mr. Richard Henry Lee, Mr. Clarke and Mr. S. Adams.

#### DECEMBER 27, 1776.

Resolved, That the committee of secret correspondence be desired to direct the commissioners at the

court of France to procure, if possible, from that court, a hundred thousand stand of arms.

### DECEMBER 28, 1776.

The committee appointed to prepare a plan for obtaining foreign assistance brought in a report, which was read.

Ordered, That the same be referred to a committee of the whole, and that Congress do immediately resolve itself into a committee of the whole to take the same into consideration.

Congress then resolved itself into a committee of the whole, to take into consideration the report of the committee on the plan of obtaining foreign assistance; and after some time spent thereon, the President resumed the chair; and Mr. Harrison reported, that the committee have had under consideration the report to them referred, and have made sundry amendments, but not having had time to go through the whole, desire leave to sit again.

Resolved, That Congress will tomorrow resolve itself into a committee of the whole, to take into further consideration the report of the committee.

### DECEMBER 29, 1776.

Congress resolved itself into a committee of the whole, to take into consideration the report of the committee on the plan of obtaining foreign assistance; and after some time, the President resumed the chair, and Mr. Francis L. Lee reported, That the committee

have had under consideration the report to them referred, and have made sundry further amendments, which he was ready to report.

Resolved, that the report be received, and taken into consideration tomorrow.

### DECEMBER 30, 1776.

The report from the committee of the whole being read, the same was taken into consideration : Whereupon,

Resolved, That commissioners be forthwith sent to the courts of Vienna, Spain, Prussia, and the grand duke of Tuscany.

That the several commissioners of the United States be instructed to assure the respective courts, that notwithstanding the artful and insidious endeavours of the court of Great Britain to represent the Congress and inhabitants of these states to the European powers as having a disposition again to submit to the sovereignty of the crown of Great Britain, it is their determination at all events to maintain their independence.

That the commissioners be respectively directed to use every means in their power to procure the assistance of the emperor of Germany, and of their most christian, catholick, and Prussian majesties, for preventing German, Russian, or other foreign troops from being sent to America for hostile purposes against these United States, and for obtaining a recall of those already sent.

That his most christian majesty be induced, if possible, to assist the United States in the present war with

Great Britain, by attacking the electorate of Hanover, or any part of the dominions of Great Britain, in Europe, the East or West Indies.

That the commissioners be further empowered to stipulate with the court of France, that all the trade between the United States and the West India islands shall be carried on by vessels either belonging to the subjects of his most christian majesty, or of these states, each having free liberty to carry on such trade.

That the commissioners be likewise instructed to assure his most christian majesty, that should his forces be employed, in conjunction with those of the United States, to exclude his Britannick majesty from any share in the cod fishery of America, by reducing the islands of Newfoundland and Cape Breton, and ships of war be furnished, when required by the United States, to reduce Nova Scotia, the fishery shall be enjoyed equally and in common by the subjects of his most christian majesty and of these states, to the exclusion of all other nations and people whatever ; and half the island of Newfoundland shall be owned by and subject to the jurisdiction of his most christian majesty ; provided that the province of Nova Scotia, island of Cape Breton, and the remaining part of Newfoundland be annexed to the territory and government of the United States.

That should the proposals already made be insufficient to produce the proposed declaration of war, and the commissioners are convinced that it cannot be otherwise accomplished, they assure his most christian majesty, that such of the British West India islands as in the course of the war shall be reduced by the united force of France and the United States, shall be yielded

in absolute property to his most christian majesty ; and the United States engage, on timely notice, to furnish at their expense, and deliver at some convenient port or ports in the said United States, provisions for carrying on expeditions against the said islands to the amount of two million of dollars, and six frigates mounting not less than twenty-four guns each, manned and fitted for the sea ; and to render any other assistance which may be in their power, as becomes good allies.

That the commissioners for the courts of France and Spain consult together, and prepare a treaty of commerce and alliance, as near as may be, similar to the first proposed to the court of France, not inconsistent therewith, nor disagreeable to his most christian majesty, to be proposed to the court of Spain—adding thereto, “ That if his catholick majesty will join with  
“ the United States in war against Great Britain, they  
“ will assist in reducing to the possession of Spain the  
“ town and harbour of Pensacola ; provided that the  
“ citizens and inhabitants of the United States shall  
“ have the free and uninterrupted navigation of the  
“ Mississippi, and use of the harbour of Pensacola ;  
“ and will, provided it be true that his Portuguese majesty has insultingly expelled the vessels of these  
“ states from his ports, or hath confiscated any such  
“ vessels, declare war against the said king, if that  
“ measure shall be agreeable to and supported by the  
“ courts of France and Spain.”

That the commissioners for the court of Berlin consult with the commissioners at the court of France, and prepare such a treaty or treaties of friendship and commerce, to be proposed to the king of Prussia, as

shall not be disagreeable to their most christian and catholick majesties.

That the commissioners at the court of France be informed of the designs of Congress to send commissioners to the courts of Vienna, and the grand duke of Tuscany, to cultivate the friendship of those princes, and to form such treaties of commerce as may be beneficial to those countries and the United States, and directed to acquaint the ambassadors from their courts to that of France with this design; and in the mean time to solicit, through those ambassadors, the interference of the emperor and the duke of Tuscany to prevent Great Britain from sending foreign troops to this country, and to procure a recall of such foreign troops as are already here.

#### JANUARY 1, 1777.

Congress proceeded to the election of commissioners to the courts of Vienna, Spain, &c. And thereupon,

Resolved, That Dr. B. Franklin be directed to proceed to the court of Spain, and there transact, in behalf of the United States, such business as shall be entrusted to him by Congress, agreeably to the instructions that may be given him, and transmitted by the committee of secret correspondence.

Ordered, That the committee of secret correspondence prepare a commission for Dr. Franklin.

Resolved, That the appointment of commissioners to the other courts be postponed to Friday next.

## JANUARY 2, 1777.

The committee of secret correspondence brought in the form of a commission to B. Franklin, esquire, commissioner to the court of Spain, which was read ; and after debate,

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

The members chosen were Mr. Chase, Mr. Wilson, and Mr. S. Adams.

The committee to whom Dr. Franklin's commission was referred brought in a draft, which was read and agreed to as follows :

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia—To all who shall see these presents, send greeting.

Whereas a friendly and commercial connexion between the subjects of his catholick majesty the king of Spain and the people of these states will be beneficial to both nations :—Know ye, therefore, that we, confiding in the prudence and integrity of Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and a commissioner from these United States to the court of France, have appointed and deputed, and by these presents do appoint and depute, him the said B. Franklin, our commissioner ;



giving and granting to him, the said Benjamin Franklin, full power to communicate, treat, and conclude with his catholick majesty the king of Spain, or with such person or persons as shall by him be for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection, and safety of the navigation and mutual commerce of the subjects of his catholick majesty and the people of the United States; and also to enter into, and agree upon, a treaty with his catholick majesty, or such person or persons as shall be by him authorized for such purpose, for assistance in carrying on the present war between Great Britain and these United States; and to do all other things which may conduce to those desirable ends; and promising in good faith to ratify whatsoever our said commissioner shall transact in the premises: Provided always, that the said Benjamin Franklin shall continue to be possessed of all the powers heretofore given him as a commissioner to the court of France from these states, so long as he shall remain and be present at the said court.

Done in Congress, at Baltimore, the second day of January, in the year of our Lord, one thousand seven hundred and seventy-seven. In testimony whereof the President, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

President.

Attest.

Secretary.

Ordered, That a copy be made out and transmitted to Dr. Franklin.

Resolved, That a new commission be sent to the commissioners at the court of France, including the further powers given in the commission now agreed to.

MAY 1, 1777.

Resolved, That a commission be made out and sent to Arthur Lee, esquire, empowering him, in behalf of the United States, to transact such business at the court of Spain as shall be entrusted to him by Congress, agreeably to the instructions that may be given him, and transmitted by the committee for foreign affairs.

Resolved, That a committee of three be appointed to inquire into the laws and customs of nations respecting neutrality, and to report their opinion, whether the conduct of the king of Portugal, in forbidding the vessels of the United States to enter his ports, and ordering those already there to depart at a short day, is not a breach of the laws of neutrality, and will justify acts of hostility against the subjects of the said king.

The members chosen were Mr. Wilson, Mr. J. Adams, and Mr. R. H. Lee.

MAY 7, 1777.

Congress proceeded to the election of commissioners for foreign courts; and the ballots being taken, Ralph Izard, esquire, was elected for the court of Tuscany.

Resolved, That the election of the other commissioners be postponed.

MAY 9, 1777.

Congress proceeded to the election of a commissioner for the courts of Vienna and Berlin ; and the ballots being taken, William Lee, esquire, was elected.

MAY 12, 1777.

Ordered, That the committee for foreign affairs prepare a draft of a commission and proper instructions, for the commissioners appointed to the courts of Madrid, Vienna, Berlin, and Tuscany.

MAY 19, 1777.

The committee of foreign affairs brought in a draft of a commission and instructions to the commissioners to the courts of Vienna, Spain, Berlin, and the grand duke of Tuscany, which were read ; and, after debate,

Resolved, That the same be recommitted.

MAY 31, 1777.

The committee for foreign affairs brought in a draft of a commission to Arthur Lee, commissioner at the court of Madrid, which was read.

Resolved, That the consideration thereof be postponed to Wednesday next ; and that, on that day, Congress resolve itself into a committee of the whole, to take into consideration the state of foreign affairs,

and the instructions given to the commissioners of Congress at foreign courts.

JUNE 5, 1777.

Congress resolved itself into a committee of the whole, to consider further the commission to A. Lee, esquire, and the state of foreign affairs; and, after some time, the President resumed the chair, and Mr. F. L. Lee reported, That the committee have agreed to the form of a commission to A. Lee, esquire, and have come to a resolution on the instructions given to the commissioners. The commission being read, was agreed to as follows :

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

Whereas a friendly and commercial connexion between the subjects of his catholick majesty the king of Spain and the people of these states, will be beneficial to both nations :—Know ye, therefore, that we, confiding in the prudence and integrity of Arthur Lee, esquire, of Virginia, have appointed and deputed, and by these presents do appoint and depute him the said Arthur Lee, our commissioner, giving and granting to him, the said Arthur Lee, full power to communicate, treat, and conclude with his catholick majesty, the king of Spain,

or with such person or persons as shall be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his catholick majesty and the people of the United States; and also, to enter into, and agree upon a treaty with his catholick majesty, or such person or persons as shall be by him authorized for that purpose, for assistance in carrying on the present war between Great Britain and the United States, and to do all other things which may conduce to those desirable ends; and promising in good faith to ratify whatsoever our said commissioner shall transact in the premises: Provided always, that the said Arthur Lee shall continue to be possessed of all the powers heretofore given him, as a commissioner at the court of France from these states, so long as he shall remain in, and be present at, the said court.

Done in Congress, at Philadelphia, the fifth day of June, in the year of our Lord, one thousand seven hundred and seventy-seven. In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

[L.S.]

President.

Attest.

Secretary.

The resolution reported by the committee of the whole, was read; and, after debate, on the question being put,

It passed in the negative.

#### JUNE 27, 1777.

The committee for foreign affairs brought in a draft of commissions and instructions to William Lee, esquire, commissioner to the court of Vienna and Berlin, and to Ralph Izard, esquire, commissioner to the court of Tuscany, which were read; and, after debate, the determination on a part of the instructions was, at the request of a state, postponed till to-morrow.

#### JUNE 28, 1777.

Congress resumed the consideration of the commissions and instructions proposed to be given to the commissioners appointed to the courts of Vienna, and Berlin, and the grand duke of Tuscany; and, after debate,

Resolved, That the same be recommitted.

#### JULY 1, 1777.

The committee for foreign affairs, to whom were recommitted the commissions and instructions to the commissioners to the courts of Vienna and Berlin, and the grand duke of Tuscany, brought in another draft of commissions and instructions, which, being taken into consideration, were agreed to as follows:

## COMMISSION TO WILLIAM LEE.

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

Whereas a friendly and commercial connexion between the subjects of his imperial majesty, the emperor of Germany, and the people of these states, will be beneficial to both nations :—Know ye, therefore, that we, reposing special trust and confidence in the zeal, fidelity, abilities and assiduity of William Lee, esquire, of the state of Virginia, have appointed and deputed, and by these presents do appoint and depute the said William Lee our commissioner, giving and granting to our said commissioner full power and authority to communicate and treat with his imperial majesty, the emperor of Germany, or with such person or persons as shall be by him for such purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his imperial majesty and the people of the United States ; and to do not only all such things as may conduce to those desirable ends, but also, to transact and execute all such other matters as shall hereafter be given him in charge.

Done in Congress, at Philadelphia, the first day of July, in the year of our Lord, one thousand seven hundred and seventy-seven. In testimony whereof the President, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

(Signed) JOHN HANCOCK, President.

Attest,

CHARLES THOMSON, Secretary.

Another commission to William Lee, esquire, commissioner to his majesty the king of Prussia, in the same terms, *mutatis mutandis*.

A commission to Ralph Izard, esquire, of the state of South Carolina, commissioner to his royal highness the grand duke of Tuscany, similar to that to William Lee, *mutatis mutandis*.

INSTRUCTIONS TO WILLIAM LEE, ESQUIRE.

SIR,

Herewith you will receive commissions from the Congress of the United States of North America, authorizing and appointing you to represent the said Congress as their commissioner at the courts of Vienna and Berlin. You will proceed with all convenient expedition to those courts; visiting that first, which, on consultation with the commissioners at the court of France, shall be judged most proper. You will lose no time in announcing in form to those courts, the declaration of Independence made in Congress on the fourth day of July, 1776. The reasons of this act of



Independence are so strongly adduced in the declaration itself, that further argument is unnecessary. As it is of the greatest importance to these states, that Great Britain be effectually obstructed in the plan of sending German and Russian troops to North America, you will exert all possible address and vigour to cultivate the friendship and procure the interference of the emperor and of Prussia. To this end you will propose treaties of friendship and commerce with these powers, upon the same commercial principles as were the basis of the first treaties of friendship and commerce proposed to the courts of France and Spain, by our commissioners, and which were approved in Congress the seventeenth day of September, 1776, and not interfering with any treaties which may have been proposed to, or concluded with, the courts abovementioned. For your better instruction herein, the commissioners at the court of Versailles will be desired to furnish you, from Paris, with a copy of the treaty originally proposed by Congress, to be entered into with France, together with the subsequent alterations that have been proposed on either side.

You are to propose no treaty of commerce to be of longer duration than the term of twelve years from the date of its ratification by the Congress of the United States. And it must never be forgotten, in these commercial treaties, that reciprocal and equal advantages to the people of both countries be firmly and plainly secured.

There being reasons to suppose that his Prussian majesty makes commerce an object, you will not fail to place before him, in the clearest light, the great

advantages that may result from a free trade between the Prussian dominions and North America.

You will seize the first favourable moment to solicit, with decent firmness and respect, an acknowledgment of the independence of these states, and the publick reception of their commissioner as the representative of sovereign states. The measures you may take in the premises, and the occurrences of your negotiation, you will communicate to Congress by every opportunity.

It may not be improper to observe, that these instructions, and all others which you may receive from time to time, should be kept as secret as circumstances will admit.

#### INSTRUCTIONS TO RALPH IZARD, ESQUIRE.

SIR,

Herewith you will receive a commission from the Congress of the United States of North America, authorizing and appointing you to represent the said Congress as their commissioner at the court of the grand duke of Tuscany. You will proceed with all convenient expedition to the court of the grand duke; and will lose no time in announcing in form the declaration of Independence made in Congress the fourth day of July, 1776. The reasons of this act of Independence are so strongly adduced in the declaration itself, that further argument is unnecessary.

As it is of the greatest importance to these states that Great Britain be effectually obstructed in the plan of sending German and Russian troops to North Ame-

rica, you will exert all possible address to prevail with the grand duke to use his influence with the emperor and the courts of France and Spain to this end.

You will propose a treaty of friendship and commerce with the said grand duke upon the same commercial principles as were the basis of the first treaties of friendship and commerce proposed to the courts of France and Spain by our commissioners, and which were approved in Congress the seventeenth day of September, 1776, and not interfering with any treaties which may have been proposed to or concluded with the courts abovementioned. For your better instruction herein, the commissioners at the court of Versailles will be desired to furnish you, from Paris, with a copy of the treaty originally proposed by Congress to be entered into with France, together with the subsequent alterations that have been proposed on either side.

You are to propose no treaty of commerce to be of longer duration than the term of twelve years from the date of its ratification by the Congress of the United States. And it must never be forgotten in these commercial treaties, that reciprocal and equal advantages to the people of both countries be firmly and plainly secured.

There being reason to suppose that his royal highness makes commerce an object of his attention, you will not fail to place before him, in the clearest light, the great advantages that may result from a free trade between Tuscany and North America.

You will seize the first favourable moment to solicit, with firmness and respect, an acknowledgment of the

independence of these states, and the publick reception of their commissioner as the representative of sovereign states.

The measures you may take in the premises, and the occurrences of your negotiation, you will communicate to Congress by every opportunity.

It may not be improper to observe, that these instructions, and all others which you may receive from time to time, should be kept as secret as circumstances will admit.

JULY 2, 1777.

Resolved, That the committee for foreign affairs be instructed to prepare a commission to one or more of the commissioners appointed to foreign courts, to empower him or them to represent the Congress at the states general of the United Netherlands.

JULY 3, 1777.

The committee for foreign affairs brought in the form of a commission to a commissioner to the states general of the United Netherlands, which was read :  
Whereupon,

Resolved, That the commission and instructions to the commissioner to the states general of the United Netherlands, be the same as those given to the commissioners to the courts of Vienna, Berlin, and the grand duke of Tuscany.

The committee for foreign affairs brought in the draft of a commission and instructions to the commis-

sioner to be sent to the states general of the United Netherlands, which were read.

Ordered to lie on the table.

#### DECEMBER 3, 1777.

Resolved, That if the money borrowed cannot be obtained at a less interest than six per cent. the commissioners be permitted to engage for that rate of interest; and that they stipulate for the payment of the interest at periods not less than annual.

That the commissioners be instructed to consider the money hereby directed to be borrowed as a fund to be applied (unless Congress direct otherwise) solely to the purpose of answering such drafts as Congress shall make for the purpose of lessening the sum of paper money in circulation.

That in order more effectually to answer the good purposes intended by this plan, the commissioners be also instructed to keep as secret as the nature of the thing will permit, whatever loan they shall be able to obtain for this purpose on account of the United States; and that the commissioners be desired to give Congress the most early and repeated information of their success in this application.

#### FEBRUARY 4, 1778.

Resolved, That the commissioner at the court of Tuscany be empowered and directed to endeavour to obtain a loan of money, not exceeding one million sterling, at the usual rate of interest, on the faith of

the thirteen United States of America, for a term not less than ten years, with permission, if practicable, to repay the same sooner, if it shall be agreeable to these states, giving to the lender twelve months previous notice of such intention to return the money.

Ordered, That the committee for foreign affairs signify to the commissioner at the court of Tuscany, that if the money, which he is directed to borrow, cannot be obtained at a less interest than six per centum, he is permitted to engage for that rate; and that he stipulate, if possible, for the payment of the interest by annexing it to the principal annually during the continuance of the present war; after which the interest shall be paid off yearly as it becomes due.

That the said commissioner be instructed further to consider the money to be borrowed by him as a fund to be applied (unless Congress shall direct otherwise) solely to answer such drafts as Congress may make for the purpose of lessening the sum of paper money in circulation.

That he be also instructed to keep as secret as the nature of the thing will admit whatever loan he shall be able to obtain on account of these United States; and to give the most early and repeated information to Congress of his progress in the directed application.

MAY 4, 1778.

Full powers of Mr. Gerard, in French.\*

THE TRANSLATION.

LEWIS, by the grace of God king of France and Navarre, to all who shall see these presents, Greeting.

The Congress of the thirteen United States of North America having made known to us, by their plenipotentiaries residing at Paris, their desire to establish between us and our dominions a good understanding, and a perfect correspondence; and having for that purpose proposed to conclude with us a treaty of amity and commerce; and we having thought it our duty to give to the said states a sensible proof of our affection, by a determination to accept of their proposals: For these causes, and other good considerations us thereunto moving, we, reposing entire confidence in the abilities, experience, zeal, and fidelity for our service of our dear and beloved Conrad Alexander Gerard, royal syndic of the city of Strasburg, and secretary of our council of state, have nominated, appointed and commissioned, and by these presents signed with our hand, do nominate, appoint, and commission him our plenipotentiary, giving him power and special command for us, and in our name, to agree upon, conclude and sign with the plenipotentiaries of

\* For the treaty of commerce.

the United States, equally furnished in due form with full power, such treaty, convention, and articles of commerce and navigation, as he shall think proper, willing that he act with the same authority as we might or could act, if we were personally present, and even as though he had more special command than what is herein contained; promising in good faith and on the word of a king, to agree to, confirm, and establish forever, and to accomplish and execute punctually, all that our said dear and beloved Conrad Alexander Gerard shall stipulate and sign, by virtue of the present power, without contravening it in any manner, or suffering it to be contravened for any cause, or under any pretext whatsoever; and also to ratify the same in due form, and cause our ratification to be delivered and exchanged in the time that shall be agreed on. For such is our pleasure.

In testimony whereof, we have hereunto set our seal.  
Done at Versailles, this thirtieth day of January,  
in the year of our Lord, one thousand seven hundred and seventy-eight, and the fourth year of our reign.

[L. s.]

Signed,

LOUIS.

By the King.

GAVIER DE VERGENNES.

The treaties are executed in French and English.  
The English is as follows :



## TREATY OF AMITY AND COMMERCE.

The most christian king, and the thirteen United States of North America, viz. New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, willing to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, states, and subjects; his most christian majesty and the said United States have judged that the said end could not be better obtained, than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burdensome preferences which are usually sources of debate, embarrassment, and discontent, by leaving also each party at liberty to make, respecting navigation and commerce, those interior regulations which it shall find most convenient to itself, and by founding the advantage 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. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary, Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of his majesty's council of state; and the United States, on their part,

having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general Congress, and president of the convention of said state, Silas Deane, late deputy from the state of Connecticut to the said Congress, and Arthur Lee, counsellor at law. The said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

#### ARTICLE I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the most christian king, his heirs, and successors, and the United States of America, and the subjects of the most christian king and of the said states, and between the countries, islands, cities and towns situate under the jurisdiction of the most christian king, and of the said United States. and the people and inhabitants of every degree without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the most christian king, his heirs and successors, and the said United States.

#### ARTICLE II.

The most christian king and the United States engage, mutually, not to grant 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 most christian king shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States, or any of them, no other greater duties or imposts, of what nature soever they may be, or by what name soever called, 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, whether in passing from one port in the said states to another, or in going to or from the same, from and to any part of the world, which the said nations do or shall enjoy.

#### ARTICLE IV.

The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of his most christian majesty, in Europe, 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, whether in passing from one port in the said dominions in Europe 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 V.

In the above exemption is particularly comprised the imposition of one hundred sous per ton, established in France on foreign ships, unless when the ships of the United States shall load with merchandises of France for another port of the same dominion, in which case the said ships shall pay the duty abovementioned so long as other nations, the most favoured, shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty when they shall judge it proper to establish a duty equivalent in the same case.

ARTICLE VI.

The most christian king shall endeavour, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, 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 restore to the right owners, their agents or attorneys, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any

of them, and 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 or violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

#### ARTICLE VII.

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 most christian king, 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, or any of them.

#### ARTICLE VIII.

The most christian king will employ his good offices and interposition with the king or emperor of Morocco, or Fez, the regencies of Algiers, Tunis and Tripoli, or with any of them, and also with every other prince, state or power of the coast of Barbary, in Africa, and with the subjects of the said king, emperor, states and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people and inhabitants, and their vessels and effects. against all

violence, insult, attacks or depredations, on the part of the said princes and states of Barbary, or their subjects.

#### ARTICLE IX.

The subjects, inhabitants, merchants, commanders of ships, masters and mariners of the states, provinces and dominions of each party, respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party. The most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places, which the said United States hold or shall hereafter hold; and in like manner the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel with its lading, proof being made thereof, shall be confiscated. It is however understood, that the exclusion stipulated in the present article shall take place only so long and so far as the most christian king or the United States shall not, in this respect, have granted an exemption to some other nation.

#### ARTICLE X.

The United States, their citizens and inhabitants, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of

fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most christian majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

ARTICLE XI.

It is agreed and concluded, that there shall never be any duty imposed on the exportation of molasses that may be taken by the subjects of any of the United States from the islands of America, which belong, or may hereafter appertain, to his most christian majesty.

ARTICLE XII.

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most christian majesty may take from the countries and possessions present or future of any of the thirteen United States, for the use of the islands which shall furnish molasses.

ARTICLE XIII.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed *aubains*

in France, and consequently shall be exempted from the droit d'aubaine, or other similar duty under what name soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good; and their heirs, subjects of the said United States, residing, whether in France or elsewhere, may succeed them *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from all duty called droit de deduction, or other duty of the same kind; saving, nevertheless, the local rights or duties, as much and as long as similar ones are not established by the United States, or any of them. The subjects of the most christian king shall enjoy, on their part, in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article. But it is at the same time agreed, that its contents shall not affect the laws made, or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigour; and the United States, on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.



## ARTICLE XIV.

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

## ARTICLE XV.

If by the exhibiting of the above said certificates the other party discovers there are any of those sorts 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 parcels of her goods, whether such ship belongs to the subjects of France or the inhabitants of the said United States, 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 merchandise 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 XVI.

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, 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 merchandise as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without the 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 otherwise, 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 merchandise 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 subjects from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

#### ARTICLE XVII.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most christian majesty, and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their persons and goods.

## ARTICLE XVIII.

All ships and merchandise, 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 XIX.

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. On the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties ; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used,

that they go out and retire from thence as soon as possible.

ARTICLE XX.

If any ship belonging to either of the parties, their people or subjects, shall, within the coast or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

ARTICLE XXI.

In case the subjects and inhabitants 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 and harbour, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated 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 conveniency of their voyage, 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 XXII.

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 them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XXIII.

No subjects of the most christian king shall apply for, or take any commission or letter of marque for arming any ship or ships to act as privateers against the said United States, 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 any of the inhabitants of any of them, from any prince or state with which 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 ship or ships, to act as privateers against the subjects of the most christian king, or any of them, or 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 commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers not belonging to the subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince or state at enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading ; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

ARTICLE XXV.

It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants

aforesaid to sail with their ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods ; and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, 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 effect, 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 XXVI.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting 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 fuses, and other things belonging to them, cannon



ball; gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granadoes, saltpetre, muskets, musketballs, bucklers, helmets, breastplates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments 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 and pulse, tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oil, 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 cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and any parts of anchors, also ships' 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 by sea, shall not be reputed contraband, much less such as have been already wrought, and made 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 con-

traband goods ; so that they may be transported and carried in the freest manner, by the subjects of both confederates, 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 XXVII.

To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea letters, or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties ; which passport shall be made out and granted according to the form annexed to this treaty : they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden, are to be provided, not only with passports, as abovementioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that it may be known whether any forbidden or contraband goods be on board of the same ; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form. And if any one shall think it fit, or advisable, to express in the said

certificates the persons to whom the goods belong, he may freely do so.

ARTICLE XXVIII.

The ships of the subjects and inhabitants of either of the parties, coming 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, they shall be treated according to the general rules prescribed, or to be prescribed, relative to the object in question.

ARTICLE XXIX.

If the ships of the subjects, people or inhabitants of either of the parties shall be met with sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war, or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty ; and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as 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 XXX.

It is also agreed, that all goods, when once put on board the ships and 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 subjects of his most christian majesty, or the United States, be put under any arrest, or molested by any other kind of embargo for that cause ; and only the 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 XXXI.

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 XXXII.

And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the most christian king will grant them, in

Europe, one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States ; and his majesty will also continue to the subjects of the said states the free ports which have been and are open in the French Islands of America ; of all which free ports, the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

## ARTICLE XXXIII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged, in the space of six months, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages ; declaring, nevertheless, that the present treaty was originally composed and concluded in the French language. And they have thereto set their seals.—Done at Paris, the sixth day of February, 1778.

C. A. GERARD. [L. s.] B. FRANKLIN, [L. s.]  
 SILAS DEANE, [L. s.]  
 ARTHUR LEE. [L. s.]

Form of the passports and letters which are to be given to the ships and barks, according to the 27th article of this treaty.

To all who shall see these presents, Greeting.

It is hereby made known, That leave and permission has been given to \_\_\_\_\_ master and commander

of the ship called \_\_\_\_\_ of the town of \_\_\_\_\_ bur-  
 den \_\_\_\_\_ tons, or thereabouts, lying at present in the  
 port or haven of \_\_\_\_\_ and laden with \_\_\_\_\_ After  
 that his ship has been visited, and before sailing, he  
 shall make oath, before the officers who have the ju-  
 risdiction of maritime affairs, that the said ship be-  
 longs to one or more of the subjects of \_\_\_\_\_ The  
 act whereof shall be put at the end of these presents ;  
 as likewise that he will keep, and cause to be kept by  
 his crew on board, the marine ordinances and regu-  
 lations, and enter, in the proper office, a list signed and  
 witnessed, containing the names and surnames, the  
 places of birth and abode of the crew of his ship, and  
 of all who shall embark on board her, whom he shall  
 not take on board without the knowledge and permis-  
 sion of the officers of marine. And in every port or  
 haven, where he shall enter with his ship, he shall  
 show this present leave to the officers and judges of the  
 marine ; and shall give a faithful account to them of  
 what passed and was done during his voyage ; and he  
 shall carry the colours, arms and ensigns of the king,  
 or United States, during his voyage.

In witness whereof we have signed these presents,  
 and put the seal of our arms thereunto, and caus-  
 ed the same to be countersigned by \_\_\_\_\_ at  
 \_\_\_\_\_ the \_\_\_\_\_ day of

Anno Domini

## Full powers of Mr. Gerard, in French.\*

## THE TRANSLATION.

LEWIS, by the grace of God king of France and Navarre—To all who shall see these presents, Greeting.

The Congress of the United States of America having, by their plenipotentiaries residing in France, proposed to form with us a defensive and eventual alliance; and willing to give the said states an efficacious proof of the interest we take in their prosperity, we have determined to conclude the said alliance. For these causes, and other good considerations us thereunto moving, we, reposing entire confidence in the abilities and experience, zeal and fidelity for our service, of our dear and beloved Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of our council of state, have nominated, commissioned and deputed, and by these presents signed with our hand, do nominate, commission and depute him our plenipotentiary, giving him power and special command to act in this quality, and confer, negotiate, treat and agree conjointly with the abovementioned plenipotentiaries of the United States, vested in like manner with powers in due form, to determine and conclude such articles, conditions, conventions, declarations, definitive treaty, and any other acts whatever, as he shall judge proper to answer the end which we pro-

\* For the treaty of alliance.

pose ; promising, on the faith and word of a king, to agree to, confirm and establish for ever, to accomplish and execute punctually whatever our said beloved Conrad Alexander Gerard shall have stipulated and signed, in virtue of the present power, without ever contravening it, or suffering it to be contravened, for any cause and under any pretext whatever ; as likewise to cause our letters of ratification to be made in due form, and to have them in order, or to be exchanged at the time that shall be agreed upon. For such is our pleasure.

In testimony whereof we have set our seal to these presents.

Given at Versailles, the thirteenth day of January, in the year of grace, one thousand seven hundred and seventy-eight.

[L. s.]

LOUIS.

By the King.

GRAVIER DE VERGENNES.

TREATY OF ALLIANCE, EVENTUAL AND DEFENSIVE.

The most christian king, and the United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into considera-



tion the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain, in resentment of that connexion and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns. And his majesty and the said United States, having resolved, in that case, to join their counsels and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles.

#### ARTICLE I.

If war should break out between France and Great Britain, during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

#### ARTICLE II.

The essential and direct end of the present defensive alliance is, to maintain effectually the liberty, so-

vereignty, and independence absolute and unlimited of the said United States, as well in matters of government as of commerce.

#### ARTICLE III.

The two contracting parties shall, each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

#### ARTICLE IV.

The contracting parties agree, that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances, and its own particular situation, will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

#### ARTICLE V.

If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be

confederated with, or dependent upon, the said United States.

#### ARTICLE VI.

The most christian king renounces for ever the possession of the islands of Bermudas, as well as of any part of the continent of North America which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States heretofore called British colonies, or which are at this time, or have lately been, under the power of the king and crown of Great Britain.

#### ARTICLE VII.

If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

#### ARTICLE VIII.

Neither of the two parties shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally, or tacitly, assured by the treaty or treaties, that shall terminate the war.

## ARTICLE IX.

The contracting parties declare, that, being resolved to fulfil, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

## ARTICLE X.

The most christian king and the United States agree to invite or admit other powers, who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

## ARTICLE XI.

The two parties guarantee, mutually, from the present time and forever, against all other powers, to wit, the United States to his most christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace ; and his most christian majesty guarantees, on his part, to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as of commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the

war, from any of the dominions now or heretofore possessed by Great Britain in North America, conformably to the fifth and sixth articles above written, the whole as their possession shall be affixed and assured to the said states at the moment of the cessation of their present war with England.

#### ARTICLE XII.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

#### ARTICLE XIII.

The present treaty shall be ratified on both sides; and the ratification shall be exchanged in the space of six months or sooner if possible.

In faith whereof the respective plenipotentiaries, to wit, on the part of the most christian king, Conrad Alexander Gerard, royal syndic of the city of Strasbourg, and secretary of his majesty's council of state; and on the part of the United States, Benjamin Frank-

lin, deputy of the general Congress from the state of Pennsylvania and president of the convention of the said state, Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor at law, have signed the above articles, both in the French and English languages; declaring, nevertheless, that the present treaty was originally composed and concluded in the French language; and they have hereunto affixed their seals.

Done at Paris, this 6th day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD. [L. s.]	B. FRANKLIN, [L. s.]
	SILAS DEANE, [L. s.]
	ARTHUR LEE. [L. s.]

ACT SEPARATE AND SECRET.

The most christian king declares, in consequence of the intimate union which subsists between him and the king of Spain, that, in concluding with the United States of America this treaty of amity and commerce, and that of eventual and defensive alliance, his majesty hath intended, and intends to reserve expressly, as he reserves by this present, separate and secret act to his said catholick majesty, the power of acceding to the said treaties, and to participate in their stipulations, at such time as he shall judge proper. It being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the king of Spain, his catholick majesty may propose other conditions analagous to the principal aim of the alliance,

and conformable to the rules of equality, reciprocity and friendship. The deputies of the United States in the name of their constituents accept the present declaration in its full extent ; and the deputy of the said states, who is fully empowered to treat with Spain, promises to sign, on the first requisition of his catholick majesty, the act or acts necessary to communicate to him the stipulations of the treaties above written. And the said deputy shall endeavour, in good faith, the adjustment of the points in which the king of Spain may propose any alteration conformable to the principles of equality, reciprocity and perfect amity ; he the said deputy not doubting but that the person or persons, empowered by his catholick majesty to treat with the United States, will do the same with regard to any alterations of the same kind that may be thought necessary by the said plenipotentiary of the United States.

In faith whereof, the respective plenipotentiaries have signed the present separate and secret article, and affixed to the same their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy eight.

C. A. GERARD. [L. s.] B. FRANKLIN, [L. s.]  
 SILAS DEANE, [L. s.]  
 ARTHUR LEE. } [L.S.]  
 Depute plenipo. pour la }  
 France et l'Espagne. }

MAY 28, 1778.

The committee of foreign affairs reported a draft of instructions, and a new form of commission to the commissioners of the United States at the courts of Vienna, Berlin and Tuscany, which were read.

Resolved, That the form of the commission be approved, and that copies thereof be engrossed in order to be duly executed and sent forward.

Ordered, That the instructions lie on the table for the consideration of the members.

The form of the commission is as follows :

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled—To all who shall see these presents, Greeting.

Whereas a friendly commercial connexion between the subjects of \_\_\_\_\_ and the people of these United States will be beneficial to both nations :— Know ye, therefore, that we, reposing special trust and confidence in the zeal, fidelity, abilities and assiduity of \_\_\_\_\_ have appointed and deputed, and by these presents do appoint and depute the said \_\_\_\_\_ our commissioner ; giving and granting to our said commissioner full power and authority to communicate, treat and conclude with



or with such person or persons as shall be by him for such purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of \_\_\_\_\_ and the people of these United States; and to do, not only all such things as may conduce to these desirable ends, but also to transact all such other matters, as shall hereafter be given to him in charge by us; promising, in good faith, to ratify whatever our said commissioner shall transact in the premises.

Done in Congress, at Yorktown, the 23th day of May, in the year of our Lord, 1778. In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

President.

Attest.

C. T. Secretary.

JULY 14, 1778.

Resolved, That it be referred to a committee of three, to report to Congress on the time and manner of the publick reception of Mr. Gerard, minister plenipotentiary of his most christian majesty the king of France.

The members chosen—Mr. R. H. Lee, Mr. S. Adams, Mr. G. Morris.

## JULY 16, 1778.

The sieur Gerard, minister plenipotentiary from his most christian majesty, having transmitted to Congress a copy of the speech he intends to deliver at his publick audience—

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

The members chosen—Mr. R. H. Lee, Mr. G. Morris, and Mr. Witherspoon.

The committee appointed to report on the time and manner of the publick reception of Mr. Gerard, minister plenipotentiary of his most christian majesty the king of France, brought in a report, which was taken into consideration ; and after some time spent thereon,

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

## JULY 17, 1778.

Congress resumed the consideration of the report relative to the reception of the sieur Gerard, minister plenipotentiary of his most christian majesty the king of France ; and after some time spent thereon,

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

## JULY 18, 1778.

Congress resumed the consideration of the report of the committee appointed to report on the time and manner of the publick reception of the sieur Gerard, mi-

nister plenipotentiary, &c. and the same having been debated by paragraphs, and a question put on each, a motion was made to reconsider. And the yeas and nays being required by Mr. Dana—

New Hampshire,	Mr. Bartlet,	>Ay.
Massachusetts,	Mr. S. Adams, Mr. Gerry, Mr. Dana, Mr. Lovell,	} Ay.
Rhode Island,	Mr. Marchant,	>Ay.
Connecticut,	Mr. Sherman, Mr. Hosmer, Mr. A. Adams,	} Ay.
New York,	Mr. G. Morris,	>No.
New Jersey,	Mr. Elmer,	>Ay.
Pennsylvania,	Mr. Reed,	>Ay.
Maryland,	Mr. Chase, Mr. Forbes,	} Ay.
Virginia,	Mr. R. H. Lee, Mr. Banister, Mr. T. Adams, Mr. Harvie,	Ay.) No.) No.) Ay.) } DIVIDED.
North Carolina,	Mr. Penn,	>Ay.
South Carolina.	The President having desired, on this occasion to be excused from giving his vote, was, by unanimous consent. excused.	

South Carolina,	Mr. Drayton, Mr. Mathews, Mr. Heyward,	No. } No. } Ay. }	No.
Georgia,	Mr. Telfair,		}Ay.

So it was resolved in the affirmative.

### JULY 20, 1778.

Congress again resumed the consideration of the report of the committee appointed to report on the time and manner of the publick reception of the sieur Gerard, minister plenipotentiary of his most christian majesty, &c. : Whereupon,

Resolved, That so much of the said report as relates to the ceremonial respecting ambassadors and residents be postponed.

Resolved, That the ceremonial for a minister plenipotentiary or envoy shall be as follows :

When a minister plenipotentiary or envoy 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 thereof. Two members of Congress shall then be deputed to wait upon him, and inform him when and where he shall receive audience of the Congress.

At the time he is to receive his audience, the two members shall again wait upon him in a coach belonging to the states; and the person first named of the two shall return with the minister plenipotentiary or envoy in the coach, giving the minister the right hand, and placing himself on his left, with the other member on the front seat.

When the minister plenipotentiary or envoy is arrived at the door of the Congress hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. Then the member first named shall present and announce him to the President and the house; whereupon he shall bow to the President and the Congress, and they to him. He and the President shall then again bow unto each other, and be seated; after which the house shall sit down.

Having spoken and been answered, the minister and President shall bow to each other, at which time the house shall bow, and then he shall be conducted home in the manner in which he was brought to the house.

Those who shall wait upon the minister shall inform him, that, if in any audience he shall choose to speak on matters of business, 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.

The style of address to Congress shall be, "Gentlemen of the Congress."

All speeches, or communications in writing, may, if the publick ministers choose it, be in the language of

their respective countries. And all replies, or answers, shall be in the language of the United States.

After the audience, the members of Congress shall be first visited by the minister plenipotentiary or envoy.

### AUGUST 6, 1778.

Some doubts arising respecting the ceremonial to be observed at the publick audience of the minister plenipotentiary, Congress took the same into consideration: and thereupon,

Resolved, That, when the minister is introduced to his chair by the two members, he shall sit down. His secretary shall then deliver to the President the letter of his sovereign, which shall be read and translated by the secretary of Congress. Then the minister shall be announced. At which time the President, the house, and the minister, shall rise together.

The minister shall then bow to the President and the house, and they to him.

The minister and the President shall then bow to each other, and be seated; after which the house shall sit down.

The minister shall deliver his speech standing. The President and the house shall sit while the minister is delivering his speech. The house shall rise, and the President shall deliver the answer standing. The minister shall stand while the President delivers the answer.

Having spoken, and being answered, the minister and President shall bow to each other, at which time

the house shall bow, and then the minister shall be conducted home in the manner in which he was brought to the house.

### SEPTEMBER 22, 1778.

A motion was made, that the form of the oath\* be, “ You swear that you will true answers make to all such questions as shall be propounded to you by this house, so help you God.”

To this an amendment was moved, that the form of the oath be, “ You swear that the evidence you shall give to this house, concerning the matters now in question, shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Another amendment was moved, “ You shall declare what you know of the conduct of the honourable Silas Deane, esquire, late commissioner at the court of Versailles, touching the application of the publick moneys of these United States, and other matters relating to his publick character ; and also what you know of certain dissensions detrimental to the publick service, said to exist among the American commissioners in Europe ; and of the conduct of the said commissioners. You shall tell the truth, the whole truth, and nothing but the truth. So help you God.”

On the question to agree to the last amendment, the yeas and nays being required by Mr. Chase—

New Hampshire, Mr. Bartlet, >Ay.

\* On examination of William Carmichael concerning the conduct of Silas Deane, &c. See the publick journal of this day.

Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Holten,	Ay. } Ay. } Ay. } Ay.
Rhode Island,	Mr. Marchant,	>No.
Connecticut,	Mr. A. Adams,	>No.
New York,	Mr. Lewis, Mr. Duer, Mr. G. Morris,	Ay. } No. } Ay. } Ay.
New Jersey,	Mr. Witherspoon,	>No.
Pennsylvania,	Mr. R. Morris, Mr. Roberdeau, Mr. J. Smith, Mr. Clingan,	No. } No. } No. } No. } No.
Maryland,	Mr. Chase, Mr. Plater, Mr. Forbes, Mr. Henry,	No. } No. } No. } No. } No.
Virginia,	Mr. Harvie, Mr. Banister, Mr. R. H. Lee, Mr. Griffin,	No. } No. } Ay. } No. } No.
North Carolina,	Mr. Penn, Mr. Hornet, Mr. Williams,	No. } No. } No. } No.
South Carolina,	Mr. Laurens, Mr. Drayton, Mr. Mathews,	No. } No. } No. }
Georgia,	Mr. Walton, Mr. Telfair, Mr. Langworthy,	No. } No. } No. } No.

So it passed in the negative.



On the question to agree to the first amendment, the yeas and nays being required by Mr. A. Adams—

New Hampshire,	Mr. Bartlet,	Ay. >	
Massachusetts Bay,	Mr. S. Adams,	Ay. }	} DIVIDED.
	Mr. Gerry,	No. }	
	Mr. Lovell,	Ay. }	
	Mr. Holten,	No. }	
Rhode Island,	Mr. Marchant,	>No.	
Connecticut,	Mr. A. Adams,	>Ay.	
New York,	Mr. Lewis,	Ay. }	} No.
	Mr. Duer,	No. }	
	Mr. G. Morris,	No. }	
New Jersey,	Mr. Witherspoon,	>Ay.	
Pennsylvania,	Mr. R. Morris,	No. }	} DIVIDED.
	Mr. Roberdeau,	Ay. }	
	Mr. Jas. Jmith,	No. }	
	Mr. Clingan,	Ay. }	
Maryland,	Mr. Chase,	No. }	} No.
	Mr. Plater,	No. }	
	Mr. Forbes,	No. }	
	Mr. Henry,	No. }	
Virginia,	Mr. Harvie,	No. }	} No.
	Mr. Banister,	No. }	
	Mr. R. H. Lee,	Ay. }	
	Mr. Griffin,	No. }	
North Carolina,	Mr. Penn,	No. }	} No.
	Mr. Harnet,	No. }	
	Mr. Williams,	No. }	
South Carolina,	Mr. Laurens,	Ay. }	} No.
	Mr. Drayton,	No. }	
	Mr. Mathews,	No. }	

Georgia,	Mr. Walton,	No.	} No.
	Mr. Telfair,	No.	
	Mr. Langworthy,	No.	

So it passed in the negative.

On putting the main question, the yeas and nays being required by Mr. G. Morris—

New Hampshire,	Mr. Bartlet,	>No.
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Massachusetts Bay,	Mr. Gerry,	Ay.	} Ay.
	Mr. S. Adams,	No.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	

Rhode Island,	Mr. Marchant,	>Ay.
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Connecticut,	Mr. A. Adams,	>No.
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New York,	Mr. Lewis,	Ay.	} Ay.
	Mr. Duer,	Ay.	
	Mr. G. Morris,	Ay.	

New Jersey,	Mr. Witherspoon,	>No.
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Pennsylvania,	Mr. R. Morris,	Ay.	} Ay.
	Mr. Roberdeau,	No.	
	Mr. James Smith,	Ay.	
	Mr. Clingan,	Ay.	

Maryland,	Mr. Chase,	Ay.	} Ay.
	Mr. Plater,	Ay.	
	Mr. Forbes,	Ay.	
	Mr. Henry,	Ay.	

Virginia,	Mr. Harvie,	Ay.	} Ay.
	Mr. Banister,	Ay.	
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	Ay.	

*Continued to the next page*

North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Harnet,	Ay.	
	Mr. Williams;	Ay.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Mathews,	No.	
	Mr. Drayton,	No.	
Georgia,	Mr. Walton,	Ay.	} No.
	Mr. Telfair,	No.	
	Mr. Langworthy,	No.	

So it was resolved in the affirmative.

OCTOBER 6, 1778.

A motion was made,

That the honourable Benjamin Franklin, Arthur Lee, and John Adams, esquires, or any of them, be directed forthwith to apply to Dr. Price, and inform him, that it is the desire of Congress to consider him a citizen of the United States; and to receive his assistance in regulating their finances. That if he shall think it expedient to remove, with his family, to America, and afford such assistance, a generous provision shall be made for requiting his services.

On the question, the yeas and nays being required by Mr. Laurens—

New Hampshire,	Mr. Bartlet,		} Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay.	} DIVIDED.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	No.	
	Mr. Holten,	No.	

Rhode Island,	Mr. Marchant,	>Ay.
Connecticut,	Mr. Sherman,	>No.
New York,	Mr. Lewis,	>No. x
New Jersey,	Mr. Elmer,	>Ay.
Pennsylvania,	Mr. Roberdeau,	Ay. } Ay.
	Mr. Clingan,	Ay. }
Maryland,	Mr. Chase,	Ay. } Ay.
	Mr. Stone,	Ay. }
	Mr. Henry,	No. }
Virginia,	Mr. Harvie,	Ay. } Ay.
	Mr. R. H. Lee,	Ay. }
	Mr. M. Smith,	Ay. }
	Mr. Griffin,	Ay. }
North Carolina,	Mr. Harnet,	Ay. } DIVIDED.
	Mr. Williamson,	No. }
South Carolina,	Mr. Laurens,	No. } DIVIDED.
	Mr. Mathews,	Ay. }
Georgia,	Mr. Walton,	No. } No.
	Mr. Telfair,	Ay. }
	Mr. Langworthy,	No. }

So it was resolved in the affirmative.

OCTOBER 15, 1778.

Mr. Laurens, the President, addressed Congress as follows :

“ GENTLEMEN,

“ I informed you yesterday that I had received a  
“ letter from Mr. Izard. I have since perused it, and

“ find in it traits reflecting highly on Dr. Franklin, in  
“ his publick character. I have observed, in this, the  
“ rule which guided me in the late case of Mr. Izard’s  
“ letters. I have communicated the contents of the  
“ letter and papers accompanying it to nobody. I  
“ have consulted nobody. I act according to my own  
“ judgment, unbiassed and impartial. Mr. Izard’s  
“ wish that these papers may be communicated to  
“ Congress, appears to me to preclude option on my  
“ part; I therefore offer the letter and papers. If the  
“ house is pleased to receive and have them read, I  
“ will deliver them to the Secretary for that purpose.  
“ I have delayed offering these papers earlier, in  
“ hopes of seeing a full house, and had directed the  
“ absent members to be summoned. I have not read  
“ any of the papers, the letter excepted.”

Ordered, That the letter from Mr. Izard, and the papers accompanying it, be received and read.

#### OCTOBER 21, 1778.

The committee, appointed to prepare a letter of credence, notifying to his most christian majesty the appointment of Benjamin Franklin, esquire, to be the minister plenipotentiary of these states at the court of France, and also the draft of instructions to the said minister, brought in a draft of a letter. which was agreed to.

To our great, faithful, and beloved friend and ally,  
Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY,

The principles of equality and reciprocity on which you have entered into treaties with us, give you an additional security for that good faith with which we shall observe them, from motives of honour and affection to your majesty.

The distinguished part you have taken in support of the liberties and independence of these states cannot but inspire them with the most ardent wishes for the interest and glory of France.

We have nominated Benjamin Franklin, esquire, to reside at your court, in quality of our minister plenipotentiary, that he may give you more particular assurances of the grateful sentiments which you have excited in us, and in each of the United States. We beseech you to give entire credit to every thing which he shall deliver on our part, more especially when he shall assure you of the permanency of our friendship. And we pray God, that he will keep your majesty, our great, faithful, and beloved friend and ally, in his most holy protection.

Done at Philadelphia, the            day of October,  
1778. By the Congress of North America, your  
good friends and allies.

(Signed)

H. L. President.

Attest.

C. T. Secretary.

The same committee also brought in a draft of instructions, which were taken into consideration.

A motion being made to strike out the word "protection," and instead thereof to insert "further assistance;" and the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Bartlet,	>AY.	
Massachusetts,	Mr. S. Adams,	No. }	} DIVIDED.
	Mr. Gerry,	Ay. }	
	Mr. Lovell,	No. }	
	Mr. Holten,	Ay. }	
Rhode Island,	Mr. Marchant,	>AY.	
Connecticut,	Mr. Sherman,	Ay. }	} DIVIDED.
	Mr. Ellsworth,	No. }	
New York,	Mr. Duer,	No. }	} No.
	Mr. Morris,	No. }	
New Jersey,	Mr. Witherspoon,	No. }	} No.
	Mr. Scudder,	No. }	
Pennsylvania,	Mr. Roberdeau,	No. }	} No.
	Mr. Clingan,	No. }	
Maryland,	Mr. Henry,	>AY. ×	
Virginia,	Mr. R. H. Lee,	No. }	} No.
	Mr. M. Smith,	No. }	
	Mr. Griffin,	No. }	
North Carolina,	Mr. Penn,	No. }	} No.
	Mr. Harnet,	No. }	
	Mr. Williams,	No. }	

South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	
	Mr. Hutson,	No.	
Georgia,	Mr. Walton,	No.	} No.
	Mr. Telfair,	Ay.	
	Mr. Langworthy,	No.	

So it passed in the negative.

A motion was then made to expunge the whole clause, to wit, "You are farther to assure him, that they consider this speedy aid not only as a testimony of his majesty's fidelity to the engagements he has entered into, but as an earnest of that protection which they hope from his power and magnanimity, and as a bond of gratitude to the union founded on mutual interest."

And on the question to agree to that clause, the yeas and nays being required by Mr. Marchant—

New Hampshire,	Mr. Bartlet,		>Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay.	} DIVIDED.
	Mr. Gerry,	No.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Marchant,		>No.
Connecticut,	Mr. Sherman,	No.	} DIVIDED.
	Mr. Ellsworth,	Ay.	
New York,	Mr. Duer,	Ay.	} Ay.
	Mr. G. Morris,	Ay.	
New Jersey,	Mr. Witherspoon,	Ay.	} Ay.
	Mr. Scudder,	Ay.	



Pennsylvania,	Mr. Roberdeau, Mr. Clingan,	Ay. } Ay. }	Ay.
Maryland,	Mr. Henry,	} No. ×	
Virginia,	Mr. R. H. Lee, Mr. M. Smith, Mr. Griffin,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Harnet, Mr. Williams,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton, Mr. Mathews,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Telfair, Mr. Langworthy,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

### OCTOBER 22, 1778.

Congress resumed the consideration of the instructions to the minister plenipotentiary at the court of Versailles, which, being amended, were agreed to as follows :

To the Honourable BENJAMIN FRANKLIN, Esquire, Minister Plenipotentiary of the United States of North America to the Court of France.

WE, the Congress of the United States of North America, having thought it proper to appoint you their minister plenipotentiary to the court of his most christian majesty, you shall in all things, according to the

best of your knowledge and abilities, promote the interest and honour of the said states at that court, with a particular attention to the following instructions :

1. You are immediately to assure his most christian majesty, that these states entertain the highest sense of his exertions in their favour, particularly by sending the respectable squadron under the count d'Estaing, which would probably have terminated the war in a speedy and honourable manner, if unforeseen and unfortunate circumstances had not intervened.

You are further to assure him that they consider this speedy aid, not only as a testimony of his majesty's fidelity to the engagements he hath entered into, but as an earnest of that protection which they hope from his power and magnanimity, and as a bond of gratitude to the union, founded on mutual interest.

2. You shall, by the earliest opportunity, and on every necessary occasion, assure the king and his ministers, that neither the Congress nor any of the states they represent, have at all swerved from their determination to be independent in July 1776. But as the declaration was made in face of the most powerful fleet and army which could have been expected to operate against them, and without any the slightest assurance of foreign aid, so, although in a defenceless situation, and harassed by the secret machinations and designs of intestine foes, they have, under the exertions of that force, during those bloody campaigns, persevered in their determination to be free. And that they have been inflexible in this determination, notwithstanding the interruption of their commerce, the great sufferings they have experienced from the

want of those things which it procured, and the unexampled barbarity of their enemies.

3. You are to give the most pointed and positive assurances, that although the Congress are earnestly desirous of peace, as well to arrange their finances and recruit the exhausted state of their country, as to spare the further effusion of blood, yet they will faithfully perform their engagements, and afford every assistance in their power to prosecute the war for the great purposes of the alliance.

4. You shall endeavour to obtain the king's consent to expunge from the treaty of commerce the eleventh and twelfth articles, as inconsistent with that equality and reciprocity which form the best security to perpetuate the whole.

5. You are to exert yourself to procure the consent of the court of France, that all American seamen, who may be taken on board of British vessels, may, if they choose, be permitted to enter on board American vessels. In return for which, you are authorized to stipulate, that all Frenchmen who may be taken on board of British vessels, by vessels belonging to the United States, shall be delivered up to persons appointed for that purpose by his most christian majesty.

6. You are to suggest to the ministers of his most christian majesty, the advantage that would result from entering on board the ships of these states, British seamen who may be made prisoners, thereby impairing the force of the enemy, and strengthening the hands of his ally.

7. You are also to suggest the fatal consequences which would follow the commerce of the common ene-

my, if, by confining the war to the European and Asiatic seas, the coasts of America could be so far freed from the British fleets as to furnish a safe asylum to the frigates and privateers of the allied nations and their prizes.

8. You shall constantly inculcate the certainty of ruining the British fisheries on the banks of Newfoundland, and consequently the British marine, by reducing Halifax and Quebec; since, by that means they would be exposed to alarm and plunder, and deprived of the necessary supplies formerly drawn from America. The plan proposed to Congress for compassing these objects are herewith transmitted for your more particular instruction.

9. You are to lay before the court the deranged state of our finances, together with the causes thereof; and show the necessity of placing them on a more respectable footing, in order to prosecute the war with vigour on the part of America. Observations on that subject are herewith transmitted; and more particular instructions shall be sent whenever the necessary steps previous thereto shall have been taken.

10. You are, by every means in your power, to promote a perfect harmony, concord, and good understanding, not only between the allied powers, but also between and among their subjects, that the connexion so favourably begun may be perpetuated.

11. You shall in all things take care not to make any engagements, or stipulations, on the part of America, without the consent of America previously obtained.

We pray God to further you with his goodness in the several objects hereby recommended ; and that he will have you in his holy keeping.

Done at Philadelphia, the 26th day of October, 1778.

By the Congress.

H. LAURENS, President.

Attest.

CHARLES THOMSON, Secretary.

Plan for reducing the Province of Canada, referred to in the Instructions of Honourable B. Franklin, Minister to the Court of France.

#### PLAN OF ATTACK.

That a number of men be assembled at fort Pitt, from Virginia and Pennsylvania, amounting to one thousand five hundred rank and file ; for which purpose three thousand should be called for ; and if more than one thousand five hundred appear, the least effective be dismissed. To these should be added one hundred light cavalry, one half armed with lances. The whole should be ready to march by the first day of June ; and for that purpose they should be called together for the 1st May, so as to be in readiness by the 15th. The real and declared object of this corps should be to attack Detroit, and to destroy the towns, on the route thither, of those Indians who are inimical to the United States.

2. That five hundred men be stationed at or near

Wyoming this winter, to cover the frontiers of Pennsylvania and New Jersey; to be reinforced by one thousand men from those states early in the spring. For this purpose, two thousand men should be called for to appear on the first of May, so as to be in readiness by the 15th. They must march on the first of June, at farthest, for Oneoquago; to proceed from thence against Niagara. This is also to be declared.

3. That in addition to the garrison of fort Schuyler or Stanwix, one thousand five hundred men be stationed this winter along the Mohawk river; and preparations of every kind made to build vessels of force on lake Ontario early next spring; and to take post at or near Oswego. A reinforcement of two thousand five hundred men, from the militia of New York and the western parts of Connecticut and Massachusetts Bay, must be added to these early in the spring; for which purpose a demand must be made of five thousand. A party, consisting of five hundred regular troops and one thousand militia, must march from Schenectady; so as to meet those destined to act against Niagara at Oneoquaga. They should be joined by about one hundred light dragoons, armed as aforesaid, together with all the warriors which can be collected from the friendly tribes. In their march to Niagara, they should destroy the Senecas and other towns of Indians which are inimical.

4. That two thousand five hundred men be marched from fort Schuyler, as early as possible after the middle of May, to Oswego, and take a post there, or in the neighbourhood; to be defended by about five hundred men. That they also be employed in forwarding

the vessels to be built for securing the navigation of lake Ontario, and in making excursions towards Niagara; so as to keep the Indian country in alarm, and facilitate the operations in that quarter.

5. That a number of regiments be cantoned along the upper parts of Connecticut river, to be recruited in the winter; so as to form a body of five thousand regular troops, rank and file; and every preparation made to penetrate into Canada by the way of the river St. Francis. The time of their departure must depend upon circumstances; and their object kept as secret as the nature of the thing will permit. When they arrive at the St. Francis, they must take a good post at the mouth of St. Francis, and turn their attention immediately to the reduction of Montreal and St. John's, and the north end of lake Champlain. These operations will be facilitated by the several movements to the westward, drawing the attention of the enemy to that quarter. If successful, so as to secure a passage across the lake, further reinforcements may be thrown in, and an additional retreat secured that way. The next operation will be in concert with the troops who are to gain the navigation of lake Ontario, &c. This operation, however, must be feeble, so long as the necessity exists of securing their rear towards Quebec. Such detachment, however, as can be spared, perhaps two thousand, with as many Canadians as will join them, are to proceed up Cadaraqui, and take a post, defensible by about three hundred men, at or near the mouth of lake Ontario. They will then join themselves to those posted, as aforesaid, at or near Oswego; and, leaving a garrison at that post, proceed to-

gether to the party at or near Niagara, at which place they ought, if possible, to arrive by the middle of September. The troops who have marched against Detroit should also, whether successful or not, return to Niagara, if that post is possessed or besieged by the Americans; as a safe retreat can by that means be accomplished for the whole, in case of accident.

On the supposition that these operations should succeed, still another campaign must be made to reduce the city Quebec. The American troops must continue all winter in Canada. To supply them with provisions, clothing, &c. will be difficult, if not impracticable. The expense will be ruinous. The enemy will have time to reinforce. Nothing can be attempted against Halifax. Considering these circumstances, it is perhaps more prudent to make incursions with cavalry, and light infantry, and chasseurs, to harass and alarm the enemy; and thereby prevent them from desolating our frontiers, which seems to be their object during the next campaign.

But if the reduction of Halifax and Quebec are objects of the highest importance to the allies, they must be attempted.

The importance to France is derived from the following considerations:

1. The fishery of Newfoundland is justly considered as the basis of a good marine.
2. The possession of those two places necessarily secures to the party, and their friends, the island and fisheries.
3. It will strengthen her allies; and guarantee more strongly their freedom and independence.



4. It will have an influence in extending the commerce of France, and restoring her to a share of the fur trade, now monopolized by Great Britain.

The importance to America results from the following considerations :

1. The peace of their frontiers.
2. The arrangement of their finances.
3. The accession of two states to the union.
4. The protection and security of their commerce.
5. That it will enable them to bend their whole attention and resources to the creation of a marine, which will at once serve them and assist their allies.
6. That it will secure the fisheries to the United States, and France their ally, to the total exclusion of Great Britain.

Add to these considerations :

1. That Great Britain, by holding these places, will infest the coast of America with small armed vessels to the great injury of the French as well as the American trade.

2. That her possessions in the West Indies materially depend on the possession of posts to supply them with bread and lumber, and to refit their ships, and receive their sick, as well soldiers as seamen.

In order then to secure, as far as human wisdom can provide, the reduction of those places, aid must be obtained from France.

Suppose a body of four or five thousand French troops sail from Brest, in the beginning of May, under convoy of four ships of the line and four frigates. Their object to be avowed ; but their clothing, stores, &c., such as designate them for the West Indies.

Each soldier must have a good blanket, of a large size, to be made into a coat when the weather grows cool. Thick clothing for these troops should be sent in August, so as to arrive at such place as circumstances by that time may indicate, by the beginning of October. These troops, by the end of June or beginning of July, might arrive at Quebec, which, for the reasons already assigned, they would in all probability find quite defenceless. Possessing themselves of that city, and leaving there the line of battle ships, the marines and a very small garrison, with as many of the Canadians as can readily be assembled (for which purpose spare arms should be provided, which might be put up in boxes, and marked as for the militia of one of the French islands,) the frigates and transports should proceed up the river St. Lawrence, and a debarkation take place at the mouth of the river St. Francis. If the Americans are already at that place, the troops will co-operate for the purposes abovementioned: If not, a post must be taken there, and expresses sent, &c. In the interim, three of the frigates, with four of the smallest transports, should proceed to Montreal, and if possible possess that city; when the nobles and clergy should be immediately called together by the general, who should, if possible, be well acquainted with the manners both of France and of the United States.

The troops should bring with them very ample provisions, especially of salted flesh, as they will come to a country exhausted by the British army. By the latter end of July, or middle of August, the reduction of Canada might be so far completed, that the ships

might proceed to the investiture of Halifax, taking on board large supplies of flour. A part of the troops might march, and be followed by the sick, as they recover. A considerable body of American troops might then be spared for that service, which, with the militia of the states of Massachusetts Bay and New Hampshire, might proceed to the attack of Halifax, so as to arrive at the beginning of September; and if that place should fall by the beginning or middle of October, the troops might either proceed against Newfoundland, or remain in garrison until the spring; at which time that conquest might be completed. If Halifax should not be taken, then the squadron and troops would still be in time to co-operate against the West Indies.

To the Honourable BENJAMIN FRANKLIN, Esquire.

SIR,

THE above plan, referred to in your instructions, you shall lay substantially before the French minister. You shall consult the marquis de la Fayette on any difficulties which may arise; and refer the ministry to him, as he hath made it his particular study to gain information on these important points.

By order of Congress.

H. L. President.

Attest.

C. T. Sec'y.

*Observations on the Finances of America.*

At the commencement of the war, it was obvious that the permanent revenues and resources of Great Britain must eventually overbalance the sudden and impetuous sallies of men contending for freedom on the spur of the occasion, without regular discipline, determinate plans, or permanent means of defence. America having never been much taxed, nor for a continued length of time, being without fixed government, and contending against what once was the lawful authority, had no funds to support the war, notwithstanding her riches and fertility. And the contest being upon the very question of taxation, the laying of imposts, unless from the last necessity, would have been madness.

To borrow from individuals, without any visible means of repaying them, and while the loss was certain from ill success, was visionary.

A measure, therefore, which had been early adopted, and thence become familiar to the people, was pursued. This was the issuing of paper notes representing specie, for the redemption of which the publick faith was pledged.

As these were to circulate from hand to hand, there was no great individual risk, unless from holding them too long; and no man refused to receive them for one commodity, while they would purchase every other.

This general credit, however, did not last long. It menaced so deeply the views of our enemies, who had built their hopes upon the defect of our resources, that

they and their partisans used every effort to impeach its value. Their success in one instance of this kind always made room for another; because he who could not relieve his wants with our paper would not part with his property to procure it.

To remedy this evil, the states, as soon as formed into any shape of legislation, enacted laws to make the continental paper a lawful tender, and indeed to determine its value, fixing it by penalties, at the sum of specie expressed on the face. These laws produced monopoly throughout.

The monopoly of commodities, the interruption of commerce rendering them scarce, and the successes of the enemy, produced a depreciation. The laws devised to remedy this evil either increased, or were followed by an increase of it.

This demanded more plentiful emissions, thereby increasing the circulating medium to such a degree as not only to exclude all other, but, from its superabundant quantity, again to increase the depreciation.

The several states, instead of laying taxes to defray their own private expenses, followed the example of Congress, and also issued notes of different denominations and forms. Hence to counterfeit became much easier, and the enemy did not neglect to avail themselves of this great though base advantage. And hence arose a further depreciation.

Calling the husbandman frequently to arms, who had indeed lost the incitements to industry from the cheapness of the necessaries of life in the beginning, compared with other articles which took a more rapid rise, soon reduced that abundance which preceded the war.

This, added to the greater consumption, together with the ravages and subsistence of the enemy, at length pointed the depreciation to the means of subsistence.

The issues from this moment became enormous, and consequently increased the disease from which they arose, and which must soon have become fatal, had not the successes of America, and the alliance with France, kept it from sinking entirely. The certainty of its redemption being now evident, we only suffer from the quantity.

This, however, not only impairs the value simply in itself, but, as it calls for continued large emissions, so the certainty that every thing will be dearer than it is, renders every thing dearer than it otherwise would be ; and vice versa. Could we possibly absorb a part of the inundation which overwhelms us, every thing would be cheaper, from the certainty that it would become cheaper.

The money can be absorbed but three ways. The first is by taxation, which cannot reach the evil while the war continues. Because the emissions must continue to supply what is necessary over and above even the nominal produce of taxes. And the taxes cannot be very productive by reason of the possession of part, and the ravagement of other parts of the country by the enemy ; and also from the weakness of governments yet in their infancy, and not arrived to that power, method and firmness, which are the portion of elder states.

The second method is by borrowing ; and is not efficient ; because no interest can tempt men to lend paper now, which paid together with that interest in paper

a year hence, will not probably be worth half as much as the principal sum is at present. And whenever the case shall alter, then, in proportion to the appreciation, will be the loss of the publick on what they borrow; to say nothing of the enormous burdens for which they must pay interest in specie, or what is equal to it, if so much of what hath been emitted could be borrowed as to render the remainder equally valuable with silver.

The last method is by very considerable loans or subsidies in Europe, and is the only mode at once equal to the effect desired, and free from the foregoing exceptions. For, if such a sum is drawn for at the advanced exchange, as by taking up the greater part of our paper to reduce the exchange to par, the paper then remaining will be fully appreciated, and the sum due will not nominally, and therefore in the event really, exceed its real value.

But to this mode there are objections. 1. Subsidies by any means equal to our necessities can hardly be expected while our allies, being engaged in war, will want all the money they can procure; and,

2. Loans cannot probably be obtained without good guarantee, or other security, which America may not, perhaps, be able to procure or give. But until our finances can be in a better situation, the war cannot possibly be prosecuted with vigour, and the efforts made feeble, as they must be attended with an oppressive weight of expense, rendering still more weak the confederated states.

This will appear from the foregoing observations; and also from this, that the present, and in all probability the future, seat of the war. also. that is. the

middle states, are so exhausted that, unless by the most strenuous voluntary exertions of all the inhabitants, no great numbers of men can possibly be subsisted. And such exertions cannot be expected without the temptation of money more valued than ours is at present.

To the Honourable BENJAMIN FRANKLIN, Esquire.

SIR,

The above observations referred to in your instructions, you shall lay substantially before the French ministry, and labour for their assistance to remove the difficulties there stated.

By order of Congress.

H. L. President.

Attest.

C. T. Secretary.

Ordered, That the plan reported by the committee for reducing the province of Canada be transmitted to the general; and that he be requested to make such observations thereon as to him shall appear proper, and transmit the same to Congress; and deliver a copy thereof to the marquis de la Fayette.

Ordered, That the members be under the injunction of secrecy with regard to the plan of attacking Canada, except what relates to the attacks of Detroit and Niagara.

Ordered, That the marine committee prepare a frigate, with all possible expedition, for carrying despatches to the minister plenipotentiary at the court of France, and for accommodating the marquis de la Fayette with a passage.



Ordered, That the resolutions of Congress relative to the expedition into Canada, together with the plan reported by the committee, be by them communicated to the Sr. Gerard, minister plenipotentiary of his most christian majesty to these states ; and that the said committee be directed to explain to Sr. Gerard the reasons which have induced Congress to adopt this measure ; and that the committee do report the result of their conference.

Resolved, That general Washington be directed to procure from Canada and Nova Scotia, as speedily as possible, the most exact intelligence that can be obtained respecting the number of troops in those provinces, and their stations ; and also the number of vessels of war, their force and stations, with the number, state and strength of the fortifications. And that he transmit such intelligence, when received, to the marine committee.

Resolved, That the marine committee be instructed to transmit without delay after receiving the same the intelligence sent them by general Washington to the minister plenipotentiary at the court of Versailles by three successive conveyances.

Resolved, That the committee for foreign affairs be directed to inform the minister plenipotentiary at the court of France, and the commissioners of the United States at the respective courts in Europe, that it is the desire of Congress, that harmony and good understanding should be cultivated between the ministers, commissioners and representatives of this Congress at the respective courts of Europe, and that such confidence and cordiality take place among them as is ne-

cessary for the honour and interest of the United States.

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

Resolved, That the following letter of recommendation of the marquis de la Fayette be written to the king of France :

To our great, faithful, and beloved friend and ally,  
Louis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY.

The marquis de la Fayette having obtained our leave to return to his native country, we could not suffer him to depart without testifying our deep sense of his zeal, courage and attachment. We have advanced him to the rank of major general in our armies, which, as well by his prudent as spirited conduct, he hath manifestly merited. We recommend this young nobleman to your majesty's notice, as one whom we know to be wise in council, gallant in the field, and patient under the hardships of war. His devotion to his sovereign hath led him in all things to demean himself as an American, acquiring thereby the confidence of these United States, your good and faithful friends and allies, and the affection of their citizens.

We pray God to keep your majesty in his holy protection.

Done at Philadelphia, the 22d day of October,  
1778. By the Congress of the United States of  
North America.

Your good friends and allies.

H. L. President.

Attested.

C. T. Secretary.

General Washington having, in a letter of the 11th of November, communicated his observations on the foregoing plan, the same was, on the 19th of November, referred to a committee, consisting of Mr. G. Morris, Mr. Chase, Mr. Drayton, Mr. S. Adams, Mr. R. H. Lee, and Mr. Witherspoon, who, on the 5th of December report,

That the reasons assigned by the general against the expedition to Canada appear to the committee to be well founded, and to merit the approbation of Congress. That they are fully of opinion that nothing of great importance can be attempted in that quarter, unless the enemy should evacuate the posts which they now hold within these United States. That it appears, nevertheless, highly probable that they will evacuate such posts before the active part of the ensuing campaign.

That whatever may be the situation of these states in other respects, nothing can be done, unless the necessary preparations therefor be made in due season. That the committee are of opinion the complexity of the plan heretofore adopted by Congress, although calculated to distract the views of the enemy, may be nevertheless attended with such disadvantages as to

overbalance the good consequences expected from it, and therefore that it may be simplified.

That they entirely agree with the general, that Niagara cannot be carried without commanding the lakes Erie and Ontario, particularly the latter; but they must at the same time observe, that this post is of such importance to the United States as to render it proper to do every thing which is practicable to acquire the possession of it. That it is therefore, in the opinion of the committee, proper to direct the general to cause every previous preparation to be made, with all convenient speed, for the subjection of that fortress; and also to carry on such further operations to the northward as time and circumstances shall point out hereafter.

That the committee are of opinion, that the question, whether any, and what force can or will be sent for the emancipation of Quebec, by his most christian majesty, must depend upon circumstances and situations, which cannot at present be known on this side of the Atlantic; but they conceive it will be in his power to operate with effect for that purpose; and as well from the importance of the object, as from his former exertions in favour of these states, they doubt not but that in such case, he will readily afford his assistance.

That the committee therefore are of opinion, that the general should be directed to write to the marquis de la Fayette upon that subject; and also to write to the minister of these states very fully, in order that eventual measures may be taken, in case an armament should be sent from France to Quebec, to co-operate

therewith to the utmost degree which the finances of these states will admit.

Resolved, That Congress agree to the said report.

### JANUARY 1, 1779.

The committee, consisting of Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris, and Mr. Laurens, appointed to confer with the commander in chief on the operations of the next campaign, having held such conference, beg leave to report,

That the plan proposed by Congress for the emancipation of Canada, in co-operation with an armament from France, was the principal subject of the said conference.

That impressed with a strong sense of the injury and disgrace which must attend an infraction of the proposed stipulations on the part of these states, your committee have taken a general review of our finances; of the circumstances of our army; of the magazines of clothing, artillery, arms and ammunition; and of the provisions in store, and which can be collected in season. Your committee have also attentively considered the intelligence and observations communicated to them by the commander in chief, respecting the number of troops and strong holds of the enemy in Canada, their naval force, and entire command of the water communication with that country; the difficulties, while they possess so signal an advantage, of penetrating it with an army by land; the obstacles which are to be surmounted in acquiring a naval superiority; the hostile temper of many of the surrounding Indian tribes

towards these states; and, above all, the uncertainty whether the enemy will not persevere in their system of harassing and distressing our seacoast and frontiers by a predatory war.

That, upon the most mature deliberation, your committee cannot find room for a well grounded presumption, that these states will be able to perform their part of the proposed stipulations. That, in a measure of such moment, and calculated to call forth, and divert to a single object, a considerable proportion of the force of our ally, which may otherwise be essentially employed, nothing less than the highest probability of its success could justify Congress in making the proposition.

Your committee are therefore of opinion, that the negotiation in question, however desirable and interesting, should be deferred till circumstances shall render the co-operation of these states more certain, practicable, and effectual.

That the minister plenipotentiary of these states at the court of Versailles, the minister of France in Philadelphia, and the marquis de la Fayette, be respectively informed, that the operations of the next campaign must depend on such a variety of contingencies, to arise as well from our own internal circumstances and distant resources as the projects and motions of the enemy, that time alone can mature and point out the plan which ought to be pursued. That Congress, therefore, cannot, with a degree of confidence answerable to the magnitude of the object, decide on the practicability of their co-operating the next

campaign in an enterprise for the emancipation of Canada.

That every preparation in our power will nevertheless be made for acting with vigour against the common enemy, and every favourable incident be embraced with alacrity to facilitate and hasten the freedom and independence of Canada and her union with these states; events which Congress, from motives of policy with respect to the United States, as well as of affection to their Canadian brethren, have greatly at heart.

Your committee subjoin the draft of a letter to the above purpose to the marquis de la Fayette; and not having completed the whole of the business committed to them, beg leave to sit again.

Resolved, That Congress agree to the said report.

The letter to the marquis de la Fayette being read, was agreed to as follows :

SIR,

The Congress have directed me to inform you, that although the emancipation of Canada is a very desirable object, yet considering the exhausted state of their resources, and the derangement of their finances, they conceive it very problematical whether they could make any solid impression in that quarter, even on the uncertain contingency that the troops of Great Britain should evacuate the posts they now hold. More extensive and more accurate information than they formerly possessed have induced a conviction, that some capital movements meditated against that province are utterly impracticable from the nature of the country, the de-

fect of supplies, and the impossibility of transporting them thither ; to say nothing of the obstacles which a prudent enemy might throw in the way of an assailing army. Under such circumstances, to enter into engagements with their allies appears not only imprudent but unjust.

In any case, a perfect co-operation must depend upon a variety of incidents which human prudence can neither foresee nor provide for. Under the present circumstances it cannot be expected. The consequence then would certainly be, a misapplication, and possibly the destruction, of a part of the force of France ; and that every force employed on a less hazardous expedition would equally call forth the attention of Great Britain, equally become the object of her efforts, and consequently give equal aid to the United States. Considering these, and other reasons of the like kind, Congress have determined, however flattering the object, not to risk a breach of the publick faith, or the injury of an ally, to whom they are bound by principles of honour, gratitude, and affection.

I am, &c.

H. L. President.

JANUARY 25, 1779.

Resolved, That the minister plenipotentiary and commissioners of the United States, in Europe, be instructed to obtain copies of the arrangements and forms of conducting the business of the treasury, war office, marine and other offices of government, at the



court of Versailles, and other kingdoms, or republicks, in which they may respectively reside, and also at the court of Great Britain ; and that triplicates of such copies be sent to Congress, as soon as may be, together with any useful information relative to their treasuries.

#### FEBRUARY 17, 1779.

A letter of the 9th, and one of 30th September, one of 19th October, and letters of 4th, 18th and 20th November, from A. Lee, esquire, at Paris, with sundry papers enclosed, were read.

Ordered, that the same, together with the communications of the minister plenipotentiary of France in his memorials of the 9th, and in the private audience on the 15th, be referred to a committee of five.

The members chosen—Mr. G. Morris, Mr. Burke, Mr. Witherspoon, Mr. S. Adams, and Mr. M. Smith.

#### FEBRUARY 22, 1779.

A letter of the 12th, and one of the 21st September, 1778, from W. Lee, commissioner of the United States to the courts of Vienna and Berlin, both dated at Paris ; one of the 15th October from the same, dated at Frankfort on the river Maine, in Germany, were read, enclosing a plan of a treaty of commerce to be entered into between their high mightinesses the seven united provinces of Holland and the thirteen United States of America.

Ordered, That the same be referred to the committee on the letters lately received from Mr. A. Lee.

FEBRUARY 23, 1779.

The committee, to whom were referred the letters from Mr. A. Lee, and the communications of the minister plenipotentiary of France in his memorial of the 9th, and in the private audience of the 15th, report—

That upon consideration of all the matters referred to your committee, they are of opinion, that his catholick majesty is disposed to enter into an alliance with the United States of America. That he hath manifested this disposition in a decisive declaration lately made to the court of Great Britain. That in consequence of such declaration the independence of these United States must be finally acknowledged by Great Britain; and immediately thereon a negotiation for peace will be set on foot between the powers of France, Great Britain, and these United States, under the mediation of his catholick majesty: Or, that Spain will take part in the war. and his catholick majesty will unite his force with the most christian king and the United States.

That in the event of a negotiation for peace, your committee, pursuant to the declaration of Congress, That they would not make, nor even treat of peace, until the independence of these United States should be acknowledged, or all the forces of their enemy withdrawn, pursuant to the guarantee of his most christian majesty by the treaty of alliance eventual and defensive, made and subsisting between him and

these United States, as sovereign and independent—they assume it, first, as a ground and preliminary, that, previous to any treaty, or negotiation for peace, the liberty, sovereignty, and independence, absolute and unlimited, of these United States, as well in matters of government as of commerce, be acknowledged on the part of Great Britain.

And if the same shall be done, your committee are of opinion that the ministers of these United States ought, on the part of the said states, to assist at, and contract and stipulate in such negotiation for peace as may be set on foot under the mediation of his catholic majesty.

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

1. What to insist on as the ultimatum of these states.

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

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

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

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

and Nova Scotia; southerly by the boundary settled between Georgia and East and West Florida; and westerly by the river Mississippi.

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

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

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

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

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

On the second head, your committee are of opinion,

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

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

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

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

5. That if Great Britain shall cede the Floridas to the United States, the same may be ceded to the crown of Spain for an adequate compensation.

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

Your committee are further of opinion, that no truce ought to be agreed to on the part of the United States.

That a cessation of hostilities, during the negotiation, may be admitted, in case all the force of the enemy shall be withdrawn from every post and place within the limits of the United States. That no exclusive privilege of commerce be allowed to Great Britain with the United States. And that all claims, not in the instructions mentioned, may be ceded, exchanged, or retained, as the circumstances of the negotiation may require.

In the event of a continuance of the war, and an alliance with Spain, your committee are of opinion

that a subsidy should, if possible, be obtained from the court of Madrid on the following stipulations :

That his catholick majesty shall pay to the United States in such convenient manner as shall be agreed on a sum not less than \_\_\_\_\_ and the farther sum of \_\_\_\_\_ yearly, during the continuance of the war between the United States and Great Britain, and for a term not less than \_\_\_\_\_ years, after the determination thereof; or, if that cannot be obtained, then a sum not less than \_\_\_\_\_ yearly, during the term aforesaid. That, in consideration thereof, the United States shall hold in readiness a well appointed force, not exceeding \_\_\_\_\_ effective infantry, with all camp and marching requisites, with suitable arms, artillery, and other equipments for war, to be employed in conquering the Floridas. That the said countries, when conquered, shall be ceded and guarantied to his catholick majesty by the United States; reserving always the free navigation of the river Mississippi to the subjects of the United States, as well as to the subjects of his catholick majesty, if possible, in the fullest extent of egress and ingress. But, if this cannot be obtained, then that a port be reserved for the delivery and sale, purchase and lading of all commodities, excepting such articles as shall be particularly enumerated.

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

The above report being read,

Ordered, That it lie on the table for the consideration of the members; and that it be taken up on Thursday next.

Resolved, That on Thursday next, Congress be resolved into a committee of the whole, to take into consideration the foregoing report.

### FEBRUARY 27, 1779.

Congress resolved itself into a committee of the whole, to consider the report of the committee on the letters from A. Lee, and the communications of the minister of France; and after some time the President resumed the chair; and Mr. F. L. Lee reported that the committee have had under consideration the report referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again.

Leave granted.

On Monday Congress was resolved into a committee of the whole on the above report; and, on Thursday, resumed the same subject in committee. On the 10th, 11th, 15th, and 16th of March, the same.

### MARCH 17, 1779.

Congress was resolved into a committee of the whole; and after some time the President resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the report of the committee on the communications from the

minister of France, and have come to sundry resolutions thereon, which he was ready to report.

The resolutions agreed to in the committee of the whole being read,

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

### MARCH 19, 1779.

Congress took into consideration the report of the committee of the whole, and agreed the following ultimata :

1. That the thirteen United States are bounded, north, by a line to be drawn from the north-west angle of Nova Scotia, along the high lands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; thence due west in the latitude forty-five degrees north from the equator, to the north-westernmost side of the river St. Lawrence, or Cadaraqui; thence strait to the south end of lake Nepissing; and thence strait to the source of the river Mississippi: west, by a line to be drawn along the middle of the river Mississippi from its source to where the said line shall intersect the latitude of thirty-one degrees north: south, by a line to be drawn due east from the termination of the line last mentioned in the latitude thirty-one degrees north from the equator to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its



junction with the Flint river; thence strait to the head of St. Mary's river; thence down along the middle of St. Mary's river to the Atlantic ocean: and east, by a line to be drawn along the middle of St. John's from its source to its mouth in the bay of Fundy, or by a line to be settled and adjusted between that part of the state of Massachusetts Bay, formerly called the province of Maine, and the colony of Nova Scotia, agreeably to their respective rights, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other part, shall respectively touch the bay of Fundy and the Atlantic ocean. Provided, that if the line to be drawn from the mouth of lake Ne-pissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, then, that a line or lines may be drawn more southerly, so as not to be southward of a line in latitude forty-five degrees north.

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

MARCH 22, 1779.

Congress resumed the consideration of the report of the committee of the whole; and the third resolution

reported by the committee as one of the ultimata being under debate, and being in the words following :

3. That a common right in these states to fish on the coasts, bays and banks of Newfoundland and gulf of St. Lawrence, coast of Labrador and straits of Belleisle, be acknowledged ; and in case of refusal, that the war be continued, unless the circumstances of our allies shall be such as to render them utterly unable to assist in the prosecution of the war ; in which case, as ample privileges in the fishery be insisted on, as can possibly be obtained :

That in case Great Britain should not be prevailed on either to cede, or declare Nova Scotia independent, the privilege of curing fish on the shores and in the harbours of Nova Scotia be required—

In lieu thereof a substitute was moved by Mr. Morris, in the words following, viz.

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

The substitute being adopted, and under debate.

A motion was made by Mr. M. Smith, seconded by Mr. Burke, to strike out the words, "*and a stipulation for the right of curing fish on the shores of Nova Scotia,*" and also the words, "and stipulation," after the word "acknowledgment."

And on the question, Shall those words stand, the yeas and nays being required by Mr. M. Smith—

New Hampshire,	Mr. Whipple, Mr. Frost,	Ay. } No. }	DIVIDED.
Massachusetts,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } No. } Ay. }	AY.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. }	DIVIDED.
Connecticut,	Mr. Dyer, Mr. Root,	No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. G. Morris, Mr. Floyd, Mr Lewis,	No. } No. } No. } No. } No. }	No.
New Jersey,	Mr. Frelinghausen, Mr. Fell,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	AY.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	No. } No. } No. } No. }	No.

Virginia.	Mr. T. Adams,	No.	} No.
	Mr. M. Smith,	No.	
	Mr. R. H. Lee,	Ay.	
	Mr. Griffin,	No.	
	Mr. Nelson,	No.	
North Carolina,	Mr. Penn,	No.	} No.
	Mr. Hill,	No.	
	Mr. Burke,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	
Georgia,	Mr. Langworthy,		} No.

So it passed in the negative, and the words were struck out.

A motion was then made by Mr. Drayton, seconded by Mr. G. Morris, to strike out the words, "*provided always, that the allies of these states shall be in circumstances to support them in carrying on the war for such acknowledgment.*"

And on the the question, Shall those words stand, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	No.	} No.
	Mr. Frost,	No.	
Massachusetts Bay,	Mr. Gerry,	No.	} No.
	Mr. Lovell,	No.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Ellery,	No.	} No.
	Mr. Collins,	No.	
Connecticut,	Mr. Dyer,	No.	} No.
	Mr. Root,	No.	

New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Floyd,	No.	
	Mr. G. Morris,	Ay.	
	Mr. Lewis,	No.	
New Jersey,	Mr. Frelinghausen,	No.	} DIVIDED.
	Mr. Feli,	Ay.	
Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Searle,	No.	
	Mr. Muhlenberg,	No.	
	Mr. M'Lene,	No.	
Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	Ay.	
	Mr. Henry,	Ay.	
Virginia,	Mr. T. Adams,	Ay.	} Ay.
	Mr. M. Smith,	Ay.	
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	Ay.	
	Mr. Nelson,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
South Carolina,	Mr. Drayton,		} Ay.
Georgia,	Mr. Langworthy,		} Ay.

So it was resolved in the affirmative.

A division was then called for ; and on the question to agree to the first part as amended, including the proviso, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple, Mr. Frost,	No. } Ay. }	DIVIDED.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. }	DIVIDED.
Connecticut,	Mr. Dyer, Mr. Root,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. G. Morris, Mr. Floyd, Mr. Lewis,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Frelinghausen, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. }	No.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	Ay. } Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. T. Adams, Mr. M. Smith, Mr. R. H. Lee, Mr. Griffin, Mr. Nelson,	Ay. } Ay. } No. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Hill, Mr. Burke,	Ay. } Ay. } Ay. }	Ay.

South Carolina,	Mr. Laurens,	Ay. }	} Ay.
	Mr. Drayton,	Ay. }	
Georgia,	Mr. Langworthy,	} Ay.	

So it was resolved in the affirmative.

The second clause was then agreed to.

The article as amended and agreed to is as follows :

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

### MARCH 24, 1779.

Congress resumed the consideration of the report of the committee of the whole ; and the fourth article being under debate, to wit :

4. That the navigation of the river Mississippi be acknowledged and ratified absolutely free to the subjects of the United States—

A motion was made by Mr. Burke, seconded by Mr. Drayton, to add these words, “ provided that the “ allies of these United States shall declare themselves “ in circumstances to afford effectual assistance for car-

“rying on the war until the said acknowledgment and  
“ratification shall be obtained.”

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

New Hampshire,	Mr. Whipple, Mr. Frost,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Dyer, Mr. Root,	No. } Ay. }	DIVIDED.
New York.	Mr. Jay, Mr. Duane, Mr. G. Morris, Mr. Floyd,	No. } Ay. } No. } No. }	No.
New Jersey,	Mr. Frelinghausen, Mr. Fell,	No. } No. }	No.
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. }	No.
Delaware,	Mr. Vandyke,	} No.	
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	Ay. } Ay. } No. } No. }	DIVIDED.



Virginia,	Mr. T. Adams,	Ay.	} No.
	Mr. F. L. Lee,	No.	
	Mr. M. Smith,	No.	
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	No.	
	Mr. Nelson,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} AY.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
South Carolina,	Mr. Laurens,	No.	} DIVIDED.
	Mr. Drayton,	Ay.	
Georgia,	Mr. Langworthy,	>Ay.	

So it passed in the negative.

On the question to agree to the article as reported, the yeas and nays being required by Mr. R. H. Lee—

New Hampshire,	Mr. Whipple,	Ay.	} DIVIDED.
	Mr. Frost,	No.	
Massachusetts Bay,	Mr. Gerry,	No.	} No.
	Mr. Lovell,	No.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Ellery,	No.	} No.
	Mr. Collins,	No.	
Connecticut,	Mr. Dyer,	Ay.	} DIVIDED.
	Mr. Root,	No.	
New York,	Mr. Jay,	No.	} No.
	Mr. Duane,	No.	
	Mr. Morris,	No.	
	Mr. Floyd,	Ay.	
New Jersey,	Mr. Frelinghausen,	No.	} No.
	Mr. Fell,	No.	

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Searle,	Ay.	
	Mr. Muhlenberg,	No.	
	Mr. M'Lene,	Ay.	
Delaware,	Mr. Vandyke,		} No.
Maryland,	Mr. Plater,	No.	} No.
	Mr. Paca,	No.	
	Mr. Carmichael,	No.	
	Mr. Henry,	No.	
Virginia,	Mr. T. Adams,	No.	} No.
	Mr. F. L. Lee,	Ay.	
	Mr. Smith,	No.	
	Mr. R. H. Lee,	Ay.	
	Mr. Griffin,	No.	
	Mr. Nelson,	No.	
North Carolina,	Mr. Penn,	No.	} No.
	Mr. Hill,	No.	
	Mr. Burke,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	
Georgia,	Mr. Langworthy,		} No.

So it passed in the negative.

The committee of the whole having reported that they disagree to the fifth article in the report referred to them,

Resolved, That Congress concur with the committee.

On motion of Mr. Gerry,

Resolved, That the third article be reconsidered. The article was then read as follows :

“ That an acknowledgment be made by Great Britain of a common right in these states to fish on the

“coasts, bays and banks of Nova Scotia, the banks  
 “of Newfoundland and gulf of St. Lawrence, the  
 “coasts of Labrador and straits of Belleisle: Pro-  
 “vided always, that the allies of these states shall  
 “be in circumstances to support them in carrying on  
 “the war for such acknowledgment; but that in no  
 “case, by any treaty of peace, the common right of  
 “fishing as above described be given up.”

Whereupon a motion was made by Mr. Burke, se-  
 conded by Mr. \_\_\_\_\_ to strike out the words  
 between “to fish” and “provided,” and in lieu  
 thereof, to insert “on all and singular the fishing  
 “banks to the eastward of the island of Cape Bre-  
 “ton and of Nova Scotia, which by the treaties of  
 “Utrecht and of Paris were ceded to the king of Great  
 “Britain, in exclusion of the subjects of France.”

A motion was made by Mr. R. H. Lee, seconded  
 by Mr. Dyer, as a substitute to the whole,

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

On the question, Shall this be received as a substi-  
 tute, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple,	Ay. }	Ar.
	Mr. Frost,	Ay. }	

Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. } Ay. } Ay.
Rhode Island,	Mr. Ellery, Mr. Collins,	Ay. } Ay. } Ay.
Connecticut,	Mr. Dyer, Mr. Root, Mr. Spencer,	Ay. } No. } Ay. } Ay.
New York,	Mr. Jay, Mr. Morris, Mr. Floyd, Mr. Lewis,	No. } No. } No. } No. } No.
New Jersey,	Mr. Fell,	>No. x
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. } Ay.
Delaware,	Mr. Vandyke,	>Ay.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	No. } No. } No. } No. } No.
Virginia,	Mr. T. Adams, Mr. F. L. Lee, Mr. Smith, Mr. R. H. Lee, Mr. Griffin, Mr. Nelson,	No. } Ay. } No. } Ay. } No. } No. } No.
North Carolina,	Mr. Penn, Mr. Hill, Mr. Burke,	No. } No. } No. } No.

South Carolina,	Mr. Laurens,	Ay. }	} DIVIDED.
	Mr. Drayton,	No. }	
Georgia,	Mr. Langworthy,		} No.

So the substitute was received ; and the article as heretofore agreed to, and the amendment proposed, were set aside.

### MARCH 27, 1779.

Whereas it is of the utmost importance that Congress should be well informed of the situation of the several courts in Europe, and particularly of the views and designs of the British ministry :

Resolved, That the members of Congress be called on from the chair to declare upon their honours whether they have received any and what intelligence relative to the views and designs of any of the European courts, and particularly of the court of Great Britain.

### MARCH 30, 1779.

Congress resumed the consideration of the report of the committee of the whole, but came to no resolutions.

### APRIL 3, 1779.

On motion of Mr. Penn, seconded by Mr. Fell—

Resolved unanimously, That Congress will take into consideration the report of the committee on foreign affairs, &c. on Tuesday next.

According to order the report was taken into consideration on Tuesday the 6th; resumed again on Wednesday, Friday and Saturday following; and after debate, Congress agreed to the first and second articles.

MAY 7, 1779.

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

Ordered, That the same, together with the report on communications, be taken into consideration tomorrow morning immediately after reading the journal.

MAY 8, 1779.

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

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

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

Whereas this Congress did on the fourth day of July, 1776, declare the several colonies by them represented to be free and independent states, that they were absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain was and ought to be totally dissolved; and that, as free and independent states, they had full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states might of right do; and for the support of that declaration, with a firm reliance on the protection of divine Providence, did mutually pledge to each other their lives, their fortunes, and their sacred honour: And whereas this Congress did resolve on the 22d day of April, 1778, That the said states could not with propriety hold any conference or treaty with any commissioners on the part of Great Britain, unless they should as a preliminary thereto, either withdraw their fleets and armies, or else in positive and express terms acknowledge the independence of the said states: And whereas this Congress, in a letter of the 17th day of June, 1778, from their President to the British commissioners, signed by their unanimous consent, did declare themselves inclined to peace, and that they would be ready to enter upon the consideration of a treaty of peace and commerce not inconsistent with treaties already subsisting, when the king of Great Britain should demonstrate a sincere disposition for that purpose: And whereas it is agreed in the treaty of alliance between the most christian king and the United States, that neither of the parties should conclude either truce or peace with Great Bri-

tain without the formal consent of the other first obtained ; and it is mutually engaged that the said parties should not lay down their arms until the independence of the United States should have been formally or tacitly assured by the treaty or treaties that should terminate the war : And whereas his most christian majesty therein guaranties on his part, to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as of commerce : And whereas from information lately received, it is probable that a treaty of peace may soon be set on foot on the preliminary acknowledgment of the independence of the said states : And whereas, considering the exhausted situation of the said states, the derangement of their finances, and the defect of their resources, it is highly expedient to put a stop to the present destructive war : Therefore,

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

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

New Hampshire, Mr. Whipple, } No.



Massachusetts Bay,	Mr. S. Adams,	No.	} No.
	Mr. Gerry,	No.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Ellery,	No.	} No.
	Mr. Collins,	No.	
Connecticut,	Mr. Sherman,	No.	} No.
	Mr. Spencer,	No.	
New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Morris,	Ay.	
	Mr. Floyd,	Ay.	
New Jersey,	Mr. Witherspoon,	No.	} No.
	Mr. Scudder,	No.	
	Mr. Fell,	Ay.	
Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Shippen,	No.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	No.	
	Mr. Wynkoop,	Ay.	
Delaware,	Mr. Dickinson,	Ay.	} DIVIDED.
	Mr. Vandyke,	No.	
Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	Ay.	
	Mr. Jenifer,	Ay.	
Virginia,	Mr. Smith,	Ay.	} DIVIDED.
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	No.	
	Mr. Fleming,	Ay.	
North Carolina,	Mr. Burke,	Ay.	} Ay.
	Mr. Sharpe,	Ay.	

South Carolina,	Mr. Laurens,	No. } DIVIDED.
	Mr. Drayton,	Ay. }

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

So it passed in the negative.

MAY 11, 1779.

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

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

That the marine committee and board of war lay before Congress, as soon as possible, a list of articles necessary to be imported for the use of their respective departments.

MAY 12, 1779.

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

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

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

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

" That if the court of Great Britain shall immediately acknowledge the independence of the United States of America, then, that an equal share of the

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

A motion was made by Mr. Lee, seconded by Mr. Sherman, to strike out the words, “ that if the court of  
“ Great Britain shall immediately acknowledge the  
“ independence of the United States of America,  
“ then.”

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

Another amendment was moved by Mr. R. H. Lee, seconded by Mr. Gerry, to strike out the words “ as  
“ far as the same can be obtained.”

#### MAY 13, 1779.

The subject resumed, and on motion of Mr. Smith, seconded by Mr. Sherman,

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

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

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

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

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

A question being taken, Is this addition in order—  
Resolved in the affirmative.

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

A question being taken, Is this amendment in order—

Resolved in the affirmative.

On the question to agree to the amendment, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	>No.
Massachusetts Bay,	Mr. S. Adams,	No. }
	Mr. Gerry,	No. } No.
	Mr. Lovell,	No. }
	Mr. Holten,	No. }

Rhode Island,	Mr. Ellery, Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Spencer,	No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. Floyd,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. Wynkoop,	No. } No. } No. } No. } Ay. }	No.
Delaware,	Mr. Dickinson,		>Ay.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. R. H. Lee, Mr. Fleming,	No. } No. } Ay. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } Ay. }	DIVIDED.

So it passed in the negative.

MAY 22, 1779.

Congress proceeded to the consideration of the report on foreign affairs.

On motion,

Ordered, That the absent members be summoned to attend.

A memorial of this date from the minister of France was read : Whereupon,

Ordered, That the same, together with the report on the communications from the said minister, be taken into consideration on Tuesday next, immediately after reading the journal.

On Tuesday the subject is postponed till Thursday.

MAY 27, 1779.

Congress resumed the consideration of the subject under debate on the 12th and 13th instant ; and after debating the substitute, as amended on the 13th, it was agreed, by unanimous consent, That all substitutes and amendments to the third article, agreed to the 22d of March last, be withdrawn.

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

Resolved, That the said third article be repealed.

On motion of Mr. Burke, seconded by Mr. Drayton,

Resolved, That, in no case, by any treaty of peace, the common right of fishing be given up.

JUNE 3, 1779.

Congress resumed the consideration of the report on the communications from the minister of France ; and a motion was made by Mr. Gerry, seconded by Mr. Sherman, in the words following, to wit :

To obviate any disputes which may arise respecting the fisheries, it shall be stipulated in the treaty of peace, that the citizens of these states and the subjects of the king of Great Britain be allowed the free and peaceable use and exercise of their common right of fishing on the banks of Newfoundland, and other banks and coasts of North America, as fully and freely as they did or might have done during their political connexion.

Whereupon it was moved by Mr. Witherspoon, seconded by Mr. Laurens, to strike out the words, “ and “ the subjects of the king of Great Britain.”

Question, Shall those words stand,  
Passed in the negative.

A motion was made by Mr. Sherman, seconded by Mr. Spencer, to strike out the words, “ as fully and “ freely as they did or might have done during their “ political connexion.”

Question. Shall these words stand,  
Passed in the negative.

It was then moved by Mr. Witherspoon, seconded by Mr. Laurens, to strike out the words “ and coasts.”

And on the question, Shall those words stand, the yeas and nays being required by Mr. Gerry—



New Hampshire,	Mr. Whipple,	Ay.	
Massachusetts Bay,	Mr. S. Adams,	Ay.	} Ay.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Ellery,	Ay.	} AY.
	Mr. Collius,	Ay.	
Connecticut,	Mr. Sherman,	Ay.	} No.
	Mr. Huntington,	No.	
	Mr. Spencer,	No.	
New York,	Mr. Jay,	No.	} No.
	Mr. Duane,	No.	
	Mr. Morris,	No.	
	Mr. Floyd,	No.	
	Mr. Lewis,	No.	
New Jersey,	Mr. Witherspoon,	No.	} No.
	Mr. Scudder,	No.	
	Mr. Fell,	No.	
Pennsylvania,	Mr. Armstrong,	Ay.	} No.
	Mr. Shippen,	Ay.	
	Mr. Atlee,	No.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	No.	
	Mr. M'Lenc,	Ay.	
Mr. Wynkoop,	No.		
Maryland,	Mr. Plater,	No.	} No.
	Mr. Carmichael,	No.	
	Mr. Henry,	No.	
	Mr. Jenifer,	No.	
Virginia,	Mr. Smith,	Ay.	} No.
	Mr. Griffin,	No.	
	Mr. Fleming,	No.	

North Carolina,	Mr. Penn,	No. )	} No.
	Mr. Burke,	No. )	
	Mr. Sharpe,	No. )	
South Carolina,	Mr. Laurens,	No. )	} No.
	Mr. Drayton,	No. )	

So it passed in the negative, and the words were struck out.

A motion was made by Mr. Ellery, seconded by Mr. Witherspoon, after "other banks," to insert, "and in the seas;" which being amended to read "and seas"—

On the question, Shall the words "and seas" be inserted, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple,		} No.
Massachusetts Bay,	Mr. S. Adams,	No. )	} No.
	Mr. Gerry,	Ay. )	
	Mr. Lovell,	No. )	
	Mr. Holten,	No. )	
Rhode Island,	Mr. Ellery,	Ay. )	} DIVIDED.
	Mr. Collins,	No. )	
Connecticut,	Mr. Sherman,	Ay. )	} AY.
	Mr. Huntington,	Ay. )	
	Mr. Spencer,	No. )	
New York,	Mr. Jay,	No. )	} No.
	Mr. Duane,	No. )	
	Mr. Morris,	Ay. )	
	Mr. Floyd,	No. )	
	Mr. Lewis,	No. )	
New Jersey,	Mr. Witherspoon,	Ay. )	} AY.
	Mr. Scudder,	Ay. )	

Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Shippin,	No.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	No.	
	Mr. M'Leuc,	No.	
	Mr. Wyukoop,	No.)	
Delaware,	Mr. Dickinson,		} Av.
Maryland,	Mr. Plater,	No.	} No.
	Mr. Carmichael,	Ay.	
	Mr. Henry,	No.	
	Mr. Jenifer,	No.)	
Virginia,	Mr. Smith,	No.	} No.
	Mr. Griffin,	No.	
	Mr. Fleming.	No.)	
North Carolina,	Mr. Penn,	No.	} No.
	Mr. Burke,	No.	
	Mr. Sharpe,	No.)	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.)	

So it passed in the negative.

The motion being amended to read, "To obviate any disputes which may arise respecting the fisheries, it shall be stipulated in the treaty of peace, that the citizens of these states shall be allowed the free and peaceable use and exercise of their common right of fishing on the banks of Newfoundland and other banks of North America"—

When the house was ready for the question, the previous question was moved by Mr. Witherspoon, seconded by Mr. Scudder.

And on the question to agree to the previous question, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple,	>Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay.
	Mr. Gerry,	No.
	Mr. Lovell,	No.
	Mr. Holten,	No.
		} No.
Rhode Island,	Mr. Ellery,	No.
	Mr. Collins,	No.
		} No.
Connecticut,	Mr. Sherman,	No.
	Mr. Huntington,	No.
	Mr. Spencer,	No.
		} No.
New York,	Mr. Jay,	Ay.
	Mr. Duane,	Ay.
	Mr. Morris,	Ay.
	Mr. Floyd,	Ay.
	Mr. Lewis,	No.
		} Ay.
New Jersey,	Mr. Witherspoon,	Ay.
	Mr. Scudder,	Ay.
		} Ay.
Pennsylvania,	Mr. Armstrong,	No.
	Mr. Shippen,	No.
	Mr. Atlee,	Ay.
	Mr. Searle,	No.
	Mr. Muhlenberg,	Ay.
	Mr. M'Lene,	No.
	Mr. Wynkoop,	Ay.
		} No.
Delaware,	Mr. Dickinson,	>Ay.
Maryland,	Mr. Plater,	Ay.
	Mr. Carmichael,	Ay.
	Mr. Henry,	Ay.
	Mr. Jenifer,	Ay.
		} Ay.
Virginia,	Mr. Smith,	Ay.
	Mr. Griffin,	Ay.
	Mr. Fleming,	Ay.
		} Ay.

North Carolina,	Mr. Penn,	Ay. }	AY.
	Mr. Burke,	Ay. }	
	Mr. Sharpe,	Ay. }	
South Carolina,	Mr. Laurens,	No. }	DIVIDED.
	Mr. Drayton,	Ay. }	

So it was resolved in the affirmative; and the main question was set aside.

JUNE 15, 1779.

The committee appointed to prepare an answer to the letter from his most christian majesty, brought in a draft, which was agreed to as follows :

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY,

The repeated proofs we have received of your majesty's regard for these United States will lead their citizens to rejoice in every event that may conduce to your happiness or glory. It affords us particular pleasure to hear that Providence has been pleased to bless your nuptials with the birth of a princess; and we pray God that the virtues and honours of your illustrious family may be perpetuated in a race of descendants worthy of so great and so good an ancestor.

We receive with great satisfaction and sensibility your majesty's assurances of esteem and constant regard; and we entreat you to be persuaded that the permanence and stability of our friendship will be equal to the magnanimity of that conduct, and the importance of those good offices, by which it was created.

Permit us to request the favour of your majesty to oblige us with portraits of yourself and royal consort, that, by being placed in our council chamber, the representatives of these states may daily have before their eyes the first royal friends and patrons of their cause.

We beseech the Supreme Disposer of events to keep you both in his holy protection, and long to continue to France the blessings resulting from the administration of a prince who nobly asserts the rights of mankind.

Done at Philadelphia, the fifteenth day of June, 1779. By the Congress of the United States of America. Your faithful friends and allies.

Ordered, That copies thereof be made out, signed by the President, and transmitted.

The said committee having prepared a representation and request to his most christian majesty, the same was agreed to as follows :

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

The full confidence we repose in your majesty's constant attention to the great objects of the treaties subsisting between us, and our earnest desire vigorously to co-operate in the attainment of them, induce us to submit the following facts and proposals to your consideration :

At the commencement of the present war, we were in a great degree destitute of arms, ammunition and clothing for our armies; and supplies have since been irregular, fortuitous and scanty. Our husbandmen have been so much interrupted by frequent calls to arms, that even the productions of our fertile country have been considerably diminished; and other natural effects of war have rendered our usual commodities for exportation less abundant than formerly.

Our coasts have long been, and still are, so infested by the enemy's cruisers, that our commerce has been greatly injured, and both exports and imports become very hazardous. For want of naval stores, our marine exertions have been less extensive than they otherwise would have been. And while commodities proper for remittances remain scarce, and the transportation of them precarious, we have little reason to expect ample supplies from private contracts and commercial projects.

We are impressed with the strongest conviction of your majesty's friendly disposition towards us; and we are persuaded that the same magnanimity which induced your majesty to unite with us in frustrating the cruel designs of a nation whose power and lust of dominion had become dangerous to their neighbours, and oppressive to us, will continue to influence your majesty to exertions glorious to France and advantageous to your allies. We therefore take the liberty of requesting your majesty to furnish us with these necessary supplies, an estimate of which we have ordered our minister to lay before you; and we pledge the faith of these states for the repayment with

interest of whatever sums may be advanced for that purpose, as soon as the restoration of peace shall have enabled us. Be assured that they shall be vigorously used against the common enemy, with whom we shall neither conclude peace nor truce without your concurrence; and that it is our sincere desire, that the alliance between us may be as beneficial to France, as it has been liberal and salutary to these United States.

On the 10th July, the board of war having laid before Congress an estimate of sundry articles proper to be sent for, amounting to five hundred and five thousand seven hundred and ninety-two pounds five shillings and six pence sterling; and the marine committee having laid before Congress an estimate of articles in their department, necessary to be sent for, amounting to sixty thousand three hundred and fifty-six pounds eleven shillings two farthings sterling—

Ordered, That copies of the said invoices be made out by the board of war and marine committee respectively, and delivered to the President, to be by him transmitted, with the representation, to his most christian majesty.

JUNE 17, 1779.

Congress proceeded in the consideration of the report on the communications of the minister of France, &c. And the sixth article in the report under the first head, being read, the same was set aside by the previous question.



The articles under the second head were then taken into consideration; and the first and second were set aside by the previous question.

The third article was then read; and a division being called for, the first clause, to wit: "That it may be stipulated, that the United States shall not trade to the East Indies, if adequate compensation can be obtained," was set aside by the previous question.

On the second clause, viz. "or, engage in the slave trade, if adequate compensation can be obtained," the previous question being moved, the yeas and nays thereon required by Mr. Jay—

New Hampshire,	Mr. Whipple,	} Ay.
Massachusetts Bay,	Mr. Gerry,	No. }
	Mr. Lovell,	Ay. } Ay.
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Marchant,	Ay. } Ay.
	Mr. Collins,	Ay. }
Connecticut,	Mr. Sherman,	Ay. }
	Mr. Huntington,	Ay. } Ay.
	Mr. Spencer,	Ay. }
New York,	Mr. Jay,	No. }
	Mr. Duane,	Ay. } Ay.
	Mr. Morris,	Ay. }
	Mr. Lewis,	Ay. }
New Jersey,	Mr. Scudder,	Ay. }
	Mr. Fell,	Ay. } Ay.

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Muhlenberg,	Ay.	
	Mr. M'Lene,	Ay.	
Delaware,	Mr. Dickinson,	Ay.	} Ay.
	Mr. M'Kean,	Ay.	
Maryland,	Mr. Henry,	Ay.	} Ay.
	Mr. Jenifer,	Ay.	
Virginia,	Mr. Smith,	Ay.	} Ay.
	Mr. Griffin,	Ay.	
	Mr. Fleming,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Drayton,	Ay.	

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

The fourth, fifth and sixth articles were severally set aside by the previous question.

Resolved, That a cessation of hostilities during the negotiation may be agreed to, but not without the consent of our ally, nor unless it shall be previously stipulated that all the forces of the enemy shall be immediately withdrawn from the United States.

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

Resolved, That a committee of three be appointed to prepare the form of a commission to the minister who may be appointed to negotiate a peace.

The members chosen—Mr. Dickinson, Mr. Morris and Mr. Marchant.

JUNE 19, 1779.

Congress resumed the consideration of the report on the communications, &c., when the following resolutions were moved by Mr. Gerry, seconded by Mr. Ellery—

1. That it is essential to the welfare of these United States that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said states.

2. That an explanatory article be prepared and sent to our minister plenipotentiary at the court of Versailles, to be by him presented to his most christian majesty, whereby the said common right to the fisheries shall be more explicitly guarantied to the inhabitants of these states than it already is by the treaties aforesaid.

3. That in the treaty of peace with Great Britain a stipulation be made, on their part, not to disturb the inhabitants of these states in the free exercise of their common right to the fisheries aforesaid; and that a reciprocal engagement be made on the part of the United States.

4. That the faith of Congress be pledged to the several states, that, without their unanimous consent, no treaty of commerce shall be formed with Great Britain previous to such stipulation.

5. That if the explanatory article should not be ratified by his most christian majesty, nor the stipulation aforesaid be adopted by Great Britain, the minister conducting this business shall give notice thereof to Congress, and not sign any treaty of peace until their pleasure be known.

The first proposition being read, a motion was made by Mr. Morris, seconded by Mr. Drayton, to amend it by striking out certain words and inserting others, so that it read, "That it would be very injurious to these United States, and the inhabitants thereof, at the expiration of the war, not to enjoy the free," &c.

On the question, Shall the words, moved to be struck out, stand, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple,	Y	Ay.
Massachusetts Bay,	Mr. Gerry,	Ay.	} Ay.
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Ellery,	Ay.	} Ay.
	Mr. Marchant,	Ay.	
	Mr. Collins,	Ay.	
Connecticut,	Mr. Sherman,	Ay.	} Ay.
	Mr. Huntington,	Ay.	
	Mr. Spencer,	Ay.	
New York,	Mr. Jay,	No.	} DIVIDED.
	Mr. Duane,	Ay.	
	Mr. Morris,	No.	
	Mr. Lewis,	Ay.	
New Jersey,	Mr. Scudder,	No.	} No.
	Mr. Fell,	No.	

Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	} AY.
Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. }	} DIVIDED.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Jenifer,	No. } No. } No. }	} No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	} No.
North Carolina,	Mr. Penn, Mr. Burke,	No. } No. }	} No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	} DIVIDED.

So it was resolved in the affirmative.

A motion was then made by Mr. Morris, seconded by Mr. Smith, that the farther consideration of the first proposition be postponed. On which, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple,	>No.	
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. }	} No.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	No. } No. } No. }	} No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } No. } No. }	} No.

New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } No. } Ay. } No. }	} DIVIDED.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } Ay. }	} DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. } No. }	} No.
Delaware,	Mr. Dickinson, Mr. M'Kean,	Ay. } No. }	} DIVIDED.
Maryland,	Mr. Carmichael, Mr. Jenifer,	Ay. } Ay. }	} AY.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } No. } Ay. }	} AY.
North Carolina,	Mr. Penn, Mr. Burke,	Ay. } No. }	} DIVIDED.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } Ay. }	} DIVIDED.

So it passed in the negative.

A motion was then made by Mr. Burke, seconded by Mr. Duane, after the words "seas of North America," to insert, "within the restrictions of the law and custom of nations for preventing contraband." And on the question, Shall those words be inserted, the yeas and nays being required by Mr. Jay—

New Hampshire, Mr. Whipple, } No.

Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } Ay. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	No. } No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } Ay. } No. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. } No. }	No.
Delaware,	Mr. M'Kean,	>	No.
Maryland,	Mr. Carmichael, Mr. Jenifer,	Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton.	No. } Ay. }	DIVIDED.

So it passed in the negative.

A motion was made by Mr. Morris, seconded by Mr. M'Kean, to strike out the words "preserving in-  
" violate the treaties between France and the United  
" States."

JUNE 24, 1779.

On the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
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Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
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Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	Ay. } Ay. } Ay. }	Ay.
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Connecticut,	Mr. Sherman, Mr. Spencer,	Ay. } Ay. }	Ay.
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New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } No. } Ay. }	Ay.
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New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } Ay. }	Ay.
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Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lenc,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
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Delaware,	Mr. Dickinson, Mr. M'Kean,	Ay. } Ay. }	Ay.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } No. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. }	

So it was resolved in the affirmative.

A motion was made by Mr. Burke, seconded by Mr. Dickinson, after the words "North America," to insert, "As near the coasts of the territories which shall remain in the possession of other nations, after the conclusion of the present war, as is permitted to any free and independent people." And on the question to agree to this amendment, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple, Mr. Peabody,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	No. } No. } No. }	No.

Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } No. } Ay. }	AY.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } No. }	No.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Scarle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. } No. }	No.
Delaware,	Mr. Dickinson, Mr. M'Kean,	Ay. } No. }	DIVIDED.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay. }	AY.
Virginia,	Mr. Smith, Mr. Fleming,	Ay. } No. }	×
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } Ay. } Ay. }	AY.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } Ay. }	DIVIDED.

So it passed in the negative.

A motion was made by Mr. Burke, seconded by Mr. Drayton, to strike out the words "continue to." And on the question, Shall the words stand, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	Ay. } Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	No. } Ay. } No. } No. }	No.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. }	DIVIDED.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	No. } No. } No. } No. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.

North Carolina,	Mr. Penn, Mr. Burke,	No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	DIVIDED.

So it was resolved in the affirmative.

A motion was made by Mr. Dickinson, seconded by Mr. Carmichael, to insert the word "all," before "these United States." On which, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	Ay. } Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	No. } Ay. } No. } Ay. }	DIVIDED.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.

Delaware,	Mr. Dickinson, Mr. M'Kean,	Ay. } Ay. }	Ay.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } No. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } No. }	No.

So it was resolved in the affirmative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Marchant, Mr. Collins,	Ay. } Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } Ay. } Ay. }	Ay.

New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	No. } Ay. } No. } No. } No.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } No. } DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. } Ay. } Ay.
Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. } DIVIDED.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	No. } No. } No. } No. } No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. } No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. } No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. } DIVIDED.

So it was resolved, That it is essential to the welfare of all these United States, that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said states.

JULY 1, 1779.

Congress proceeded to the consideration of the second proposition moved by Mr. Gerry.

A motion was made by Mr. Burke, seconded by Mr. Drayton, to strike out the words " explanatory," " more," " than it already is by the treaties aforesaid." And a division being called for by Mr. Laurens—

On the question, Shall the word " explanatory" stand, the yeas and nays being required by Mr. Burke—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } No. } Ay. }	Ay.
New York,	Mr. Duane, Mr. Lewis,	Ay. } No. }	DIVIDED.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. }	Ay.

Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. }	} DIVIDED.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Jenifer,	No. } Ay. } No. }	
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	} No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	} DIVIDED.

So it was resolved in the affirmative.

On the question, Shall the words "more," "than  
"it already is by the treaties aforesaid," stand, the  
yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	} AY.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	} AY.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } Ay. }	
New York,	Mr. Duane, Mr. Lewis.	No. } No. }	} No.



New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. }	DIVIDED.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Jenifer,	No. } Ay. } No. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	DIVIDED.

So it was resolved in the affirmative.

On the question to agree to the proposition, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.

Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } Ay. } Ay. }	Ay.
New York,	Mr. Duane, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Shippen, Mr. Searle, Mr. Muhlenberg,	Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. M·Kean,	No. } Ay. }	DIVIDED.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Jenifer,	No. } Ay. } No. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	DIVIDED.

So it was

Resolved, That an explanatory article be prepared and sent to our minister plenipotentiary at the court of Versailles, to be by him presented to his most christian majesty, whereby the said common right to the fisheries shall be more explicitly guarantied to the inhabitants of these states, than it already is by the treaties aforesaid.

The third proposition being read,

A motion was made by Mr. Burke, seconded by Mr. Drayton, to amend the same by adding, “Provided that if Great Britain will acknowledge and ratify the liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as of commerce, of these United States, and agree to the other articles in the ultimatum resolved upon by Congress, the present war shall not be continued, notwithstanding Great Britain shall decline to make an express and particular acknowledgment of the right aforesaid.”

#### JULY 10, 1779.

The President informed Congress that the minister of France had communicated to him certain intelligence, about which it would, in his opinion, be expedient for Congress to confer with the minister : Whereupon,

Resolved, That Mr. Gerard be informed by the President that Congress are desirous of conferring with him in a committee of the whole on the subject of the intelligence communicated by him to the President ; and that, if it be agreeable to him, a private audience be had on Monday next, at 12 o'clock.

#### JULY 12, 1779.

The President informed the house, that he had communicated to the minister of France the resolution of Saturday, and that the minister has agreed to meet Congress in a committee of the whole at 12 o'clock this day.

Congress was resolved into a committee of the whole ; and after some time the President resumed the chair, and Mr. Laurens reported,

That the committee have had a conference with the minister plenipotentiary of France ; but not being prepared to report the substance of the conference, desire leave to sit again.

Resolved, That to-morrow morning Congress be resolved into a committee of the whole on the subject of the conference this day held with the minister plenipotentiary of France.

JULY 13, 1779.

Congress in a committee of the whole.

JULY 14, 1779.

Congress was again in committee of the whole ; and after some time the President resumed the chair, and Mr. Laurens reported,

That in obedience to the order of Congress, the committee of the whole have conferred with the minister plenipotentiary of France, who introduced the conference by saying, that he had received some despatches from his court, which he was ordered to communicate to Congress ; but that he expected no answer : that, though it was not the usual practice to offer communications of this nature in writing, yet as it had been intimated to him by the President, that this mode would be most agreeable to Congress, he had committed the heads of them to paper, not as a memo-

rial, but merely for the assistance of the memory, in a form to which the term "ad statum legendi" is appropriated by the usage of the courts of Europe: That in reading the said paper, he would take the liberty of making some explanations and reflections. He then proceeded to read the paper herewith delivered, marked No 1, divided into seven articles; and at the close of each separate article, he added explanations and reflections, the substance of which the committee have endeavoured to recollect, and committed to writing in the paper marked No. 2.

The committee then taking notice of what the minister had said concerning a tacit assurance of the independence of these states, and the reluctance of the king of Great Britain to make an express acknowledgment thereof, requested to know his sense concerning the manner in which such tacit assurance could be given.

To which he, premising that what he should now say ought to be considered only as his private sentiments, replied, That the British court would probably endeavour to avoid an express acknowledgment by imitating precedents that had occurred in Europe on similar occasions, instancing the cases of the Swiss cantons, and of the United Provinces of Holland; that the mode adopted in the latter case had been for the archdukes, to whom the king of Spain had transferred his right of sovereignty, to treat with them "as with free and independent states." And that with respect to the cantons, France had not been able to obtain more for them in the treaty of Munster than "a declaration that they should be in possession of full liberty and exemption from the empire, and be, in no manner,

“ subject to the jurisdiction thereof.” But that, in his opinion, the circumstances of these states, and the manner in which they had conducted their opposition, would justify their expecting a more full declaration.

THE PAPERS REFERRED TO.

No. I. Ad statum legendi.

1. The king has approved all the overtures which were made by his ministers plenipotentiary to the honourable Congress respecting the affairs of M. de Beaumarchais: Therefore a line ought to be drawn between the stores which this gentleman has been permitted to take out of the royal magazine, for which he has constituted himself debtor to the department at war, and between those articles which the same gentleman has bought in the way of common trade for the use of the United States.

2. A hint having been given to the minister plenipotentiary, that Congress desire to recruit their ships in France from the English prisoners there—the court in consequence of his representation is willing to facilitate this mode of recruiting seamen.

3. The king and ministry were extremely [satisfied\*] with the resolution Congress has taken to maintain only one minister plenipotentiary at this court, as well as with the exclusive appointment of so steady and honest a man, and so firm and solid a patriot as Dr. Franklin.

4. The Congress has given a very great satisfaction

\* Word omitted in the original.

to the court of France by the convenient and spirited step which was taken to disavow a certain ill-grounded and pernicious doctrine relating to the mutual obligation of the allies to conclude no truce or peace without the knowledge and consent of each other. The court of France is of opinion, that this doctrine could only be maintained by those men whose aim would be to seek, by any means, to weaken the ties of the alliance, and to create a disgust and diffidence between the allies.

5. This court has received with some surprise the intelligence, that Congress has published the treaties concluded with her, without the previous knowledge and consent of the interested party. It is not to be denied that such a proceeding is but little consistent with reason, and with the general practice of courts and nations. Nevertheless, this observation involves not any kind of reproach; but the king thinks, that so noble and so generous a system of politicks could but produce desirable effects by its publication.

6. The intelligence, that in the first month of last winter there were no adequate preparations made in America towards a vigorous and successful campaign, was received at Versailles with all the concern which the danger of the United States, and the prolongation of the present contest, can create in the most friendly mind. The court of France is fully of opinion, that the exertions of the United States are necessary to bring the common enemy to a proper sense of all the disappointments which he will meet with.

7. This court being very desirous to acquaint Congress exactly with the state of affairs relating to the

common cause, would not delay to inform this honourable body, that the court of London showing on one side dispositions to a reconciliation with France, rejects on the other side the very idea of a formal and explicit acknowledgment of the independence of the United States, which his most christian majesty perseveres to hold up as a preliminary and essential condition. The behaviour of the common enemy in this respect rendered a great deal more probable the conjecture which was communicated to Congress some time ago, that the point of honour and pride of the king of England will be the greatest obstacle to the conclusion of the peace upon those explicit terms. And perhaps the manner of overcoming this difficulty will of course become the most decisive object of the deliberation of Congress, when this honourable body shall determine to make peace. It is presupposed that whatever *mezzo termine* may be hit upon, that England shall treat with the United States as with a free people, and evacuate immediately all the territories belonging to them.

Philadelphia, July 12, 1779.

No. II. The substance of what the minister said at the conference in explanation of the several articles in the foregoing paper, marked "ad statum legendi," as reported by the committee.

Art. 1. From the bills and accounts with which Congress have been furnished by M. de Beaumarchais, Congress would be enabled to distinguish those articles which were drawn from the royal magazines, and those which he supplied in the way of trade. For those last,



Congress would, without doubt, make remittances to M. de Beaumarchais in their own way, to enable him to perform the contracts he had entered into as a merchant. That for the former articles, the king his master, taking upon himself to be creditor to the United States, would wait until the Congress should find it convenient to make compensation.

Art. 2. Though his court had not resolved to retaliate upon the prisoners in their hands for injuries done to prisoners taken by the common enemy, yet for the reasons assigned, the king his master had assented to the proposal. But in carrying this matter into execution, it would be proper to take such precautions, and to give such orders to the captains, or other persons employed in this business, that it might be managed with prudence.

Art. 3. There is every reason to believe that Congress will receive, very soon, proofs of the confidence which his court was always willing to show to the servants of these states. The personal character of Dr. Franklin will enable the court to act with a frankness becoming the alliance; and they will have no occasion to withhold any more the secrets which may interest the United States and the alliance.

Art. 4. The king his master, after this explicit step, relies, with the highest confidence, upon the candour and faithfulness of Congress in understanding as well as in executing the treaty, and in rejecting every arbitrary and unnatural interpretation, or construction, which false, subtle, or designing men can contrive. Congress, by their own feelings, must be sensible, that such interpretations and constructions are always hurtful,

against common decency and dignity, and may oftentimes endanger mutual confidence, and, of course, the very existence of a treaty. But the sense Congress has manifested in this particular affair gives his court the greatest hopes that there shall be no further motive for the painful reflections which that affair gave rise to.

Art. 5. He begged leave to add, that this publication interfered with the situation of affairs in Europe, and was in a certain degree disadvantageous to the common cause, because it gave the common enemy a full knowledge of our system, and our mutual engagements, without procuring us any reason to guess at their views and resolutions. Happily these inconveniences have not been felt, and ample compensation has been obtained by convincing the people of America, not only that the treaty was just and equal, but that the heavy

which France had taken upon her, was magnanimous, gratuitous, and without reward. The whole world was at the same time convinced, that war, conquest and ambition, were not the objects of the alliance, nor of any of the allies, but only the peaceable enjoyment of the sovereignty, liberty, security and independence of these United States. And this conviction gave much honour, credit and consideration to the alliance.

Art 6. On this he observed, that he had endeavoured, since the last fall, by order of his court, to impress upon every mind, that England will never evacuate New York willingly, and could only be brought, by proper exertions on the part of America, to think seriously of granting the independence. He believed that Congress had adopted a system conformable to their engagements, and to the situation of affairs. His court

was better informed than he was; but without reflecting on past events, the king hopes that his amicable apprehensions will be overcome by the success of the campaign; that henceforth the United States will follow the example set them by his majesty, and that they will exert themselves in their own cause, as his majesty exerts himself for their sake and in their cause which he has adopted.

Art. 7. He said that he was authorized to tell Congress, in confidence, that this reflection is the result of the observations which the court of Spain made upon the conduct of England throughout her negotiation of mediation. That the British ministry seem to be solicitous to be reconciled with France, and to keep up this negotiation; that from thence probable hopes may be entertained of their internal disposition to peace; but at the same time, they reject with haughtiness the formal acknowledgment of the independence insisted on by France and Spain. New orders have been given to the Spanish ambassador at London to ascertain, as nearly as possible, those dispositions. In these circumstances the king his master ordered him to communicate this intelligence to the United States, that they may, if they think proper, take under consideration, if it would not be expedient to give their plenipotentiary instructions and full powers founded upon the necessity of the conjuncture and upon the treaty of alliance, the express and formal terms of which are, that peace shall not be made without an express or tacit acknowledgment of the sovereignty, and consequently and *a fortiori*, of the rights inherent in sovereignty

as well as of the independence of the United States, in matters of government and of commerce. This substantial alternative in an engagement which is a mere gratuitous gift without any compensation, or stipulation, ought indeed never to be forgot in a negotiation for peace. France foresaw the extreme difficulties a formal and explicit acknowledgment might meet with. She knew by her own experience in similar contests in which she has been deeply concerned, respecting the republicks of Holland, Genoa, and the Swiss cantons, how tenacious monarchs are, and how repugnant to pronounce the humiliating *formula*. It was only obtained for Holland tacitly, after a war of thirty years ; and explicitly, after a resistance of seventy. To this day Genoa and the Swiss cantons have obtained no renunciation, nor acknowledgment, either tacit, or formal, from their former sovereigns. But they enjoy their sovereignty and independence only under the guarantee of France. His court thought it important to provide, that difficulties of this nature, which reside merely in words, should not delay or prevent America from enjoying the thing itself. From these considerations arose the very important and explicit stipulation in the treaty, which he has just now related, and which has received the sanction of the United States. The circumstances seem already such as call for the application of the alternative of tacit, or explicit acknowledgment. All these considerations therefore are mentioned, that Congress may, if they think proper, consider whether the literal execution of the treaty in this point is not become necessary, and whether the

safety and happiness of the American people, as well as the essential principles of the alliance, are not intimately connected with the resolutions that may be taken on this subject. And it remains with the prudence of Congress to examine whether instructions upon some particular conditions may not frustrate the salutary purpose of the treaty of alliance relative to a tacit acknowledgment which the situation of affairs may require. In thus executing, continued he, the orders I have received, I cannot omit observing, that these orders were given with the full presumption, that the business which I laid before Congress in February last would have been settled long before these despatches should come to my hands. However sensibly my court will be disappointed in her expectations, I shall add nothing to the information and observations which with the warmest zeal for the interest and honour of both countries, and by the duties of my office and my instructions, I found myself bound to deliver from time to time to Congress, in the course of this business. The apprehension of giving new matter to those who endeavour to throw blame upon Congress, is a new motive for me to remain silent. I beg only to remind this honourable body of the aforesaid information and reflections, and particularly of those which I had the honour to deliver to an assembly similar to the present. I shall only insist on a single point, which I established then, and since in one of my memorials, namely, the manifest and striking necessity of enabling Spain, by the determination of just and moderate terms, to press upon England with her good offices, and to bring her mediation to an issue. in order that we may

know whether we are to expect war or peace. This step is looked upon in Europe as immediately necessary. It was the proper object of the message I delivered in February last. I established then the strong reasons which require, that at the same time and without delay, proper terms should be offered to his catholick majesty, in order to reconcile him perfectly to the American interest. I did not conceal, that it was to be feared, that any condition inconsistent with the established form of the alliance, which is the binding and only law of the allies, and contrary to the line of conduct which Spain pursued in the course of her mediation, would lead her to drop the mediation, and prevent his catholick majesty, by motives of honour and faithfulness, from joining in our common cause, and from completing the intended triumvirate. No loss, no unhappy event could be so heavy on the alliance as this. Indeed although the British forces are already kept in check by the combined efforts of France and America, it is nevertheless evident that the accession of Spain only can give to the alliance a decided superiority adequate to our purposes, and free us from the fatal chance that a single unlucky event may overturn the balance.

The report and papers therein referred to being read,

Ordered, That the same be taken into consideration on Thursday next.

## JULY 17, 1779.

Congress resumed the subject under debate the first of this month; and the third proposition and the amendment being read, a motion was made by Mr. Huntington, seconded by Mr. Drayton, that the farther consideration thereof be postponed.

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

New Hampshire,	Mr. Whipple, Mr. Peabody,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Holten,	No. } No. }	No.
Rhode Island,	Mr. Marchant, Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Huntington, Mr. Spencer,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Shippen, Mr. Muhlenberg, Mr. M'Lene,	No. } Ay. } No. }	No.
Delaware,	Mr. Dickinson, Mr. Vandyke, Mr. M'Kean,	Ay. } Ay. } Ay. }	Ay.

Maryland,	Mr. Carmichael, Mr. Forbes,	Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } Ay. }	DIVIDED.

So it was resolved in the affirmative.

The fourth proposition was then read, "That the  
" faith of Congress be pledged to the several states,  
" that, without their unanimous consent, no treaty of  
" commerce shall be formed with Great Britain pre-  
" vious to such stipulation."

A motion was made by Mr. Huntington, seconded  
by Mr. McKean, to amend the latter part so as to read,  
"no treaty of commerce shall be entered into, or any  
" trade or commerce whatsoever carried on with Great  
" Britain, without an explicit stipulation on her part,  
" not to molest or disturb the inhabitants of the Unit-  
" ed States of America in taking fish on the banks of  
" Newfoundland, and other fisheries in the American  
" seas any where, excepting within the distance of  
" three leagues of the shores of the territories remain-  
" ing to Great Britain, at the close of the war, if a  
" nearer distance cannot be obtained by negotiation."



JULY 22, 1779.

Congress proceeded in the consideration of the subject under debate on the 17th; and on the question to agree to the amendment,

Resolved in the affirmative.

A motion was then made by Mr. Burke, seconded by Mr. Smith, to strike out the words "without their unanimous consent."

And on the question, Shall those words stand, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Huntington, Mr. Spencer,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	Ay.

Delaware,	Mr. Dickinson, Mr. M'Kean,	No. } Ay. }	DIVIDED.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Forbes,	No. } No. } No. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

A motion was made by Mr. Burke, seconded by Mr. Dickinson, to amend the proposition by adding, "Provided, that this resolution shall not impede a treaty for concluding the present war."

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

New Hampshire,	Mr. Whipple, Mr. Peabody,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. }	No.
Rhode Island,	Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Huntington, Mr. Spencer,	No. } No. }	No.

New York,	Mr. Jay,	No.	} No.
	Mr. Duane,	No.	
	Mr. Morris,	No.	
	Mr. Lewis,	No.	
New Jersey,	Mr. Fell,	No.	} No.
	Mr. Houston,	No.	
Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Shippen,	No.	
	Mr. Muhlenberg,	No.	
	Mr. M'Leue,	No.	
Delaware,	Mr. Dickinson,	Ay.	} DIVIDED.
	Mr. M'Kean,	No.	
Maryland,	Mr. Carmichael,	Ay.	} No.
	Mr. Henry,	No.	
	Mr. Forbes,	No.	
Virginia,	Mr. Smith,	No.	} No.
	Mr. Griffin,	No.	
	Mr. Fleming,	No.	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Burke,	Ay.	
	Mr. Hewes,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	

So it passed in the negative.

A motion was then made by Mr. Smith, seconded by Mr. Burke, to add, "Provided this resolution shall not be binding on any, unless a majority of the states in this union shall agree to make peace with Great Britain, according to the terms of the treaty of alliance with France."

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

New Hampshire,	Mr. Whipple, Mr. Peabody,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. }	No.
Rhode Island,	Mr. Marchant, Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Huntington, Mr. Spencer,	No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	No. } No. } Ay. } No. }	No.
New Jersey,	Mr. Fell, Mr. Houston,	No. } No. }	No.
Pennsylvania,	Mr. Armstrong, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. }	No.
Delaware,	Mr. Dickinson, Mr. M'Kean,	Ay. } No. }	DIVIDED.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Forbes,	Ay. } No. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming, Mr. Randolph, excused.	Ay. } Ay. } Ay. }	Ay.

North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Burke,	Ay.	
	Mr. Hewes,	Ay.	
	Mr. Sharpe,	Ay.	

South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	

So it passed in the negative.

On the question to agree to the proposition as amended, the yeas and nays being required by Mr. Forbes—

New Hampshire,	Mr. Peabody,	Ay.	> Ay.
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Massachusetts Bay,	Mr. Gerry,	Ay.	} Ay.
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	

Rhode Island,	Mr. Marchant,	> Ay.
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Connecticut,	Mr. Huntington,	Ay.	} Ay.
	Mr. Spencer,	Ay.	

New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Morris,	Ay.	
	Mr. Lewis,	Ay.	

New Jersey,	Mr. Fell,	Ay.	} Ay.
	Mr. Houston,	Ay.	

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Muhlenberg,	Ay.	
	Mr. M'Lene,	Ay.	

Delaware,	Mr. Dickinson,	No.	} DIVIDED.
	Mr. M'Kean,	Ay.	

So it was

Resolved, That the faith of Congress be pledged to the several states, that without their unanimous consent, no treaty of commerce shall be entered into, or any trade or commerce whatever carried on with Great Britain, without an explicit stipulation on her part not to molest or disturb the inhabitants of the United States of America in taking fish on the banks of Newfoundland and other fisheries in the American seas any where, excepting within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation.

JULY 24, 1779.

Congress proceeded in the consideration of the subject under debate the 22d; and a motion was made by Mr. Drayton, seconded by Mr. Burke, to reconsider the first proposition passed the 24th June last, to the end that the description of the fishery therein may be altered so as to agree with the description in the fourth proposition as passed on the 22d of this month.

On the question, Shall the first proposition be reconsidered, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	No. }	No.
	Mr. Peabody,	No. }	
Massachusetts Bay,	Mr. Gerry,	No. }	No.
	Mr. Lovell,	No. }	
	Mr. Holten,	No. }	

Rhode Island,	Mr. Marchant, Mr. Collins,	No. } No. }	No.
Connecticut,	Mr. Huntington, Mr. Spencer,	No. } No. }	No.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	No. } No. } No. } No. }	No.
New Jersey,	Mr. Fell, Mr. Houston,	No. } No. }	No.
Pennsylvania,	Mr. Armstrong, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. }	No.
Delaware,	Mr. Dickinson, excused. Mr. Vandyke, Mr. Forbes,	No. } No. }	No.
Maryland,	Mr. Henry, Mr. M'Kean,	Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming, Mr. Randolph,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Burke, Mr. Hewes, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Drayton,		>Ay.

So it passed in the negative.

A motion was made by Mr. Dickinson, seconded by Mr. Drayton, That it be resolved that the next pre-

ceding resolution is to be so understood, that if the fisheries therein described shall be effectually secured to these states by Great Britain, though not by the express stipulation therein mentioned, these states will agree to a treaty of commerce with that kingdom on just and reasonable terms.

When the question was about to be put, the previous question was moved by Mr. Kean, seconded by Mr. M'Lene.

And on the question to agree to the previous question, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Lovell, Mr. Holten,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Huntington, Mr. Spencer,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Lewis,	Ay. } Ay. } Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. M'Lene,	Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. Vandyke, Mr. M'Kean,	No. } Ay. } Ay. }	Ay.



Maryland,	Mr. Henry, Mr. Forbes,	No. } No. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming, Mr. Randolph,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Hewes,	No. } No. } No. }	No.
South Carolina,	Mr. Drayton,	No. } No. }	No.

So it was carried in the affirmative, and the main question was set aside.

#### JULY 29, 1779.

The fifth proposition being read—

On motion of Mr. Burke, seconded by Mr. Drayton,

Resolved, That the consideration thereof be postponed.

On motion of Mr. M'Kean, seconded by Mr. Huntington,

Resolved, That, if after a treaty of peace with Great Britain, she shall molest the citizens or inhabitants of any of the United States in taking fish on the banks and places described in the resolution passed the 22d day of July, instant, such molestation (being in the opinion of Congress a direct violation and breach of the peace) shall be a common cause of the said states; and the force of the union be exerted to obtain redress for the parties injured.

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

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Huntington, Mr. Spencer,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Lewis,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. Vandyke, Mr. M'Kean,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Forbes,	No. } No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	No. } No. } No. }	No.

North Carolina,	Mr. Penn,	No.	} No.
	Mr. Harnet,	No.	
	Mr. Burke,	No.	
	Mr. Hewes,	No.	
	Mr. Sharpe,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Mathews,	No.	
	Mr. Drayton,	No.	

So it was resolved in the affirmative.

JULY 31, 1779.

The subject being again resumed, a motion was made by Mr. Gerry, seconded by Mr. Marchant, to take into consideration the third proposition, which was postponed on the 17th instant.

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

New Hampshire,	Mr. Whipple,	Ay.	} Ay.
	Mr. Peabody,	Ay.	
Massachusetts Bay,	Mr. Gerry,	Ay.	} Ay.
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Marchant,	Ay.	} Ay.
	Mr. Collins,	Ay.	
Connecticut,	Mr. Huntington,	No.	} No.
	Mr. Spencer,	No.	
New York,	Mr. Jay,	No.	} No.
	Mr. Duane,	No.	
	Mr. Morris,	No.	
	Mr. Lewis,	No.	

New Jersey,	Mr. Fell, Mr. Houston,	No. } No. }	No.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lenc,	Ay. } Ay. } No. } No. } Ay. }	Ay.
Delaware,	Mr. Dickinson, Mr. Vandyke, Mr. M'Kean,	No. } No. } No. }	No.
Maryland,	Mr. Carmichael, Mr. Henry, Mr. Forbes,	No. } No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Harnet, Mr. Burke, Mr. Hewes, Mr. Sharpe,	No. } No. } No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Mathews, Mr. Drayton,	Ay. } No. } No. }	No.

So it passed in the negative.

Congress then proceeded to the consideration of the report of the committee on the letter from Mr. Lee, and the communications of the minister of France; and the preliminary article being read, viz. "That pre-  
 " vious to any treaty, or negotiation for peace, the  
 " liberty, sovereignty, and independence of these  
 " United States, as well in matters of government as

“ of commerce, be acknowledged on the part of Great Britain”—

A motion was made by Mr. Burke, seconded by Mr. Duane, after the word “ acknowledged,” to insert the words “ or tacitly assured.”

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

New Hampshire,	Mr. Whipple,	>No.
Massachusetts Bay,	Mr. Gerry,	No. }
	Mr. Lovell,	No. } No.
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Marchant,	No. }
	Mr. Collins,	No. } No.
Connecticut,	Mr. Huntington,	No. }
	Mr. Spencer,	No. } No.
New York,	Mr. Jay,	Ay. }
	Mr. Duane,	Ay. } Ay.
	Mr. Morris,	No. }
	Mr. Lewis,	Ay. }
New Jersey,	Mr. Fell,	Ay. }
	Mr. Houston,	No. } DIVIDED.
Pennsylvania,	Mr. Armstrong,	No. }
	Mr. Searle,	No. } No.
	Mr. Muhlenberg,	No. }
	Mr. M'Lene,	No. }
Delaware,	Mr. Vandyke,	No. }
	Mr. M'Kean,	No. } No.
Maryland,	Mr. Carmichael,	Ay. }
	Mr. Forbes,	Ay. } Ay.
Virginia,	Mr. Smith,	Ay. }
	Mr. Fleming,	Ay. } Ay.
	Mr. Randolph,	Ay. }

North Carolina,	Mr. Penn,	Ay.	} AY.
	Mr. Harnet,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Hewes,	Ay.	
	Mr. Sharpe,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Mathews,	No.	
	Mr. Drayton,	Ay.	

So it passed in the negative.

### AUGUST 2, 1779.

The committee, consisting of Mr. S. Huntington, Mr. Morris, Mr. Laurens, Mr. Smith, and Mr. M'Kean, to whom was referred a memorial of the minister plenipotentiary of France of the 26th July, with sundry papers relating thereto, and who were authorized to confer with the president and supreme executive council of Pennsylvania, the minister and consul of France, and directed to prepare and report a state of facts, together with their opinion of the measures proper to adopt thereupon, report—

That they have considered the several papers referred to them; and agreeably to the authority given, had held a conference thereon with the president and supreme executive council of Pennsylvania and the minister plenipotentiary of France. That it would consume much time to prepare and report a full state of facts, and procrastinate the determinations of Congress, which the exigency of affairs will not properly admit of, they therefore pray the indulgence of the house

to confine themselves to those things only which are of more immediate importance ; and they report,

1. That they are fully convinced the charges made against the consul of France in the Pennsylvania packet of the 24th July, 1779, are unjust and ill grounded.

2. That the president and supreme executive council of Pennsylvania have already taken measures to obtain and restore the flour taken from the said consul, and mentioned in the said publication.

3. That the said president and council have assured the committee of their solicitude to do every thing in their power to redress the matters contained in the said memorial.

4. That the persons who have been guilty of the violences and insults complained of are not known to the laws and constitution of Pennsylvania, as having any legal authority.

5. That by the said laws are punishable, as well violences and insults against the laws of nations, as those against the laws of property and personal freedom.

6. That individuals in the several states may be led to question not only the authority, but even the office of foreign consuls, from the defect of a due notification thereof to the executive powers of the said states respectively. And

7. That it appears proper to give to the minister of France full and explicit assurances of protection for the servants of his most christian majesty.

## AUGUST 3, 1779.

Congress resumed the consideration of the preliminary article; and on motion of Mr. Burke, seconded by Mr. Duane,

Resolved, That the word "acknowledged" be expunged; and that in lieu thereof the word "assured" be inserted. And that after "Great Britain" be inserted the words, "agreeable to the eighth article of the treaty of alliance between his most christian majesty and these United States."

And on the question,

Resolved, N. D. C., That previous to any treaty, or negotiation for peace, the liberty, sovereignty, and independence, absolute and unlimited, of these United States, as well in matters of government, as of commerce, shall be assured on the part of Great Britain, agreeable to the treaty of alliance between his most christian majesty and the United States.

And if the same shall be done,

Resolved, That the minister or ministers of these United States assist at, and contract and stipulate in such negotiation for peace, as may be set on foot under the mediation of his catholic majesty, or otherwise.

## AUGUST 4, 1779.

Resolved, That a committee of five be appointed to prepare instructions for the minister plenipotentiary



of these United States to be appointed for negotiating a treaty of peace.

The members—Mr. Morris, Mr. Laurens, Mr. Huntington, Mr. Dickinson, and Mr. M'Kean.

AUGUST 5, 1779.

Congress resumed the consideration of the report of the committee on the letters from Mr. Lee, and communications of the minister of France. And on motion of Mr. M'Kean, seconded by Mr. Morris,

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

A motion was then made by Mr. M'Kean, seconded by Mr. Morris,

That, if contrary to the humane wishes of the United States, Great Britain should obstinately persist in the prosecution of the present unjust war, the minister plenipotentiary of these United States be instructed and empowered to consult on, prepare and conclude, with the ministers of his most christian and of his catholick majesty, a treaty or treaties, offensive and defensive; in which offensive treaty, nevertheless, he shall insert, on the part of these states, a proper article or articles for obtaining Canada, Nova Scotia, and the islands of Bermuda; and an equal share in, and full acknowledgment of, the equal common right of these states to the fisheries.

A motion was made by Mr. Mathews, seconded by Mr. Burke, after the word "Bermuda," to insert "the Floridas."

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

New Hampshire,	Mr. Whipple, Mr. Peabody,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Lovell, Mr. Holten,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } No. }	DIVIDED.
Connecticut,	Mr. Huntington, Mr. Spencer,	No. } No. }	No.
New York,	Mr. Morris, Mr. Lewis,	No. } Ay. }	DIVIDED.
New Jersey,	Mr. Scudder, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Atlee, Mr. Searle, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Vandyke, Mr. M'Kean,	Ay. } Ay. }	Ay.
Maryland,	Mr. Carmichael, Mr. Forbes,	No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	Ay. } Ay. } Ay. }	Ay.

North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Harnet,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Hewes,	Ay.	
South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Mathews,	Ay.	
	Mr. Drayton,	Ay.	

So it was resolved in the affirmative.

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

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

New Hampshire,	Mr. Whipple,		} No.
Massachusetts Bay,	Mr. Lovell,	Ay.	} Ay.
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Marchant,	Ay.	} DIVIDED.
	Mr. Collins,	No.	
Connecticut,	Mr. Huntington,	Ay.	} DIVIDED.
	Mr. Spencer,	No.	
New York,	Mr. Morris,	No.	} No.
	Mr. Lewis,	No.	
New Jersey,	Mr. Scudder,	Ay.	} Ay.
	Mr. Houston,	Ay.	
Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Atlee,	Ay.	
	Mr. Searle,	Ay.	
	Mr. M'Lene,	Ay.	

Delaware,	Mr. Vandyke, Mr. M'Kean,	Ay. } Ay. }	Ay.
Maryland,	Mr. Carmichael, Mr. Forbes,	No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Harnet, Mr. Burke, Mr. Hewes,	Ay. } Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Mathews, Mr. Drayton,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

#### AUGUST 7, 1779.

Congress resumed the consideration of the proposition under debate on the 5th; and the same, as amended, being set aside by the previous question, a motion was made by Mr. Morris, seconded by Mr. Burke,

That, if contrary to the humane wishes of the United States, Great Britain should obstinately persist in the prosecution of the present unjust war, the minister of these United States be empowered and directed to solicit a subsidy from his catholick majesty, and to consult with the ministers of the said king and of his most christian majesty, and with them prepare such article or articles of treaty, as the situation and conjuncture

of affairs may render necessary; and transmit the same to Congress for their consideration.

After debate, a motion was made by Mr. Burke, seconded by Mr. Morris, to strike out the words “and of his most christian majesty, and with them prepare such article or articles as the situation and conjuncture of affairs may render necessary,” and in lieu thereof to insert, “on the consideration which he may be willing to receive from the United States in return for such subsidy.” And on the question, Shall the words moved to be struck out, stand, the vote passed in the negative.

On the question, Shall the words moved, be inserted, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Peabody,	∫No.
Massachusetts Bay,	Mr. Gerry, Mr. Holten,	No. } No.
Rhode Island,	Mr. Marchant, Mr. Collins,	No. } No.
Connecticut,	Mr. Huntington, Mr. Spencer,	Ay. } Ay.
New York,	Mr. Jay, Mr. Morris, Mr. Lewis,	Ay. } Ay.
New Jersey,	Mr. Scudder, Mr. Fell, Mr. Houston,	Ay. } Ay.
Pennsylvania,	Mr. Shippen, Mr. Atlee, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay.

Delaware,	Mr. M'Kean,	Ay.	} Ay.
Maryland,	Mr. Carmichael,	Ay.	} Ay.
	Mr. Forbes,	Ay.	
Virginia,	Mr. Smith,	Ay.	} Ay.
	Mr. Fleming,	Ay.	
	Mr. Randolph,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Harnet,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Mathews,	Ay.	
	Mr. Drayton,	Ay.	

So it was resolved in the affirmative.

#### AUGUST 13, 1779.

The committee appointed to prepare instructions for the minister plenipotentiary of the United States to be appointed for negotiating a peace, brought in a draft which was taken into consideration, and debated by paragraphs.

#### AUGUST 14, 1779.

Congress proceeded in the consideration of the instructions to the minister to be appointed for negotiating a peace : and unanimously agreed to the following

draft of instructions to the commissioner to be appointed to negotiate a treaty of peace with Great Britain.

SIR,

You will herewith receive a commission, giving you full power to negotiate a treaty of peace with Great Britain, in doing which you will conform to the following information and instructions.

1. The United States are sincerely desirous of peace, and wish by every means, consistent with their dignity and safety, to spare the further effusion of blood. They have, therefore, by your commission and these instructions, laboured to remove the obstacles to that event, before the enemy have evidenced their disposition for it. But as the great object of the present defensive war on the part of the allies, is to establish the independence of the United States, and as any treaty whereby this end cannot be obtained must be only ostensible and illusory, you are, therefore, to make it a preliminary article to any negotiation, that Great Britain shall agree to treat with the United States as sovereign, free, and independent.

2. You shall take especial care also, that the independence of the said states be effectually assured and confirmed by the treaty or treaties of peace, according to the form and effect of the treaty of alliance with his most christian majesty. And you shall not agree to such treaty or treaties, unless the same be thereby so assured and confirmed.

3. The boundaries of these states are as follows, viz. These states are bounded north, by a line to be

drawn from the north-west angle of Nova Scotia along the highlands which divide those rivers which empty themselves into the river St. Lawrence, from those which fall into the 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; thence due west in the latitude forty-five degrees north from the equator to the north-westernmost side of the river St. Lawrence or Cadaraqui; thence straight to the south end of Nepissing; and thence straight to the source of the river Mississippi: west, by a line to be drawn along the middle of the river Mississippi from its source to where the said line shall intersect the thirty-first degree of north latitude: south, by a line to be drawn due east from the termination of the line last mentioned in the latitude of thirty-one degrees north from the equator to the middle of the river Appalachicola, or Catahouchi; 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: and east, by a line to be drawn along the middle of St. John's river from its source to its mouth in the bay of Fundy, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other part, shall respectively touch the bay of Fundy and Atlantick ocean. You are, therefore, strongly to contend that the whole of the said countries and islands lying within the boundaries aforesaid, and every cita-



del, fort, post, place, harbour and road to them belonging, be absolutely evacuated by the land and sea forces of his Britannick majesty, and yielded to the powers of the states to which they respectively belong, in such situation as they may be at the termination of the war. But, notwithstanding the clear right of these states, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and so desirous of complying with the earnest request of their allies, that if the line to be drawn from the mouth of the lake Nepissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line between that point and the river Mississippi; provided the same shall in no part thereof be to the southward of latitude forty-five degrees north. And in like manner, if the eastern boundary above described cannot be obtained, you are hereby empowered to agree, that the same shall be afterwards adjusted, by commissioners to be duly appointed for that purpose, according to such line as shall be by them settled and agreed on, as the boundary between that part of the state of Massachusetts Bay, formerly called the province of Maine, and the colony of Nova Scotia, agreeably to their respective rights. And you may also consent, that the enemy shall destroy such fortifications as they may have erected.

4. Although it is of the utmost importance to the peace and commerce of the United States that Canada and Nova Scotia should be ceded, and more particularly that their equal common right to the fisheries should be guarantied to them, yet a desire of terminat-

ing the war has induced us not to make the acquisition of these objects an ultimatum on the present occasion.

5. You are empowered to agree to a cessation of hostilities during the negotiation; provided our ally shall consent to the same; and provided it shall be stipulated that all the forces of the enemy shall be immediately withdrawn from the United States.

6. In all other matters not abovementioned, you are to govern yourself by the alliance between his most christian majesty and these states; by the advice of our allies; by your knowledge of our interests; and by your own discretion, in which we repose the fullest confidence.

In debating the preliminary article, on Friday the 13th, a motion was made by Mr. Burke, seconded by Mr. Randolph, after the words "as sovereign, free and independent," to add, "if an express acknowledgment of the said independence shall be absolutely refused by the king of Great Britain." And on the question to agree to this amendment, the yeas and nays being required by Mr. Burke—

New Hampshire,	Mr. Whipple, Mr. Peabody,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	No. } No. }	
Connecticut,	Mr. Huntington, Mr. Spencer, Mr. Root,	No. } No. } No. }	

New York,	Mr. Jay, Mr. Morris, Mr. Lewis,	No. } No. } No. }	No.
New Jersey,	Mr. Scudder, Mr. Fell, Mr. Houston,	No. } No. } Ay. }	No.
Pennsylvania,	Mr. Atlee, Mr. Searle, Mr. Muhlenberg, Mr. Wynkoop,	No. } No. } No. } No. }	No.
Delaware,	Mr. M <sup>c</sup> Kean,		No.
Maryland,	Mr. Carmichael, Mr. Forbes,	Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	No. } No. } Ay. }	No.
North Carolina,	Mr. Harnet, Mr. Burke, Mr. Hewes, Mr. Sharpe,	Ay. } Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } No. }	No.

So it passed in the negative.

Congress likewise agreed to the following draft of instructions to the commissioner to be appointed to negotiate a treaty of commerce with Great Britain.

SIR,

You will herewith receive a commission, giving you full power to negotiate a treaty of commerce with Great

Britain, in doing which you will consider yourself bound by the following information and instructions :

1. You will govern yourself principally by the treaty of commerce with his most christian majesty ; and as, on the one hand, you shall grant no privilege to Great Britain not granted by that treaty to France, so, on the other, you shall not consent to any peculiar restrictions or limitations whatever in favour of Great Britain.

2. In order that you may be the better able to act with propriety on this occasion, it is necessary for you to know, that we have determined, 1st, that the common right of fishing shall in no case be given up ; 2d, that it is essential to the welfare of all these United States, that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said states ; 3d, that application shall be made to his most christian majesty to agree to some article or articles for the better securing to these states a share in the said fisheries ; 4th, that if, after a treaty of peace with Great Britain, she shall molest the citizens or inhabitants of any of the United States, in taking fish on the banks and places hereinafter described, such molestation being in our opinion a direct violation and breach of the peace, shall be a common cause of the said states, and the force of the union be exerted to obtain redress for the parties injured ; and 5th, that our faith be pledged to the several states, that, without their unanimous consent, no treaty of commerce shall be entered into, nor any trade or commerce carried on

with Great Britain, without the explicit stipulation hereinafter mentioned. You are therefore not to consent to any treaty of commerce with Great Britain without an explicit stipulation on her part, not to molest or disturb the inhabitants of the United States of America in taking fish on the banks of Newfoundland and other fisheries in the American seas any where, excepting within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation. And in the negotiation you are to exert your most strenuous endeavours to obtain a nearer distance to the gulf of St. Lawrence, and particularly along the shores of Nova Scotia, as to which latter we are desirous that even the shores may be occasionally used for the purpose of carrying on the fisheries by the inhabitants of these states.

3. In all other matters you are to govern yourself by your own discretion, as shall be most for the interest of these states, taking care that the said treaty be founded on principles of equality and reciprocity, so as to conduce to the mutual advantage of both nations, but not to the exclusion of others.

On the question to agree to the above draft of instructions, the yeas and nays being required by Mr. Scudder—

New Hampshire,	Mr. Peabody,	✓No.
Massachusetts Bay,	Mr. Lovell,	Ay. }
	Mr. Holten,	Ay. } AY.
Rhode Island,	Mr. Marchant,	Ay. }
	Mr. Collins,	No. } DIVIDED.

Connecticut,	Mr. Spencer, Mr. Root,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Morris,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Houston,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Muhlenberg,		} Ay.
Maryland,	Mr. Carmichael, Mr. Forbes,	No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	No. } No. } No }	No.
North Carolina,	Mr. Penn, Mr. Harnet, Mr. Hewes,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews,		} No.

So it was resolved in the affirmative.

Congress farther agreed to the following draft of instructions to the minister plenipotentiary of the United States at the court of France.

SIR,

Having determined, in order to put a period to the present war conformably to the humane dispositions which sway the allied powers, that we would not insist on a direct acknowledgment by Great Britain of our right in the fisheries, this important matter is liable to an incertitude which may be dangerous to the political and commercial interests of the United States; we have therefore agreed and resolved, that our right

should, in no case, be given up; that we would not form any treaty of commerce with Great Britain, nor carry on any trade or commerce whatsoever with her, unless she shall make an express stipulation on that subject; and that, if she shall, after a treaty of peace, disturb the inhabitants of these states in the exercise of it, we will make it a common cause to obtain redress for the parties injured. But notwithstanding the precautions, as Great Britain may again light up the flames of war, and use our exercise of the fisheries as her pretext; and since some doubts may arise, whether this object is so effectually guarded by the treaty of alliance with his most christian majesty, that any molestation therein on the part of Great Britain is to be considered as a *casus federis*, you are to endeavour to obtain of his majesty an explanation on that subject upon the principle, that notwithstanding the high confidence reposed in his wisdom and justice, yet considering the uncertainty of human affairs, and how doubts may be afterwards raised in the breasts of his royal successors, the great importance of the fisheries renders the citizens of these states very solicitous to obtain his majesty's sense with relation to them, as the best security against the ambition and rapacity of the British court. For this purpose, you will propose the following article, in which nevertheless such alterations may be made, as the circumstances and situation of affairs shall render convenient and proper. Should the same be agreed to and executed, you are immediately to transmit a copy thereof to our minister at the court of Spain.

Whereas by the treaty of alliance between the most christian king and the United States of North America, the two parties guaranty mutually from that time, and for ever, against all other powers, to wit: The United States to his most christian majesty, the possessions then appertaining to the crown of France in America, as well as those which it may acquire by the future treaty of peace; and his most christian majesty guaranties, on his part, to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation might obtain during the war, according to the said treaty; and the said parties did further agree and declare, that, in case of a rupture between France and England, the said reciprocal guarantee should have its full force and effect, the moment such war should break out: and whereas doubts may hereafter arise how far the said guarantee extends to this case, to wit: That Great Britain should molest or disturb the subjects and inhabitants of France, or of the said states, in taking fish on the banks of Newfoundland, and other the fishing banks and seas of North America, formerly and usually frequented by the subjects and inhabitants respectively: And whereas the said king, and the United States have thought proper to determine with precision the true intent and meaning of the said guarantee in this respect: Now therefore, as a further demonstration of their mutual good will and affection, it is hereby agreed, concluded and determined as follows, to wit: That if, after the conclusion of the treaty or treaties which



shall terminate the present war, Great Britain shall molest or disturb the subjects or inhabitants of the said United States in taking fish on the banks, seas and places formerly used and frequented by them, so as not to encroach on the territorial rights which may remain to her after the termination of the present war as aforesaid; and war should thereupon break out between the said United States and Great Britain; or if Great Britain shall molest or disturb the subjects and inhabitants of France in taking fish on the banks, seas and places formerly used and frequented by them, so as not to encroach on the territorial rights of Great Britain as aforesaid, and war should thereupon break out between France and Great Britain; in either of those cases of war as aforesaid, his most christian majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies: Provided always, that nothing herein contained shall be taken or understood as contrary to, or inconsistent with, the true intent and meaning of the treaties already subsisting between his most christian majesty and the said states; but the same shall be taken and understood as explanatory of, and conformable to those treaties.

On debating these instructions by paragraphs. when the question was about to be put to agree to this clause, the yeas and nays being required by Mr. Smith—

New Hampshire.    Mr. Peabody,                    }Av.

Massachusetts Bay,	Mr. Lovell, Mr. Holten,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Spencer, Mr. Root,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Morris,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Muhlenberg,		>Ay.
Maryland,	Mr. Carmichael, Mr. Forbes,	Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	No. } No. } No. }	No.
North Carolina,	Mr. Harnet,		>No.×
South Carolina,	Mr. Mathews,		>Ay.

So it was resolved in the affirmative.

### SEPTEMBER 3, 1779.

The honourable sieur Gerard, minister plenipotentiary of France, having communicated to Congress a copy of the speech with which he means to take leave of Congress—

Ordered, That it be referred to a committee of three to prepare an answer. The members—Mr. Dickinson, Mr. Paca, Mr. Laurens.

On motion of Mr. Scudder, seconded by Mr. Pa-  
ca—

Whereas the honourable sieur Gerard, the first minister plenipotentiary to these United States, hath before, as well as since their treaty with France, uniformly, ably, and zealously promoted the objects of the alliance and the welfare of both nations :

Resolved, That the committee do request Mr. Gerard to sit for his picture before he leaves this city ; and that the same be placed in the council chamber of the United States.

SEPTEMBER 4, 1779.

The committee, consisting of Mr. Drayton, Mr. M'Kean, Mr. Marchant, Mr. Randolph, and Mr. Henry, to whom was referred a letter of July 6, 1779, from William Bingham, report—

That the two cases mentioned in the said letter appear as follows :

1. Elisha Gaine, a native and citizen of the state of Connecticut, on the fifth day of October last, sailed from Matchepungo inlet, in the state of Virginia, as master of the sloop Kitty, belonging to Messrs. Edward Curtis, Isaac and Thoroughgood Smith and company, inhabitants and citizens of Virginia aforesaid. The sloop was cleared out for St. Domingo, but the owners ordered him to proceed to Bermudas, to procure a load of salt. A master and part of a crew embarked on board of the said sloop, for Bermudas, to take charge of a vessel which his owners had built there. Bad weather and contrary winds induced him to bear away

away for St. Eustatia ; and in that course, on the 22d of November, he fell in with an armed sloop of eight guns, which gave him chase under English colours, and which he believed to be a British privateer. This induced him to throw overboard a letter he had from his owner, directed to a merchant in Bermudas, which he had orders to do if closely pursued. When the privateer came up with him, she fired under French colours, upon which he immediately hove to, thinking her to belong to subjects of his most christian majesty. He was brought on board the privateer, with his mate, a mariner, and a passenger, and carried to Basseterre in Guadaloupe ; and there he and his crew were thrown into gaol, kept in the closest confinement, and his sloop was tried and condemned as lawful prize, in the court of admiralty ; and the vessel and cargo sold for the benefit of the captors. William Bingham, agent for the United States at Martinique, complained of this proceeding to the count D'Arband, governour general of Basseterre, Guadaloupe, in a letter dated December 8, 1778. The governour, in his answer of the 18th of the same month, justifies the sentence of the court of admiralty, and alleges, that the reasons on which the same was grounded, to wit : the throwing papers overboard, and having two blank passports, were sufficient.

2. Mr. Benjamin Putnam, a native and citizen of the state of Massachusetts Bay, embarked on board an American privateer, which was captured by the enemy, and carried into Antigua, where he and the rest of the crew were confined as prisoners of war. He made his escape from prison, and lay some time

concealed in the town of St. Johns; and at length cut a sloop out of the harbour; and in her arrived, with another American prisoner, and thirteen negroes, and sundry articles of cargo, at Point a Petre, Guadaloupe. A few days after his arrival there, the governour of Antigua sent a flag of truce to reclaim the vessel, negroes, &c. in virtue of an agreement entered into between some of the French and British governours of the West India islands, stipulating that no privateer, or armed vessel, belonging to either government committed to their care should make any incursion or descent for the purposes of robbing, burning, plundering or carrying off negro slaves, or other property, on pain that such vessel should have her commission vacated, the plundered effects restored, and the penalty bond prosecuted. The count D'Arband accordingly restored the prize, and confined Mr. Putnam in close prison two weeks; but afterwards, upon the remonstrance of William Bingham, esquire, he sent Mr. Putnam and three of the negroes to him, at Martinique. It appears that Mr. Putnam has addressed the count D'Estaing on this transaction, who in a letter to Mr. Putnam, dated on board the Languedoc, June 3, 1779, politely promises him, that, if he will solicit the king for restitution, he, the count, will, with great pleasure, join in endeavouring to obtain it.

Upon the first case, as above stated, the committee are of opinion, that, by a resolve of Congress, the subjects of any of the United States have a right to trade with the inhabitants of Bermudas; and that by throwing any paper overboard, other than passports, bills of lading, invoices, or other ship papers, no for-

feiture of vessel or cargo can legally ensue: And, upon the whole, that there appears to them no sufficient grounds for the condemnation of the sloop Kitty and her cargo, in the court of admiralty of Guadeloupe.

Upon the second case as above stated, the committee are of opinion, that, by the resolves of Congress and the laws of nations, Benjamin Putnam, and the other persons who cut the vessel out of the harbour of St. Johns in Antigua, and carried her and the negro slaves on board to Basseterre in Guadeloupe, had a right to them, and that no agreement between the governours of the French and British islands, in such case as this, could affect any other persons than the subjects of the contracting parties, which will appear evidently to be the meaning of the recited agreement itself, which is restrained to vessels belonging to either government, committed to their care; and the penalty is the having their commissions vacated, the plundered effects restored, and the penalty bond prosecuted, which is totally inapplicable to Americans, or persons not belonging to their governments, and who had not obtained commissions from them, or under their respective sovereigns; and of course, that the releasing of this vessel and the negroes, by the governour of Guadeloupe, and causing them to be delivered up to the governour of Antigua, was unwarrantable and inconsistent with treaties subsisting between his most christian majesty and these United States: Whereupon,

Resolved, That a representation of the beforementioned cases be made to the minister plenipotentiary

of his most christian majesty to these states, in order that redress and restitution may be made to the parties aggrieved, in such manner as may be consistent with justice and the laws of nations.

#### SEPTEMBER 6, 1779.

The committee appointed to prepare an answer to the speech of the honourable sieur Gerard, minister plenipotentiary of France, brought in a draft which was read, and on the 7th the same was agreed to.

#### SEPTEMBER 9, 1779.

Congress resumed the consideration of the motion made on the 7th August. After debate,

Resolved, That the further consideration thereof be postponed.

A motion was then made by Mr. Dickinson, seconded by Mr. Mathews, as follows :

That if his catholick majesty shall determine to take part with France and the United States of America, in such case, the minister plenipotentiary of these United States be empowered, in their names, to conclude with the most christian and catholick kings, a treaty or treaties, thereby assuring to these states, Canada, Nova Scotia, Bermudas, and the Floridas, when conquered, and the free and full exercise of the common right of these states to the fisheries on the banks of Newfoundland and the other fishing banks and seas of North America ; and also the free navigation of the Mississippi into the sea. That the said minister be

instructed to endeavour by all means in his power to procure the assurance of the said countries and navigation to these states; but if his catholick majesty shall positively insist upon the Floridas being ceded to him, and upon the exclusive navigation of the Mississippi from that part thereof which lies in latitude thirty-one degrees north from the equator to its mouth; in such cases, the said minister be instructed to agree to such propositions, to assent to mutual guarantees, to wit, of the Floridas and the navigation aforesaid to the king of Spain; and of Canada, Nova Scotia, Bermudas and the fisheries aforesaid to these states; and to procure, if possible, the establishment of a free commerce for the inhabitants of these states with some port or ports on the said river below the said degree of latitude, except for such articles as may be in the treaty particularly enumerated. That the said minister be instructed, that it is not the desire of Congress to continue the war for the acquisition of the countries beforementioned; and therefore, if his catholick majesty shall obtain the Floridas from Great Britain, by cession, or by war, with, or without the assistance of these states, they will guaranty the same to his majesty; but that, in such case, the said minister be instructed to endeavour strenuously to obtain for these states the assurance of the fisheries and commerce aforesaid. That the said minister be instructed to procure an article to be inserted, contracting for the delivery of masts for the royal navy of Spain, at some convenient port or ports in these states; providing therein, that no greater quantity be stipulated for than these states can spare with convenience to themselves.



That the said minister be instructed to endeavour, by all the means in his power, to procure from his catholick majesty the annual payment, to these states, of a certain sum of money, either in compensation for their exertions, or for the equivalent beforementioned.

SEPTEMBER 10, 1779.

After debate, on motion of Mr. Huntington, seconded by Mr. Smith,

Resolved, That the further consideration of the propositions moved yesterday be postponed.

A motion was then made by Mr. Huntington, seconded by Mr. Smith, as follows :

Whereas by the treaties subsisting between his most christian majesty and the United States of America, a power is reserved to his catholick majesty “ to accede to the said treaties, and to participate in their stipulations, at such time as he shall judge proper ; it being well understood, nevertheless, that, if any of the stipulations of the said treaties are not agreeable to the king of Spain, his catholick majesty may propose other conditions analagous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship:” And whereas, should his catholick majesty accede to the said treaties without any alteration, he must be under the necessity of renouncing forever all claims to the possession of the Floridas, of the utmost consequence to his kingdom, and more particularly to his American dominions : In order, therefore, that nothing may be wanting on the part of these states to further a treaty of alli-

ance and of amity and commerce with his catholick majesty, consistent with the engagements of the said states, and agreeable to his most christian majesty their ally,

Resolved, That if his catholick majesty shall accede to the said treaties, and in concurrence with France and the United States of America, continue the present war with Great Britain, for the purposes expressed in the treaties aforesaid, he shall not thereby be precluded from securing to himself the Floridas: On the contrary, if he shall think proper to attack them, these United States will aid and assist his catholick majesty in such enterprise with such provisions and naval stores as shall be required by his catholick majesty, and can be furnished by these states; and if his catholick majesty shall obtain the Floridas from Great Britain by cession, or by war, with or without the assistance of the allies, these United States will guaranty the same to his catholick majesty: Provided always, that his catholick majesty shall grant to the United States the free navigation of the river Mississippi, into the sea, and establish on the said river, at or somewhere southward of the thirty-first degree north latitude, a free port or ports, under such regulations and restrictions as shall be agreed on between the minister plenipotentiary of his catholick majesty and the United States: and provided, also, that his catholick majesty shall pay to the United States, as a subsidy, a present sum not less than \_\_\_\_\_ and a further annual sum of \_\_\_\_\_ during the continuance of the present war, and for the term of \_\_\_\_\_ years.

The motion being read, Congress took into consideration the resolution therein contained; and after debate adjourned.

#### SEPTEMBER 11, 1779.

Congress resumed the consideration of the resolution, which, after debate, was agreed to.

Congress then proceeded to the consideration of the provisos. And a motion was made by Mr. M<sup>c</sup>Kean to amend the first proviso, by striking out "and" after the words, "into the sea," and in lieu thereof inserting "or."

#### SEPTEMBER 17, 1779.

A motion was made to extend the amendment by striking out "and," and what follows to the end of the first proviso.

The question put,

Passed in the affirmative; and the words were struck out.

A motion was then made by Mr. Smith, seconded by Mr. Sharp, in lieu of the words struck out to insert, "and some convenient port or ports, on the said river below the thirty-first degree north latitude, free for all merchant vessels, goods, wares, and merchandise, except for such articles as may be enumerated and agreed upon as contraband."

On the question to insert those words, the yeas and nays being required by Mr. Smith—

New Hampshire,    Mr. Peabody.                    } Ar.

Massachusetts Bay,	Mr. Holten, Mr. Partridge,	No. } No. }	No.
Rhode Island,	Mr. Collins,		>No.
Connecticut,	Mr. Huntington, Mr. Root, Mr. Spencer,	No. } No. } No. }	No.
New York,	Mr. Jay, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon,		>No.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Atlee, Mr. Muhlenberg,	No. } No. } Ay. } Ay. }	DIVIDED.
Delaware,	Mr. Dickinson,		>No.
Maryland,	Mr. Forbes, Mr. Jenifer,	No. } No. }	No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Harnet, Mr. Sharpe,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } No. }	No.

So it passed in the negative.

On motion,

Resolved, That the remaining part of the first proviso be amended by striking out the words, "His ca-

“ tholick majesty shall grant to ;” and after “ states,” inserting “ shall enjoy,” so that it read, “ Provided always, that the United States shall enjoy the free navigation of the river Mississippi into and from the sea.”

On motion of Mr. Mathews, seconded by Mr. Huntington,

Resolved, That the second proviso be postponed.

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

Resolved, That the resolution passed on Saturday last be reconsidered.

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

Resolved, That the resolution be amended by striking out the words, “ think proper to attack them, these United States will aid and assist his catholick majesty in such enterprise with such provisions and naval stores as shall be required by his catholick majesty, and can be furnished by these states ; and if his catholick majesty shall ;” also the words “ by cession, or by war, with or without the assistance of the allies ;” so that it read, “ on the contrary, if he shall obtain the Floridas from Great Britain, these United States will guaranty the same to his catholick majesty.”

On the question to agree to the whole as amended, the yeas and nays being required by Mr. Jay—

New Hampshire, Mr. Peabody, } Ay.

Massachusetts Bay, Mr. Gerry, Ay. }  
 Mr. Holten, Ay. } Ay.  
 Mr. Partridge, Ay. }

Rhode Island,	Mr. Collins,	>No.
Connecticut,	Mr. Root,	>Ay.
New York,	Mr. Jay, Mr. Lewis,	No. } No. } No.
Pennsylvania,	Mr. Armstrong, Mr. Muhlenberg,	Ay. } Ay. } Ay.
Maryland,	Mr. Carmichael, Mr. Jenifer,	No. } No. } No.
Virginia,	Mr. Smith, Mr. Fleming, Mr. J. Mercer, Mr. Fitzhugh,	Ay. } No. } Ay. } Ay. } Ay.
North Carolina,	Mr. Harnet, Mr. Sharpe,	Ay. } Ay. } Ay.
South Carolina,	Mr. Mathews,	>Ay.

So it was resolved as follows :

Whereas by the treaties subsisting between his most christian majesty and the United States of America, a power is reserved to his catholick majesty to accede to the said treaties, and to participate in their stipulations at such time as he shall judge proper ; it being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the king of Spain, his catholick majesty may propose other conditions analagous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship : And whereas, should his catholick majesty accede to the said treaties without any alteration. he must be under the necessity of renouncing for-

ever all claims to the possession of the Floridas, of the utmost consequence to his kingdom, and more particularly to his American dominions. In order, therefore, that nothing may be wanting on the part of these states to further a treaty of alliance, and of amity and commerce with his catholick majesty consistent with the engagements of the said states, and agreeable to his most christian majesty their ally :

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

Resolved, That a committee be appointed to prepare instructions conformable to the foregoing resolution.

The members chosen—Mr. Smith, Mr. Mathews, Mr. Gerry.

The honourable sieur Gerard, minister plenipotentiary of France, having on the 15th desired an audience in the course of this week, in order that he might take his leave ; and Congress having assigned this day for granting him a private audience, but in full Congress, for the purpose, the minister was introduced by Mr. Laurens and Mr. Jenifer, and took his leave in a speech of which the following is a translation.

[See the publick journal.]

Congress also agreed, unanimously, to the following letter to his most christian majesty.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY,

The conduct of your majesty's minister, the sieur Gerard, during his residence in America, has been in every respect so commendable, that we cannot forbear testifying to your majesty our sense of his merit, without feeling that uneasiness which arises from a neglect of the obligations of justice. His behaviour appears to us to have been uniformly regulated by devotion to your majesty's dignity and interest and an adherence to the terms and principles of the alliance, while at the same time he demonstrated his attachment to the honour and prosperity. Thus serving his sovereign, he acquired our entire confidence and esteem, and has evinced your royal wisdom in selecting a person so properly qualified to be the first minister sent to the United States of America.

That the Supreme Ruler of the Universe may bestow all happiness on your majesty, is the prayer of your faithful and affectionate friends and allies.

Done at Philadelphia, the seventeenth day of September, 1779. By the Congress of the United States of America.

(Signed)

JOHN JAY, President.

CHARLES THOMSON, Secretary.

SEPTEMBER 25, 1779.

Congress resumed the consideration of their foreign affairs.



A motion was made by Mr. Mathews, seconded by Mr. Gerry,

That Congress will not appoint any person, being a member of Congress, to any office under the United States, for which he, or another for him, is to receive any salary, fees, or emolument of any kind.

A motion was made by Mr. Peabody, seconded by Mr. Gerry,

That after the words "a member of Congress," be inserted, "or within nine months after he shall be a member of Congress." And on the question to agree to this amendment, the yeas and nays being required by Mr. Peabody—

New Hampshire,	Mr. Peabody,	> Ay.
Massachusetts Bay,	Mr. Gerry,	Ay. }
	Mr. Lovell,	Ay. } Ay.
Rhode Island,	Mr. Marchant,	No. }
	Mr. Collins,	No. } No.
Connecticut,	Mr. Huntington,	No. }
	Mr. Root,	No. } No.
New York,	Mr. Jay,	Ay. }
	Mr. Lewis,	Ay. } Ay.
New Jersey,	Mr. Fell,	No. }
	Mr. Houston,	No. } No.
Pennsylvania,	Mr. Armstrong,	No. }
	Mr. Shippen,	Ay. }
	Mr. Atlee,	No. }
	Mr. Muhlenberg,	No. } No.
Maryland,	Mr. Paca,	No. }
	Mr. Forbes,	No. }
	Mr. Jenifer,	No. } No.

Virginia,	Mr. Smith, Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Harnet, Mr. Hewes, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } Ay. }	DIVIDED.

So it passed in the negative.

When the main question was about to be put, the previous question was moved by Mr. Smith, seconded by Mr. Laurens ; and on the question to agree to the previous question, the yeas and nays being required by Mr. Laurens—

New Hampshire,	Mr. Peabody,		>No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell,	No. } No. }	No.
Rhode Island,	Mr. Marchant, Mr. Collins,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Huntington, Mr. Root,	Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Atlee, Mr. Muhlenberg,	Ay. } Ay. } Ay. } Ay. }	Ay.

Maryland,	Mr. Paca, Mr. Forbes, Mr. Jenifer,	No. } Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Harnet, Mr. Hewes, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Mathews,	Ay. } No. }	DIVIDED.

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

Resolved, That Congress proceed tomorrow to the election of a proper person for negotiating a treaty of peace, and that persons be immediately put in nomination :

Whereupon, Mr. John Adams was nominated by Mr. Laurens, Mr. J. Jay, by Mr. Smith.

#### SEPTEMBER 26, 1779.

According to order, Congress proceeded to the election of a minister plenipotentiary for negotiating a treaty of peace ; and the ballots being taken and counted, no election was made.

Congress proceeded again to ballot ; and the votes being counted, no election was made.

On motion,

Resolved, That the election be postponed.

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

Resolved, That a minister plenipotentiary be ap-

pointed to negotiate a treaty of alliance and of amity and commerce between the United States of America and his catholick majesty.

On the question to agree to this, the yeas and nays having been required by Mr. Marchant—

New Hampshire,	Mr. Peabody,	>No.
Massachusetts Bay,	Mr. Gerry,	Ay. } No.
	Mr. Lovell,	No. }
	Mr. Partridge,	No. }
Rhode Island,	Mr. Marchant,	No. } DIVIDED.
	Mr. Collins,	Ay. }
Connecticut,	Mr. Huntington,	Ay. } AY.
	Mr. Root,	Ay. }
New York,	Mr. Jay,	Ay. } AY.
	Mr. Lewis,	Ay. }
New Jersey,	Mr. Fell,	Ay. } AY.
	Mr. Houston,	Ay. }
Pennsylvania,	Mr. Armstrong,	No. } DIVIDED.
	Mr. Shippen,	No. }
	Mr. Atlee,	Ay. }
	Mr. Muhlenberg,	Ay. }
Delaware,	Mr. M'Kean,	>No.
Maryland,	Mr. Paca,	Ay. } AY.
	Mr. Carmichael,	Ay. }
	Mr. Forbes,	Ay. }
	Mr. Jenifer,	Ay. }
Virginia,	Mr. Smith,	Ay. } AY.
	Mr. Griffin,	Ay. }
	Mr. Fleming,	Ay. }
	Mr. Mercer,	Ay. }
	Mr. Fitzhugh,	Ay. }

North Carolina,	Mr. Harnet, Mr. Hewes, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Mathews,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

Congress then proceeded to the nomination of a minister plenipotentiary to negotiate a treaty of alliance, and of amity and commerce between the United States of America and his catholic majesty; when Mr. Arthur Lee was nominated by Mr. Laurens, Mr. John Adams by Mr. Paca, Mr. John Jay by Mr. Mercer.

#### SEPTEMBER 27, 1779.

On motion,

Resolved, That the resolution passed yesterday, relative to the appointment of a minister plenipotentiary, &c. be reconsidered.

On motion of Mr. Huntington, seconded by Mr. Gerry,

Resolved, That after the word "plenipotentiary," be inserted, "in lieu of a commissioner."

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. Peabody.

New Hampshire,	Mr. Peabody, Mr. Langdon,	No. } No. }	No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten, Mr. Partridge,	Ay. } No. } Ay. } No. }	DIVIDED.

Rhode Island,	Mr. Marchant, Mr. Collins,	No. } Ay. }	} DIVIDED.			
Connecticut,	Mr. Huntington, Mr. Root,	Ay. } Ay. }		} AY.		
New York,	Mr. Jay, Mr. Lewis,	Ay. } Ay. }	} AY.			
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }		} AY.		
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Atlee, Mr. Searle, Mr. Mühlenberg, Mr. Wynkoop,	No. } No. } Ay. } No. } Ay. } Ay. }	} DIVIDED.			
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Forbes, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay. }		} AY.		
Virginia,	Mr. Smith, Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. } Ay. }			} AY.	
North Carolina,	Mr. Harnet, Mr. Hewes, Mr. Sharpe,	Ay. } Ay. } Ay. }				} AY.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } Ay. }				

So it was

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

Congress then proceeded to an election; and the

ballots being taken, Mr. John Jay was elected minister plenipotentiary to negotiate a treaty of alliance and of amity and commerce between the United States of America and his catholic majesty.

Mr. John Adams was elected minister plenipotentiary for negotiating a treaty of peace, and a treaty of commerce with Great Britain.

### SEPTEMBER 23, 1779.

On motion,

Resolved, That tomorrow be assigned for the appointment of a secretary for the minister plenipotentiary at the court of Versailles, and for each of the ministers who are to negotiate treaties with the courts of Spain and Great Britain.

The following gentlemen were put in nomination.

For the minister plenipotentiary to negotiate a treaty of alliance and a treaty of commerce and amity with Spain,

Mr. William Carmichael, by Mr. Hewes.

For the minister plenipotentiary to negotiate a treaty of peace, and a treaty of commerce with Great Britain,

Mr. John Trumbull, by Mr. Laurens.

Mr. Jonathan Trumbull, jun. by Mr. Holten,

Mr. Francis Dana, by Mr. Peabody.

For the minister plenipotentiary at the court of Versailles,

Mr. Peter Scull, by Mr. Atlee.

Mr. John Laurens, by Mr. Gerry.

The committee, consisting of Mr. Dickinson, Mr. Morris, and Mr. Marchant, appointed to prepare drafts

of commissions, reported the same, which were agreed to as follows :

For the minister plenipotentiary to negotiate a treaty of peace.

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

It being probable that a negotiation will soon be commenced for putting an end to the hostilities between his most christian majesty and these United States, on the one part, and his Britannick majesty on the other part ; and it being the sincere desire of the United States that they may be terminated by a peace, founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity : KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of \_\_\_\_\_ have nominated and constituted, and by these presents do nominate and constitute him the said \_\_\_\_\_ our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude, with the ambassadors or plenipotentiaries of his most christian majesty, and of his Britannick majesty, and those of any other princes or states whom it may concern, vested with equal powers, relating to the re-establishment of peace and friendship ; and whatever shall be so agreed and concluded,



for us, and in our name to sign, and thereupon to make a treaty or treaties, and to transact every thing that may 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 ; hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary ; and that we will never act nor suffer any person to act contrary to the same, in whole or in any part. In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the      day of      in the year of our Lord, 1779, and in the fourth year of the independence of the United States of America. Signed by the President, and sealed with his seal.

For the minister plenipotentiary to negotiate a treaty of amity and commerce with Great Britain.

The Delegates of the United States of New Hampshire, &c. in Congress assembled—To all who shall see these presents, send greeting.

It being the desire of the United States, that the peace which may be established between them and his Britannick majesty may be permanent, and accompanied with the mutual benefits derived from commerce : KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of      have nominated and constituted, and by these presents do nominate and constitute him the said      our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer,

agree and conclude with the ambassador or plenipotentiary of his Britannick majesty, vested with equal powers, of and concerning a treaty of commerce ; and whatever shall be so agreed and concluded for us and in our name, to sign, and thereupon make a treaty of commerce ; and to transact every thing that may be necessary for completing, securing and strengthening the same, in as ample form, and with the same effect, as if we were personally present and acted therein ; hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary ; and that we will never act, nor suffer any person to act, contrary to the same, in whole or in part. In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the      day of      in the year of our Lord, 1779, and in the fourth year of the independence of the United States of America. Signed by the President, and sealed with his seal.

Resolved, That a committee of three be appointed to prepare the draft of a commission for the minister plenipotentiary appointed to negotiate a treaty of amity and commerce and of alliance between the United States of America and his catholick majesty.

The members—Mr. Paca, Mr. Mathews, and Mr. Gerry.

Ordered, That the said committee prepare the draft of a commission for the secretaries to be appointed.

Resolved, That a committee of three be appointed to report proper salaries for the ministers plenipotentiary and their secretaries, respectively.

The members—Mr. Mathews, Mr. Gerry, and Mr. Root.

Congress proceeded to the election of secretaries ; and the ballots being taken, Mr. William Carmichael was elected secretary to the minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance with the court of Spain.

Mr. Francis Dana, secretary to the minister plenipotentiary to negotiate a treaty of peace and a treaty of commerce with Great Britain.

Lieutenant colonel John Laurens, secretary to the minister plenipotentiary of the United States at the court of Versailles.

The committee, consisting of Mr. Smith, Mr. Mathews, Mr. Gerry, appointed to prepare instructions to the minister for negotiating with the court of Spain, having brought in a draft, the same was agreed to as follows :

Instructions to the minister plenipotentiary for negotiating with the court of Spain.

SIR,

By the treaties subsisting between his most christian majesty and the United States of America, a power is reserved to his catholic majesty to accede to the said treaties, and to participate in their stipulations, at such time as he shall judge proper, it being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the court of Spain, his catholic majesty may propose other conditions analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and

friendship. Congress is sensible of the friendly regard to these states manifested by his most christian majesty, in reserving a power to his catholick majesty of acceding to the alliance entered into between his most christian majesty and these United States; and therefore, that nothing may be wanting on their part to facilitate the views of his most christian majesty, and to obtain a treaty of alliance and of amity and commerce with his catholick majesty, have thought proper to anticipate any propositions which his catholick majesty might make on that subject, by yielding up to him those objects which they conclude he may have principally in view; and for that purpose have come to the following resolution:

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

You are therefore to communicate to his most christian majesty, the desire of Congress to enter into a treaty of alliance and of amity and commerce with his catholick majesty, and to request his favourable interposition for that purpose. At the same time, you are to make such proposal to his catholick majesty, as in

your judgment, from circumstances, will be proper for obtaining for the United States of America equal advantages with those which are secured to them by the treaties with his most christian majesty; observing always the resolution aforesaid as the ultimatum of the United States.

You are particularly to endeavour to obtain some convenient port or ports below the thirty-first degree of north latitude, on the river Mississippi, for all merchant vessels, goods, wares and merchandises belonging to the inhabitants of these states.

The distressed state of our finances and the great depreciation of our paper money inclined Congress to hope that his catholick majesty, if he shall conclude a treaty with these states, will be induced to lend them money: You are therefore, to represent to him the great distress of these states on that account, and to solicit a loan of five millions of dollars upon the best terms in your power, not exceeding six per centum per annum, effectually to enable them to co-operate with the allies against the common enemy. But before you make any propositions to his catholick majesty for a loan, you are to endeavour to obtain a subsidy in consideration of the guarantee aforesaid.

The committee appointed to prepare a commission for the minister plenipotentiary to negotiate a treaty of amity and commerce, and of alliance with his catholick majesty, brought in a draft which was agreed to as follows:

## FORM OF A COMMISSION, &amp;c.

The Delegates of the United States of New Hampshire, &c. in Congress assembled—To all who shall see these presents, send greeting.

Whereas an intercourse between the subjects of his catholick majesty and the citizens of the United States, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations: and it being the sincere desire of the United States to enter into a treaty of alliance and of amity and commerce with his catholick majesty: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of \_\_\_\_\_ have nominated and constituted, and by these presents do nominate and constitute him the said \_\_\_\_\_ our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude with the ambassador or plenipotentiary of his catholick majesty vested with equal powers, of and concerning a treaty of amity and commerce, and of alliance; and whatever shall be so agreed and concluded for us and in our names, to sign, and thereupon make such treaty or treaties, conventions or agreements, as he shall judge conformable to the ends we have in view, in as ample form, and with the same effect, as if we were personally present and acted therein; hereby promising in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary; and that we will never act nor suffer any person to act contrary to the same, in the whole or in any part.

In witness whereof, we have caused these presents to be given in Congress, at Philadelphia, the day of \_\_\_\_\_ in the year of our Lord, \_\_\_\_\_ and in the \_\_\_\_\_ year of the independence of the United States of America.

Signed by the President, and sealed with his seal.

SEPTEMBER 30, 1779.

A letter from the minister of France was read :  
Whereupon,

Resolved, That the President inform the honourable Sr. Gerard, minister plenipotentiary of France, that Congress are much obliged by his polite offer to detain the frigate *Sensible*, for the accommodation of Mr. Adams and his secretary, on their passage to France; and that they accept the same on condition Mr. Adams can be prepared for his departure in such reasonable time as that it may not be too great an inconvenience to detain the vessel.

OCTOBER 2, 1779.

On motion of Mr. Mathews, seconded by

Resolved, That the marine committee be directed to lay in such stores as they may deem necessary for the use of the minister lately appointed to the court of Spain, and of the minister of his most christian majesty now about to depart for France; and to prepare all necessary accommodations on board the frigate *Confederacy*, for the said ministers and their families. And that the marine committee make the like provi-

sion for Mr. Adams and his family, on their passage for France.

OCTOBER 4, 1779.

On motion of Mr. Collins, seconded by Mr. Laurens,

Resolved, That a committee of three be appointed to prepare a further instruction to the minister plenipotentiary appointed to negotiate with the court of Spain relative to obtaining an article for allowing the inhabitants of the United States the liberty of taking salt from Sal Tortuga.

The members—Mr. Laurens, Mr. Paca, and Mr. Sherman.

On motion of Mr. Marchant, seconded by Mr. Laurens,

Resolved, That the said committee be directed to prepare an instruction relative to the privilege of cutting logwood.

The commissions as agreed to, being engrossed, with blanks left for inserting the names and titles of the ministers and the dates of the commissions—

A motion was made by Mr. Gerry, seconded by Mr. Paca,

That the blank for the name and titles of the minister in the commission for negotiating a treaty of amity and commerce, and of alliance with Spain, be filled up with the words, "The honourable John Jay, esquire, late President of Congress, and chief justice of the state of New York:" And that the like blanks in the other two commissions, namely, for negotiating a treaty of peace, and for negotiating a treaty of com-



merce with Great Britain, be filled up with the words, "The honourable John Adams, esquire, late commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts Bay, and chief justice of the said state."

On debating the motion for filling up the blank in the first mentioned commission,

A motion was made by Mr. Marchant, seconded by Mr. Partridge, to strike out the words "late President of Congress and chief justice of the state of New York."

And on the question, Shall those words stand, the yeas and nays being required by Mr. Marchant—

New Hampshire,	Mr. Peabody, Mr. Langdon,	Ay. } No. }	DIVIDED.
Massachusetts Bay,	Mr. Gerry, Mr. Holten, Mr. Partridge,	Ay. } Ay. } No. }	AY.
Rhode Island,	Mr. Marchant, Mr. Collins,	No. } Ay. }	DIVIDED.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	Ay. } Ay. } Ay. }	AY.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. }	AY.
Pennsylvania,	Mr. Atlee,		>AY.
Delaware,	Mr. Vandyke,		>No.
Maryland,	Mr. Paca, Mr. Forbes, Mr. Jenifer.	Ay. } Ay. } Ay. }	AY.

Virginia,	Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Harnet, Mr. Hewes,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews,		>No.

So it was resolved in the affirmative.

On the question,

Resolved, That the first blank in the commission for negotiating with the court of Spain, be filled up with the words, "The honourable John Jay, esquire, late President of Congress and chief justice of the state of New York."

On debating the motion for filling up the like blanks in the other two commissions,

A motion was made by Mr. Mathews, seconded by Mr. Marchant, to strike out the words, "late commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts Bay, and chief justice of the said state."

And on the question, Shall those words stand, the yeas and nays being required by Mr. Marchant,

It was resolved in the affirmative, the members answering as in the foregoing question.

On the question,

Resolved, That the like blanks in the other two commissions, namely, for negotiating a treaty of peace, and for negotiating a treaty of commerce with Great Britain, be filled up with, "The honourable John Adams, esquire, late commissioner of the United



Maryland,	Mr. Paca, Mr. Forbes, Mr. Jenifer,	Ay. } Ay. } Ay. } AY.
Virginia,	Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. } AY.
North Carolina,	Mr. Harnet,	>AY. X
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } Ay. } DIVIDED.
<p>So the states were equally divided, and that sum was struck out.</p> <p>A motion was then made by Mr. Gerry, seconded by Mr. Griffin, that the blank be filled with "two thousand five hundred." And on the question to agree to this, the yeas and nays being required by Mr. Marchant—</p>		
New Hampshire,	Mr. Langdon,	>No.
Massachusetts Bay,	Mr. Gerry, Mr. Holten, Mr. Partridge,	Ay. } No. } No. } No.
Rhode Island,	Mr. Marchant,	>No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	No. } Ay. } Ay. } AY.
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } Ay. } AY.
Pennsylvania,	Mr. Armstrong, Mr. Atlee,	No. } Ay. } DIVIDED.
Delaware,	Mr. Vandyke,	>AY.

Maryland,	Mr. Paca, Mr. Forbes, Mr. Jenifer,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Harnet,		}Ay. ×
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } Ay. }	DIVIDED.

So it was resolved in the affirmative.

A motion was then made by Mr. Marchant, seconded by Mr. Langdon, to strike out "one thousand," the sum reported as the salary for the secretaries. And on the question, Shall "one thousand" stand, the yeas and nays being required by Mr. Langdon—

New Hampshire,	Mr. Langdon,		}No.
Massachusetts Bay,	Mr. Gerry, Mr. Lovell, Mr. Holten, Mr. Partridge,	Ay. } Ay. } Ay. } No. }	Ay.
Rhode Island,	Mr. Marchant,		}No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	No. } No. } No. }	No.
New York,	Mr. Lewis,		}Ay. ×
New Jersey,	Mr. Fell, Mr. Houston,	Ay. } No. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Atlee,	Ay. } No. }	DIVIDED.

Delaware,	Mr. Vandyke,	} Ay.
Maryland,	Mr. Paca, Mr. Forbes, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay.
Virginia,	Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	Ay. } Ay. } Ay. } Ay.
North Carolina,	Mr. Harnet, Mr. Sharpe,	Ay. } Ay. } Ay.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } Ay. } DIVIDED.

So it was resolved in the affirmative.

On the question,

Resolved, That each of the ministers plenipotentiary be allowed at the rate of two thousand five hundred pounds sterling per annum, and each of their secretaries at the rate of one thousand pounds sterling per annum, in full for their services and expenses respectively.

That the salary of each of the said officers be computed from the time of his leaving his place of abode, to enter on the duties of his office, and be continued three months after notice of his recall.

Ordered, That so much of the report as relates to providing for the payment of the above salaries be referred to the committee of commerce.

OCTOBER 9, 1779.

The committee appointed to prepare a commission for the secretaries, brought in a draft, which was agreed to as follows :

The United States of America in Congress assembled—To Greeting :

We, reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents constitute and appoint you during our pleasure, secretary to our minister plenipotentiary appointed to you are therefore carefully and diligently to discharge the duty of secretary, by doing and performing all things thereunto belonging. And in case of the death of our said minister, you are to signify it to us by the earliest opportunity ; and on such event, we authorize and direct you to take into your charge all our publick affairs, which were in the hands of our said minister at the time of his death, or which may be addressed to him before notice thereof, and proceed therein according to the instructions to our said minister given, until our further orders.

Witness, President of the Congress of  
the United States of America, at the  
day of 17 and in  
the year of our independence.

The said committee reported the draft of a letter of credence to the secretary of a minister plenipotentiary residing at a foreign court, which was agreed to as follows :





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

The members—Mr. Laurens, Mr. Jenifer, Mr. Langdon.

A letter of July 10, 1779, from J. G. Derricks, at Amsterdam, and sundry letters between governour Trumbull and the said Mr. Derricks, being laid before Congress, were referred to the said committee.

Ordered, That Mr. Witherspoon and Mr. Lovell, members of the committee for foreign affairs, be added to the foregoing committee.

Ordered, That the said committee prepare the instruction to the minister plenipotentiary appointed to negotiate with the court of Spain, to endeavour to obtain for the United States the liberty of taking salt from Sal Tortuga, and cutting logwood and mahogany in the bay of Honduras; and that the former committee be discharged of that business.

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

That the minister of these states to his catholick majesty be privately instructed to recede from the claim of a free navigation of the river Mississippi, mentioned in his instructions, below the thirty-first degree of north latitude, on condition of a grant of a free port therein also mentioned, if the obtaining such navigation shall be found an insuperable bar to the proposed treaties of amity and commerce between these states and his catholick majesty: Provided always, that the power herein contained be confined to the said minister, and not, in case of his death. or absence, to be exercised by any other person.

A division was called for. And on the question to agree to the first clause, as far as to the proviso, the yeas and nays being required by Mr. Mercer—

New Hampshire,	Mr. Peabody, Mr. Langdon,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Lovell, Mr. Holten,	No. } Ay. }	DIVIDED.
Rhode Island,	Mr. Marchant,		No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	No. } No. } No. }	No.
New York,	Mr. Morris, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Atlee, Mr. Muhlenberg,	No. } Ay. } No. }	No.
Maryland,	Mr. Plater, Mr. Forbes, Mr. Jenifer,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Griffin, Mr. Mercer, Mr. Fitzhugh,	No. } No. } No. }	No.
North Carolina,	Mr. Harnet, Mr. Hewes, Mr. Sharpe,	No. } Ay. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Mathews,	No. } No. }	No.

So it passed in the negative.

OCTOBER 14, 1779.

Ordered, That the first blank in the commission to the secretary of the minister plenipotentiary for negotiating with Spain be filled up with "the honourable William Carmichael, esquire, a delegate in Congress from the state of Maryland;" and the second blank with "negotiate a treaty of amity and commerce, and of alliance with his catholick majesty;" the blank after "witness," with "his excellency Samuel Huntington, esquire;" and the other blanks successively with "Philadelphia," "twenty-ninth," "September," "1779," "fourth."

That the first blank in the commission to the secretary to the minister plenipotentiary for negotiating a treaty of peace, &c. be filled up with "the honourable Francis Dana, esquire, a delegate in Congress from the state of Massachusetts Bay, and a member of the council of the said state;" the second blank with "negotiate a treaty of peace and of commerce with Great Britain;" and the other blanks as above.

That the first blank in the commission for the secretary to the minister at the court of Versailles be filled with "John Laurens, esquire, member of the house of representatives for the state of South Carolina, and lieutenant colonel in the army of the United States;" the second blank with "at the court of Versailles;" striking out "appointed to;" and the other blanks as above.

## OCTOBER 15, 1779.

The committee appointed to prepare a letter of credence for the honourable John Jay, esquire, brought in a draft, which, being read and amended, was agreed to as follows :

GREAT AND BELOVED FRIEND,

The United States of America in Congress assembled, deeply impressed with the high sense of the magnanimity of your majesty, and of your friendly disposition towards these states, and having an earnest desire to improve into a firm and lasting alliance such friendly disposition, have appointed the honourable John Jay, esquire, late President of Congress, and chief justice of the state of New York, to reside at your court, in quality of minister plenipotentiary, that he may give you more particular assurances of the high regard we entertain for your majesty. We beseech your majesty to give entire credit to every thing he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship. And we pray God, that he will keep your majesty in his most holy protection.

Done at Philadelphia, the fifteenth day of October, in the year of our Lord, one thousand seven hundred and seventy-nine. By the Congress of the United States of North America. Your good friends.

President.

Attest.

CHARLES THOMSON, Secretary.

The committee, consisting of Mr. Laurens, Mr. Jenifer, Mr. Langdon, Mr. Witherspoon, and Mr. Lovell, appointed to prepare an instruction to the minister plenipotentiary for negotiating a treaty of amity and commerce with his catholick majesty, and for other purposes, brought in a report, which was taken into consideration : And thereupon,

Resolved, That the following additional instruction be given to the minister plenipotentiary for negotiating a treaty of amity and commerce with his catholick majesty.

SIR,

You are to use your utmost endeavours for obtaining permission for the citizens and inhabitants of these states to lade, and take on board their vessels, salt at the island of Sal Tortuga ; and also to cut, load, and bring away logwood and mahogany in and from the bay of Honduras and its rivers ; and to build on the shores store houses and magazines for the wood cutters and their families in the extent ceded to his Britannick majesty by the seventeenth article of the definitive treaty, concluded at Paris the 10th day of February, 1763 ; or, in as great extent as can be obtained.

Resolved, That a letter be written to the minister plenipotentiary of these states at the court of France, desiring him to take the most effectual means for supplying the ministers appointed to treat with his catholick majesty, and with his Britannick majesty, and their secretaries, with two thousand Louis d'ors, to be distributed in proportion to their respective salaries, and giving the strongest assurances to the said minister

that Congress will immediately take measures for replacing the said sum, as well as for establishing a fund in Europe for the future support of all the embassies from these states.

Resolved, That should the minister appointed to treat with his catholick majesty advance or procure advances of money to be made upon necessary occasions for the relief of distressed Americans, he shall be reimbursed and indemnified for such advances.

The committee having reported, That it appears to them that a loan may be obtained in Holland—

Resolved, That a proper person be authorized and instructed to negotiate that business on behalf of the United States.

Resolved, That Monday next be assigned for nominating, and Thursday next for electing, a proper person to negotiate a loan in Holland.

Ordered, That the committee who brought in the foregoing report, prepare a letter to the minister plenipotentiary of these United States at the court of France.

#### OCTOBER 16, 1779.

The committee appointed to prepare a letter to the minister plenipotentiary of the United States at the court of France brought in a draft, which was agreed to, as follows :

SIR,

Congress have appointed the honourable John Jay, esquire, minister plenipotentiary for negotiating a trea-

ty of amity and commerce, and of alliance between his catholick majesty and the United States of America; and the honourable John Adams, esquire, minister plenipotentiary for negotiating a treaty of peace, and a treaty of commerce with Great Britain. The honourable William Carmichael, esquire, is appointed secretary to the first, and the honourable Francis Dana, esquire, secretary to the last mentioned embassy. Mr. Jay and Mr. Carmichael will embark on board the *Confederacy*, continental ship of war, now in Delaware, ready to sail for France. Mr. Adams and Mr. Dana will probably take their passages on board *La Sensible*, one of his most christian majesty's frigates, in the harbour of Boston. The salaries annexed to these appointments, respectively, are two thousand five hundred pounds sterling per annum to the ministers, and one thousand pounds sterling to the secretaries. And, in order to enable these gentlemen to enter without embarrassment upon the duties of their several functions, I am authorized, by an act of Congress of the 15th instant, a certified copy of which will accompany this, to request you, sir, to take the most effectual means for supplying them with two thousand Louis d'ors in distributions proportioned to their respective salaries, and to assure you, on the faith of Congress, that speedy and proper measures will be adopted both for repaying that sum, and for establishing a fund for the future support of all the embassies of these United States in Europe.

You will likewise find enclosed a certified copy of an act of Congress of the 4th instant, by which you will be informed that your salary is also to be two

thousand five hundred pounds sterling per annum ; and that John Laurens, esquire, a member of the house of representatives for the state of South Carolina, and lieutenant colonel in the army of the United States, is appointed by Congress to be secretary to the minister plenipotentiary at the court of France.

I have the honour to be, &c.

#### OCTOBER 18, 1779.

Congress proceeded to the nomination of a proper person to negotiate a loan in Holland ; and Mr. John Adams was put in nomination by G. Morris.

Mr. Henry Laurens, by Mr. Mathews.

Mr. Woodbury Langdon, by Mr. Sharpe.

On motion of Mr. Morris, seconded by Mr. Mathews,

Resolved, That a committee of three be appointed to prepare instructions to the person who may be empowered to negotiate a foreign loan.

The members chosen—Mr. Morris, Mr. Mathews, and Mr. Gerry.

#### OCTOBER 21, 1779.

The committee appointed to prepare instructions to the person who may be empowered to negotiate a foreign loan brought in a report.

Ordered, That it be taken into consideration on Monday next.



Congress proceeded to the election of a person to negotiate a loan in Holland; and the ballots being taken,

The honourable Henry Laurens, esquire, was elected.

OCTOBER 26, 1779.

Congress took into consideration the report of the committee on instructions to the person appointed to negotiate a loan in Holland: Whereupon,

Resolved, That he be instructed to borrow a sum not exceeding ten million dollars, at the lowest rate possible, not exceeding six per cent. per annum.

Resolved, That he be empowered to employ, on the best terms in his power, some proper mercantile or banking house in the city of Amsterdam, or elsewhere, in the United Provinces of the low countries, to assist in the procuring of loans, to receive and pay the money borrowed, to keep the accounts, and to pay the interest.

That he be also empowered to pledge the faith of the United States, by executing such securities or obligations for the payment of the money as he may think proper; and also that the interest shall not be reduced, nor the principal paid, during the term for which the same shall have been borrowed, without the consent of the lenders, or their representatives.

That he be directed to give notice to Congress of any loan made by him, or under his authority, and to direct the house by him employed to accept and pay

the bills of exchange which may be drawn under the authority of Congress.

Resolved, That a commissioner be appointed, and furnished with instructions for entering into a treaty of amity and commerce with the United Provinces of the low countries.

Resolved, That a committee of three be appointed to prepare a commission for the person appointed to negotiate a loan in the United Provinces of the low countries, and also instructions for the person to be appointed to negotiate a treaty of amity and commerce with the said provinces, and a commission for that purpose.

The members chosen—Mr Mathews, Mr. Houston, and Mr. Morris.

#### OCTOBER 30, 1779.

Mr. H. Laurens was nominated by Mr Marchant to be appointed a commissioner to negotiate a treaty of amity and commerce with the United Provinces of the low countries.

The committee appointed to prepare a commission for the person appointed to negotiate a loan in the United Provinces of the low countries brought in a draft, which, being read and amended, was agreed to as follows :

The United States of America in Congress assembled, to the Honourable Henry Laurens, Esquire, Delegate from the state of South Carolina, and formerly President of Congress, Greeting.

We, reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents constitute and appoint you the said Henry Laurens, during our pleasure, our agent, for and in behalf of the said United States, to negotiate a loan with any person or persons, bodies politick and corporate, promising in good faith to ratify and confirm whatsoever shall by you be done in the premises, or relating thereunto.

Witness, His Excellency Samuel Huntington, Esquire, President of the Congress of the United States of America at Philadelphia, the  
day of \_\_\_\_\_ in the year of our Lord  
and in the  
year of our independence.

Attest.

Sec'y.

NOVEMBER 1, 1779.

Congress proceeded to the election of a commissioner to negotiate a treaty of amity and commerce with the United Provinces of the low countries; and the ballots being taken,

The honourable Henry Laurens, esquire, was elected.

A motion was made by Mr. Mathews, seconded by Mr. Fell,

That Mr. Laurens be allowed a salary at the rate of sterling in full for his services and expenses.

A motion was made by Mr. Sherman, seconded by Mr. Peabody, to strike out, "in full for his services "and," and to insert, "over and above his reasonable."

And on the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. Morris—

New Hampshire,	Mr. Peabody, Mr. Langdon,	No. } No. }	No.
Massachusetts Bay,	Mr. Lovell, Mr. Holten, Mr. Partridge,	No. } No. } No. }	No.
Rhode Island,	Mr. Marchant,		} Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	No. } Ay. } Ay. }	Ay.
New York,	Mr. Morris, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Scudder, Mr. Fell, Mr. Houston,	No. } No. } Ay. } No. }	No.

- Pennsylvania,	Mr. Searle,	No.	} No.
	Mr. Muhlenberg,	No.	
	Mr. Wynkoop,	Ay.	
Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Forbes,	Ay.	
Virginia,	Mr. Griffin,		> Ay. X
North Carolina,	Mr. Harnet,	Ay.	} Ay.
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Mathews,		> Ay.

So it was resolved in the affirmative.

A motion was made by Mr. Mathews, seconded by Mr. Fell,

That the blank be filled with the words "fifteen hundred."

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

New Hampshire,	Mr. Peabody,	No.	} DIVIDED.
	Mr. Langdon,	Ay.	
Massachusetts Bay,	Mr. Lovell,	Ay.	} Ay.
	Mr. Holten,	Ay.	
	Mr. Partridge,	Ay.	
Rhode Island,	Mr. Marchant,		> Ay.
Connecticut,	Mr. Sherman,	Ay.	} Ay.
	Mr. Huntington,	Ay.	
	Mr. Root,	Ay.	
New York,	Mr. Morris,	No.	} No.
	Mr. Lewis,	No.	

New Jersey,	Mr. Witherspoon,	Ay.	} Ay.
	Mr. Scudder,	Ay.	
	Mr. Fell,	Ay.	
	Mr. Houston,	Ay.	
Pennsylvania,	Mr. Searle,	Ay.	} Ay.
	Mr. Muhlenberg,	Ay.	
	Mr. Wynkoop,	Ay.	
Maryland,	Mr. Plater,	No.	} No.
	Mr. Forbes,	No.	
Virginia,	Mr. Griffin,	Ay.	> Ay. x
North Carolina,	Mr. Harnet,	Ay.	} Ay.
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Mathews,		> Ay.

So it was resolved in the affirmative.

And on the question,

Resolved, That Mr. Laurens be allowed a salary at the rate of fifteen hundred pounds sterling per annum in full for his services and expenses.

On motion of Mr. Mathews, seconded by Mr. Morris,

Resolved, that the marine committee be directed to make like provision for the passage of Mr. Laurens to Europe, as was directed to be made for Messrs. Jay and Adams.

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

That, whenever by the death of any minister of the United States, his secretary shall exercise the office of charge des affaires, or resident, such secretary be allowed at and after the rate of fifteen hundred pounds

sterling per annum, in full for his services and expenses.

On which the previous question was moved by Mr. Scudder, seconded by Mr. Holten; and on the question to agree to the previous question, the yeas and nays being required by Mr. Morris—

New Hampshire,	Mr. Peabody, Mr. Langdon,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Lovell, Mr. Holten, Mr. Partridge,	No. } Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Root,	Ay. } Ay. } Ay. }	Ay.
New York,	Mr. Morris, Mr. Lewis,	No. } Ay. }	DIVIDED.
New Jersey,	Mr. Witherspoon, Mr. Scudder, Mr. Fell, Mr. Houston,	Ay. } Ay. } Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Scarle, Mr. Muhlenberg, Mr. Wynkoop,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Plater, Mr. Forbes,	Ay. } No. }	DIVIDED.
North Carolina,	Mr. Harnet, Mr. Sharpe,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Mathews,	>	Ay.

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

On motion of Mr. Scudder, seconded by Mr. Langdon,

Resolved, That Mr. Laurens be authorized to employ a proper secretary upon the most reasonable terms, not exceeding the sum of three hundred pounds sterling per annum, the same being allowed to his credit.

The committee appointed to prepare a commission for the commissioner appointed to negotiate a treaty of amity and commerce with the United Provinces of the low countries, brought in a draft, which was agreed to as follows :

The United States of America in Congress assembled, to all who shall see these presents, send greeting :

Whereas an intercourse between the citizens of the United Provinces of the low countries and the citizens of these United States, founded on the principles of equality and reciprocity, may be of mutual advantage to both nations :

KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of the honourable Henry Laurens, esquire, delegate from the state of South Carolina, and formerly President of Congress, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said Henry Laurens our commissioner, giving him full power, 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 states gene-



ral of the said United Provinces, of and concerning a treaty of amity and commerce; 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 commissioner.

In witness whereof, we have caused these presents to be given in Congress at Philadelphia, the first day of November, in the year of our Lord one thousand seven hundred and seventy-nine, and in the fourth year of our independence.

#### NOVEMBER 5, 1779.

A motion was made by Mr. Mathews, seconded by Mr. Gerry, to reconsider the resolution of the 1st instant, authorizing Mr. Laurens to employ a secretary, so far as to alter the salary from three hundred to a sum not exceeding five hundred pounds sterling.

On the question, Shall the resolution be reconsidered, the yeas and nays being required by Mr. Morris—

New Hampshire,	Mr. Peabody, Mr. Langdon,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Holten,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Marchant,		>Ay.

New York,	Mr. Morris, Mr. Lewis,	No. } No. }	No.
New Jersey.	Mr. Scudder, Mr. Fell, Mr. Houston,	Ay. } No. } No. }	No.
Pennsylvania,	Mr. Muhlenberg, Mr. Wynkoop,	Ay. } Ay. }	Ay.
Maryland,	Mr. Plater, Mr. Forbes,	No. } No. }	No.
North Carolina,	Mr. Harnet, Mr. Sharpe,	No. } Ay. }	DIVIDED.
South Carolina,	Mr. Mathews,		>Ay.

So it was resolved in the affirmative.

On motion of Mr. Mathews, seconded by Mr. Holten, the word "three" was struck out.

A motion was then made by Mr. Mathews, seconded by Mr. Holten, that the word "five" be inserted.

When the question was about to be put, the determination thereof was postponed by the state of New-York.

#### NOVEMBER 6, 1779.

On the question to agree to the motion, the determination of which was yesterday postponed, the yeas and nays being required by Mr. Morris—

New Hampshire,	Mr. Peabody,		>Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Holten, Mr. Partridge,	Ay. } Ay. } Ay. }	Ay.

Rhode Island,	Mr. Marchant,	> Ay.
New York,	Mr. Morris, Mr. Lewis,	No. } No. No. }
New Jersey,	Mr. Scudder, Mr. Fell, Mr. Houston,	Ay. } No. } No. No. }
Pennsylvania,	Mr. Searle, Mr. Muhlenberg,	Ay. } Ay. } Ay.
Maryland,	Mr. Plater, Mr. Forbes,	No. } No. } No.
North Carolina,	Mr. Harnet, Mr. Sharpe,	No. } Ay. } DIVIDED.
South Carolina,	Mr. Mathews,	> Ay.

So it was resolved in the affirmative.

On motion of Mr. Morris, seconded by Mr. Gerry,  
Resolved, that the words “the same be allowed to  
his credit,” be struck out.

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

New Hampshire,	Mr. Peabody, Mr. Langdon,	Ay. } Ay. } Ay.
Massachusetts Bay,	Mr. Gerry, Mr. Holten, Mr. Partridge,	Ay. } Ay. } Ay. Ay. }
Rhode Island,	Mr. Marchant,	> Ay.
New York,	Mr. Morris, Mr. Lewis,	No. } No. } No.

New Jersey,	Mr. Scudder, Mr. Fell, Mr. Houston,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Searle, Mr. Muhlenberg,	Ay. } Ay. }	Ay.
Maryland,	Mr. Plater, Mr. Forbes,	No. } No. }	No.
North Carolina,	Mr. Harnet, Mr. Sharpe,	No. } Ay. }	DIVIDED.
South Carolina,	Mr. Mathews,		}Ay.

So it was

Resolved, That Mr. Laurens be authorized to employ a proper secretary upon the most reasonable terms, not exceeding the sum of five hundred pounds sterling per annum.

#### NOVEMBER 8, 1779.

On motion of Mr. Laurens, seconded by Mr. Peabody,

Resolved, That a committee appointed to prepare instructions to the person appointed to negotiate a loan in the United Provinces of the low countries, be instructed to prepare the form of a letter to the ministers plenipotentiary to the courts of Versailles and Madrid, directing them to inform his most christian majesty, and his catholick majesty, of the appointment of Mr. Laurens for negotiating a loan in the United Provinces of the low countries, and to solicit the aid of their majesties on that occasion.

The chevalier de la Luzerne, minister plenipotentiary of France, having on the 4th transmitted to Con-

gress a copy of the letter of credence from his most christian majesty, and of the speech he intends to make at his publick audience, the same were referred to Mr. Morris, Mr. Dickinson and Mr. Houston, who, on the 6th, reported the draft of an answer, which was this day taken into consideration.

And on debating this clause, “His most christian majesty, by patronising the liberty and independence of America, justly acquired the name of protector of the rights of mankind”—

A motion was made by Mr. Gerry, seconded by Mr. Partridge, to strike out the words “by patronising the liberty and independence of America,” and in lieu thereof to insert “has;” and on the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Peabody, Mr. Langdon,	No. } Ay. }	DIVIDED.
Massachusetts Bay,	Mr. Gerry, Mr. Partridge,	No. } No. }	No.
Rhode Island,	Mr. Marchant,		>AY.
New York,	Mr. Morris, Mr. Lewis,	Ay. } Ay. }	AY.
New Jersey,	Mr. Scudder, Mr. Houston,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Atlee, Mr. Muhlenberg, Mr. Wynkoop,	Ay. } Ay. } Ay. }	AY.
Delaware,	Mr. M'Kean,		>AY.

Maryland,	Mr. Plater, Mr. Forbes,	Ay. } Ay. } Ay.
Virginia,	Mr. Griffin,	} Ay. ×
North Carolina,	Mr. Harnet,	} Ay. ×
South Carolina,	Mr. Mathews,	} Ay.

So it was resolved in the affirmative.

The answer, being debated by paragraphs, was agreed to.

#### NOVEMBER 12, 1779.

The chevalier de la Luzerne having transmitted to Congress another copy of the speech he intends to make at his publick audience, the same was read: Whereupon,

Resolved, That the resolution of the 8th, to agree to the draft of an answer reported by a committee, be reconsidered; and that the report and the paper from the chevalier de la Luzerne be referred to a committee of three.

The members—Mr. Morris, Mr. Houston and Mr. Dickinson.

On the 13th, the committee reported an answer, which was agreed to.

And the Wednesday following was assigned for the publick audience.

[See the publick journal of 17th November, 1779.]

## JANUARY 25, 1780.

On the 25th of January, 1780, the minister plenipotentiary of France transmitted to Congress the following memorial :

Philadelphia, January 25, 1780.

The minister plenipotentiary of France has received express orders from the king his master to inform Congress, that the present situation of the affairs of the alliance in Europe announces the necessity of another campaign, which is indispensable to bring England to an acknowledgment of the independence of the thirteen United States, which is the essential purpose of the present war. That power is making preparations the most proper for continuing the war with vigour, and appears willing to employ, in the course of this year, all the means possible to procure reparation, by some important enterprise, for the losses it has already sustained. Congress cannot doubt but that, in this situation of affairs, his most christian majesty and the king of Spain have concerted plans to maintain that superiority by sea, which has begun to appear in their favour ; and the underwritten has reason to believe, that the United States have nothing to desire of their ally, touching the use he is making of the resources of his realm, and the efficacy of the measures adopted by the cabinets of Versailles and Madrid. But while this powerful diversion retains in Europe and the West Indies the greater part of the land and sea forces of the common enemy, it is absolutely necessary that the

United States, on their part, should make efforts proportionable to the greatness of the object for which they are contending. The only means of putting an end to the calamities of the war is to push it with new vigour ; to take effectual measures immediately for completing the army, and putting it in condition to begin an early campaign. It is also necessary to concert, as far as the distance of places will permit, a plan of common operations ; and this is one of the principal points on which the underwritten minister is ordered to consult with Congress. He is also ordered to assure this assembly that the king, being informed of the wants of the American army, with respect to arms and ammunition, has commanded his ministers to make suitable arrangements for supplying them. It is necessary that the underwritten minister should confer with Congress on the subjects just mentioned. Besides, he has some particular circumstances to communicate relative to the present or probable state of the negotiations ; and he desires that this assembly will be pleased to inform him in what manner they will receive the communication, the subject of which, as well as the plan of operations for the ensuing campaign, requires the most profound secrecy. In the mean while, he now only assures Congress, that in the whole course of the negotiations carried on last year, the king would not listen to either peace or truce, without an assurance of some sort, of the independence of the United States.

LE CHEV. DE LA LUZERNE.



## JANUARY 26. 1780.

Resolved, That a committee of seven be appointed to receive the communications of the honourable the minister of France.

The members—Mr. Mathews, Mr. R. R. Livingston, Mr. Ellsworth, Mr. Gerry, Mr. Burke, Mr. Griffin and Mr. M'Kean.

## JANUARY 28, 1780.

The committee appointed to receive the communications of the minister of France, reported the following extracts and summary :

## No. 1.

Extract of a despatch from lord Weymouth to lord Grantham, dated March 16, 1779.

My language to the marquis of Almodavar, flowing from my ardent desire of peace, has gone too far, and failed in precision, if it imported a disposition to exchange the royal honour and manifest rights, for a decent exterior and plausible temperature. Let France propose her complaints, pretensions, or points of any kind whatever, and an adequate answer will be given : Or let there be a truce for a certain time between Great Britain and France, during which period the pretensions of one and the other may be adjusted through the good offices of his catholic majesty. Let the colonies propose their complaints, and the condi-

tions for their security and caution by which may be re-established the continuance and authority of a lawful government; we shall then see if we can come to a direct and immediate agreement. Or, if they also prefer the method abovementioned, let there be likewise a truce made with North America, that is, a real truce, and effective suspension of hostilities, during which the liberty and effects of all sorts and classes of persons may be re-established and secured, and all violence suspended on one side and the other, against the respective individuals and the estates or effects they possess. In these truces the French may treat of their own peculiar matters without giving the umbrage which would be inevitable if they mixed in the negotiation their own particular advantages with the supposed interests of those whom France affects to call her allies: And his Britannick majesty may establish the government of his own dominions, without the disagreeable circumstance of receiving the conditions relative thereto from the hands of a declared enemy.

#### No. 2.

The ultimatum of the propositions made by the catholick king to the two courts of Paris and London.

If these openings or propositions had come immediately after the king had made his for the forming of a plan of reconciliation, many difficulties might have been removed, or adjusted, by the modifications which it might have been practicable to have negotiated, if reciprocal good faith had existed, and a confidence to

conclude a peace. But having lost more than two months' time, without mentioning what had been uselessly spent before, and that during this interval there was no cessation in great preparations for war, suspicions inevitably arise, that the object of England is to consume the remaining months of the campaign, and to continue the war with vigour. If this be the case, every attempt of the king will be useless towards establishing concord between the belligerent powers. Nevertheless his majesty, willing to give the last proof of his love of humanity, and to demonstrate that he has left nothing undone to impede and put a stop to the calamities of war, has commanded that the following plan be proposed to the two courts, which on his part is the *ultimatum* of his negotiation: That there shall be a suspension of arms with France without limitation, and under this condition—that neither of the belligerent powers shall break it without giving the other one year's previous notice. That with a view that this suspension of hostilities may re-establish reciprocal security and good faith between the two crowns, there shall be a general disarming, within one month, in all the European; within four, in those of America; and within eight, or one year, in the most remote parts of Africa and Asia. That in the space of one month a place shall be fixed upon, in which the plenipotentiaries of the two courts shall meet to treat of a definitive adjustment of peace, regulate the respective restitutions or compensations necessary in consequence of the reprisals that have been made without any declaration of war, and to settle such matters of complaint or pretensions, as the

one crown may have against the other ; to the accomplishment of which end, the king will continue his mediation ; and does now, for the holding of this congress, make an offer of the city of Madrid. That a like suspension of hostilities shall be separately granted by the king of Great Britain to the American colonies, through the intercession and mediation of his catholick majesty, to whom the king of Great Britain shall promise the observance thereof, and with the condition not to break it, without giving his majesty one year's previous notice, in order that he may communicate the same to the said American provinces : And that there be a reciprocal disarming, the same as with France, in the same times and places, regulating the limits that shall not be passed by the one or the other party, with respect to the places they may respectively occupy at the time of ratifying this arrangement. That for settling these particulars and others relative to the stability of the said suspension, and the effects it may produce while it subsists, there shall be sent to Madrid one or more commissaries on behalf of the colonies ; and his Britannick majesty shall also send his, under the mediation of the king, if necessary ; and that in the mean time, the colonies shall be treated as independent in fact. Finally, in case all the belligerent powers, or any one of them, or if only the said colonies demand that the treaties, or agreements, which shall be concluded, be guarantied by these powers and by Spain, the same shall be done. And the catholick king now makes an offer of his guarantee to these preliminaries.

## No. 3.

**Extract of an answer of the court of London to the propositions contained in the ultimatum of Spain, dated May 4, 1779.**

The propositions of the catholick king tend directly to the end which Spain had proposed, to form, from the pretensions of the colonies to independence, one common cause with them and with France. If the conditions which the court of Versailles had communicated to his catholick majesty do not present a better aspect than this for the treaty, or do not offer less imperious and less unequal terms, the king of Great Britain has only to lament that he finds the hopes frustrated, which he had always conceived, of a happy restoration of peace, as well for his own subjects, as the world in general.

A summary of the communications made by the minister to the committee, and by them reported to Congress, January 28, 1780.

The minister of France informed the committee, that he had it in command from his king to impress upon the minds of Congress, That the British cabinet have an almost insuperable reluctance to admit the idea of the independence of these United States, and will use every possible endeavour to prevent it. That they have filled several of the courts of Europe with negotiations, in order to excite them to a war against France, or to obtain succours; and are employing the most strenuous endeavours to persuade the several powers that

the United States are disposed to enter into treaties of accommodation. That many persons in Europe are actually employed in bringing such treaties to perfection; and that they have no doubt of their success. That the objects which the British cabinet hope for from those measures are, to destroy the superiority which France has now at sea, by diverting her powers and resources from naval to land operations, and by engaging her in a land war, where she must risk very important interests, while England would risk nothing but money; or to break, or weaken the alliance, by destroying the confidence which the allies ought to have in each other. That his most christian majesty gives no credit to the suggestions of Britain relative to the disposition of the United States; and it is necessary that measures be taken for the preventing of other powers from being deceived into a belief of them. That the negotiations of Britain, as far as could yet be learned, had not succeeded. That the dispositions of all the European powers are, as far as can be known, very friendly to France; but some of them may be engaged in secret treaties with Britain, which may oblige them, in some event, to assist her with troops even against their inclinations. That such event may arise, and if it should, it is probable it will produce an armed mediation, the consequences of which would be, that the allies must accept of the terms proposed by the mediator, or continue the war under the disadvantage of having the forces of the mediator united with those of their enemies. That, in such event, it is possible the terms proposed will be such as Spain offered, and Britain rejected, in the last proposed mediation. That,

though the powers who may be under such engagements by treaty to Great Britain, from their friendly disposition towards his most christian majesty, may be very unwilling to give assistance to his enemies, yet they may find it indispensably necessary in compliance with their engagements; but it is not improbable that their reluctance, or the distance of their dominions, may delay such assistance, if granted at all, so as to be too late for the next campaign. That should the enemy be in possession of any part of the United States, at the close of the next campaign, it will be extremely difficult to bring Great Britain to acknowledge their independence; and if a mediator should be offered, while the enemy is in possession of any part, an impartial mediator could not easily refute the arguments which might be used for its retaining such possessions. And probably a mediator well disposed towards Great Britain might insist on her holding them; and if not agreed to, the hostility of such a mediator would be the necessary consequence. That should Great Britain form such alliances, or procure such aid as are the objects of her present negotiations, there will be every reason to fear a long and an obstinate war, whereof the final event may be doubtful. That this view of affairs plainly points out the necessity for the greatest possible vigour in the operations of the next campaign, in order to dispossess the enemy of every part of the United States, and to put them in condition to treat of peace, and accept of a mediation, with the greatest advantage; and the preparations for it ought to be as speedy and as effectual as possible. That France and Spain are prepared to make a very powerful diversion,

and will exert themselves most strenuously for preserving and improving their naval superiority, and for employing the powers of the enemy in Europe and the West Indies. The minister declared, as from himself, that he doubted not his most christian majesty will spare some ships to the United States, if it can be done without endangering his superiority at sea; and that an application made to the minister informally is more eligible than to the king, because it would give his majesty great pain to refuse the request, though he might be in no condition to grant it. That at all events supplies should be prepared on a supposition that the ships will be granted; and such supplies should be put into the hands of the agent for the marine of France, and considered as the king's property.

He desires to be informed, as far as Congress may deem proper, what force the United States can bring into the field next campaign? On what resources they rely for their maintenance, and necessary appointments? And what shall be the general plan of the campaign, on supposition either of having, or not having, the aid of ships of war? He gives it as his opinion, that an application for clothing may be made to his most christian majesty with prospect of success; and although measures have been taken for sending arms and warlike stores to America, yet it would be prudent in Congress not to neglect any other means for procuring those supplies, or supplies of clothing.



JANUARY 31, 1780.

Congress taking into consideration the foregoing communications,

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

That to this end, they state as follows: That the United States have expectations on which they can rely with confidence of bringing into the field an army of 25,000 effective men, exclusive of commissioned officers. That this army can be reinforced by militia so as to be in force sufficient for any enterprises against the posts occupied by the enemy within the United States. That supplies of provisions for the army in its greatest number can certainly be obtained within the United States; and the Congress, with the co-operation of the several states, can take effectual measures for procuring them in such manner as that no operation will be impeded. That provision also for

such of the forces of his most christian majesty as may be employed in conjunction or co-operation with those of the United States, can be procured under the direction of Congress; and such provision shall be laid up in magazines, agreeably to such instructions as his majesty's minister plenipotentiary shall give; and the magazines shall be put under the direction of the agent of the marine of France. That Congress rely on the contributions of the states by taxes, and on moneys to be raised by internal loans for the pay of the army. That supplies of clothing, of tents, of arms and war-like stores, must be principally obtained from foreign nations; and the United States must rely chiefly on the assistance of their ally for them; but every other means for procuring them are already taken, and will be prosecuted with the greatest diligence. That the United States, with the assistance of a competent naval force, would willingly, during the next campaign, carry on the most vigorous offensive operations against the enemy in all the posts occupied by them within the United States. That without such naval force, little more can be attempted by them than straitening the quarters of the enemy, and covering the interior parts of the country. That their forces must be disposed in such manner as to oppose the enemy with the greatest effect, wheresoever their most considerable operations may be directed. That at present the southern states seem to be their principal object, and their design to establish themselves in one or more of them; but their superiority at sea over the United States enables them to change their objects and operations with great facility, while those of the United States are rendered

difficult by the great extent of country they have to defend. That Congress are happy to find that his most christian majesty gives no credit to the suggestions of the British cabinet relative to the dispositions of the United States, or any of them, to enter into treaties of accommodation with Great Britain; and wish his majesty and all the powers of Europe to be assured, that such suggestions are insidious and without foundation. That it will appear by the constitutions and other publick acts of the several states, that the citizens of the United States possessed of arms, possessed of freedom, possessed of political power to create and direct their magistrates as they think proper, are united in their determinations to secure to themselves and their posterity the blessings of liberty, by supporting the independence of their governments, and observing their treaties and publick engagements with immovable firmness and fidelity. And the Congress assure his majesty, that should any individual in America be found base enough to show the least disposition for persuading the people to the contrary, such individual would instantly lose all power of effecting his purpose, by forfeiting the esteem and confidence of the people.

The said committee report, That in a second conference with the honourable the minister plenipotentiary of France he communicated to them—

That his most christian majesty, being uninformed of the appointment of a minister plenipotentiary to treat of an alliance between the United States and his catholick majesty, has signified to his minister plenipotentiary to the United States, that he wishes most

earnestly for such an alliance ; and in order to make the way thereto more easy, has commanded him to communicate to the Congress certain articles which his catholick majesty deems of great importance to the interests of his crown, and on which it is highly necessary that the United States explain themselves with precision, and with such moderation as may consist with their essential rights.

That the articles are—

1. A precise and invariable western boundary to the United States.
2. The exclusive navigation of the river Mississippi.
3. The possession of the Floridas ; and
4. The lands on the left or eastern side of the river Mississippi.

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

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

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

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid proclamation, are possessions

of the crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a permanent conquest for the Spanish crown. That such conquest may, probably, be made during the present war. That therefore it would be advisable to restrain the southern states from making any settlements or conquests in those territories. That the council of Madrid consider the United States as having no claims to those territories, either as not having had possession of them before the present war, or not having any foundation for a claim in the right of the sovereignty of Great Britain, whose dominion they have abjured.

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

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

APRIL 15, 1780.

The committee, consisting of Mr. Forbes, Mr. Mathews and Mr. Houston, to whom was referred a report of the commissioners of accounts of the 25th October, 1779, on the accounts of the honourable John Adams, late one of the commissioners of the United States at the court of Versailles, report—

That they do not find any vote or proceeding of Congress, nor are they informed of any general or received custom, on which the charge of moneys for the education of the accomptant's son can be admitted; and though the same is inconsiderable, they are of opinion it ought to be rejected, that a precedent be not established. That they are of opinion that the charge for books ought to be admitted, on the ground of a practice which has obtained in different nations respecting their publick ministers, and which is mentioned by Mr. Adams in the explanations attending his vouchers. That they find the several charges in the said accounts conformable to the strictest principles of economy; and that as far as Mr. Adams has been entrusted with publick money, the same has been carefully and frugally expended.

Resolved, That Congress agree to the said report.

MAY 19, 1780.

Resolved, That bills be immediately drawn on Dr. Franklin for twenty-five thousand dollars, and on Mr. Jay for twenty-five thousand dollars, payable at sixty days sight.

MAY 31, 1780.

Resolved, That the board of treasury be empowered to address the bills of exchange, directed to be drawn by the resolution of the 19th of the present month, to the persons on whom they are directed to be drawn, respectively, or to the ministers at the respective courts of Versailles and Madrid.

Resolved, That the committee for foreign affairs be directed to transmit letters of advice to the honourable Benjamin Franklin, and the honourable John Jay, respecting the bills directed to be drawn on them by the resolution of the 19th of the present month.

On a report from the committee of foreign affairs,

Resolved, That Congress fully approve the conduct of their minister at the court of Versailles in reclaiming the prizes which were taken by the squadron lately commanded by captain John Paul Jones, and sent into the port of Bergen, in Norway; and there, by an order of the court of Denmark, at the instance of the British minister, seized and returned.

That the said minister be instructed to pursue such further measures for the recovery of the said prizes, or satisfaction for their detention, as he may judge most conformable to the views of Congress, who are determined to assert the rights of a sovereign, independent nation.

Resolved, That the establishment of the salaries of the honourable John Adams, and his secretary Mr. Dana, be transmitted to the minister plenipotentiary of these states at the court of Versailles. and that he be

directed to pay their drafts to the amount of their respective salaries, till Congress shall take further order for that purpose.

JUNE 20, 1780.

On a report from the committee of foreign affairs, Congress came to the following resolutions :

Whereas Congress by their acts and proceedings of the 21st, 26th, and 30th of October, 1779, did appoint, empower and commissionate the honourable Henry Laurens, esquire, their agent in the United Provinces of the low countries, for obtaining loans of money on behalf of the United States of North America : And whereas the said Henry Laurens hath been hitherto prevented from proceeding on the business of his said agency ; and no other person being authorized to transact the same until he, or some other appointed in his stead, shall repair thither and undertake the execution thereof, a favourable occasion of promoting the interests of these states may, in the meantime, be lost :

Resolved, Therefore, that the honourable John Adams, esquire, now at Paris, be appointed, empowered and commissioned to repair to the said United Provinces of the low countries, and there to execute all and singular the duties assigned to the said Henry Laurens, in the acts and proceedings aforesaid, relative to the borrowing of money on behalf of these states, until the said Henry Laurens, or some other person appointed in his stead, shall appear to undertake the execution thereof.



And whereas Congress, by their act of the 23d November last, did resolve that bills to the amount therein mentioned should be drawn on the said Henry Laurens, part of which have been already sold and probably remitted :

Resolved, That the said John Adams be authorized and instructed to accept such of the said bills as may be presented previous to the arrival of the said Henry Laurens, or other person appointed in his stead as aforesaid. That such of the said bills as shall be respectively proved by proper testimony to have been received in Holland, previous to the arrival of the said John Adams, shall be paid at the expiration of six months from the time they shall have respectively been received there, notwithstanding the six months sight at which they are drawn. That if, in the opinion of Mr. Adams, the state of the business of his present commission as minister plenipotentiary will not admit of his proceeding to Holland, or if at any time, by reason of any disability, he shall be prevented from proceeding therein, the honourable Francis Dana, esquire, be, and he hereby is, vested with the like powers ; and that a conditional commission be sent to him for that purpose.

Ordered, That the committee of foreign affairs and the board of treasury transmit to the said John Adams all papers and documents whatsoever necessary for his information and direction in the premises.

## THE COMMISSION TO JOHN ADAMS, ESQUIRE.

The United States of America in Congress assembled, to the Honourable John Adams, Esquire, Greeting.

Whereas by our commission to the honourable Henry Laurens, esquire, bearing date the 30th day of October, in the year of our Lord, 1779, we have constituted and appointed him the said Henry Laurens, during our pleasure, our agent for and on behalf of the said United States, to negotiate a loan with any person or persons, bodies politick and corporate: And whereas the said Henry Laurens has, by unavoidable accidents, been hitherto prevented from proceeding on the said agency: We, therefore, reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents constitute and appoint you the said John Adams, until the said Henry Laurens, or some other person appointed in his stead, shall arrive in Europe, and undertake the execution of the aforesaid commission, our agent for and on behalf of the said United States, to negotiate a loan with any person or persons, bodies politick and corporate, promising in good faith to ratify and confirm whatsoever shall by you be done in the premises, or relating thereunto.

Witness his excellency Samuel Huntington, esquire, President of the Congress of the United States of America, at Philadelphia, the 20th day of June, in the

year of our Lord, 1780, and in the fourth year of our independence.

SAMUEL HUNTINGTON, President.

Attest.

CHARLES THOMSON, Secretary.

COMMISSION TO FRANCIS DANA, ESQUIRE.

The United States of America in Congress assembled, to Francis Dana, Esquire, Greeting.

Whereas by our commission to the honourable Henry Laurens, esquire, bearing date the 30th day of October, 1779, we have constituted and appointed him the said Henry Laurens, during our pleasure, our agent for and on behalf of the United States, to negotiate a loan with any person or persons, bodies politick or corporate: And whereas the said Henry Laurens having by unavoidable accidents been hitherto prevented from proceeding on his said agency: We have by our commission bearing equal date herewith, constituted and appointed the honourable John Adams, esquire, until the said Henry Laurens, or some other person appointed in his stead shall arrive in Europe, and undertake the execution of his aforesaid commission, our agent to negotiate a loan as aforesaid.

And whereas it may so happen that the said John Adams, by reason of some disability arising from the state of the business of his present appointment, or otherwise, may be prevented from undertaking the execution of the said commission, or having undertaken it, from proceeding therein: We, therefore, reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents consti-

tute and appoint you the said Francis Dana, in the event of the disability of the said John Adams, as aforesaid, until the said Henry Laurens, or some other person appointed in his stead, shall arrive in Europe, and undertake the execution of the aforesaid commission, our agent for and on behalf of the said United States, to negotiate a loan with any person or persons, bodies politick or corporate, promising in good faith to ratify and confirm whatsoever shall by you be done in the premises, or relating thereto.

Witness, &c. as before.

#### JUNE 21, 1780.

The committee of foreign affairs, to whom was referred a letter of May 23, from Mr. P. Henry, late governour of Virginia, report—

That from the said letter and other papers laid before them, as well as from the information of Mr. G. Anderson, they find that Mr. Arnold Henry Dohrman, merchant, of Lisbon, hath from the commencement of the present war manifested a warm and steady attachment to the cause and interests of the United States; that he hath expended large sums of money in carrying into practice schemes projected by him for assisting them with clothing and warlike stores, as well as in supplying great numbers of American prisoners carried into the ports of the kingdom of Portugal, with money and all other necessaries for their comfortable subsistence while there, and for their return to their own country by such routes as they preferred; that from the great wealth and influence, and the fa-

yourable dispositions of the said Arnold H. Dohrman, many benefits might be derived to these states by enabling him to be more publickly and extensively useful under the sanction of authority from Congress; that the committee are assured the said Mr. Dohrman wishes for no salary or emolument for his services, but simply a repayment of his advances, when it shall be most convenient: Whereupon,

Resolved, That Arnold Henry Dohrman, of the city of Lisbon, merchant, be appointed agent for the United States, in the kingdom of Portugal, for the transaction of such affairs of the said states as may be committed to his direction.

And whereas an intercourse and protection in the ports and harbours of the kingdom of Portugal would be of essential advantage to the ships and subjects of these states, and every means ought to be used to obtain such privilege:

Resolved, That the minister plenipotentiary of these states at the court of Madrid be instructed to make application in such mode as he in his discretion may think most advisable for ascertaining the disposition of the court of Portugal, and to inform Congress whether any advantageous connexion can be formed with that power, and what privileges, if any, can be obtained for the subjects and ships of these states.

JULY 6, 1780.

The committee of foreign affairs, to whom was referred a letter of the first, from Mr. H. Laurens, report as their opinion, That it is highly expedient that

the honourable H. Laurens do repair to Europe without loss of time, in order to enter on the discharge of the commission to negotiate a loan, to which he has been appointed by Congress.

Resolved, That Congress agree to the said report.

JULY 7, 1780.

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

Resolved, That the commission which was agreed to on the first day of November, 1779, for the honourable Henry Laurens, as a commissioner to negotiate a treaty of amity and commerce with the states general of the United Provinces of the low countries, be delivered to him ; and that the consideration of the instructions relative to the negotiation of the treaty be for the present deferred ; and that Mr. Laurens on his arrival in Holland inform himself of the state of affairs in that country, and advise Congress particularly thereof, that they may be able to decide with more certainty upon the terms on which such treaty ought to be settled.

The minister of France having, in a note dated 28th June, informed Congress that the court of Madrid has sent to the Havana a considerable body of forces to make a diversion in that quarter ; and that the governour of Havana desires that as much flour and fresh provisions, such as cattle, hogs, suet, lard and pulse, as can be spared, should be sent thither ; and the minister having intimated that three thousand barrels of flour are immediately wanted, and that he

will undertake to have that quantity purchased and sent, if Congress approve the measure—the following answer was returned :

That the minister of France be informed, that through the loss of Charleston, the numerous army the states are under the necessity of maintaining in the southern department, the ravages of the enemy, and the lightness of the crops in the middle states, as well as the present extraordinary demand for the purposes of an effectual co-operation with the expected armament of his most christian majesty, have not left these states in a situation to admit of any considerable export of provisions ; yet Congress, desirous to testify their attention to the necessities of his catholick majesty's colonies and armaments, and as far as lies in their power to compensate for the failure of supplies of rice, which an alteration in the circumstances of the southern states has unhappily rendered it impracticable to afford, have resolved, that it be recommended to the state of Maryland to grant permission to such agent as the minister of France shall appoint, to purchase within that state any quantity of flour, not exceeding three thousand barrels, and to ship the same to such colonies of his catholick majesty in the West Indies as the minister of France may direct. That many of the articles mentioned in the memorial of the minister being such as the colonies of his catholick majesty furnish upon better terms than they can be procured from these states in their present situation, it is to be presumed they will feel no inconvenience from Congress' not entering at this time into any determination thereon.

Resolved, That Congress will from time to time afford such supplies to the colonies of his catholick majesty as their circumstances may require, and the situation of these states enable them to grant.

JULY 10, 1780.

On the report of a committee to whom were referred sundry letters from governour Galvez and O. Pollock—

Resolved, That a copy of the capitulation of the inhabitants on the lake Pontchartrain, dated October 16, 1779, and copies of the letters of his excellency Bernardo de Galvez, governour of Louisiana, one dated 8th May last, to the President of Congress, and the other to Oliver Pollock, dated 21st October last, be transmitted to the honourable John Jay.

JULY 19, 1780.

Ordered, That a warrant issue on the treasurer in favour of the board of admiralty, for thirty thousand dollars, to enable them to procure sea stores for the passage of the honourable H. Laurens.

AUGUST 11, 1780.

The committee to whom was referred the letter of Mr. R. Izard, laid before Congress an account exhibited by Mr. Izard against the United States for his expenses and salary, in which a balance of fifty-two



thousand one hundred and thirteen livres is stated to be due to Mr. Izard : Whereupon,

Resolved, That the honourable Henry Laurens be and he is hereby authorized and directed to pay to the order of the honourable Ralph Izard the sum of fifty-two thousand one hundred and thirteen livres tournois, out of such moneys as he shall borrow for the use of these United States in Holland.

SEPTEMBER 15, 1780.

The minister plenipotentiary of France transmitted to Congress a letter of this date respecting the abolition of the eleventh and twelfth articles of the treaty of commerce between the United States and his most christian majesty, with an authenticated copy of a declaration of the king, whereof the following is a translation :

[See the publick journal, July 11, 1780.]

OCTOBER 4, 1780.

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

That the said minister adhere to his former instructions respecting the right of the United States of America to the free navigation of the river Mississippi into

and from the sea ; which right, if an express acknowledgment of it cannot be obtained from Spain, is not by any stipulation on the part of America to be relinquished. To render the treaty to be concluded between the two nations permanent, nothing can more effectually contribute than a proper attention, not only to the present but the future reciprocal interests of the contracting powers.

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

That with respect to the boundary alluded to in his letter of the 26th of May last, the said minister be and hereby is instructed to adhere strictly to the boundaries of the United States as already fixed by Congress.

Spain having by the treaty of Paris ceded to Great Britain all the country to the north-eastward of the Mississippi, the people inhabiting these states, while connected with Great Britain, and also since the revolution, have settled themselves at divers places to the westward near the Mississippi, are friendly to the revolution, and being citizens of these United States, and subject to the laws of those to which they respectively belong, Congress cannot assign them over as subjects to any other power.

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

OCTOBER 6, 1780.

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

Resolved, That a committee be appointed to draft a letter to the ministers of the United States at the courts of Versailles and Madrid, to enforce the instructions given by Congress to Mr. Jay, by their resolutions of the 4th instant, and to explain the reasons and princi-

ples on which the same are founded, that they may respectively be enabled to satisfy those courts of the justice and equity of the intentions of Congress.

The members—Mr. Madison, Mr. Sullivan and Mr. Duane.

#### OCTOBER 7, 1780.

On motion of Mr. Sullivan, seconded by Mr. Matthews,

Ordered, That a committee of four be appointed to draft a memorial to the court of Versailles, for the purpose of procuring aids and supplies for a vigorous prosecution of the war against Great Britain.

The members—Mr. Howly, Mr. Vandyke, Mr. Ingersol and Mr. Henry.

#### OCTOBER 17, 1780.

The committee, appointed to prepare a letter to the ministers plenipotentiary of the United States at the courts of Versailles and Madrid, explaining the reasons and principles on which the instructions to Mr. Jay of the 4th instant are founded, reported a draft which was agreed to as follows :

SIR,

Congress having in their instructions of the 4th instant, directed you to adhere strictly to their former instructions relating to the boundaries of the United States, to insist on the navigation of the Mississippi for the citizens of the United States in common with

the subjects of his catholick majesty, as also on a free port or ports below the northern limit of West Florida, and accessible to merchant ships for the use of the former; and being sensible of the influence which these claims on the part of the United States may have on your negotiations with the court of Madrid, have thought it expedient to explain the reasons and principles on which the same are founded, that you may be enabled to satisfy that court of the equity and justice of their intentions.

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

The first of these positions is proved by the treaty itself. To prove the last, it must be observed, that it is a fundamental principle in all lawful governments, and particularly in the constitution of the British empire, that all the rights of sovereignty are intended for the benefit of those from whom they are derived, and over whom they are exercised. It is known also to have been held for an inviolable principle by the United States, while they remained a part of the British empire, that the sovereignty of the king of Eng-

land, with all the rights and powers included in it, did not extend to them in virtue of his being acknowledged and obeyed as king by the people of England, or of any other part of the empire, but in virtue of his being acknowledged and obeyed as king of the people of America themselves; and that this principle was the basis, first of their opposition to, and finally of their abolition of, his authority over them. From these principles it results, that all the territory lying within the limits of the states, as fixed by the sovereign himself, was held by him for their particular benefits, and must equally with his other rights and claims in quality of their sovereign, be considered as having devolved on them, in consequence of their resumption of the sovereignty to themselves.

In support of this position it may be further observed, that all the territorial rights of the king of Great Britain, within the limits of the United States, accrued to him from the enterprises, the risks, the sacrifices, the expense in blood and treasure of the present inhabitants and their progenitors. If in latter times expenses and exertions have been borne by any other part of the empire, in their immediate defence, it need only be recollected, that the ultimate object of them was the general security and advantage of the empire; that a proportional share was borne by the states themselves; and that if this had not been the case, the benefits resulting from an exclusive enjoyment of their trade have been an abundant compensation. Equity and justice therefore perfectly coincide, in the present instance, with political and constitutional principles.

No objection can be pretended against what is here said, except that the king of Great Britain was, at the time of the rupture with his catholick majesty, possessed of certain parts of the territory in question, and consequently that his catholick majesty had and still has a right to regard them as lawful objects of conquest. In answer to this objection, it is to be considered, 1. That these possessions are few in number and confined to small spots. 2. That a right founded on conquest being only coextensive with the objects of conquest, cannot comprehend the circumjacent territory. 3. That if a right to the said territory depended on the conquests of the British posts within it, the United States have already a more extensive claim to it than Spain can acquire, having by the success of their arms obtained possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British domination, and established civil government in its proper form over them. They have, moreover, established a post on a strong and commanding situation near the mouth of the Ohio: whereas Spain has a claim by conquest to no post above the northern bounds of West Florida, except that of the Natchez, nor are there any other British posts below the mouth of the Ohio for their arms to be employed against. 4. That whatever extent ought to be ascribed to the right of conquest, it must be admitted to have limitations which in the present case exclude the pretensions of his catholick majesty. If the occupation by the king of Great Britain of posts within the limits of the United States, as defined by charters derived from the said

king when constitutionally authorized to grant them, makes them lawful objects of conquest to any other power than the United States, it follows that every other part of the United States that now is, or may hereafter fall into the hands of the enemy, is equally an object of conquest. Not only New York, Long Island, and the other islands in its vicinity, but almost the entire states of South Carolina and Georgia might, by the interposition of a foreign power at war with their enemy, be forever severed from the American confederacy, and subjected to a foreign yoke. But is such a doctrine consonant to the rights of nations, or the sentiments of humanity? Does it breathe that spirit of concord and amity which is the aim of the proposed alliance with Spain? Would it be admitted by Spain herself, if it affected her own dominions? Were, for example, a British armament by a sudden enterprise to get possession of a seaport, a trading town, or maritime province in Spain, and another power at war with Britain, should, before it could be re-conquered by Spain, wrest it from the hands of Britain, would Spain herself consider it as an extinguishment of her just pretensions? Or would any impartial nation consider it in that light? As to the proclamation of the king of Great Britain of 1763, forbidding his governors in North America to grant lands westward of the sources of the rivers falling into the Atlantick ocean, it can by no rule of construction militate against the present claims of the United States. That proclamation, as is clear both from the title and tenor of it, was intended merely to prevent disputes with the Indians, and an irregular appropriation of vacant land to indi-



viduals ; and by no means either to renounce any parts of the cessions made in the treaty of Paris, or to affect the boundaries established by ancient charters. On the contrary, it is expressly declared that the lands and territory prohibited to be granted, were within the sovereignty and dominion of that crown, notwithstanding the reservation of them to the use of the Indians.

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

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

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

Thirdly, As this territory lies within the charter limits of particular states, and is considered by them as no less their property than any other territory within

their limits, Congress could not relinquish it without exciting discussions between themselves and those states, concerning their respective rights and powers, which might greatly embarrass the publick councils of the United States, and give advantage to the common enemy.

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

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

Congress have the greater hopes that the pretensions of his catholick majesty on this subject will not be so far urged as to prove an insuperable obstacle to an alliance with the United States, because they conceive such pretensions to be incompatible with the treaties subsisting between France and them, which are to be the basis and substance of it. By article

eleventh of the treaty of alliance, eventual and defensive, the possessions of the United States are guaranteed to them by his most christian majesty. By article twelfth of the same treaty, intended to fix more precisely the sense and application of the preceding article, it is declared, that this guaranty shall have its full force and effect the moment a rupture shall take place between France and England. All the possessions, therefore, belonging to the United States at the time of that rupture, which being prior to the rupture between Spain and England, must be prior to all claims of conquest by the former, are guaranteed to them by his most christian majesty.

Now, that in the possessions thus guaranteed was meant, by the contracting parties, to be included all the territory within the limits assigned to the United States by the treaty of Paris, may be inferred from the fifth article of the treaty abovementioned, which declares, that if the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, &c., those countries shall, in case of success, be confederated with, or dependent upon, the United States. For, if it had been understood by the parties that the western territory in question, known to be of so great importance to the United States, and a reduction of it so likely to be attempted by them, was not included in the general guaranty, can it be supposed that no notice would have been taken of it, when the parties extended their views, not only to Canada, but to the remote and unimportant island of Bermudas. It is true that these acts between France and the United

States are in no respects obligatory on his catholick majesty, unless he shall think fit to accede to them. Yet as they show the sense of his most christian majesty on this subject, with whom his catholick majesty is intimately allied; as it is in pursuance of an express reservation to his catholick majesty in a secret act subjoined to the treaties aforesaid of a power to accede to those treaties, that the present overtures are made on the part of the United States; and as it is particularly stated in that act, that any conditions which his catholick majesty shall think fit to add, are to be analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship, Congress entertain too high an opinion of the equity, moderation and wisdom of his catholick majesty not to suppose, that, when joined to these considerations, they will prevail against any mistaken views of interest that may be suggested to him.

The next object of the instructions is the free navigation of the Mississippi for the citizens of the United States, in common with the subjects of his catholick majesty.

On this subject, the same inference may be made from article seventh of the treaty of Paris, which stipulates this right in the amplest manner to the king of Great Britain; and the devolution of it to the United States, as was applied to the territorial claims of the latter. Nor can Congress hesitate to believe, that even if no such right could be inferred from that treaty, that the generosity of his catholick majesty would not suffer the inhabitants of these states to be put into a worse condition, in this respect, by the alliance with

him in the character of a sovereign people, than they were in when subjects of a power who was always ready to turn their force against his majesty; especially as one of the great objects of the proposed alliance is to give greater effect to the common exertions for disarming that power of the faculty of disturbing others. Besides, as the United States have an indisputable right to the possession of the east bank of the Mississippi for a very great distance, and the navigation of that river will essentially tend to the prosperity and advantage of the citizens of the United States that may reside on the Mississippi, or the waters running into it, it is conceived that the circumstances of Spain's being in possession of the banks on both sides near its mouth, cannot be deemed a natural or equitable bar to the free use of the river. Such a principle would authorize a nation disposed to take advantage of circumstances to contravene the clear indications of nature and Providence, and the general good of mankind.

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

more may a passage by water be claimed for commerce, which is beneficial to all nations.

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

But notwithstanding the equitable claim of the United States to the free navigation of the Mississippi, and its great importance to them, Congress have so strong a disposition to conform to the desires of his catholic majesty, that they have agreed that such equitable regulations may be entered into as may be a requisite security against contraband; provided, the point of right be not relinquished, and a free port or ports below the thirty-first degree of north latitude, and accessible to merchant ships, be stipulated to them.

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

per vessels, there can be no such thing as a foreign trade.

There is a remaining consideration respecting the navigation of the Mississippi which deeply concerns the maritime powers in general, but more particularly their most christian and catholick majesties. The country watered by the Ohio, with its large branches, having their sources near the lakes on one side, and those running north-westward and falling into it on the other side, will appear from a single glance on a map to be of vast extent. The circumstance of its being so finely watered, added to the singular fertility of its soil, and other advantages presented by a new country, will occasion a rapidity of population not easy to be conceived. The spirit of emigration has already shown itself in a very strong degree, notwithstanding the many impediments which discourage it. The principal of these impediments is the war with Britain, which cannot spare a force sufficient to protect the emigrants against the incursions of the savages. In a very few years after peace shall take place, this country will certainly be overspread with inhabitants. In like manner as in all new settlements, agriculture, not manufactures, will be their employment. They will raise wheat, corn, beef, pork, tobacco, hemp, flax, and in the southern parts, perhaps, rice and indigo, in great quantities. On the other hand, their consumption of foreign manufactures will be in proportion, if they can be exchanged for the produce of their soil. There are but two channels through which such commerce can be carried on; the first is down the river Mississippi; the other is up the rivers having their sources near the

lakes, thence by short portages to the lakes, or the rivers falling into them, and thence through the lakes and down the St. Lawrence. The first of these channels is manifestly the most natural, and by far the most advantageous. Should it however be obstructed, the second will be found far from impracticable. If no obstructions should be thrown in its course down the Mississippi, the exports from this immense tract of country will not only supply an abundance of all necessaries for the West India islands, but serve for a valuable basis of general trade, of which the rising spirit of commerce in France and Spain will no doubt particularly avail itself. The imports will be proportionally extensive; and from the climate, as well as from other causes, will consist of the manufactures of the same countries. On the other hand, should obstructions in the Mississippi force this trade into a contrary direction through Canada, France and Spain, and the other maritime powers will not only lose the immediate benefit of it themselves, but they will also suffer by the advantage it will give to Great Britain. So fair a prospect could not escape the commercial sagacity of this nation. She would embrace it with avidity. She would cherish it with the most studious care. And should she succeed in fixing it in that channel, the loss of her exclusive possession of the trade of the United States might prove a much less decisive blow to her maritime pre-eminence and tyranny than has been calculated.

The last clause of the instructions, respecting the navigation of the waters running out of Georgia through West Florida, not being included in the ultimatum, nor



claimed on a footing of right, requires nothing to be added to what it speaks itself.

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

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

#### OCTOBER 18, 1780.

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

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

That if a truce be proposed for so long a period, or for an indefinite period, requiring so long notice previous to a renewal of hostilities as to evince that it is, on the part of Great Britain, a virtual relinquishment of the object of the war, and an expedient only to

avoid the mortification of an express acknowledgment of the independence and sovereignty of these United States, the said minister be at liberty, with the concurrence of our ally, to accede thereto; provided, the removal of the British land and naval armaments from the United States be a condition of it.

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

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

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

## OCTOBER 25, 1780.

The committee, consisting of Mr. Cornell, Mr. Matlock, Mr. Houston, Mr. Duane and Mr. Henry, report—

That on the 15th day of June, 1779, Congress agreed upon a representation and request to his most christian majesty, setting forth that the supplies of arms, ammunition and clothing for our armies have ever since the war been irregular, fortuitous, and scanty; and therefore requesting his majesty to furnish us with these necessary supplies, and pledging the faith of these states for the repayment with interest of whatever sums may be advanced for that purpose, as soon as the restoration of peace shall have enabled us. That on the 10th of July following, the board of war laid before Congress an estimate of the articles for their department, copies of which were ordered to be transmitted with the representation to his most christian majesty. That our minister at the court of Versailles, in his despatches of the 4th of March last, assures Congress that the disposition of that court continued as favourable as ever, though it could not comply with all our demands. That the supplies required in the invoices sent to him appeared too great and numerous to be immediately furnished. That three millions of livres were however granted him, with which, after deducting what would be necessary to pay the interest bills and other late drafts of Congress, he could not venture on ordering more than ten thousand suits of clothes; and that with these he should have

fifteen thousand arms and accoutrements ; and that in the Alliance would go over a great deal of cloths purchased by Mr. Ross, which it was computed would make seven or eight thousand suits more.

That the said minister in the said letter repeats his earnest request, that some person of skill in maritime affairs may be appointed in the character of consul to take charge of them, he himself being unexperienced in such affairs ; and that in a letter of the 4th of October, preceding, he expresses his wish that his time and attention were not taken up by any concerns in mercantile affairs, and be thereby diverted from others more important : Whereupon,

Resolved, That it is necessary to obtain as far as possible the supplies of clothing, medicines, arms, and ammunition requested from his most christian majesty on loan ; as well as without loss of time to import such of the clothing and other articles as have been granted, or purchased in France for the publick use. That for these and other purposes a consul be appointed to reside in France, whose duty it shall be, in addition to his consular functions, to receive and forward all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.

That the board of admiralty be and hereby is directed, to report to Congress the reasons that the publick clothing and military stores have not been imported agreeably to the intentions of our minister at the court of Versailles.

Ordered, That Monday next be assigned for the election of a consul to reside in France for the purposes abovementioned.

NOVEMBER 17, 1780.

Resolved, That in the application to be made for a foreign loan, it be represented to his most christian majesty, that these United States stand in need of twenty-five millions of livres to enable them to carry on the next campaign with vigour and success; and that a representation be made of the measures already taken by Congress to procure loans in Spain and Holland, and the firm reliance of Congress on the interposition of his most christian majesty to render those applications effectual, if it shall be inconsistent with the state of his own finances to advance that sum to the United States.

NOVEMBER 22, 1780.

On the report of a committee, Congress agreed to the following letter and representation to his most christian majesty.

The United States of America 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.

Persuaded of your majesty's friendship, and of your earnest desire to prosecute the war with glory and

advantage to the alliance, we ought not to conceal from your majesty the embarrassments which have attended our national affairs, and rendered the last campaign unsuccessful.

A naval superiority in the American seas having enabled the enemy, in the midst of last winter, to divide their army, and extend the war in the southern states, Charleston was subdued before a sufficient force could be assembled for its relief.

With unabated ardour, and at a vast expense, we prepared for the succeeding campaign; a campaign from which, in a dependence on the co-operation of the squadron and troops generously destined by your majesty for our assistance, we had formed the highest expectations. Again the enemy frustrated our measures. Your majesty's succours were confined within the harbour of Newport, while the main body of the British army took refuge in their fortresses, and under protection of their marine, declining to hazard a battle in the open field; and, regardless of their rank among civilized nations, they descended to wage a predatory war. Britons and savages united in sudden irruptions on our northern and western frontiers, and marked their progress with blood and desolation.

The acquisition of Charleston, with the advantages gained in Georgia, and the defeat of a small army composed chiefly of militia, which had been hastily collected to check their operations, encouraged the British commander in that quarter to penetrate through South Carolina into the interior parts of North Carolina. And the ordinary calamities of war were imbittered by implacable vengeance. They did not, however, long

enjoy their triumph. Instead of being depressed, impending danger served only to rouse our citizens to correspondent exertions; and by a series of gallant and successful enterprises they compelled the enemy to retreat with precipitation and disgrace.

They seem however resolved, by all possible efforts, not only to retain their posts in Georgia and South Carolina, but to renew their attempts on North Carolina. To divert the reinforcements destined for those states, they are now executing an enterprise against the sea-coast of Virginia; and from their preparations at New York, and intelligence from Europe, it is manifest that the four southern states will now become a principal object of their hostilities.

It is the voice of the people, and the resolution of Congress, to prosecute the war with redoubled vigour, and to draw into the field a permanent and well appointed army of thirty-five thousand regular troops. By this decisive effort, we trust that we shall be able, under the divine blessing, so effectually to co-operate with your majesty's marine and land forces, as to expel the common enemy from our country, and render the great object of the alliance perpetual. But to accomplish an enterprise of such magnitude, and so interesting to both nations, whatever may be our spirit and our exertions, we know that our internal resources must prove incompetent. The sincerity of this declaration will be manifest from a short review of our circumstances.

Unpractised in military arts, and unprepared with the means of defence, we were suddenly invaded by a formidable and vindictive nation. We supported the

unequal conflict for years with very little foreign aid but what was derived from your majesty's generous friendship. Exertions uncommon, even among the most wealthy and best established governments, necessarily exhausted our finances, plunged us into debt, and anticipated our taxes; while the depredations of an active enemy by sea and land made deep impression on our commerce and our productions. Thus encompassed with difficulties, in our representation to your majesty of June 15, 1779, we disclosed our wants, and requested your majesty to furnish us with clothing, arms and ammunition for the last campaign, on the credit of the United States. We entertain a lively sense of your majesty's friendly disposition in enabling our minister to procure a part of those supplies, of which, through unfortunate events, a very small proportion hath arrived. The sufferings of our army, from this disappointment, have been so severe that we must rely on your majesty's attention to our welfare for effectual assistance. The articles of the estimate transmitted to our minister are essential to our army; and we flatter ourselves that, through your majesty's interposition, they will be supplied.

At a time when we feel ourselves strongly impressed by the weight of past obligations, it is with the utmost reluctance that we yield to the emergency of our affairs in requesting additional favours. An unreserved confidence in your majesty, and a well-grounded assurance that we ask no more than is necessary to enable us effectually to co-operate with your majesty in terminating the war with glory and success, must be our justification.



It is well known that when the king of Great Britain found himself unable to subdue the populous states of North America by force, or to seduce them by art to relinquish the alliance with your majesty, he resolved to protract the war, in expectation that the loss of our commerce, and the derangement of our finances, must eventually compel us to submit to his domination. Apprised of the necessity of foreign aids of money to support us in a contest with a nation so rich and powerful, we have long since authorized our minister to borrow a sufficient sum in your majesty's dominions, and in Spain, and in Holland, on the credit of these United States.

We now view the prospect of a disappointment with the deeper concern, as the late misfortunes in the southern states, and the ravages of the northern and western frontiers have, in a very considerable degree, impaired our internal resources. From a full investigation of our circumstances it is manifest, that in aid of our utmost exertions a foreign loan of specie, at least to the amount of twenty-five millions of livres, will be indispensably necessary for a vigorous prosecution of the war. On an occasion in which the independence of these United States and your majesty's glory are so intimately connected, we are constrained to request your majesty effectually to support the applications of our ministers for that loan. So essential is it to the common cause, that we shall without it be pressed with wants and distresses, which may render all our efforts languid, precarious, and indecisive. Whether it shall please your majesty to stipulate for this necessary aid as our security, or to advance

it from your royal coffers, we do hereby solemnly pledge the faith of these United States to indemnify, or reimburse your majesty, according to the nature of the case, both for principal and interest, in such manner as shall be agreed upon with our minister at your majesty's court.

We beseech the Supreme Disposer of events to keep your majesty in his holy protection, and long to continue to France the blessings arising from the administration of a prince who nobly asserts the rights of mankind.

Done at Philadelphia, the 22d day of November, in the year of our Lord, 1780, by the Congress of the United States of North America, and in the fifth year of our independence.

Your faithful friends and allies.

Signed,           SAM'L. HUNTINGTON, President.  
Attest.

CHARLES THOMSON, Secretary.

NOVEMBER 28, 1780.

On the report of a committee, consisting of Mr. Duane, Mr. Madison and Mr. Houston, appointed to prepare instructions to the minister plenipotentiary of the United States at the court of Versailles, Congress agreed to the following instructions to Dr. Franklin :

SIR,

The letter to his most christian majesty which accompanies these instructions you will deliver without loss of time. You will on all occasions, and in the

strongest terms, represent the unalterable resolution of these United States to maintain their liberties and independence, and inviolably to adhere to the alliance at every hazard, and in every event. That the misfortunes of the last campaign instead of repressing, have redoubled their ardour. That Congress are resolved to employ every resource in their power to expel the enemy from every part of the United States, by the most vigorous and decisive co-operation with the marine and troops of their illustrious ally. That they have called for a powerful army, and ample supplies of provisions, and that the states are disposed effectually to comply with their requisitions. That, if in aid of our own exertions, the court of France can be prevailed on to assume a naval superiority in the American seas, to furnish the arms, ammunition and clothing specified in the estimate herewith transmitted, and to assist us with the loan mentioned in the letter, we flatter ourselves, that under the divine blessing, the war must be speedily terminated with glory and advantage to both nations. To procure these necessary aids you will employ unremitting attention, and your utmost abilities. Your own knowledge of our circumstances, and the facts suggested in the letter, will supply you with abundant arguments to enforce our requisition.

2. You will give colonel Palfrey, lately paymaster general for our armies, and now our consul in France, all the support which is necessary for the exercise of his consular functions, as well as for the effectual execution of the special authority and instructions which he will communicate. The sufferings of our army for want of the clothing and arms which the grant of his

most christian majesty and your own despatches gave us reason to expect, and the absolute and increasing necessity of their being immediately forwarded, to give efficacy to our future operations, will sufficiently impress upon you the dangerous consequences of a further disappointment.

3. With respect to the loan, we foresee, that the sum which we ask will be greatly inadequate to our wants. We wish, however, to depend as much as possible on our own internal exertions. In this negotiation the state of our finances requires, that you should endeavour to procure as long a respite after the war, for payment of the principal, as may be in your power. You may agree for an interest not exceeding the terms allowed or given on national security in Europe, endeavouring to suspend the discharge of the interest for two or three years, if possible.

You are hereby empowered to pledge the faith of the United States, by executing such securities or obligations for the payment of the money as you shall think proper; and also that the interest shall not be reduced, nor the principal paid, during the term for which the same shall have been borrowed, without the consent of the lenders, or their representatives. You are to stipulate for the payment of both principal and interest in specie. The loan must prove ineffectual, unless the specie is actually remitted. Experience has shown that the negotiation of bills is attended with unsupportable loss and disadvantage. His most christian majesty, we are persuaded, will see in the strongest light the necessity of despatching an effective naval armament to the American seas. This is a measure

of such vast moment, that your utmost address will be employed to give it success. By such a conveyance, the specie may be remitted, in different ships of war, with a prospect of safety.

4. We have received a letter from Stephen D'Audibert Caille, at Salè, of which the enclosed is a copy, wherein he styles himself consul for unrepresented nations at the court of the emperor of Morocco. If you shall see no objections to the contrary, you will correspond with him, and assure him in the name of Congress, and in terms the most respectful to the emperor, that we entertain a sincere disposition to cultivate the most perfect friendship with him, and are desirous to enter into a treaty of commerce with him; and that we shall embrace a favourable opportunity to announce our wishes in form.

DECEMBER 8, 1780.

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

Resolved, That an envoy extraordinary be appointed to proceed to the court of Versailles for the special purpose of soliciting, in conjunction with our minister plenipotentiary at that court, the aids requested by Congress, and forwarding them to America without loss of time.

Ordered, That Monday next be assigned for electing the said envoy.

DECEMBER 9, 1780.

On the report of a committee, consisting of Mr. Houston, Mr. Lovell and Mr. Motte, to whom were referred a letter of the 9th November, from William Palfrey, accepting the office of consul, Congress agreed to the following commission and instructions :

The Congress of the United States of North America to William Palfrey, Esquire, Greeting.

We, reposing special trust and confidence in your abilities and integrity, do by these presents constitute you our consul in France, during our pleasure, to exercise the functions, and to enjoy all the honours, authorities, pre-eminences, privileges, exemptions, rights and emoluments to the said office appertaining.

And we do hereby enjoin it upon all merchants of these United States, and upon all captains, masters and commanders of ships and other vessels, armed or unarmed, sailing under our flag, as well as all others of our citizens, to acknowledge the said William Palfrey, and to obey him in his consular quality ; praying and requesting our very dear great friend and ally his most christian majesty, his governours and other officers whom it may concern, to permit the said William Palfrey fully and peaceably to enjoy the said office, without giving or suffering to be given any molestation or trouble to him, but on the contrary to afford him all countenance and assistance, offering to do the same for all those who shall be in like manner recommended to us by him.

In testimony whereof, we have caused these presents to be given in Congress, at Philadelphia, the ninth day of December, in the year of our Lord, 1780, and the fifth year of our independence.

Signed,

S. H. President.

Attest.

C. T. Secretary.

INSTRUCTIONS TO WILLIAM PALFREY, ESQUIRE.

SIR,

Herewith you will receive a commission constituting you our consul in France during our pleasure.

You are at liberty to fix your residence at that port which may be best adapted to the execution of the powers entrusted to you.

For, besides your proper consular functions, you are to receive and forward all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.

You will regularly transmit to us accounts of the civil and military constitutions of the place where you reside, of its advantages for commerce with the world in general, and especially with these United States.

You will give to our minister plenipotentiary in France such observations as you may from time to time make or obtain, tending to promote through him the service of your country.

You will receive from America, according as good opportunities present, funds for the discharge of your duties as our commercial agent. But at your first arrival, and in cases of absolute necessity, you are

authorized to draw upon our minister plenipotentiary in France, taking care always to give him early notice of such necessities, that he may aid you from funds procured on our account, without doing injury to our other concerns.

You may also draw, under like circumstances, upon other funds which you shall know to have been procured for us in Europe.

You are hereby authorized and instructed to call for any property belonging to these United States, and now in the hands of any persons who have acted as agents for us in France, so that you may obtain a comprehensive view of our effects there, and may contrive the best modes of transmitting them to America.

You will also carefully attend to such instructions as we shall from time to time communicate to you, either directly, or through our minister plenipotentiary.

Done in Congress, the ninth day of December, in the year of our Lord, one thousand seven hundred and eighty, and in the fifth year of the independence of North America.

A motion was made by Mr. Bland, seconded by Mr. Bee, That all the powers, authorities and privileges conferred on William Palfrey, in the commission and instructions appointing him consul in France, and general agent for commercial affairs in that kingdom on the part of the United States, be suspended until he give bond with three sufficient securities in \_\_\_\_\_ for the due performance of his office of agent; and that he take an oath before the chief justice of the state of



Pennsylvania for the due performance of the office of consul, a copy of which oath, together with the bond, to be lodged in the office of the secretary of Congress.

A motion was made by Mr. Sharpe, seconded by Mr. Sullivan, to postpone the consideration of the foregoing motion. And on the question for postponing, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Sullivan,	>Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Lovell,	Ay. } Ay.
Rhode Island,	Mr. Cornell,	>Ay.
Connecticut,	Mr. Huntington,	Ay. }
	Mr. Wolcott,	Ay. } Ay.
	Mr. Root,	Ay. }
New York,	Mr. Floyd,	>Ay.
New Jersey,	Mr. Clarke,	Ay. }
	Mr. Witherspoon,	Ay. } Ay.
Pennsylvania,	Mr. Clymer,	>Ay.
Virginia,	Mr. Madison,	Ay. }
	Mr. Bland,	No. } DIVIDED.
North Carolina,	Mr. Sharpe,	>Ay. X
South Carolina,	Mr. Mathews,	Ay. }
	Mr. Bee,	No. } DIVIDED.
Georgia,	Mr. Few,	Ay. }
	Mr. Howly,	Ay. } Ay.

So it was resolved in the affirmative.

## DECEMBER 11, 1780.

A motion was made by Mr. Witherspoon, seconded by Mr. Burnet, to reconsider the resolution for appointing an envoy extraordinary. And on the question to reconsider, the yeas and nays being required by Mr. Duane—

New Hampshire,	Mr. Sullivan,	>No.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Lovell,	Ay. } Ay.
	Mr. Ward,	Ay. }
Rhode Island,	Mr. Cornell,	>No.
Connecticut,	Mr. Huntington,	Ay. }
	Mr. Wolcott,	Ay. } Ay.
	Mr. Root,	Ay. }
New York,	Mr. Duane,	No. }
	Mr. Floyd,	No. } No.
New Jersey,	Mr. Witherspoon,	Ay. }
	Mr. Clarke,	Ay. } Ay.
	Mr. Burnet,	Ay. }
Pennsylvania,	Mr. Montgomery,	Ay. }
	Mr. Atlee,	No. } DIVIDED.
Maryland,	Mr. Hanson,	>Ay. ×
Virginia,	Mr. Madison,	Ay. }
	Mr. Bland,	No. } DIVIDED.
North Carolina,	Mr. Jones,	No. }
	Mr. Sharpe,	No. } No.

South Carolina,	Mr. Mathews,	No. }	No.
	Mr. Bee,	No. }	
	Mr. Motte,	No. }	
Georgia,	Mr. Walton,	No. }	No.
	Mr. Few,	No. }	
	Mr. Howly,	No. }	

So it passed in the negative.

Congress proceeded to the election of an envoy extraordinary; and the ballots being taken, colonel John Laurens was unanimously elected.

Resolved, That a committee of three be appointed to prepare the draft of a commission and instructions to colonel Laurens.

#### DECEMBER 15, 1780.

Whereas a good understanding and friendly intercourse between the subjects of her imperial majesty the empress of all the Russias and these United States may be for the mutual advantage of both nations:

Resolved, That a minister be appointed to reside at the court of the empress of Russia.

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

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

#### DECEMBER 19, 1780.

Congress proceeded to the election of a minister to reside at the court of the empress of Russia; and the

ballots being taken, the honourable Francis Dana was elected.

On the report of the committee, consisting of Mr. Duane, Mr. Witherspoon and Mr. Madison, appointed to prepare a commission and draft of instructions for the said minister, Congress agreed to the following.

COMMISSION TO THE HONOURABLE FRANCIS DANA.

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

Whereas her imperial majesty the empress of all the Russias, attentive to the freedom of commerce and the rights of nations in her declaration to the belligerent and neutral powers, hath proposed regulations founded on principles of justice, equity and moderation, of which their most christian and catholick majesties, and several of the neutral maritime powers of Europe have declared their approbation: And whereas Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign who hath proposed, and the powers who have approved the said regulations, did, by an act passed on the fifth day of October last, empower the minister plenipotentiary from these United States, if invited thereto, to accede to such regulations conformable to the spirit of the said declaration, as might be agreed on by the Congress expected to assemble in pursuance of her imperial majesty's

invitation: And whereas it is the desire of these United States to cultivate the friendship of her imperial majesty, and to lay a foundation for a good understanding and friendly intercourse between the subjects of her imperial majesty and the citizens of these states, to the mutual advantage of both nations: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of the honourable Francis Dana, late a delegate in Congress from the state of Massachusetts Bay, and a member of the council of said state, have nominated and constituted, and by these presents do nominate and constitute him the said Francis Dana to be our minister at the court of her said imperial majesty, with full power in our name, and in behalf of these United States, to accede to the convention of the said neutral and belligerent powers for protecting the freedom of commerce and the rights of nations, and to subscribe any treaty for that purpose conformable to the spirit of her said imperial majesty's declaration, and which shall be consistent with the dignity and sovereignty of the United States as a free and independent nation, either with her imperial majesty conjunctly with the other neutral powers, or if that shall be inadmissible, separately with her imperial majesty, or any one of those powers. And he is further authorized in our name, and on behalf of the United States, to propose a treaty of amity and commerce between these United States and her said imperial majesty, and to confer and treat thereon with her ministers, vested with equal powers, so as the same shall be founded on principles of equality and reciprocity, and for the mutual advantage of both nations, and agreeable to the spirit of the treaties subsisting between

these United States and his most christian majesty ; transmitting such treaty for our final ratification. And we declare in good faith that we will confirm whatsoever shall by him be transacted in the premises.

Done by the United States of America in Congress assembled, at Philadelphia. Witness his excellency Samuel Huntington, esquire, President, the nineteenth day of December, in the year of our Lord, one thousand seven hundred and eighty, and in the fifth year of our independence.

(Signed) S. H. President.

Attest.

CH. THOMSON, Sec'y.

INSTRUCTIONS TO THE HONOURABLE FRANCIS DANA,  
ESQUIRE.

SIR,

The great object of your negotiation is to engage her imperial majesty to favour and support the sovereignty and independence of these United States, and to lay a foundation for a good understanding and friendly intercourse between the subjects of her imperial majesty and the citizens of these United States, to the mutual advantage of both nations.

You will readily perceive, that it must be a leading and capital point, if these United States shall be formally admitted as a party to the convention of the neutral maritime powers for maintaining the freedom of commerce. This regulation in which the empress is deeply interested, and from which she has derived so

much glory, will open the way for your favourable reception, which we have the greater reason to expect, as she has publickly invited the belligerent powers to accede thereto.

And you will give it an attention suitable to its importance. Your success will, however, depend on a variety of sources and contingencies; on a more perfect knowledge of the state of Europe than can be obtained at this distance; on the ultimate views of her imperial majesty, the temper of her cabinet, the avenues to their confidence, the dispositions of the neutral powers with whom she is connected, and the events of war. Under such circumstances, precise instructions for your conduct cannot be expected: on the contrary, the greatest room must be left for the exercise of your own penetration and assiduity in gaining proper information, and for your prudence and address in improving it to the best advantage. Your zeal for the publick interest will lead you to embrace every favourable incident and expedient, which may recommend these states to the friendship of her imperial majesty and her ministers. Your attachment to the honour and independence of your country will restrain you from every concession unbecoming the dignity of a free people. The diplomatick order in which you are placed by your commission, will prevent embarrassments, which, in so delicate a case might arise from the punctilio of ceremony; while it entitles you to all the confidence and protection essential to the office of a publick minister.

For the further execution of your trust, you will conform, as far as possible, to the following instructions:

1. You shall communicate your powers and instructions to our ministers plenipotentiary, at the court of Versailles, and for negotiating peace, and avail yourself of their advice and information; and it may be prudent through them to obtain the sense of the court of France thereon.

2. You shall communicate the general object of your mission to the minister of his most christian majesty at the court of Petersburg, and endeavour through his mediation to sound the disposition of her imperial majesty, or her ministers, towards these United States.

3. If the result of your inquiries should point out a fair prospect of an honourable reception, you are to announce your publick character, and deliver your letters of credence in the usual form.

4. You are to manifest on all proper occasions the high respect which Congress entertain for her imperial majesty; for the lustre of her character, and the liberality of her sentiments and her views; and particularly you are, in the strongest terms, to testify our approbation of the measures which her imperial majesty has suggested and matured for the protection of commerce against the arbitrary violations of the British court. You will present the act of Congress herewith transmitted, declaring our assent to her imperial majesty's regulations on this subject, and use every means which can be devised to obtain the consent and influence of that court that these United States shall be formally invited, or admitted, to accede as principals and as an independent nation to the said convention. In that event, you are authorized to subscribe the treaty or convention for the protection of commerce



in behalf of these United States, either with her imperial majesty conjunctly with the other neutral powers, or if that shall be inadmissible, separately with her imperial majesty, or any one of those powers.

5. You are to impress her imperial majesty and her ministers with a sense of the justice of our cause, the nature and stability of our union, and the solemn engagements by which not only the states, but his most christian majesty, are reciprocally bound to maintain the sovereignty, rights and jurisdiction of each of the thirteen states inviolably; and the utter impracticability of our acceding to any treaty of peace with Great Britain, on the principles of a *uti possidetis*, or on any other terms than such as shall imply an express or tacit acknowledgment of the sovereignty of each and every part, and which shall be consistent with the letter and spirit of our treaty of alliance and friendship and commerce with his most christian majesty. You shall represent, in pointed terms, the barbarous manner in which, contrary to the laws of all civilized nations, the war has been conducted by the enemy, the difficulties which we have surmounted, and the certain prospect, under the divine blessing, of expelling our enemies, and establishing our independence on such basis as will render us useful to the whole commercial world, and happy in ourselves. You shall assure her imperial majesty of our ambition to number so wise and magnanimous a princess among our friends, and to assign her a distinguished place among those illustrious personages of ancient and modern times, who have delighted in promoting the happiness of man-

kind, and in disarming tyranny of the power of doing mischief.

6. You shall assure her imperial majesty and her ministers of the sincere disposition of these United States to enter into a treaty of friendship and commerce with her on terms of the most perfect equality, reciprocity and mutual advantage, and similar to those expressed in our treaty with his most christian majesty ; and you are authorized to communicate with her imperial majesty's ministers on the form and terms of such treaty, and transmit the same to Congress for their ratification.

7. You shall communicate punctually with our respective ministers in Europe, and avail yourself of their advice and information, and of the success of their respective negotiations to raise our importance and support our interest at the court of Petersburg.

8. You shall endeavour to acquire a perfect knowledge of the manners and etiquette of the court at which you reside, and particularly in the diplomattick line ; and of the manufactures and commerce of that empire ; and point out in your correspondence how far and on what conditions the two nations can be mutually beneficial to or improve each other in commerce or policy, arts or agriculture.

Lastly. And, in general, you shall pursue all such measures as shall appear to you conducive to the interests of the United States, to the faithful discharge of your important trust, and which circumstances may point out to be salutary and beneficial.

Done in Congress, at Philadelphia, the 19th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

A LETTER OF CREDENCE FOR MR. DANA.

GREAT AND BELOVED,

The United States of North America in Congress assembled, impressed with a high sense of the wisdom and magnanimity of your imperial majesty, and willing to testify our approbation of the regulations proposed by your imperial majesty for protecting the freedom of commerce and the rights of nations, have appointed the honourable Francis Dana, late a delegate in Congress from the state of Massachusetts Bay, and a member of the council of the said state, to be our minister at your court, that he may give more particular assurances of the great respect which we entertain for your imperial majesty, and of our earnest desire to cultivate the friendship of a sovereign eminent for her justice, equity and moderation. We beseech your imperial majesty to give entire credit to every thing which he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship. We pray God to keep your imperial majesty in his holy protection.

Done by the United States of North America assembled in Congress, at Philadelphia, the 19th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

S. H. President.

CH. T. Secretary.

#### DECEMBER 20, 1780.

Resolved, That the President furnish the minister appointed to the court of Petersburg with letters of credit on the minister plenipotentiary of the United States at the court of Versailles, for fifteen hundred pounds sterling, as his salary for one year; provided the said minister shall proceed to the court of Petersburg.

#### DECEMBER 21, 1780.

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

Resolved, That the resolution for appointing an envoy extraordinary to the court of Versailles be reconsidered so far as to alter the style and title of the minister.

A motion was then made by Mr. Madison, seconded by Mr. Duane, to strike out the words "envoy extraordinary."

A division was called for. And on the question, Shall the word "envoy" stand, the yeas and nays being requested by Mr. Mathews—

Massachusetts Bay,	Mr. S. Adams, Mr. Lovell, Mr. Ward,	No. } No. } No. }	No.
Rhode Island,	Mr. Varnum,	} No.	
Connecticut,	Mr. Huntington, Mr. Root, Mr. Wolcott,	No. } No. } No. }	No.
New York,	Mr. Duane, Mr. Floyd,	No. } No. }	No.
New Jersey,	Mr. Witherspoon, Mr. Clarke, Mr. Burnet,	No. } No. } Ay. }	No.
Pennsylvania,	Mr. Montgomery, Mr. Clymer, Mr. Wynkoop,	No. } No. } No. }	No.
Virginia,	Mr. Madison, Mr. Bland,	No. } Ay. }	DIVIDED.
North Carolina,	Mr. Burke, Mr. Sharpe,	No. } No. }	No.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	No. } No. } No. }	No.

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

On the question, the word "extraordinary" was also struck out.

On motion.

Resolved, That the words "in conjunction with our "minister plenipotentiary at that court," be struck out.

On motion,

Resolved. That in lieu of the words "envoy extraordinary," be inserted the word "minister;" and the resolution as amended is as follows :

Resolved, That a minister be appointed to proceed to the court of Versailles for the special purpose of soliciting the aids requested by Congress, and forwarding them to America, without loss of time.

#### DECEMBER 23, 1780.

The committee, consisting of Mr. Sullivan, Mr. Madison and Mr. Mathews, appointed to prepare a commission and instructions to colonel J. Laurens, reported a draft of commission, instructions and letters of credence, which were agreed to as follows :

##### COMMISSION TO COLONEL JOHN LAURENS.

The United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled—To John Laurens, Esquire, Greeting.

We, reposing especial trust and confidence in your fidelity, zeal, prudence and abilities, have nominated and constituted. and by these presents do nominate

and constitute you our minister, for the special purpose of proceeding to the court of Versailles, and representing to his most christian majesty the present state of our publick affairs, with the necessity and mutual advantage of his maintaining a naval superiority in the American seas ; and also of soliciting from him, and forwarding to the United States, certain aids in money and stores according to an estimate herewith delivered to you, the better to enable us to prosecute the war with vigour, and co-operate with the arms of our ally with effect.

Witness his excellency Samuel Huntington, esquire, President, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed)

S. H.

CH. T. Sec'y.

INSTRUCTIONS TO COLONEL JOHN LAURENS.

SIR,

You will herewith receive a commission appointing you our minister at the court of Versailles; in pursuing the objects of which, you will conform to the following instructions :

Upon your arrival you will communicate fully to our minister plenipotentiary at that court the business on which you are sent, and avail yourself of his information and influence for obtaining the aids mentioned in the estimate delivered to you. Instructions to him for that purpose are herewith transmitted, which you will

deliver immediately on your arrival. You will convey to his most christian majesty the grateful sense Congress have of the noble and generous part he has taken with regard to the United States, and use every possible means to impress him with the urgent and critical state of our affairs at present, which induced the appointment of a special minister to solicit his effectual aid.

You will, in particular, give him full information of the present state of our military affairs, and the measures taken for providing a respectable force for the ensuing campaign. It will be proper, at the same time, to point out the causes which rendered the last campaign unsuccessful.

You are to use every effort in your power to enforce the necessity of maintaining a naval superiority in the American seas. You will assure his most christian majesty on our part, that if he will please to communicate to us his intentions respecting the next campaign in America, we will use every effort in our power for an effectual co-operation. You are to give his majesty the most positive and pointed assurances of our determination to prosecute the war for the great purposes of the alliance agreeable to our engagements.

Should his majesty grant the aids requested, and send to our assistance a naval force, you will take advantage of that conveyance for forwarding the articles furnished. If no naval armament should be ordered to America, you will endeavour to obtain some vessels of force to transport the said articles, or take advantage of some convoy to America which may render the



transportation less hazardous. You will call upon William Palfrey, esquire, our consul in that kingdom, for such assistance as you may stand in need of for forwarding any supplies which you may obtain. You are authorized to draw upon our minister plenipotentiary for such sums as you may from time to time stand in need of, giving him early notice thereof that he may aid you from funds procured on our account, without doing injury to our other concerns. You may also draw upon any other funds which you may know to have been procured for us in Europe.

You will, on your arrival at the court of Versailles, present the letter to his most christian majesty which you will herewith receive. Previous to your departure from the United States, you are to confer with the commander in chief of the American army, the minister plenipotentiary of France, the commanders in chief of his most christian majesty's fleet and army at Rhode Island, the marquis de la Fayette, if it should not retard your voyage, upon the subject of your commission, and avail yourself of every information you may obtain from them respectively. You will embrace every opportunity of informing us of the success of your negotiations, and receive and obey such instructions as you may from time to time receive from Congress.

When the purpose of your mission shall be as fully effected as you may deem practicable, you are to return, and report your success to Congress without delay, unless you shall previously receive other orders.

We pray God to further you with his goodness in the several objects hereby recommended, and that he will have you in his holy keeping.

Done in Congress, at Philadelphia, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

LETTERS OF CREDENCE TO COLONEL J. LAURENS.

GREAT AND BELOVED FRIEND AND ALLY,

The United States of America in Congress assembled, impressed with the magnanimity of your majesty, and of the repeated proofs you have given of your friendly disposition towards these states, and also feeling the necessity of giving your majesty full information of the present state of our affairs, have appointed the honourable John Laurens, esquire, a lieutenant colonel in the army of these states, to repair to your court, in quality of minister, to solicit the aids requested by us; and that he may give your majesty more particular and further assurances of the high regard we continue to entertain for your majesty. We beseech your majesty to give entire credit to every thing he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship.

And we pray God that he will keep your majesty in his most holy protection.

Done at Philadelphia, the 23d day of December, in the year of our Lord, 1780, and in the 5th year of our independence. By the Congress of the United States of North America. Your good friends and allies.

(Signed)

S. H. President.

C. T. Sec'y.

Ordered, That a committee be appointed to confer with the honourable John Laurens on the subject of his mission.

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

#### DECEMBER 26, 1780.

Ordered, That a committee of three be appointed to prepare additional instructions to the honourable Dr. Franklin, on the subject of Mr. J. Laurens's mission.

The members—Mr. Burke, Mr. M'Kean and Mr. Duane.

Ordered, That a committee of five be appointed to confer with the honourable the minister of France on the subject of Mr. Laurens's mission.

The members—Mr. Witherspoon, Mr. Sullivan, Mr. Duane, Mr. Mathews and Mr. Madison.

Ordered, That the board of war prepare with all despatch a copy of the list of supplies requested from his most christian majesty to be sent by Mr. Laurens.

## DECEMBER 27, 1780.

Resolved, That the third article of instructions given to Dr. Franklin the 28th of November last, be added to those given to Mr. J. Laurens, as *additional instructions*.

On the report of the committee, consisting of Mr. Burke, Mr. M'Kean and Mr. Duane, Congress agreed to the following

## ADDITIONAL INSTRUCTIONS TO DR. FRANKLIN.

SIR,

Since your last instructions, Congress have thought it expedient to send colonel John Laurens with powers to negotiate specially the important affairs to which they more immediately relate. This gentleman, from the nature of his services and situation, has had opportunities of information which peculiarly qualify him for giving to his most christian majesty a more lively idea of our circumstances, of our indispensable wants, and of the great advantages which must result to the allies from his majesty's complying with our requests.

The negotiation is besides so critically important that it was deemed highly requisite, by the mission of this special minister, to guard against the accident of your want of health, and the consequent delay in making the application.

Notwithstanding this appointment, should the duplicates of the despatches reach you before this minister's

arrival, you will consider it as the desire of Congress, that you take, with all possible expedition, every step in your power for effecting the business, or at least for disposing his most christian majesty and his ministers to take a favourable impression from the representation which colonel Laurens, from his advantages of fuller information, may be better able to make. He is instructed, and it is well known to be his own disposition, to avail himself of your information and influence. And Congress doubt not that the success of this measure will be much promoted by the assistance he will derive from you. And they desire you to consider your attention to him, as a matter which will be very satisfactory to Congress, and advantageous to your country.

Done by Congress, at Philadelphia, 27th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed) SAML. HUNTINGTON, President.  
CH. T. Sec'y.

DECEMBER 28, 1780.

Resolved, That the board of admiralty take order for fitting out the Alliance frigate for the purpose of conveying the honourable J. Laurens to some port in France.

DECEMBER 29, 1780.

On the report of a committee, consisting of Mr. Root, Mr. Mathews and Mr. Lovell, to whom were

referred two letters, one of 24th and one of 25th September, 1780, from the honourable J. Adams, at Amsterdam,

Resolved, That a commission be given to the honourable J. Adams, similar to the one prepared on the first day of November, 1779, and since given to the honourable Henry Laurens, as minister plenipotentiary, to negotiate a treaty of amity and commerce with the United Provinces of the low countries; and that the following instructions and articles of a treaty be transmitted to him :

THE COMMISSION TO MR. J. ADAMS.

The United States of America in Congress assembled, to all who shall see these presents, send greeting.

Whereas an intercourse between the citizens of the United Provinces of the low countries and the citizens of these United States, founded on the principles of equality and reciprocity, may be of mutual advantage to both nations :

KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of the honourable John Adams, late commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts Bay, and chief justice of the said state, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Adams our commissioner, giving him full power, 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 states general of the said United Provinces, of and concerning a treaty of amity and commerce; and whatever shall be so agreed and concluded for us, and in our name, to sign, and thereupon 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.

In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the 29th day of December, in the year of our Lord, 1780, and in the 5th year of our independence.

(Signed) S. HUNTINGTON, President.

CH. THOMSON, Sec'y.

INSTRUCTIONS TO THE HONOURABLE JOHN ADAMS.

SIR,

You will herewith receive a commission, authorizing you to negotiate a treaty of amity and commerce with the United Provinces of the low countries. You will also receive a plan, in articles, which you are to adopt in whole, or without any essential alteration, being always cautious not to admit any thing inconsistent with the treaties already concluded between the United States and France, and being particularly attentive to the ninth, tenth and seventeenth articles of our treaty

of amity and commerce with France, numbered as they were finally ratified.

In settling regulations respecting contraband, you will regard not only the enumeration made in our treaty with France, but conform to such regulations as shall be agreed upon by the Congress of the northern powers, concerning which we have expressed our intentions by resolves passed the 5th of October last, and herewith transmitted.

Done at Philadelphia, this 29th day of December, in the year of our Lord, 1780, and in the 5th year of our independence. By the Congress of the United States.

(Signed) SAMUEL HUNTINGTON, President.  
CH. THOMSON, Sec'y.

Plan of a Treaty of Amity and Commerce between the United States of America and the United Provinces of the Low Countries.

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 they shall find most convenient, and by founding the advantage of commerce on reciprocal and 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 their high mightinesses the states general of the seven United Provinces of the low countries and the United States of North America, and the subjects and people 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 states of the low countries shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States of North America, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, 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, whether in passing from one port in the said states to another, or in going to and from the same, from and to any port of the world which the said nations do or shall enjoy.

## ARTICLE III.

The converse of article II.

## ARTICLE IV.

There shall be a full, perfect and entire liberty of conscience allowed to the subjects of each party, and to their families, as to matters of religion, and a full and entire liberty to worship in their own way, without any kind of molestation. Moreover, liberty shall be given to the subjects of either party, who die in the territories of the other, to be interred in convenient and decent places to be appointed for that purpose as occasion shall require; neither shall the dead bodies of those that are buried be any wise molested.

## ARTICLE V.

Their high mightinesses the states of the seven United Provinces of the low countries shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens, people or inhabitants of the said United States of America, or any of them, being in their ports, havens or roads. or on the seas near to their 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 their jurisdiction. And their ships of war, or any convoy sailing under their authority, shall, upon all occasions, take under their protec-

tion all vessels belonging to the subjects, people 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 their said high mightinesses.

ARTICLE V.

A reciprocal stipulation.

ARTICLE VI.

It shall be lawful and free for merchants and others being subjects either of the said seven United Provinces of the low countries, or of the said United States of America, by will, or any other disposition, made either during the time of sickness or at any other time before, or at the point of death, to devise or give away to such person or persons as to them shall seem good, their effects, merchandise, money, debts or goods, moveable or immoveable, which they have or ought to have at the time of their death, or at any time before, within the countries, islands, cities, towns or dominions belonging to either of the said contracting parties. Moreover, whether they die having made their wills, or intestate, their lawful heirs, executors or administrators residing in the dominions of either of the contracting parties, or coming from any other part, although they be not naturalized, and without having their right

contested or impeded under pretext of any rights or prerogatives of provinces, cities or private persons, shall freely and quietly receive and take possession of all the said goods and effects whatsoever, 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 law in those places where such persons may happen to die, as well by the subjects of one as of the other contracting party, any law, statute, edict, custom or ordinance or right whatsoever notwithstanding.

#### 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 think fit, to which end the said advocates, and others abovementioned, may be appointed by the ordinary judges, if it be needful, and the judges be thereunto required.

#### ARTICLE VIII.

Merchants, masters of ships, owners, mariners, men of all kinds, ships and vessels, and all merchandise 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, towns, ports, havens, shores or dominions whatsoever of the other confederate, for publick use, warlike expeditions, or the private use of any one, by arrests,

violence, or any colour thereof. Moreover, it shall be unlawful for the subjects of either party to take any thing, or to extort it by force from the subjects of the other party, without the consent of the person to whom it belongs. Which, however, is not to be understood of that seizure and detention which shall be made by the command and authority of justice, and by the ordinary methods, on account of debt or crimes, in respect whereof the proceedings 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 of their high mightinesses the states of the seven United Provinces of the low countries, 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 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 merchandises, either into

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 domination and jurisdiction of their high mightinesses the states of the seven United Provinces of the low countries.

#### ARTICLE X.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, 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 XI.

If by exhibiting the above said certificates the other party discover there are any of those sorts 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 vessel found therein, or to remove the smallest parcel of her goods, whether such ship belongs to the subjects of their high mightinesses the states of

the seven United Provinces of the low countries, 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 are to be esteemed free; neither may they be detained on pretence of their being, as it were, infected by 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, agreeably to what is above directed.

#### 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, the whole, though 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, without the knowledge of it, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or otherwise, 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 wise 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 way 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 subjects from whatever part of the world they come shall not plead the ignorance mentioned in this article.

#### ARTICLE XIII.

And that more effectual care may be taken for the security of the subjects and people of either party, that they do not suffer any injury by the men of war or privateers of the other party, all the commanders of the ships of war and the armed vessels of the said states of the seven United Provinces of the low countries, and of the said United States of America, and all their



subjects and people, shall be forbid doing any injury or damage to the other side ; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation under the pain and obligation of their persons and goods.

#### ARTICLE XIV.

All ships and merchandise 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 XV.

If any ships or vessels belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof ; and letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one of them to his own country.

## ARTICLE XVI.

In case the subjects or people of either party, with their shipping, whether of publick and of war, or private and of merchants, be found through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, creeks, bays, havens, roads, ports or shores belonging to the other party, they shall be received and treated 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 where and whither they please, without any let or hindrance.

## ARTICLE XVII.

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 XVIII.

No subjects of their high mightinesses the states of the seven United Provinces of the low countries 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 said United States of America shall happen to be at war; nor shall any citizen, 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 vessel to act as privateers against the subjects of their said high mightinesses, or any of them, or the property of any of them, from any prince or state with which the said state 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 XIX.

The ships of the subjects and inhabitants of either of the parties coming 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, shall be treated agreeable to the general rules prescribed, or to be prescribed, relative to the object in question.

## ARTICLE XX.

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.

## ARTICLE XXI.

It is agreed between the two contracting parties, that no clause, article, matter or thing herein contained, shall be taken or understood, either in present or future, contrary to the clauses, articles, covenants and stipulations in a treaty between the said United States of America and the most christian king, executed at Paris on the 6th day of February, 1778, or any of them, but the same shall be taken and understood consistently with, and conformably to, the said treaty.

Ordered, That the committee who brought in the foregoing report prepare the draft of letters of credence for Mr. Adams.

JANUARY 3, 1781.

The committee appointed to prepare letters of credence to the honourable J. Adams, reported drafts which were agreed to as follows :

To their High Mightinesses the States General of the  
United Netherlands.

HIGH AND MIGHTY LORDS,

The United States of North America in Congress assembled, impressed with a high sense of the wisdom and magnanimity of your high mightinesses, and of your inviolable attachments to the rights and liberties of mankind, and being desirous of cultivating the friendship of a nation eminent for its wisdom, justice and moderation, have appointed the honourable John Adams, late a delegate in Congress from the state of Massachusetts, and a member of the council of that state, to be their minister plenipotentiary to reside near you, that he may give you more particular assurances of the great respect they entertain for your high mightinesses. We beseech your high mightinesses to give entire credit to every thing which our said minister shall deliver on our part, especially when he shall assure you of the sincerity of our friendship and regard. We pray God to keep your high mightinesses in his holy protection.

Done at Philadelphia, this 3d day of January, in  
the year of our Lord, 1781, and in the 5th year  
of our independence. By the United States of  
America. Your Friends.

S. HUNTINGTON, President.

CH. THOMSON, Sec'y.

To His Most Serene Highness the Prince of Orange.

HIGH AND SERENE PRINCE,

The United States of America in Congress assembled, impressed with a deep sense of your wisdom and magnanimity, and being desirous of cultivating the friendship of your highness, and of the seven United Provinces of the Netherlands, who have ever distinguished themselves by an inviolable attachment to freedom and the rights of nations, have appointed the honourable John Adams, late a delegate in Congress from the state of Massachusetts, and a member of the council of that state, to be their minister plenipotentiary at your court, that he may give you more particular assurances of the great respect they entertain for your highness and for the people over whom you preside as stadtholder. We beseech your highness to give entire credit to every thing which our said minister shall deliver on our part, especially when he shall assure you of the sincerity of our friendship and regard. We pray God to keep your highness in his holy protection.

Done at Philadelphia, &c.

JANUARY 10, 1781.

On the report of a committee, consisting of Mr. Burke, Mr. Witherspoon, and Mr. Duane, to whom was referred a correspondence between the count de Vergennes and Mr. J. Adams, relative to the communication of the plenipotentiary powers of the latter, Congress agreed to the following letter :

SIR,

Congress consider your correspondence with the count de Vergennes on the subject of communicating your plenipotentiary powers to the ministry of Great Britain, as flowing from your zeal and assiduity in the service of your country ; but I am directed to inform you, that the opinion given to you by that minister relative to the time and circumstances proper for communicating your powers, and entering upon the execution of them, is well founded. Congress have no expectations from the influence which the people of England may have on the British councils, whatever may be the dispositions of that nation or their magistrates towards these United States : nor are they of opinion that a change of ministers would produce a change of measures ; they therefore hope that you will be very cautious of admitting your measures to be influenced by presumptions of such events, or their probable consequences.

I am, &c.

S. HUNTINGTON, President.

FEBRUARY 15, 1781.

Congress took into consideration the draft of a letter to Mr. Jay, which the delegates of Virginia had moved in pursuance of instructions from their constituents, and the same was agreed to as follows :

SIR,

Congress having since their instructions to you of the 29th September, 1779, and 4th October, 1780, re-

lative to the claim of the United States to the free navigation of the river Mississippi, and to a free port or ports below the thirty-first degree of north latitude, resumed the consideration of that subject, and being desirous to manifest to all the world, and particularly to his catholick majesty, the moderation of their views, the high value they place on the friendship of his catholick majesty, and their disposition to remove every reasonable obstacle to his accession to the alliance subsisting between his most christian majesty and these United States, in order to unite the more closely in their measures and operations three powers who have so great a unity of interests, and thereby to compel the common enemy to a speedy, just and honourable peace—have resolved, and you are hereby instructed to recede from the instructions above referred to, so far as they insist on the free navigation of that part of the river Mississippi, which lies below the thirty-first degree of north latitude, and on a free port or ports below the same; provided such cession shall be unalterably insisted upon by Spain; and provided the free navigation of the said river, above the said degree of north latitude, shall be acknowledged and guarantied by his catholick majesty to the citizens of the United States in common with his own subjects. It is the order of Congress at the same time, that you exert every possible effort to obtain from his catholick majesty the use of the river aforesaid, with a free port or ports below the said thirty-first degree of north latitude for the citizens of the United States, under



such regulations and restrictions only as may be a necessary safeguard against illicit commerce.

I am, &c.

S. HUNTINGTON, President.

When the question was about being put to agree to the foregoing letter, the previous question was moved by Mr. Burke, seconded by Mr. Lovell. And on the question to agree to the previous question, the yeas and nays being required by Mr. Bee—

New Hampshire,	Mr. Sullivan,	>No.
Massachusetts Bay,	Mr. Adams,	Ay. }
	Mr. Lovell,	Ay. } AY.
	Mr. Ward,	Ay. }
Rhode Island,	Mr. Varnum,	>No.
Connecticut,	Mr. Huntington,	No. }
	Mr. Root,	Ay. } AY.
	Mr. Wolcott,	Ay. }
New York,	Mr. Floyd,	Ay. }
	Mr. M'Dougall,	No. } DIVIDED,
New Jersey,	Mr. Burnet,	>No. x
Pennsylvania,	Mr. Montgomery,	No. }
	Mr. Atlee,	No. }
	Mr. Clymer,	No. } No.
	Mr. Wynkoop,	No. }
	Mr. Smith,	No. }
Delaware,	Mr. M'Kean,	>No.
Maryland,	Mr. Carroll,	>No. x

Virginia,	Mr. Jones, Mr. Madison, Mr. Bland,	No. } No. } No. } No.
North Carolina,	Mr. Burke, Mr. Sharpe, Mr. Johnston,	Ay. } No. } No. } No.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	No. } No. } No. } No.
Georgia,	Mr. Walton, Mr. Few,	No. } No. } No.

So it passed in the negative.

On the question to agree to the letter of instructions, the yeas and nays being required by Mr. Lovell—

New Hampshire,	Mr. Sullivan,	>Ay.
Massachusetts Bay,	Mr. S. Adams, Mr. Lovell, Mr. Ward,	No. } No. } No. } No.
Rhode Island,	Mr. Varnum,	>Ay.
Connecticut,	Mr. Huntington, Mr. Root, Mr. Wolcott,	Ay. } No. } No. } No.
New York,	Mr. Floyd, Mr. M'Dougal,	No. } Ay. } DIVIDED.
New Jersey,	Mr. Burnet,	>Ay. ×

Pennsylvania,	Mr. Montgomery,	Ay.	} Ay.
	Mr. Atlee,	Ay.	
	Mr. Clymer,	Ay.	
	Mr. Wynkoop,	Ay.	
	Mr. T. Smith,	Ay.	
Delaware,	Mr. M'Kean,		} Ay.
Maryland,	Mr. Carroll,		} Ay. ✓
Virginia,	Mr. Jones,	Ay.	} Ay.
	Mr. Madison,	Ay.	
	Mr. Bland,	Ay.	
North Carolina,	Mr. Burke,	No.	} No.
	Mr. Sharpe,	Ay.	
	Mr. Johnston,	No.	
South Carolina,	Mr. Mathews,	Ay.	} Ay.
	Mr. Bee,	Ay.	
	Mr. Motte,	Ay.	
Georgia,	Mr. Walton,	Ay.	} Ay.
	Mr. Few,	Ay.	

So it was resolved in the affirmative.

### MARCH 24, 1781.

A motion was made by Mr. Bland, seconded by Mr. Motte, in the words following :

Whereas there is great reason to believe that the communications of Congress to their minister at the court of Madrid, and from him to Congress, have been and are intercepted by the machinations of the instruments of the court of Great Britain :

Resolved, therefore, That be ap-  
pointed, and he is hereby appointed to reside at Cadiz.

and authorized to receive and despatch all letters to and from Congress, to and from their minister at the court of Madrid ; and that be re-mitted him for the purpose of paying express couriers to and from that port to the court of Madrid. That a circumstantial account of the several actions and successes of our troops against those of the enemy since the battle of Camden be transmitted through the afore-said channel to our minister at the court of Madrid, and a copy of the act of Virginia relinquishing their right to the navigation of the Mississippi.

It was moved by Mr. Adams, seconded by Mr. M. Smith, that the consideration of the motion be postponed. And on the question to postpone, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Sullivan,	Ay. } Ay. X
Massachusetts Bay,	Mr. Adams, Mr. Ward,	Ay. } Ay. } Ay.
Connecticut,	Mr. Huntington, Mr. Root, Mr. Wolcott,	Ay. } Ay. } Ay. } Ay.
New Jersey,	Mr. Clark, Mr. Houston,	Ay. } Ay. } Ay.
Pennsylvania,	Mr. Montgomery, Mr. Clymer,	Ay. } Ay. } Ay.
Delaware,	Mr. M'Kean, Mr. Vandyke,	Ay. } Ay. } Ay.
Maryland,	Mr. Hanson, Mr. Carroll,	Ay. } Ay. } Ay.

Virginia,	Mr. Bland, Mr. Smith,	No. } Ay. }	DIVIDED.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Bee, Mr. Motte,	Ay. } No. }	DIVIDED.
Georgia,	Mr. Few, Mr. Howly,	Ay. } Ay. }	AY.

So it was resolved in the affirmative.

### MARCH 24, 1781.

The chevalier de la Luzerne, minister plenipotentiary of France, by a memorial informed Congress, That the king, being made acquainted with the situation of the affairs of the confederacy, had resolved to continue during the next campaign the land and sea forces which are now in this continent. That unforeseen obstacles had prevented the junction of the second division of sea forces with the first, as soon as was expected; but that it was to sail as soon as possible; and that Congress should use their utmost exertions to have their army ready for action without the least delay.

But while the king, actuated by his love for the United States, of his mere motion was giving them succours which he was under no obligation to do, and out of regard to them lessened the efforts which he could have made for his own advantage, he had reason to expect a proportionable activity from Congress; and he hopes that the United States, which have so

much to gain or lose by the issue of the contest, will employ all their resources in the present conjuncture ; and that the Congress which is entrusted with their dearest interest will hasten to adopt effectual measures for conducting matters to a happy issue.

The chevalier de la Luzerne, when he communicated to the king the news of the final ratification of the confederation, thought himself warranted to assure his majesty that this event would have a happy influence on the councils of this republick ; that they would thereby acquire all the energy necessary for conducting the important business entrusted to them ; that the union would receive new force ; and he did not doubt but the ensuing campaign would give decisive proofs of this. And the minister relies that his hopes, which are the same as are entertained by the whole continent, will not be disappointed. It is at the same time essential, while Congress are making the necessary arrangements for the ensuing campaign, that they should know for certain that they are to count only on their own resources for defraying the expenses that it will require. The frankness of the king, and the friendship he bears to the United States, will not permit him to encourage an error which they appear to be in, with respect to the pecuniary aids which they seem to expect. The desire of securing their independence had induced his majesty to exceed the measure of the engagements he had contracted with them ; and he will continue to support their interests, either by powerful diversions or by immediate succours ; and they may rely not only on his most scrupulous punctuality in the execution of his engagements, but upon all the extraordina-

ry assistance which it will be in his power to give them. But as to pecuniary aids, the enormous expenses of the present war, and the necessity of preserving credit, which is the only means of providing for those expenses, do not permit his majesty's ministers to give Congress the least hope in that respect. The chevalier de la Luzerne will not dissemble that his court was exceedingly surprised on being informed of the step which Congress had taken in disposing of bills drawn on their minister, although they could not be ignorant that they had no funds for discharging them. This is a conduct totally inconsistent with that order which his majesty is forced to observe in his finances, and he has no doubt but, in future, Congress will most studiously avoid a repetition of it. He has nevertheless resolved to discharge the bills which became due last year, to the amount of one million of livres; and it is probable his majesty will be able to provide funds to the amount of three millions for the discharge of those which will become due in the course of the present year. The king's ministers have also procured for Mr. Franklin, whose zeal, wisdom and patriotism deserve their utmost confidence, the sums necessary for the purchase he is ordered to make. These expenses, joined to those occasioned by sending a fleet and army to this continent, far exceed what Congress had a right to expect from the friendship of their ally; and the chevalier de la Luzerne is persuaded, that from this moment Congress will abstain from that ruinous measure of drawing bills of exchange without the previous knowledge and consent of his majesty's ministers. And as their attention is employed in what may be

most for the convenience of the United States, they propose that Congress should furnish the fleet and army of his majesty which are in this country with the necessary provisions, and receive in payment bills on the treasury of France, which will be punctually discharged. As to the manner in which this arrangement may be made, the minister will have the honour of entering into a minute discussion with a committee which he begs Congress would be pleased to appoint to confer with him on the subject.

The above was referred to a committee of six, namely, Mr. Jones, Mr. S. Adams, Mr. Burke, Mr. M'Kean, Mr. Madison and Mr. Hanson.

#### APRIL 11, 1781.

On the report of the committee to whom was referred the memorial from the minister of France of the 24th March, and a letter of the 2d, and one of the 3d December last, from Dr. Franklin, the minister plenipotentiary of the United States at the court of Versailles,

Resolved, That the United States in Congress assembled will take every measure in their power for furnishing supplies to the amount of four hundred thousand dollars, for which their minister has entered into engagements, and will give immediate orders for forming magazines of flour, biscuit, Indian corn and flesh provisions to be in readiness for the officers of his most christian majesty.



APRIL 27, 1781.

A letter of the 28th of January, from the honourable J. Jay, was read : Whereupon,

Ordered, That no more of the bills drawn on the honourable J. Jay, or the honourable Henry Laurens, be sold until the further order of Congress ; and that the board of treasury take immediate steps for stopping the sale.

MAY 16, 1781.

On a report from the board of admiralty, to whom was referred the letter of the 28th of January, from the honourable J. Jay,

Resolved, That Mr. Jay be and he is hereby authorized to dispose of the hull of the seventy-four gun ship now on the stocks at Portsmouth, in the state of New Hampshire, together with such timber and other materials as are prepared for building her, to his catholic majesty, on such terms as he may judge best for the honour and interest of the United States.

MAY 23, 1781.

Ordered, That the board of war cause magazines of flour, Indian corn and flesh to be formed of the arrears of the specifick supplies required by the resolutions of the 25th of February, 1780, and lay before Congress as soon as may be a return of the supplies afore-

said, for the purpose of carrying into effect the resolution of the 11th of April last.

MAY 28, 1781.

On the report of a committee to whom was referred a letter of the 6th November, 1780, from the honourable J. Jay, Congress agreed to the following letter :

SIR,

Your letter of the 6th of November last, detailing your proceedings from the 26th of May down to that period, has been received by the United States in Congress assembled. At the same time was received your letter of the 30th of November, with the several papers therein referred to.

It is with pleasure, sir, I obey the direction of Congress to inform you, that throughout the whole course of your negotiations and transactions, in which the utmost address and discernment were often necessary to reconcile the respect due to the dignity of the United States with the urgency of their wants, and the complaisance expected by the Spanish court, your conduct is entirely approved by them. It is their instruction that you continue to acknowledge, on all suitable occasions, the grateful impression made on these states by the friendly disposition manifested toward them by his catholick majesty, and particularly by the proofs given of it in the measures which he has taken, and which it is hoped he will further take, for preserving their credit, and for aiding them with a supply of clothing for their army. You are also authorized and instruct-

ed to disavow, in the most positive and explicit terms, any secret understanding or negotiation between the United States and Great Britain; to assure his catholick majesty that such insinuations have no other source than the invidious designs of the common enemy; and that as the United States have the highest confidence in the honour and good faith both of his most christian and of his catholick majesty, so it is their inviolable determination to take no step which shall depart, in the smallest degree, from their engagements with either.

Should the court of Spain persist in the refusal intimated by its minister to accede to the treaty between the United States and his most christian majesty, or to make it the basis of its negotiation with you, the difficulty, it is conceived, may easily be avoided by omitting all express reference to that treaty, and at the same time conforming to the principles and tenor of it; and you are accordingly authorized so far to vary the plan of your original instructions. As his most christian majesty, however, may justly expect, in a matter which so nearly concerns him, and which was brought into contemplation in the treaty he so magnanimously entered into with these states, the strongest marks of attention and confidence, you will not fail to maintain. in the several steps of your negotiation, a due communication with his minister at the court of Spain, and to include his interests as far as circumstances will warrant.

You are authorized to acquaint his catholick majesty that not only entire liberty will be granted, during the war at least, to export naval stores for the royal

marine, but that every facility will be afforded for that purpose.

As Congress have no control over the captains of private vessels, however proper your hints may be of obliging them to give a passage to American seamen returning home from foreign ports, and to send an officer with despatches entrusted to them for foreign ministers, it is impracticable to carry them into execution, you will therefore continue to provide for these objects, for the present, in the best manner you can. As soon as the United States are in condition to establish consuls in the principal ports of the states with which they have intercourse, the difficulty will be removed ; or if any other practicable remedy be suggested in the mean time, it will be applied.

The letter, of which you enclose a copy, from Stephen Audibert Caille, styling himself consul for unrepresented nations at the court of Morocco, had before been received through the hands of doctor Franklin. If you shall have no objection to the contrary, you will correspond with him, and assure him in terms the most respectful to the emperor, that the United States in Congress assembled entertain a sincere disposition to cultivate the most perfect friendship with him, and that they will embrace a favourable occasion to announce their wishes in form.

The generous and critical services rendered these United States by Messrs. Neufville and Son have recommended them to the esteem and confidence of Congress. You will signify as much to them, and that their services will not be forgotten, whenever a proper occasion offers of promoting their interests.

Your intimation with respect to complimenting his catholick majesty with a handsome fast sailing packet-boat, claims attention; but the variety of publick embarrassments will render the execution of it very uncertain.

Congress agree to an extension of colonel Livingston's furlough, till the further order of Congress, which you will make known to him.

Your letter of the 16th September last was received on the 4th day of December. No bills have been drawn on you since. That of the 28th January was received on the 27th day of April; and in consequence of it the sale of the bills already drawn, but then remaining on hand, was countermanded.

By a letter from Mr. Carmichael, dated the 22d of February, and received on the 27th of April last, Congress are informed that you had received despatches from them dated in October. These must have contained their instructions to you to adhere to the claim of the United States to the navigation of the Mississippi. A reconsideration of that subject determined Congress, on the 15th day of February last, to recede from that instruction so far as it insisted on their claim to the navigation of that river below the thirty-first degree of north latitude, and to a free port or ports below the same. On the receipt of this latter instruction, Congress have little doubt that the great obstacle to your negotiations will be removed, and that you will not only be able, without further delay, to conclude the proposed alliance with his catholick majesty, but that the liberality and friendly disposition manifested on the part of the United States by such a cession will induce

him to afford them some substantial and effectual aid in the article of money. The loss attending the negotiation of bills of exchange has been severely felt. A supply of specie through the Havanna would be much more convenient and acceptable.

MAY 29, 1781.

On the report of a committee, consisting of  
to whom was referred a report of the board  
of treasury on the accounts of Mr. A. Lee,

Ordered, That the board of treasury open in their books an account under such title as the Secretary of Congress shall point out, and credit the said account by Arthur Lee, esquire, for three hundred and seventy-five thousand livres tournois paid to him for the account of the United States, with which sum Mr. Lee is to be debited.

On the 22d of May the minister of France transmitted to Congress a letter from his most christian majesty, in answer to theirs of the 22d of November last, and which is as follows :

To our very dear great friends and allies the President and members of the Congress of the United States of North America.

VERY DEAR GREAT FRIENDS AND ALLIES,

We have received your letter of the 22d of November last, which you directed Dr. Franklin to deliver. We have seen therein with pain the picture of the distressed state of your finances, and have been so affect-

ed that we have determined to assist you as far as our own wants and the extraordinary and enormous expenses of the present war in which we are engaged for your defence, will permit. The chevalier de la Luzerne is enjoined to inform you more particularly of our intentions. And we are persuaded that the details which he will make will induce you to exert your utmost efforts to second ours, and will more and more convince you how sincerely we interest ourselves in the cause of the United States; and that we employ all the means in our power to make it triumphant. You may rely on our perseverance in the principles which have hitherto directed our conduct. It has been fully proved, as well as the sincere affection we entertain for the United States in general, and for each in particular. We pray God to have you, very dear great friends and allies, in his holy protection.

Written at Versailles, the 10th March, 1781. Your good friend and ally.

LOUIS.

GRAVIER DE VERGENNES.

At the time the minister of France transmitted the foregoing letter, he informed Congress that he had received despatches containing matters of great importance which he would hasten to communicate as soon as his letters were all deciphered.

Accordingly on the 25th of May he sent to Congress the following memorial:

Philadelphia, May 25, 1781.

The underwritten minister plenipotentiary of France has the honour to inform Congress, that the second division of the troops commanded by the count de Rochambeau of the fleet destined for the protection of the coasts of the United States could not be expedited, nor are they to be expected this campaign. Measures however are taken to reinforce the corps now at Rhode Island, and to despatch some vessels of force to join the squadron and enable it to put to sea. The underwritten entreats that Congress would be pleased to name a committee to whom he will communicate the causes of this change, and they will therein find new proofs of wisdom in the motives which direct the conduct of his majesty. But although for very important reasons he is deprived of the pleasure of assisting the United States with so considerable a fleet and army as was proposed, he will not be wanting in the most vigorous efforts against the enemy ; and he trusts that the powerful diversions he shall make will prevent them from undertaking any enterprise which may not be baffled by the resources and courage of the United States. The king has at the same time resolved to give them a new proof of his affection, and of his earnest desire to remove the difficulties which they find in procuring funds to enable them to act with vigour and efficacy during the present campaign. With this view, notwithstanding the enormous expenses he is obliged to incur in supporting the war in which he is engaged, the king has resolved to set apart a considerable sum which is to be applied to the purchase of the clothing,



arms and ammunition, which Dr. Franklin was instructed to apply for. Upon this subject, the count de Vergennes is to consult with that minister; and Mr. Neckar proposes to take the necessary measures for procuring the articles of a good quality and at a reasonable price. The king has resolved to grant the United States a subsidy of six millions livres tournois, and to enable Dr. Franklin to borrow four millions more for the service of this year. It is presumed that the whole amount of the six millions will not be wanted for the purchase of the articles required: in that case it is his majesty's intention that the surplus be at the disposal of Congress, or of the superintendent of their finances, if they think proper to entrust him with the management of it. It was not possible for the court, considering the hasty departure of the frigate which brought the despatches, to determine the amount of the supplies after the purchase of the abovementioned articles; but as the wants of the United States seem not to admit of delay, the chevalier de la Luzerne, without waiting for farther orders, undertakes of himself to fix it at one million five hundred thousand livres tournois. And if Congress think that the whole amount of this sum is wanted, he will immediately inform his court thereof, that measures may be taken for the punctual discharge of the bills that may be drawn. As it is the king's intention to establish the greatest regularity in the payments, it will be proper for the underwritten minister to confer with Congress, or the superintendent of finance, and to agree upon the drafts to be made, and the usances at which they shall be payable. It is necessary that the terms of payment be

at a considerable distance one from another, lest the department of finance should not be in condition to pay such large sums at short periods. The king's intention in granting the United States this gratuitous subsidy is to enable them to act with vigour during the present campaign. And his majesty desires that Congress would give the necessary orders, that the whole may be applied to this important object, which does not admit of any delay. The communications which the underwritten minister is charged to make to Congress will convince them that not a moment's time is to be lost.

On the 26th May the minister sent to Congress another memorial as follows :

Philadelphia, May 26, 1781.

The underwritten minister plenipotentiary of France has received orders to communicate to Congress some important details touching the present situation of sundry affairs in which the United States are immediately interested. The most essential respects some overtures which announce, on the part of Great Britain, a desire of peace. The empress of Russia<sup>a</sup> having invited the king and the court of London to take her for mediatrix, the latter court considered this as a formal offer of mediation, and accepted it. It appeared at the same time to desire the emperor to take part therein; and this monarch has in fact proposed his co-mediation to the belligerent powers in Europe. The king could not but congratulate himself on seeing so important a negotiation in the hands of two mediators

whose understanding and justice are equal. Nevertheless, his majesty actuated by his affection for the United States, returned for answer, that it was not in his power to accept the offers made to him, and that the consent of his allies was necessary. The king wishes to have this consent before he formally accepts the proposed mediation. But it is possible that circumstances joined to the confidence he has in the mediators, and the justice of his cause, and that of the United States his allies, may determine him to enter upon a negotiation before the answer of Congress can reach him. But in either case, it is of great importance that this assembly should give their plenipotentiary instructions proper to announce their disposition to peace, and their moderation, and to convince the powers of Europe that the independence of the thirteen United States, and the engagements they have contracted with the king, are the sole motives which determine them to continue the war; and that whenever they shall have full and satisfactory assurances on these two capital points, they will be ready to conclude a peace. The manner of conducting the negotiation, the extent of the powers of the American plenipotentiary, the use to be made of them, and the confidence that ought to be reposed in the French plenipotentiaries and the king's ministers, are points which should be fully discussed with a committee. And the underwritten minister entreats that Congress would be pleased to name a committee, with whom he will have the honour to treat. He thinks that this assembly will be sensible that the king could not give a greater mark of his affection for the thirteen.

United States, or of his attachment to the principles of the alliance, than by determining not to enter upon a negotiation before they were ready to take part therein, although, in other respects, his confidence in the mediators, and the relation he stands in to one of them, were sufficient motives to induce him to accept their offers. Congress are too sensible of the uncertainty of negotiations of this sort not to know, that the moment of opening them is that precisely when the efforts against the enemy ought to be redoubled; and that nothing can facilitate the operation of the negotiators so much as the success of the arms of the allies; that a check would be productive of disagreeable consequences to both, and that would rise in their pretensions, their haughtiness, and obstinacy, in proportion to the languor and slackness of the confederates.

The undersigned will have the honour to communicate to the committee some circumstances relative to the sending Mr. Cumberland to Madrid; to the use which Mr. Adams thought he was authorized to make of his plenipotentiary powers; to the mission of Mr. Dana; to the association of the neutral powers, and to the present state of affairs in the south. Congress will find new motives for relying on the good will of the king, and on the interest he takes in favour of the United States in general, and of each one of them in particular.

LE CHEVR. DE LA LUZERNE.

The two foregoing memorials were referred to Mr. Carroll, Mr. Jones, Mr. Witherspoon, Mr. Sullivan

and Mr. Mathews, who were instructed to confer with the minister, and receive his communications.

May 28. The committee, appointed to confer with the minister of France, report,

That the minister communicated some parts of a despatch which he had received from the count de Vergennes, dated the 9th March, 1781. That the resolves of Congress which had been adopted on the association of the neutral powers, were found very wise by the council of the king; and that it was thought they might be of service in the course of the negotiation. The French ministry did not doubt but they would be very agreeable to the empress of Russia. But they were not of the same opinion with respect to the appointment of Mr. Dana, as a minister to the court of Petersburg. The reason is that Catharine the second has made it a point, until now, to profess the greatest impartiality between the belligerent powers. The conduct she pursues on this occasion is a consequence of the expectation she has that peace may be re-established by her mediation; therefore she could by no means take any step which might show on her side the least propension in favour of the Americans, and expose her to the suspicion of partiality towards America, and of course exclude her from the mediation. The appointment of Mr. Dana, therefore, appears to be at least premature; and the opinion of the council is that this deputy ought not to make any use of his powers at this moment. In case he applies to the count de Vergennes for advice, he

shall be desired to delay making any use of his powers. The count observes, it would be disagreeable to Congress that their plenipotentiary should meet with a refusal, that their dignity would be offended, and that such a satisfaction ought not to be given to the court of London, especially when negotiations of a greater moment are about to commence. However, the French minister had orders to assure the committee that his court would use all their endeavours in proper time to facilitate the admissions of the plenipotentiary of Congress.

The minister communicated to the committee several observations respecting the conduct of Mr. Adams ; and in doing justice to his patriotick character, he gave notice to the committee of several circumstances which proved it necessary that Congress should draw a line of conduct to that minister of which he might not be allowed to lose sight. The minister dwelt especially on a circumstance already known to Congress, namely, the use which Mr. Adams thought he had a right to make of his powers to treat with Great Britain. The minister concluded on this subject, that if Congress put any confidence in the king's friendship and benevolence ; if they were persuaded of his inviolable attachment to the principle of the alliance, and of his firm resolution constantly to support the cause of the United States, they would be impressed with the necessity of prescribing to their plenipotentiary a perfect and open confidence in the French ministers, and a thorough reliance on the king ; and would direct him to take no step without the ap-

probation of his majesty ; and after giving him, in his instructions, the principal and most important outlines for his conduct, they would order him, with respect to the manner of carrying them into execution, to receive his directions from the count de Vergennes, or from the person who might be charged with the negotiation in the name of the king. The minister observed that this matter is the more important, because, being allied with the United States, it is the business of the king to support their cause with those powers with whom Congress has no connexion, and can have none, until their independence is in a fair train to be acknowledged. That the king would make it a point of prudence and justice to support the minister of Congress ; but in case this minister, by aiming at impossible things, forming exorbitant demands, which disinterested mediators might think ill-founded, or perhaps by misconstruing his instructions, should put the French negotiators under the necessity of proceeding in the course of the negotiation without a constant connexion with him, this would give rise to an unbecoming contradiction between France and the thirteen United States, which could not but be of very bad effect in the course of the negotiation.

In making these observations the minister remarked, that it was always to be taken for granted, that the most perfect independency is to be the foundation of the instructions to be given to Mr. Adams ; and that without this there would be no treaty at all. The count de Vergennes observes that it is of great importance that the instructions aforesaid be given as soon as possible to Mr. Adams. And the minister desired

the committee to press Congress to have this done with all possible despatch. He communicated to the committee the following particulars, as a proof that this matter admits of no delay, and that it is probable the negotiation will very soon be opened. He told the committee that the English ministry, in the false supposition that they might prevail on the court of Madrid to sign a separate peace, had begun a secret negotiation with that court by the means of Mr. Cumberland, but without any success. That the court of Spain had constantly founded her answer on her engagements with his most christian majesty. That on the other side, the king of France had declared to the king his cousin, that the independence of the United States, either in fact, or acknowledged by a solemn treaty, should be the only foundation of the negotiations of the court of France with that of London. That the British court not seeming to be disposed to grant the independency, it appeared the negotiation of Mr. Cumberland was superfluous. However, this English emissary continued and still continues his residence at Madrid, although he cannot have any expectation of obtaining the object of his commission. That this direct negotiation was known to all Europe; and that it seemed to render every mediation useless. That, however, the empress of Russia, excited by motives of friendship to the belligerent powers, and in consequence of the share which the association of the neutral powers had given her in the general emergency, has invited the king of France and the court of London to require her mediation. That the court of London has accepted the invitation with a kind of ea-



gerness, and at the same time desired the emperor of Germany to take a part in it. That the answer of the king of France to the overtures of the court of Petersburg was, that he would be glad to restore peace by the mediation of Catharine, but that it was not in his power immediately to accept her offers, as he had allies whose consent was necessary for that purpose. To the same application made by the court of Petersburg to that of Madrid, this court answered, that having entered into a direct negotiation with the court of London by the means of Mr. Cumberland, it thought proper to wait the issue of it before it had recourse to a mediation. The emperor, as has already been observed, having been desired by the court of London to take part in the mediation, immediately informed the king of France, as well as his catholick majesty, of this circumstance, offering his co-mediation to both the allied monarchs. To this the king of France gave the same answer which he had given to the empress of Russia. As to the king of Spain, he again expressed his surprise at the English ministry's requesting a mediation, after having entered into a direct negotiation ; and he declared that unless this negotiation should be broken off by the English themselves, it would be impossible for him to listen to a mediation which, in any other circumstance, would be infinitely agreeable to him.

These answers, though of a dilatory nature, may be looked upon as an eventual acceptance of the mediation. The minister observed that it will be, in effect, difficult to avoid it. That a refusal will not be consistent with the dignity of the two powers that had

offered their interposition. That the king is obliged, from friendship and good policy, to treat them with attention. He further observed, that the demands of the king of France will be so just and so moderate, that they might be proposed to any tribunal whatever. That the only reason the king could have to suspend a formal acceptance is, that, at the time the offer was made, he was not acquainted with the intentions of his allies, namely, Spain and the United States.

The minister observed to the committee, that, in his opinion, this conduct must afford Congress a new proof of the perseverance of the king in the principle of the alliance, and of his scrupulous attention to observe his obligations ; he added that, however, it is not without inconveniency that this dilatory plan has been adopted. The distance between the allied powers of France and the United States has obliged the court of Versailles to adopt that plan, though liable to inconveniences, in order to conform to the engagements made by the treaties to determine nothing into a negotiation without the participation of Congress. Besides, several states being invaded by the enemy, the French council thought it inconvenient to begin a negotiation under these unfavourable circumstances. And being in hopes that the diversions made by the king's arms will prevent the British from making very great exertions against the thirteen United States, the French ministry expected that during the course of the present campaign they might be enabled to present the situation of their allies in a more favourable light to the Congress that might assemble for peace. These delays, however, cannot with propriety take place for any long time ;

and it was the opinion of the French ministry that it would be contrary to decency, prudence and the laws of sound policy again to refuse listening to the propositions of peace made by friendly powers ; for which reason the chevalier de la Luzerne was directed to lay all these facts confidentially before Congress. The minister informed the committee that it was necessary that the king should know the intentions of the United States with regard to the proposed mediation ; and that his majesty should be authorized by Congress to give notice of their dispositions to all the powers who would take part in the negotiation for a pacification. The minister delivered his own opinion, that he saw no inconveniency arising from the Congress imitating the example of the king, by showing themselves disposed to accept peace from the hands of the emperor of Germany and the empress of Russia. He added, that Congress should rely on the justice and wisdom of those two sovereigns ; and at the same time, he renewed the assurances that his majesty will defend the cause of the United States as zealously as the interests of his own crown. He informed the committee that, according to all accounts, the British ministry were removing as far as possible, in this negotiation, every idea of acknowledging the independence of what they call their thirteen colonies ; and he said that Congress would judge by themselves that the court of London would debate with the greatest energy and obstinacy, the articles relating to America. He availed himself of this reflection to impress the committee with the necessity Congress are under of securing in their favour the benevolence and good will of the mediating

powers, by presenting their demands with the greatest moderation and reserve, save independence, which will not admit of any modification. He further observed, that it was possible the difficulty of making a definitive peace might engage the mediators to propose a truce ; and that it was necessary therefore to authorize eventually the plenipotentiary of the United States to declare their intention thereon.

He further observed that whatever might be the resolution of Congress, they would do well to recommend to their plenipotentiary to adopt a line of conduct that would deprive the British of every hope of causing divisions between the allies, and to assume a conciliating character as much as can be consistent with the dignity of his constituents, and to show such a confidence in the plenipotentiary of his most christian majesty as is due to a power so much interested to support the dignity and honour of a nation whose independence they have acknowledged.

The minister told the committee that whatever might be the resolution of Congress respecting a peace or a truce, it was necessary to carry on the war with the utmost vigour. He urged reasons too well known to Congress to be related.

He desired the committee to inform Congress, that in case the offer of mediation from the two imperial courts should become so serious and so pressing as to oblige the king to give a decisive answer, his majesty would accept of it conditionally for himself and for the United States. The taking this resolution would have no inconvenience, as the court of France knew no reasons which could prevent them from following

the example of the king by trusting their interests into the hands of just and wise mediators, and the refusal being liable to very dangerous consequences. The minister concluded the conference by observing, that a great object was to secure the United States from the proposition of *uti possidetis* : that the surest way to obtain that end was to reduce the English to confess that they are not able to conquer them. That present circumstances require great exertions from the consideration ; and that it was plain that every success gained by the army of Congress would infinitely facilitate the negotiations of their plenipotentiaries.

Ordered, That the foregoing communication be referred back to the committee to report thereon.

On the first of June the committee reported the draft of a letter to the several states, which was agreed to.

[See secret journal for domestick affairs, &c.]

### JUNE 6, 1781.

The committee to whom was referred their report of the communications made to them by the minister of France, having reported thereon, their report was taken into consideration : And thereupon,

Resolved, That the minister plenipotentiary, &c. be authorized and instructed to concur, in behalf of these United States, with his most christian majesty in accepting the mediation proposed by the empress of Russia and the emperor of Germany ; but to accede to no treaty of peace which shall not be such as may effectually secure the independence and sovereignty of the thirteen states, according to the form and effect of the

treaties subsisting between the said states and his most christian majesty, and in which the said treaties shall not be left in their full force and validity.

A motion was then made by Mr. Witherspoon, seconded by Mr. Houston, That the minister who is to negotiate in behalf of the United States be further instructed as follows :

“ But as to disputed boundaries, and other particulars, we refer you to our former instructions, from which you will easily perceive the desires and expectations of Congress ; but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles abovementioned. You will, therefore, use your own judgment and prudence in securing the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require.

“ You are to make the most candid and confidential communications, upon all subjects, to the ministers of our generous ally the king of France ; to undertake nothing in the negotiations for peace without their knowledge and concurrence ; and to make them sensible how much we rely upon his majesty’s influence for effectual support, in every thing that may be necessary to the present security or future prosperity of the United States of America.”

On the question to agree to the first paragraph, the yeas and nays being required by Mr. M. Smith—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Lovell, Mr. Ward,	No. } No. }	No.
Rhode Island,	Mr. Varnum,	Ay. } X	
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	No. } Ay. } No. }	No.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Atlee, Mr. Clymer, Mr. T. Smith,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Jenifer,	Ay. } X	
Virginia,	Mr. Madison, Mr. Bland, Mr. M. Smith,	No. } No. } No. }	No.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	Ay. } Ay. } Ay. }	

So the question was lost. Whereupon,  
Ordered, That the report together with the foregoing motion be recommitted.

JUNE 7, 1781.

The committee to whom was recommitted their report, together with the motion of Mr. Witherspoon, reported, that they have considered the subject referred to them, and submit to the consideration of Congress the motion of Mr. Witherspoon, together with the following additional and secret instructions with respect to the boundaries of the United States :

1. You are to use your utmost endeavours to secure the limits fixed, exactly according to the description in your former instructions.

2. If that cannot be obtained, it is the wish of Congress that a peace be made without fixing northern and western limits; but leaving them to future discussion.

3. If that also is found impracticable, and boundaries must be ascertained, you are to obtain as advantageous a settlement as possible in favour of the United States.

The secret instructions were taken into consideration; and on the question to agree to the first, the yeas and nays being required by Mr. M. Smith—

Resolved in the affirmative, every member answering Ay.

On the question to agree to the second, the yeas and nays being required by Mr. M. Smith—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	No. } No. }	No.
Massachusetts,	Mr. Lovell, Mr. Ward,	Ay. } No. }	DIVIDED.



Rhode Island,	Mr. Varnum,	} Ay. ×
Connecticut,	Mr. Huntington,	Ay. }
	Mr. Ellsworth,	Ay. } Ay.
	Mr. Sherman,	Ay. }
New Jersey,	Mr. Witherspoon,	Ay. }
	Mr. Houston,	Ay. } Ay.
Pennsylvania,	Mr. Atlee,	Ay. }
	Mr. Clymer,	Ay. } Ay.
Maryland,	Mr. Jenifer,	} Ay. ×
Virginia,	Mr. Jones,	Ay. }
	Mr. Madison,	Ay. }
	Mr. Bland,	Ay. } Ay.
	Mr. M. Smith,	No. }
North Carolina,	Mr. Sharpe,	Ay. }
	Mr. Johnston,	Ay. } Ay.
South Carolina,	Mr. Mathews,	Ay. }
	Mr. Bee,	Ay. }
	Mr. Motte,	Ay. } Ay.
Georgia,	Mr. Walton,	Ay. }
	Mr. Few,	Ay. }
	Mr. Howly,	Ay. } Ay.

So it was resolved in the affirmative.

On the question to agree to the third, the yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Sullivan,	Ay. }
	Mr. Livermore,	Ay. } Ay.
Massachusetts,	Mr. Lovell,	No. }
	Mr. Ward,	No. } No.

Rhode Island,	Mr. Varnum,	Ay. } ×	
Connecticut,	Mr. S. Huntington,	Ay. }	} Ay.
	Mr. Ellsworth,	Ay. }	
	Mr. Sherman,	No. }	
New Jersey,	Mr. Witherspoon,	Ay. }	} Ay.
	Mr. Houston,	Ay. }	
Pennsylvania,	Mr. Clymer,	Ay. } ×	
Maryland,	Mr. Jenifer,	Ay. } ×	
Virginia,	Mr. Jones,	No. }	} No.
	Mr. Madison,	No. }	
	Mr. Bland,	No. }	
	Mr. M. Smith,	No. }	
North Carolina,	Mr. Sharpe,	Ay. }	} DIVIDED.
	Mr. Johnston,	No. }	
South Carolina,	Mr. Mathews,	Ay. }	} Ay.
	Mr. Bee,	Ay. }	
	Mr. Motte,	Ay. }	
Georgia,	Mr. Walton,	Ay. }	} Ay.
	Mr. Few,	Ay. }	
	Mr. Howly,	Ay. }	

So the question was lost.

JUNE 8, 1781.

The subject of the instructions was resumed; and the first part of Mr. Witherspoon's motion, which was again reported by the committee, being under debate, a motion was made by the state of Virginia to add to it as follows :

“Provided that you shall not recede from the former ultimatum of Congress on the subject of the boundaries of the United States, in any part thereof, except with respect to so much of the said ultimatum as delineates the boundary from the intersection of the forty-fifth degree of north latitude, with the river St. Lawrence to the mouth of the Illinois river, from which you are authorized to recede so far as to agree that the boundary of the states between these two points shall run from the intersection aforesaid, through the middle of the said rivers, of lake Ontario, of the strait of Niagara, and of lake Erie, to the mouth of the Miami river, thence in a direct line to the source of the river Illinois, and thence down the middle of the said river to its confluence with the Mississippi.”

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

New Hampshire,	Mr. Sullivan, Mr. Livermore,	No. } No. }	No.
Massachusetts,	Mr. Lovell, Mr. Ward,	No. } No. }	No.
Rhode Island,	Mr. Varnum,		}No. x
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	No. } No. } No. }	No.
New Jersey,	Mr. Witherspoon, Mr. Houston,	No. } No. }	No.
Pennsylvania,	Mr. Atlee, Mr. Clymer,	No. } No. }	No.

Maryland,	Mr. Jenifer, Mr. Carroll,	No. } No. }	No.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Smith,	Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	No. } No. } No. }	No.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	No. } No. } No. }	No.

So it passed in the negative.

A motion was made by the state of Virginia to add the words following :

“ Provided that you shall not in any case agree to a  
“ cession of any part of the territory lying on the  
“ south-east side of the river Ohio; nor admit any ex-  
“ clusive claims on the part of Great Britain to the  
“ territory lying between the said river, the river Mis-  
“ sissippi and Illinois, and the lakes Erie and Ontario.”

A division was called for; and on the question to agree to the first clause as far as “ the river Ohio” inclusive, the yeas and nays being required by Mr. Madison—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	No. } No. }	No.
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Massachusetts,	Mr. Lovell, Mr. Ward,	No. } No. } No.
Rhode Island,	Mr. Varnum,	Ay. } Ay. X
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	No. } No. } No. } No.
New Jersey,	Mr. Witherspoon, Mr. Houston,	No. } Ay. } DIVIDED.
Pennsylvania,	Mr. Atlee, Mr. Clymer,	No. } No. } No.
Maryland,	Mr. Jenifer, Mr. Carroll,	No. } No. } No.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	Ay. } Ay. } Ay. } Ay. } Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	No. } No. } No.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	No. } No. } No. } No.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	No. } No. } No. } No.

So it passed in the negative, and the second clause was dropped.

A motion was then made by Mr. Smith, seconded by Mr. Bland, to strike out all that follows the words, "expectations of Congress."

Question put.

Passed in the negative.

On the question to agree to the first part of Mr. Witherspoon's motion, the yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Lovell, Mr. Ward,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Varnum,		>Ay. X
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Atlee, Mr. Clymer,	Ay. } Ay. }	Ay.
Maryland,	Mr. Jenifer, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Smith,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

On the question to agree to the second clause, viz. "You are to make the most candid," &c. to the end, the yeas and nays being required by Mr. Ward—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Lovell, Mr. Ward,	No. } No. }	No.
Rhode Island,	Mr. Varnum,	} Ay.	x
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Atlee, Mr. Clymer,	Ay. } Ay. }	Ay.
Maryland,	Mr. Jenifer, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.

Georgia,	Mr. Walton,	Ay.	} Ay.
	Mr. Few,	Ay.	
	Mr. Howly,	Ay.	

So it was resolved in the affirmative.

A motion was then made by Mr. Carroll, seconded by Mr. Atlec, to reconsider the third of the additional and secret instructions reported by the committee.

The question being put, was lost.

On motion of Mr. Witherspoon, seconded by Mr. Clymer,

Resolved, That 'the first and second of the additional and secret instructions passed yesterday be reconsidered.

The question being then severally put to agree to the first and second of the additional and secret instructions,

Passed in the negative.

The instructions as agreed to are as follows :

You are hereby authorized and instructed to concur, in behalf of these United States, with his most christian majesty, in accepting the mediation proposed by the empress of Russia and the emperor of Germany. But you are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states, according to the form and effect of the treaties subsisting between the said states and his most christian majesty ; and, 2dly, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries, and other particulars, we refer you to your former instructions of the 14th Au-



gust, 1779, and 18th October, 1780, from which you will easily perceive the desires and expectations of Congress ; but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above-mentioned. You will therefore use your own judgment and prudence in securing the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require.

You are to make the most candid and confidential communications, upon all subjects, to the ministers of our generous ally the king of France ; to undertake nothing in the negotiations for peace or truce, without their knowledge and concurrence ; and to make them sensible how much we rely upon his majesty's influence for effectual support in every thing that may be necessary to the present security or future prosperity of the United States of America.

JUNE 9, 1781.

On motion of Mr. Witherspoon,

Resolved, That the following additional instruction be given.

If a difficulty should arise in the course of the negotiation for peace from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for ; and provided that Great Britain

be not left in possession of any part of the thirteen United States.

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

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Lovell, Mr. Ward,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Varnum,	No. } x	
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. J. Montgomery, Mr. Atlee, Mr. Clymer, Mr. T. Smith,	Ay. } Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Jenifer, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	Ay. } Ay. } No. } No. }	DIVIDED.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.

Georgia,	Mr. Walton,	Ay.	} Av.
	Mr. Few,	Ay.	
	Mr. Howly,	Ay.	

So it was resolved in the affirmative.

The committee having reported as their opinion, that some persons be joined with the honourable John Adams in negotiating a treaty of peace between these United States and Great Britain—

On the question, Shall any person or persons be joined, the yeas and nays being required by Mr. Mathews—

New Hampshire,	Mr. Sullivan,	No.	} No.
	Mr. Livermore,	No.	
Massachusetts,	Mr. Lovell,	No.	} No.
	Mr. Ward,	No.	
Rhode Island,	Mr. Varnum,		>No. x
Connecticut,	Mr. Huntington,	No.	} No.
	Mr. Ellsworth,	No.	
	Mr. Sherman,	No.	
New Jersey,	Mr. Witherspoon,	No.	} No.
	Mr. Houston,	No.	
Pennsylvania,	Mr. J. Montgomery,	No.	} Ay.
	Mr. Atlee,	Ay.	
	Mr. Clymer,	Ay.	
	Mr. T. Smith,	Ay.	
Maryland,	Mr. Jenifer,	Ay.	} Ay.
	Mr. Carroll,	Ay.	

Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	Ay. } No. } Ay. }	Ay.

So it passed in the negative.

Ordered, That the committee appointed to confer with the minister of France communicate confidentially to him the substance of the foregoing instructions; and that they prepare an answer to the letter from his most christian majesty; and a letter to Dr. Franklin; that they also revise the instructions given to the minister plenipotentiary respecting a treaty of commerce with Great Britain, and report thereon.

JUNE 11, 1781.

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

That they have communicated to him the substance of the instructions to the minister plenipotentiary, for negotiating a peace, and submit it as their opinion, that the said instructions be reconsidered so far as to admit the following amendments :

1. In the third clause of the instructions, to strike out the words, "will therefore use your own judgment and prudence in securing," and in lieu thereof to insert, "are therefore at liberty to secure."

2. To introduce the fourth clause by inserting at the beginning thereof the following words, "for this purpose."

3. After the words "concurrence and," to insert the following words: "ultimately to govern yourself by their advice and opinion, endeavouring in your whole conduct."

The vote for reconsidering being taken and passed—

On the question to agree to the first amendment, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Ward,	No. } x	
Rhode Island,	Mr. Varnum,	No. } x	
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	Ay. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. J. Montgomery, Mr. Atlee, Mr. Clymer,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Jenifer, Mr. Carroll,	Ay. } Ay. }	Ay.

Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Smith,	Ay. } Ay. } No. } Ay. }	} Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	} Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	} Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	Ay. } Ay. } Ay. }	} Ay.

So it was resolved in the affirmative.

The second amendment passed without division.

On the question to agree to the third amendment, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	Ay. } Ay. }	} Ay.
Massachusetts,	Mr. Lovell, Mr. Ward,	No. } No. }	} No.
Rhode Island,	Mr. Varnum,		} No. ×
Connecticut,	Mr. S. Huntington, Mr. Ellsworth, Mr. Sherman,	No. } No. } No. }	} No.
New Jersey,	Mr. Witherspoon, Mr. Houston,	Ay. } Ay. }	} Ay.
Pennsylvania,	Mr. J. Montgomery, Mr. Atlee, Mr. Clymer, Mr. T. Smith,	No. } Ay. } Ay. } No. }	} DIVIDED.

Maryland,	Mr. Jenifer, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	Ay. } Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte,	Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

The committee further recommended a reconsideration of the question, Whether any person or persons be joined to Mr. Adams in negotiating a peace between these United States and Great Britain.

The question for reconsideration having passed in the affirmative,

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

Resolved, That Wednesday next be assigned for electing the persons to be joined to Mr. Adams.

The following persons were put in nomination :

Mr. Jay, by Mr. Mathews.

Mr. John Laurens, by Mr. Howly.

Mr. Thos. Jefferson, by Mr. M. Smith.

Mr. Franklin, by Mr. Varnum.

Mr. Jos. Reed, by Mr. Witherspoon.

Mr. William Carmichael, by Mr. Jenifer.

JUNE 13, 1781.

Congress proceeded to an election ; and the ballots being taken, the honourable John Jay was elected.

Ordered, That the election of the other person be postponed till tomorrow.

The committee 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 have received your majesty's letter of the 10th of March. The measures adopted by your majesty in consequence of the representation made of the situation of our finances, the repeated testimonies of your majesty's unalterable determination to render the cause of the United States triumphant, and also the affection which your majesty has been pleased to express for the United States in general, and for each state in particular, demand from us the strongest sentiments of gratitude.

The important communications made by your majesty's plenipotentiary have been considered by us with the greatest attention. The result of our deliberations will be made known to your majesty by our minister plenipotentiary at your court, and will evince



the entire confidence we have in your majesty's friendship and perseverance in the principles which have directed your conduct in maintaining the interest of the United States to this time.

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 13th day of June, in the year of our Lord, 1781, and in the 5th year of our independence.

By the United States in Congress assembled.

Your faithful friends and allies.

S. HUNTINGTON, President.

CH. THOMSON, Secretary.

JUNE 14, 1781.

On motion of Mr. Sharpe, seconded by Mr. M'Kean, Resolved, That two more persons, making in the whole four, be joined to the honourable John Adams in negotiating a treaty of peace with Great Britain.

Mr. Henry Laurens was put in nomination by Mr. Bland.

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

The honourable Benjamin Franklin,

The honourable Henry Laurens, and

The honourable Thomas Jefferson, were elected.

JUNE 15, 1781.

A motion was made by Mr. M'Kean, seconded by Mr. Partridge, to re-consider the third amendment proposed by the committee, and adopted on the 11th; and on the question to reconsider, the yeas and nays being required by Mr. Partridge—

New Hampshire,	Mr. Livermore,	No.	>×
Massachusetts,	Mr. Lovell,	Ay.	} Ay.
	Mr. Osgood,	Ay.	
	Mr. Partridge,	Ay.	
Rhode Island,	Mr. Varnum,	Ay.	>Ay.
Connecticut,	Mr. S. Huntington,	Ay.	} Ay.
	Mr. Ellsworth,	Ay.	
	Mr. Sherman,	Ay.	
New Jersey,	Mr. Witherspoon,	No.	} No.
	Mr. Houston,	No.	
Pennsylvania,	Mr. Atlee,	No.	} No.
	Mr. Clymer,	No.	
	Mr. T. Smith,	Ay.	
Delaware,	Mr. Rodney,	Ay.	} Ay.
	Mr. M'Kean,	Ay.	
Maryland,	Mr. Jenifer,	No.	} No.
	Mr. Carroll,	No.	
	Mr. Potts,	No.	
Virginia,	Mr. Jones,	No.	} No.
	Mr. Madison,	No.	
	Mr. Bland,	Ay.	
	Mr. M. Smith,	No.	

North Carolina,	Mr. Sharpe, Mr. Johnston,	No. } Ay. }	} DIVIDED.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte, Mr. Eveleigh,	No. ) No. ) No. ) No. )	
Georgia,	Mr. Walton, Mr. Few, Mr. Howly,	No. ) No. ) No. )	} NO.

So it passed in the negative.

INSTRUCTIONS TO THE HONOURABLE JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, HENRY LAURENS AND THOMAS JEFFERSON, MINISTERS PLENIPOTENTIARY ON BEHALF OF THE UNITED STATES OF AMERICA TO NEGOTIATE A TREATY OF PEACE.

You are hereby authorized and instructed to concur, in behalf of these United States, with his most christian majesty, in accepting the mediation proposed by the empress of Russia and the emperor of Germany.

You are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states, according to the form and effect of the treaties subsisting between the said states and his most christian majesty; and, 2d, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries and other particulars, we refer you to the instructions formerly given to Mr. Adams, dated 14th August, 1779, and 18th October,

1780, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject than the two essential articles abovementioned. You are therefore at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require. For this purpose, you are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the king of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavouring in your whole conduct to make them sensible how much we rely on his majesty's influence for effectual support in every thing that may be necessary to the present security, or future prosperity, of the United States of America.

If a difficulty should arise in the course of the negotiation for peace, from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States.

SAMUEL HUNTINGTON, President.

CH. THOMSON, Secretary.

The committee reported the draft of a commission to the ministers plenipotentiary for negotiating a peace, which being amended, was agreed to as follows :

The United States of America in Congress assembled—To all to whom these presents shall come, send greeting.

Whereas these United States, from a sincere desire of putting an end to the hostilities between his most christian majesty and these United States on the one part, and his Britannick majesty on the other, and of terminating the same by a peace founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honourable John Adams, late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, their minister plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree and conclude with the ambassadors or plenipotentiaries of his most christian majesty and of his Britannick majesty, and those of any other princes or states whom it might concern, relating to the re-establishment of peace and friendship: And whereas the flames of war have since that time been extended, and other nations and states are involved therein:—Now KNOW YE, That we, still continuing earnestly desirous, as far as depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe that we wish for nothing more ardently than to terminate the war by a safe and honourable peace, have thought

proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him ; and having full confidence in the integrity, prudence, and ability of the honourable Benjamin Franklin, our minister plenipotentiary at the court of Versailles, the honourable John Jay, late President of Congress, and chief justice of the state of New York, and our minister plenipotentiary at the court of Madrid, and the honourable Henry Laurens, formerly President of Congress, and commissioned and sent as our agent to the United Provinces of the low countries, and the honourable Thomas Jefferson, governour of the commonwealth of Virginia—have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint the said Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, in addition to the said John Adams, giving and granting to them the said John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, or the majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special, conjunctly and separately, and general and special command to repair to such place as may be fixed upon for opening negotiations for peace ; and there for us and in our name to confer, treat, agree and conclude with the ambassadors, commissioners, and plenipotentiaries of the princes and states whom it may concern, vested with equal powers, relating to the establishment of peace ; and whatsoever shall 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 may 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 : hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, by any one of them ; and that we will never act nor suffer any person to act contrary to the same, in whole or in any part. In witness whereof we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia, the fifteenth day of June, in the year of our Lord, one thousand seven hundred and eighty-one, and in the fifth year of our independence. By the United States in Congress assembled.

SAML. HUNTINGTON, President.

CH. THOMSON, Sec'y.

JUNE 18, 1781.

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

That on the second conference with the minister of France, he communicated some parts of a despatch

dated the 7th of August, 1780, the first part relating to losses suffered by French merchants, either trading with private houses in America, or engaged in transactions of commerce for Congress, or the several states. He informed the committee that several papers which should have accompanied this despatch, were not come to hand, so that he could not state what kind of compensation the merchants might expect. The minister however mentioned in the conference, that without waiting the arrival of those papers, which may have been lost, or may be delayed for a long time, some recommendation might be thought proper to be sent from Congress to the several states, in order to prevent forever the effect of the tender laws operating against foreign merchants; that this would be an encouragement to commerce, and remove the fears of foreign traders in their transactions with the citizens of the United States. The minister communicated that part of the count de Vergennes' letter relating to the discussion which was between him and Mr. J. Adams with respect to the depreciation of the paper money, and the effect this had produced on the French trade; however, he did not enter fully into the matter, not being furnished with the proper papers.

The other objects of the communications of the minister of France were the measures taken by the court of Russia, and the northern powers, on account of the rights of neutrality, and the conduct to be observed by the belligerent powers towards subjects of neutral powers; and he informed the committee that those northern courts had made formal declarations to the powers at war respecting the principles of neutrality;



and that they had concluded a convention for the security of their navigation and of their fair trade. That this convention was particularly obnoxious to the court of London, as it was now obliged to respect neutral flags, which it had till then treated with the greatest severity, exercising against them every kind of deprecation according to its former practice. That France fully approved of that convention, the consequence of which was that all the powers concerned, while they did justice to the principles of the king's council, considered the British more and more as the tyrants of the sea. The king's council, therefore, thought it proper to transmit this intelligence to Congress, leaving it to their wisdom to adopt the principles of the neutral powers laid down so long ago as the 26th July, 1778, in an ordinance of the king, which the minister of France delivered several months ago, with other printed papers, on the same subject, to the board of admiralty. The minister thought it the more important for the United States to conform their maritime laws to that system, as they would thereby conciliate to themselves the benevolence of the neutral powers. He observed that American privateers had presumed to stop neutral vessels loaded with English merchandise, which had given rise to unfavourable observations and complaints against the United States. He observed that Holland had taken a part in the association of the northern courts; and that therefore she ought to be comprehended in the orders of Congress, if it should be thought proper in those orders to mention the names of particular powers. But, if Congress adopted a conduct similar to that of France. they would extend

their orders in favour of all neutral powers generally.

The minister then gave a short historical account of the negotiation of Mr. Cumberland, observing that the matter being now obsolete, it was sufficient to mention that this agent, having made proposals of peace to the king of Spain, the first question he was asked was, what were the intentions of the court of London respecting the United States? That he, having no instructions on this subject, or pretending to have none, had sent an express to London. That the express had not returned when this letter was written.

The minister informed the committee that the court of Versailles had neglected nothing to procure arms, ammunition and clothing for Congress. That the good intentions of the court had not been well seconded by the American agents; that it was their fault if these articles had not been forwarded in time; that the ministers did not intend to accuse any one in particular; but were of opinion that Congress should inquire into the cause of the delay, in order to inflict such punishment as would prevent the like conduct in future.

The minister then communicated the substance of a despatch of the 9th March, 1781; and entering fully into the subject, he told us that so early as the beginning of the year 1780, he had informed Congress that a mediation might be opened in Europe. That the mediators might propose the *uti possidetis* as the basis of the negotiation. That it was of the utmost importance to prevent the effect of a proposition so inconsistent with the independence of the United States. That the court of France wished to give them every

assistance in their power ; but he had observed, at the same time, that the political system of the kingdom, being closely connected with that of other European powers, France might be involved in difficulties which would require the greatest attention, and a considerable part of her resources. That he had informed Congress confidentially that the death of the sovereigns of some of the European states with whom the court of France had the most intimate connexion might oblige her to employ the greatest part of her resources to secure her against the dangers which might be occasioned by such an event. That since that communication was made to Congress, both those cases had happened. That the empress queen was dead. That the court of Versailles flattered itself that this will not at this time give rise to any material change in the politicks of the courts of Vienna and Berlin. That circumstances, however, are such that prudence dictates not to leave the frontier of France on Germany unprovided for defence. That the character the king bears of guarantee or protector of the liberties of the German empire obliges him to be ready to assist effectually the members of that body, whose safety may be endangered, and of consequence occasions extraordinary expenses. That France is at the same time obliged to spare the land forces of the kingdom, and at the present crisis not to keep them at too great a distance. That this however is only a point of caution and prudence. That the court of France still hopes the issue will be peaceable and agreeable to her wishes ; but has thought it proper to inform Congress of it. That matters are different with respect to the Dutch. That they are now

in a state of war with the English ; but there is among them a party in favour of England ; and notwithstanding the accession of the two opposing provinces to the resolution of the states for making reprisals, a mediation has been entered into between London and the Hague ; and the empress of Russia acts as mediatrix. That it is evident the court of London, by opening this negotiation, designs to draw the Seven Provinces to her side ; and even goes so far as to expect, that she may employ the resources of the Dutch against France, either directly or indirectly. That the disposition of that republick is still such as friends would wish. But the strongest argument which the British party make use of to separate the Seven Provinces from France is, that they are destitute of a naval force ; that their seamen are captured by the British ; that all their riches will likewise fall a sacrifice ; and that their settlements in the East and West Indies are in the greatest danger. That under these circumstances it was become necessary for France to afford immediate protection to the Dutch in Europe ; and to make without delay a diversion which may possibly save their East India possessions. That these measures had rendered it actually impossible to send to the United States the reinforcement which was announced.

The minister of France thinks that this confidential and friendly explanation of the situation of France will convince Congress that the king could not pursue a different line of conduct ; and that the consequences of the measures he has taken must at last turn to their advantage. That, however, count de Rochambeau and Mons. Barras will receive some reinforcements,

and will inform the chevalier de la Luzerne how considerable they are.

The minister told the committee that the friendship and benevolence of the king for the thirteen United States had engaged him to trust Congress with these details, observing at the same time, that it would be proper to keep them secret. In giving an account of the subsidy granted by the king of France, the minister concluded by observing, that the count de Vergennes writes that what remains of the six millions, after purchasing the supplies of arms and ammunition, would be at the disposal of Congress; or, if they should so direct, at the disposal of the commander in chief, or of their financier, if there should be one; and that the resolution Congress took on this subject should be made known to the ministry, that funds may be provided accordingly. In the course of the conference the chevalier mentioned the sums that had been procured for these states since the beginning of the year 1780. That in that year the count de Vergennes had on his own credit procured for doctor Franklin three millions of livres. That in December doctor Franklin wanted one million more to honour the bills drawn by Congress; and that he received the fourth million. That in the course of the present year, the count has procured for him on loan four millions of livres, which make eight millions borrowed on the guaranty of France since the aforementioned period. And now the king makes a gratuitous donation of the subsidy of six millions, which in the whole make up the sum of fourteen millions since the commencement of the year 1780.

JUNE 19, 1781.

The committee reported the draft of a letter to doctor Franklin, which was agreed to as follows :

SIR,

Congress have received your letter of the 12th March last, with the papers enclosed. The prospect of conferences being soon opened in Europe, under the mediation of the imperial courts of Petersburg and Vienna, for accommodating the disputes between the belligerent powers, which must necessarily involve the essential interests of these United States, has determined us to increase the number of our ministers for negotiating a peace with Great Britain. We have therefore added yourself, Messrs. Jay, H. Laurens, and Thomas Jefferson to Mr. Adams, to repair to such place as shall be fixed on for transacting this important business.

A compliance with your request to retire from public employment would be inconvenient at this particular conjuncture, as it is the desire of Congress to avail themselves of your abilities and experience at the approaching negotiation. Should you find repose necessary, after rendering the United States this further service, Congress, in consideration of your age and bodily infirmities, will be disposed to gratify your inclination.

You will present the letter to his most christian majesty, and communicate to him the instructions to our

ministers for negotiating a peace, attended with such a memorial as your prudence shall suggest, and the importance of the subject requires.

JUNE 22, 1781.

A letter of 24th, one of 28th, and one of 31st March, one of 2d, and one of 4th April, from the honourable F. Dana, were read.

Ordered, That they be referred to the committee on the memorials from the minister of France, namely, Mr. Carroll, Mr. Jones, Mr. Witherspoon, Mr. Sullivan and Mr. Mathews.

JUNE 26, 1781.

The committee to whom were referred the letters from Mr. Dana, brought in a report: Whereupon,

Resolved, That Mr. Dana, until he can proceed to the court of Petersburg, either in a publick or private character, without risking the interest or dignity of the United States, be and he is hereby appointed secretary to the ministers plenipotentiary of these United States for negotiating a peace with Great Britain, with the salary allowed to him by the act of the 4th of October, 1779. That in case Mr. Dana shall have proceeded, or shall hereafter proceed to Petersburg, or to any part of the dominions of the empress of Russia, the ministers appointed by the act of Congress of the 15th June, 1781, or a majority of such of them as shall assemble, be and they are hereby authorized to appoint a secretary to their commission, and that he

be entitled to receive, in proportion to his time of service, the salary of one thousand pounds sterling per annum allowed to Mr. Dana.

That the President furnish Mr. Dana with letters of credit on the minister of these United States at the court of Versailles for the amount of his salary while he acts as secretary to the ministers plenipotentiary of the United States for negotiating a peace, or during the time he shall be in a private character in Russia.

That the President furnish Mr. Dana with letters of credit on the minister of these United States at the court of Versailles, for a sum sufficient to enable him to engage a private secretary, or clerk, when he shall assume his publick character of minister plenipotentiary to the court of Petersburg.

#### JUNE 29, 1781.

A motion being made by Mr. Madison, seconded by Mr. M. Smith, in the words following :

Additional instruction to the minister plenipotentiary for negotiating a treaty of commerce with Great Britain.

That the minister plenipotentiary for negotiating a treaty of commerce with Great Britain be instructed to enter into no such treaty, unless, in addition to the stipulations relative to the fisheries required by Congress in their instructions to the said minister of the 13th August, 1779, all the objects included in their ultimatum relative to a treaty of peace, as the same stood prior to their instructions on that subject of the 15th day of June, instant, be in such treaty of commerce explicitly acknowledged and stipulated to the United States.



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

New Hampshire,	Mr. Sullivan, Mr. Livermore,	No. } No. }	No.
Massachusetts,	Mr. Lovell, Mr. Partridge, Mr. Osgood,	No. } No. } No. }	No.
Rhode Island,	Mr. Varnum,	Ay. } ×	
Connecticut,	Mr. Huntington, Mr. Ellsworth, Mr. Sherman,	Ay. } No. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Houston,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Montgomery, Mr. Clymer, Mr. T. Smith,	No. } No. } Ay. }	No.
Maryland,	Mr. Jenifer, Mr. Carroll, Mr. Potts,	No. } No. } No. }	No.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. M. Smith,	Ay. } Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Sharpe, Mr. Johnston,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Mathews, Mr. Bee, Mr. Motte, Mr. Eveleigh,	No. } No. } No. } No. }	No.

Georgia,

Mr. Walton,

No. } No.

Mr. Few,

No. }

So it passed in the negative.

JULY 10, 1781.

Congress agreed to the following commission and instructions to Thomas Barclay, vice consul.

COMMISSION TO THOMAS BARCLAY, ESQUIRE.

The United States of America to Thomas Barclay, Esquire, Greeting.

We, reposing special trust and confidence in your abilities and integrity, do by these presents constitute you our vice consul in France, during the absence of William Palfrey, esquire, our consul, from that kingdom, or during the pleasure of Congress, to exercise the functions and to enjoy all the honours, authorities, pre-eminences, privileges, exemptions, rights, and emoluments to the said office appertaining. And we hereby enjoin it upon all merchants of these United States, and upon all captains, masters and commanders of ships and other vessels, armed or unarmed, sailing under our flag, as well as all others of our citizens, to acknowledge the said Thomas Barclay, and to obey him in his vice consular quality; praying and requesting our very dear great friend and ally, his most christian majesty, his governours and other officers whom it may concern, to permit the said Thomas Barclay fully and peaceably to enjoy the said office. without giving.

or suffering to be given, any molestation or trouble to him; but on the contrary to afford him all countenance and assistance; offering to do the same for all those who shall be in like manner recommended to us by him.

In testimony whereof, we have caused these presents to be given in Congress, at Philadelphia, this 10th day of July, in the year of our Lord, 1781, and in the 6th year of our independence.

INSTRUCTIONS TO THOMAS BARCLAY, ESQUIRE.

SIR,

Herewith you will receive a commission, constituting you our vice consul in France, during the absence of William Palfrey, esquire, our consul from that kingdom, or during the pleasure of Congress.

You are at liberty to fix your residence at that port which may be best adapted to the execution of the powers entrusted to you: for besides your proper vice consular functions, you are to receive and forward all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.

You will regularly transmit to us accounts of the civil and military constitutions of the place where you reside, of its advantages for commerce with the world in general, and especially with these United States.

You will give to our minister plenipotentiary in France such observations as you may from time to time make, or obtain, tending to promote, through him,

the service of your country. You will receive from America, according as good opportunities present, funds for the discharge of your duties as our commercial agent; but at your first arrival, and in cases of absolute necessity, you are authorized to draw upon our minister plenipotentiary in France, taking care always to give him early notice of such necessities, that he may aid you from funds procured on our account, without doing injury to our other concerns. You may also draw, under the like circumstances, upon other funds which you shall know to have been procured for us in Europe.

You are hereby authorized and instructed to call for any property belonging to these United States, and now in the hands of any persons who have acted as agents for us in France, so that you may obtain a comprehensive view of our effects there, and may contrive the best modes of transmitting them to America.

You will also carefully attend to such instructions as we shall from time to time communicate to you, either directly or through our ministers plenipotentiary.

Done at Philadelphia, the 10th day of July, in the year of our Lord, 1781, and in the 6th year of our independence. By the United States in Congress assembled.

JULY 11, 1781.

On the report of the committee, consisting of Mr. Mathews, Mr. Carroll and Mr. Sullivan, to whom

was referred a letter of the 9th, from the superintendent of finance,

Resolved, That Congress approve of the superintendent of finance undertaking the negotiation of loans either in Spain or Portugal, in conjunction with Mr. Jay, on the most advantageous terms the same can be obtained.

That Mr. Jay be authorized to send Mr. Carmichael to Lisbon, on the plan proposed by the superintendent of finance; provided Mr. Jay shall be of opinion his presence in Spain can at the time be dispensed with.

JULY 12, 1781.

A motion was made by Mr. Madison, seconded by Mr. Mathews, That the commission and instructions for negotiating a treaty of commerce between these United States and Great Britain, given to the honourable John Adams on the 29th day of September, 1779, be and they are hereby revoked.

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

New Hampshire,	Mr. Livermore,	>No.×
Massachusetts,	Mr. Partridge,	No. } No.
	Mr. Osgood,	No. }
Rhode Island,	Mr. Varnum,	>Ay.×
Connecticut,	Mr. Ellsworth,	No. } No.
	Mr. Sherman.	No. }

Pennsylvania,	Mr. Montgomery,	Ay.	} Ay.
	Mr. Clymer,	Ay.	
	Mr. T. Smith,	Ay.	
Delaware,	Mr. Rodney,	Ay.	} Ay.
	Mr. M. Kean,	Ay.	
Maryland,	Mr. Jenifer,	No.	} Ay.
	Mr. Carroll,	Ay.	
	Mr. Potts,	Ay.	
Virginia,	Mr. Jones,	Ay.	} Ay.
	Mr. Madison,	Ay.	
	Mr. Bland,	Ay.	
North Carolina,	Mr. Sharpe,	Ay.	} Ay.
	Mr. Johnston,	Ay.	
South Carolina,	Mr. Mathews,	Ay.	} Ay.
	Mr. Bee,	Ay.	
	Mr. Motte,	Ay.	
	Mr. Eveleigh,	Ay.	
Georgia,	Mr. Walton,	Ay.	} Ay.
	Mr. Few,	Ay.	
	Mr. Howly,	Ay.	

So it was resolved in the affirmative.

JULY 20, 1781.

A memorial from the honourable the minister of France was read, stating that he has received some despatches which he wishes to communicate to Congress by means of a committee.

Ordered, That a committee of five be appointed to receive the communications of the honourable the minister of France.

The members—Mr. Witherspoon, Mr. Carroll, Mr. Varnum, Mr. Sullivan and Mr. Mathews.

JULY 23, 1781.

The committee appointed to receive the communications of the honourable the minister of France, delivered in the following report :

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

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

Your committee will not repeat the details of what has happened between the two powers of England and Holland ; it is sufficient to observe, that Sweden and Denmark have adopted the plan of armed neutrality framed by the empress of Russia. That the Dutch, upon invitation, had done the same ; and the court of London, irritated by this step, took hold of the pretence afforded by the papers found on Mr. Laurens, and published a manifesto on the 21st day of Decem-

ber, as well as a proclamation for expediting letters of marque. That this state of affairs, and the other consequences of this step, deserve the attention of Congress. That, if their high mightinesses should join in this war, it would bring the two republicks to terms of more intimate union. That the opinion of the council of the king was, that Congress ought not to neglect to send to Holland a prudent and able man, with full powers. It would likewise be advantageous to give proper instructions to that minister; and as it may happen, in the course of the negotiations, that unforeseen incidents may present themselves, and as it is impossible at this distance to have quick information, it would be proper to have further instructions given by Dr. Franklin, in order to avoid all inconsistency or contradiction; and that the political operations of Congress, aiming towards the same end, may of course be more successful.

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



minister added, that he was authorized by the king to offer Congress his interposition for this purpose.

The minister informed that, according to appearances, the empress of Russia seemed to be well disposed to the independence of the United States ; and that these dispositions give reason to think that the empress will see with pleasure, that Congress has adopted her principles as to the neutrality ; and that the count de Vergennes has sent that resolution to the marquis Verac, the minister of France at the court of Russia.

Ordered, That this report be referred to the said committee.

#### AUGUST 1, 1781.

The committee to whom were referred the communications of the honourable the minister of France delivered in a report.

#### AUGUST 9, 1781.

The report of the committee on the communications of the honourable the minister of France was taken into consideration, and after debate,

Ordered, That it be committed ; and that the committee report instructions to the honourable John Adams respecting a treaty of alliance with the United Provinces of the Netherlands.

#### AUGUST 10, 1781.

Congress resumed the consideration of the report of the committee on the letter of the 9th of July, from the

superintendent of finance; and on the question to agree to the following propositions, viz.

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

The yeas and nays being required by Mr. Sherman—

New Hampshire,	Mr. Sullivan, Mr. Livermore,	No. } No. }	No.
Massachusetts,	Mr. Lovell, Mr. Partridge, Mr. Osgood,	No. } No. } No. }	No.
Rhode Island,	Mr. Mowry, Mr. Varnum,	No. } No. }	No.
Connecticut,	Mr. Ellsworth, Mr. Sherman,	No. } No. }	No.
New York,	Mr. Duane, Mr. L'Hommedieu,	No. } No. }	No.
New Jersey,	Mr. Boudinot, Mr. Elmer,	No. } No. }	No.
Pennsylvania,	Mr. Montgomery, Mr. Clymer, Mr. T. Smith,	No. } No. } No. }	No.
Delaware,	Mr. M'Kean, Mr. Vandyke,	No. } No. }	No.
Maryland,	Mr. Jenifer, Mr. Carroll,	No. } No. }	No.

Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Randolph,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Sharpe,		}No. x
South Carolina,	Mr. Bee, Mr. Eveleigh,	No. } No. }	No.
Georgia,	Mr. Walton, Mr. Howly,	No. } No. }	No.

So it passed in the negative.

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

A letter of the 24th of July, from the honourable the minister of France, with a copy of his letter of the same date to the board of admiralty, having been delivered to Congress on the 25th of the same month, and referred to the committee of commerce, the said committee brought in a report: Whereupon,

Resolved, That the honourable the minister of France be requested to inform the governour and intendant of St. Domingo, that the United States have not at present any agent whatever residing at that island; and that Congress, not intending to appropriate their funds to commercial purposes, have not the appointment of such an officer in contemplation.

## AUGUST 16, 1781.

On the report of the committee, consisting of Mr. Witherspoon, Mr. Carroll, Mr. Varnum, Mr. Sullivan and Mr. Mathews, to whom was recommitted their report on the communications from the honourable the minister of France, and who were instructed to report instructions to the honourable John Adams, respecting a treaty of alliance with the United Provinces of the Netherlands,

Resolved, That the minister plenipotentiary of these United States at the court of Versailles be directed to inform his most christian majesty, that the tender of his endeavours to accomplish a coalition between the United Provinces of the Netherlands and these states hath been received by Congress, as a fresh proof of his solicitude for their interests. That previous to the communication of this his most christian majesty's friendly purpose, Congress, impressed with the importance of such a connexion, had confided to Mr. John Adams full powers to enter, on the part of the United States, into a treaty of amity and commerce with the United Provinces, with a special instruction to conform himself therein to the treaties subsisting between his most christian majesty and the United States. That Congress do, with pleasure, accept his most christian majesty's interposition, and will transmit further powers to their minister at the Hague to form a treaty of alliance between his most christian majesty, the United Provinces, and the United States, having for its object, and limited in its duration to, the present

war with Great Britain. That he will be enjoined to confer on all occasions in the most confidential manner with his most christian majesty's minister at the Hague ; and that provisional authority will also be sent to admit his catholick majesty as a party.

Resolved, That the minister plenipotentiary of these United States at the Hague be and he is hereby instructed to propose a treaty of alliance between his most christian majesty, the United Provinces of the Netherlands, and the United States of America, having for its object, and limited in its duration to, the present war with Great Britain, and conformed to the treaties subsisting between his most christian majesty and the United States.

That the indispensable conditions of the alliance be, that their high mightinesses the states general of the United Provinces of the Netherlands shall expressly recognise the sovereignty and independence of the United States of America, absolute and unlimited, as well in matters of government as of commerce. That the war with Great Britain shall be made a common cause, each party exerting itself according to its discretion in the most effectual hostility against the common enemy ; and that no party shall conclude either truce or peace with Great Britain without the formal consent of the whole first obtained ; nor lay down their arms until the sovereignty and independence of these United States shall be formally or tacitly assured by Great Britain, in a treaty which shall terminate the war.

That the said minister be and he hereby is further instructed. to unite the two republicks by no stipula-

tions of offence, nor guaranty any possessions of the United Provinces. To inform himself, from the minister of these United States at the court of Spain, of the progress of his negotiations at the said court; and if an alliance shall have been entered into between his catholick majesty and these United States, to invite his catholick majesty into the alliance herein intended; if no such alliance shall have been formed, to receive his catholick majesty, should he manifest a disposition to become a party to the alliance herein intended, according to the instructions given to the said minister at the court of Spain.

That in all other matters not repugnant to these instructions, the said minister at the Hague do use his best discretion.

Resolved, That the minister plenipotentiary of these United States at the Hague be and hereby is instructed to confer in the most confidential manner with his most christian majesty's minister there.

Ordered, That the foregoing resolutions be communicated to our ministers at the courts of Versailles and Madrid, that they may furnish every information and aid in their power to our minister at the Hague in the accomplishment of this business.

Resolved, That the following commission be issued to Mr. John Adams, for the purpose aforesaid.

The United States in Congress assembled to all who shall see these presents, send greeting.

Whereas a union of the force of the several powers engaged in the war against Great Britain may have a

happy tendency to bring the said war to a speedy and favourable issue ; and it being the desire of these United States to form an alliance between them and the United Provinces of the Netherlands : KNOW YE, THEREFORE, that we, confiding in the integrity, prudence and ability of the honourable John Adams, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Adams, 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 his most christian majesty, and their high mightinesses the states general of the United Provinces of the Netherlands, of and concerning a treaty of alliance between his most christian majesty, the United Provinces of the Netherlands, and the United States of America ; and whatever shall be so agreed and concluded for us and in our name, to sign, and thereupon to make such treaty, convention and agreements as he shall judge conformable to the ends we have in view ; hereby promising, in good faith, that we will accept, ratify and execute, whatever shall be agreed, concluded and signed by him our said minister.

In witness whereof we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia, this sixteenth day of August,  
in the year of our Lord one thousand seven hun-  
dred and eighty-one, and in the sixth year of our  
independence, by the United States in Congress  
assembled.

(Signed) THOMAS M'KEAN, President.

Attest.

CHARLES THOMSON, Secretary.



## SUPPLEMENT.

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MAY 10, 1776.

To follow proceedings of December 2, 1775. Page 6.

**R**ESOLVED, That the committee of secret correspondence be directed to lay their proceedings before Congress on Monday next, withholding the names of the persons they have employed, or with whom they have corresponded.

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JUNE 11, 1776.

To follow proceedings of May 18, 1776. Page 6.

Resolved, That a committee be appointed to prepare a plan of treaties to be proposed to foreign powers.

JUNE 12, 1776.

Resolved, That the committee to prepare a plan of treaties to be proposed to foreign powers, consist of five.

The members chosen—Mr. Dickinson, Mr. Franklin, Mr. J. Adams, Mr. Harrison and Mr. R. Morris.

JULY 18, 1776.

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

Ordered to lie on the table.

JULY 20, 1776.

Resolved, That the plan of treaties be printed for the use of the members under the restrictions and regulations prescribed for printing the plan of confederation, (viz. that eighty copies, and no more, be printed, and deposited with the secretary, who shall deliver one copy to each member: That the printer be under oath to deliver all the copies which he shall print, together with the copy sheet, to the secretary, and not to disclose, either directly or indirectly, the contents of the said plan: That no member furnish any person with his copy, or take any steps by which the said plan may be reprinted; and that the secretary be under the like injunction.) And that in the printed copy the names of persons, places and states be omitted.

AUGUST 22, 1776.

Resolved, That Congress will, to-morrow, resolve itself into a committee of the whole, to take into consideration the plan of foreign treaties.

## AUGUST 27, 1776.

Congress resolved itself into a committee of the whole, to take into consideration the plan of foreign treaties; and, after some time, the President resumed the chair, and Mr. Nelson reported, that the committee have gone through the same, and made sundry amendments therein.

Resolved, That the plan of treaties, with the amendments, be referred to the committee who brought in the original plan, in order to draw up instructions pursuant to the amendments made by the committee of the whole.

That two members be added to the said committee.

The members chosen—Mr. R. H. Lee and Mr. Wilson.

## AUGUST 29, 1776.

Resolved, That the committee, to whom the plan of treaties, with the amendments, was recommitted, be empowered to prepare such farther instructions as to them shall seem proper, and make report thereof to Congress.

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SEPTEMBER 17, 1776.

To be inserted after the Plan of a Treaty to be proposed to His Most Christian Majesty. Page 27.

Resolved, That the consideration of the instructions to be given to the commissioners to foreign states be postponed till to-morrow.

## SEPTEMBER 18, 1776.

Congress took into consideration the instructions to the commissioners, and, after debate,

Resolved, That the farther consideration thereof be postponed.

## SEPTEMBER 24, 1776.

Congress resumed the consideration of the instructions to the commissioners, and the same being debated by paragraphs, and amended, was agreed to as follows :



## FEBRUARY 5, 1777.

To follow proceedings of January 2, 1777. Page 43.

Resolved, That the commissioners at the court of France be directed to use their utmost endeavours to send, without delay, 80,000 blankets, 40,000 complete suits of clothes, for soldiers, of green, blue, and brown colours, with suitable facings, and cloth of the same colours, with trimming sufficient for 40,000 suits more, 100,000 pair of stockings, fit for soldiers, 1,000,000 of flints, and 200 tons of lead, in armed vessels, to such parts of the United States, as the secret committee shall direct ; that they pledge the faith of the United States for complying with their contracts ; that the several states be requested to order their armed vessels into the service of the United States, under the direction of the secret committee ; that they be allowed a reasonable compensation for the use thereof, with the

appraised value of such as may be lost ; and that one of the new continental frigates, with the armed vessels which may be furnished by the respective states, be employed by the secret committee, to export produce, and import military stores for the next campaign.

MARCH 13, 1777.

Whereas applications are frequently made to Congress for employment in the continental army by gentlemen from Europe of various nations, who may very probably have great merit, but, not understanding our language, can be of no use in the army of these states : Therefore,

Resolved, That the committee of secret correspondence be directed forthwith to write to all their ministers or agents abroad, to discourage all gentlemen from coming to America with expectation of employment in the service, unless they are masters of our language, and have the best recommendations.

APRIL 17, 1777.

Resolved, That the style of the committee of secret correspondence be altered, and that, for the future, it be styled the committee of foreign affairs.

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MAY 1, 1777.

To follow proceedings of May 1, 1777. Page 44.

Resolved, That fifty blank commissions for private ships of war, with an equal number of instructions and resolutions of Congress for taking or destroying the

vessels of the subjects of Great Britain, be delivered to the committee for foreign affairs, to be by them transmitted to the commissioners at the court of France.

Ordered, That the committee for foreign affairs revise the commissions for private ships of war, and the instructions heretofore given to the commanders of the said ships, and report such alterations and amendments as they judge proper to be made therein.

Resolved, That Tuesday next be assigned for appointing commissioners for the courts of Vienna, Berlin and Tuscany.

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#### JUNE 4, 1777.

To follow proceedings of May 31, 1777. Page 46.

Agreable to the order of the day, Congress resolved itself into a committee of the whole, to take into consideration the state of foreign affairs; and, after some time spent thereon, the President resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the matter referred to them, but, not having come to a conclusion, desire leave to sit again.

Resolved, That Congress, to-morrow, resolve itself into a committee of the whole, to consider farther the state of foreign affairs.

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#### SEPTEMBER 8, 1777.

To follow proceedings of July 3, 1777. Page 54.

Congress took into consideration the report of the committee on foreign applications, wherein they set forth,

“That besides a number of officers, who are come  
“from Europe and the West Indies of their own accord,  
“to solicit for rank and employment in the American  
“army, there are others who have proceeded upon the  
“encouragement of conventions made and signed at  
“Paris, by Silas Deane, esquire, as agent for the United  
“States of North America ; that Mr. Deane had no au-  
“thority to make such conventions, and that Congress  
“therefore are not bound to ratify or fulfil them.”

Resolved, That Congress agree to the said report.

#### NOVEMBER 21, 1777.

Resolved, That Silas Deane, esquire, be recalled from the court of France ; and that the committee for foreign affairs be directed to take proper measures for speedily communicating the pleasure of Congress herein to Mr. Deane and the other commissioners of the United States at the court of France.

Resolved, That Monday next be assigned for choosing a commissioner to the court of France, in place of Silas Deane, esquire.

#### NOVEMBER 22, 1777.

Congress having received information, that the insidious enemies of the United States of America have endeavoured to propagate in Europe false and groundless reports, that a treaty had been held between Congress and the commissioners of the king of Great Britain, by which it was probable that a reconciliation would take place :

Be it declared and resolved, That the commissioners of the said United States at the several courts in Europe be authorized to represent to the courts at which they respectively reside, that no treaty whatever has been held between the king of Great Britain or any of his commissioners and the said United States since their declaration of independence.

And whereas the cause of these United States may be greatly endangered, unless such of the European powers as regard the rights of mankind should interpose to prevent the ungenerous combination of other powers against the liberties of the said states :

Resolved, That the commissioners of the United States at the several courts in Europe be directed to apply to the respective courts, and request their immediate assistance for preventing a farther embarkation of foreign troops to America, and also to urge the necessity of their acknowledging the independence of these states.

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

Resolved, That the commissioners of the United States be severally directed to communicate to the respective courts the purport of their first and second resolutions when they think it expedient, and to suspend the last until upon a general consultation of the commissioners a majority shall judge it necessary.



## NOVEMBER 28, 1777.

Congress proceeded to the election of a commissioner in the room of Silas Deane, esquire ; and, the ballots being taken,

John Adams, esquire, a delegate in Congress from Massachusetts Bay, was elected.

Resolved, That William Carmichael, esquire, be appointed secretary to the commissioners at the court of France.

## DECEMBER 2, 1777.

Resolved, That a commission be made out for John Adams, esquire, similar to that heretofore granted to the commissioners at the court of France.

A motion was made for obtaining a loan of money :

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

The members chosen—Mr. Folsom, Mr. Duane and Mr. Dana.

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DECEMBER 3, 1777.

To be inserted before the proceedings of December 3, 1777. Page 55.

The committee, to whom was referred the motion made yesterday for obtaining a loan of money, brought in their report, which was taken into consideration : Whereupon, Congress came to the following resolutions :

The quantity of paper money issued to defray the necessary expenses of the war having at length become so considerable as to endanger its credit, and Congress apprehending that the slow operation of taxes may not be adequate to the prevention of an evil so pernicious in its consequences; and as experience proves that the method of paying interest by bills on France does not fill the loan offices so fast as the urgent calls of war demand:

Resolved, That the commissioners at the court of France and Spain be directed to exert their utmost endeavours to obtain, by means most effectual to the end, a loan of two millions sterling, on the faith of the thirteen United States, for a term not less than ten years, with permission if practicable to pay the same sooner, if it shall be agreeable to these states, giving twelve months previous notice to the lender, of such intention to return the money.

Resolved, That if the money borrowed, &c. See page 55.

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### DECEMBER 3, 1777.

To follow proceedings of December 3, 1777. Page 55.

Whereas it is of the greatest importance that Congress should at this critical conjuncture be well informed of the state of affairs in Europe; and whereas Congress have resolved that the honourable Silas Deane, esquire, be recalled from the court of France, and have appointed another commissioner to supply his place there:

Ordered, That the committee for foreign affairs write to the honourable Silas Deane, esquire, and direct him to embrace the first opportunity of returning to America; and, upon his arrival, to repair with all possible despatch to Congress.

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### FEBRUARY 9, 1778.

To follow proceedings of February 4, 1778. Page 56.

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

### FEBRUARY 17, 1778.

On motion,

That the committee for foreign affairs be directed to write to the commissioners at Paris, and direct them, upon the application of the executive powers of any of these United States, to apply to the court of France for an extension of the leave of absence to such French officers as may be employed in the service of such state—

New Hampshire,	Mr. Frost,	No.	} No.	
Massachusetts Bay,	Mr. Lovell,	Ay.	} ×	
Rhode Island,	Mr. Ellery,	No.	} No.	
Connecticut,	Mr. Dyer,	No.	} DIVIDED.	
	Mr. Huntington,	Ay.		

New Jersey,	Mr. Witherspoon, Ay. } Mr. Clark, No. } Mr. Scudder, No. }	No.
Pennsylvania,	Mr. Roberdeau, Ay. } Mr. J. Smith, Ay. } Mr. Clingan, Ay. }	Ay.
Delaware,	Mr. M·Kean,	Ay. > Ay.
Maryland,	Mr. Forbes, Ay. } Mr. Henry, Ay. }	Ay.
Virginia,	Mr. F. L. Lee,	Ay. > ×
North Carolina,	Mr. Penn,	Ay. > Ay.
South Carolina,	Mr. Laurens,	Ay. > Ay.
Georgia,	Mr. Langworthy, Ay. } Mr. Wood, Ay. }	Ay.

So it was resolved in the affirmative.

#### APRIL 13, 1778.

Resolved, That the commissioners of the United States in France, be authorized to determine and settle with the house of Roderique Hortales and Co. the compensation, if any, which should be allowed them on all merchandise and warlike stores, shipped by them for the use of the United States, previous to the 14th day of April, 1778, over and above the commission allowed them in the sixth article of the proposed contract between the committee of commerce and John Babbiste Lazarus Theveneau de Francey.

APRIL 16, 1778.

Resolved, That Mr. William Bingham, agent of the United States of America, now resident in Martinique, be authorized to draw bills of exchange at double usance on the commissioners of the United States at Paris, for any sums, not exceeding in the whole, one hundred thousand livres tournois, to enable him to discharge debts by him contracted on account of the said states ; for which drafts he is to be accountable.

APRIL 21, 1778.

Resolved, That Congress will, on Monday next, take into consideration the state of our affairs with foreign courts, and the instructions to the commissioners of Congress at such courts.

APRIL 30, 1778.

Congress proceeded to take into consideration the state of America with respect to foreign nations, when sundry letters and papers were called for and laid on the table, and the reading thereof begun and continued to one o'clock.

THREE O'CLOCK, P. M.

The letters and papers called for being read, a motion was thereupon made.

Adjourned to ten o'clock to-morrow.

MAY 1, 1778.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the state of these United States with respect to foreign nations: Whereupon,

Resolved, That a committee of three be appointed to report proper instructions to be transmitted to the commissioners of the United States at foreign courts.

The members chosen—Mr. R. H. Lee, Mr. G. Morris and Mr. Sherman.

MAY 2, 1778.

During the adjournment, Mr. Simeon Deane, brother to Silas Deane, esquire, one of the commissioners at the court of Versailles, arrived express from France, with sundry important despatches: Whereupon,

Congress was convened, and the despatches opened and read, among which are a treaty of commerce and a treaty of alliance, concluded between his most christian majesty the king of France and the United States of America, on the 6th day of February, 1778.



MAY 4, 1778.

To be inserted before the proceedings of May 4, 1778. Page 57.

Congress took into consideration the treaties concluded between his most christian majesty the king of France and the United States of America, which was read.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the treaty of amity and commerce, concluded at Paris, the 6th day of February, 1778, between the most christian king and the United States of America; and the same being read, duly weighed and considered,

Resolved, unanimously, That the same be, and is hereby ratified.

Congress also took into consideration the treaty of alliance, concluded at Paris, on the 6th day of February, 1778, between the most christian king and the United States of America; and the same being read, duly weighed and considered,

Resolved, unanimously, That the same be, and is hereby ratified.

Congress also took into consideration the act separate and secret, concluded at Paris, the 6th day of February, 1778, between his most christian majesty and the United States of America; and the same being duly weighed,

Resolved, unanimously, That the same be, and is hereby ratified.

Resolved, That this Congress entertain the highest sense of the magnanimity and wisdom of his most christian majesty, so strongly exemplified in the treaty of amity and commerce, and the treaty of alliance, entered into on the part of his most christian majesty, with these United States, at Paris, on the 6th day of February last; and the commissioners, or any of them, representing these states at the court of France, are directed to present the grateful acknowledgments of

this Congress to his most christian majesty, for his truly magnanimous conduct respecting these states, in the said generous and disinterested treaties, and to assure his majesty, on the part of this Congress, it is sincerely wished that the friendship so happily commenced between France and these United States may be perpetual.

Resolved, That a committee of three be appointed to prepare the form of a ratification of the foregoing treaties.

The members chosen—Mr. R. H. Lee, Mr. Dana and Mr. Drayton.

MAY 5, 1778.

Resolved, That the commissioners, or any one of them, representing these states at the court of France, be instructed to inform that court, that although Congress have readily ratified the treaty of amity and commerce and treaty of alliance, and the act separate and secret between his most christian majesty and these United States, in order to evince more clearly their sense of the magnanimity and goodness of his most christian majesty evidenced in the said treaties; yet, from a sincere desire of rendering the friendship and alliance so happily begun, permanent and perpetual, and being apprehensive that differences may arise from the 11th and 12th articles in the treaty of amity and commerce, Congress are desirous that the said 11th and 12th articles may be revoked and utterly expunged :



The commissioners, or any one of them, are therefore instructed to use their best endeavours to procure the abolition of the said 11th and 12th articles of the said treaty.

The committee appointed to prepare the form of a ratification, brought in the same, which was read, and agreed to as follows :

The Congress of the United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, by the grace of God, sovereign, free and independent—To all who shall see these presents, Greeting :

Whereas, in and by our commission, dated at Philadelphia, the 30th day of September, in the year of our Lord, one thousand seven hundred and seventy-six, Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said state, &c. Silas Deane, late a delegate from the state of Connecticut, and Arthur Lee, barrister at law, were nominated and appointed our commissioners, with full powers to treat, agree and conclude with his most christian majesty the king of France, or with such person or persons as should be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most christian majesty and the people of the Unit-

ed States, we, promising in good faith to ratify whatsoever our said commissioners should transact in the premises : and whereas our said commissioners, in pursuance of their full powers, on the 6th day of February last, at Paris, with Conrad Alexander Gerard, royal syndick of the city of Strasburg, secretary of his most christian majesty's council of state, by virtue of powers plenipotentiary to him granted by his most christian majesty, and dated the 30th day of January, in the year of our Lord, one thousand seven hundred and seventy-eight, did conclude and sign, on the part of the crown of France, and of the United States of America, a (treaty of amity and commerce ; or treaty of alliance ; or act separate and secret) in the following words :

[Here insert the respective treaties verbatim, French and English.]

NOW KNOW YE, That we, the said Congress, have unanimously ratified and confirmed, and by these presents do ratify and confirm the said treaty and every part, article and clause thereof, on our part concluded and signed as aforesaid ; and further do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification in exchange for the ratification of the said treaty on the part of his most christian majesty the king of France and Navarre.

Done in Congress, at York Town, in the state of Pennsylvania, this 4th day of May, in the year of our Lord, one thousand seven hundred and seventy-eight.

In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

President. [L. s.]

Attest.

Secretary.

Ordered, That six copies of the treaties, with the ratification agreed to, be made out and transmitted by the committee for foreign affairs to the commissioners of the United States at the court of France, by different conveyances.

Ordered, That the marine committee provide vessels for carrying the said despatches.

Ordered, That the committee appointed to prepare the form of a ratification, be directed to prepare a proper publication on the present occasion.

MAY 6, 1778.

The committee appointed to prepare a publication, brought in a draft, which was read; and after debate,

Resolved, That the same be recommitted.

Resolved, That Mr. G. Morris be added to the committee.

THREE O'CLOCK, P. M.

The committee, to whom was recommitted the draft for publication, brought in another draft, which was taken into consideration, and agreed to as follows:

Whereas Congress have received from their commissioners at the court of France, copies of a treaty of

amity and commerce, and of a treaty of alliance, between the crown of France and these United States, duly entered into and executed at Paris, on the 6th day of February last, by a minister properly authorized by his most christian majesty on the one part, and the said commissioners on the other part: and whereas the said treaties have been maturely considered and unanimously ratified and confirmed by Congress; in which said treaty of amity and commerce are the articles following, to wit:

[Here insert art. 6, 7, 14, 15, 16, 17, 20, 21, 25, 26, 27 and 29, with the form of the passports.]

Now, therefore, to the end that the said treaty may be well and faithfully performed and kept on the part and behalf of these United States,

Resolved, That all captains, commanders, and other officers and seamen belonging to any vessels of war of these United States, or any of them, or of any private armed vessels commissioned by Congress, and all other the subjects of these United States, do govern themselves strictly in all things according to the above recited articles; and that they do afford the same aid and protection to the persons, commerce and property of the subjects of his most christian majesty, as is due to the persons, commerce and property of the inhabitants of these United States.

And further it is recommended to all the inhabitants of these states to consider the subjects of his most christian majesty as their brethren and allies, and that they behave towards them with the friendship and attention due to the subjects of a great prince, who, with the highest magnanimity and wisdom, hath treated with

these United States on terms of perfect equality and mutual advantage, thereby rendering himself the protector of the rights of mankind.

MAY 7, 1778.

Resolved, That the commissioners appointed for the courts of Spain, Tuscany, Vienna and Berlin, should live in such style and manner at their respective courts, as they may find suitable and necessary to support the dignity of their publick character ; keeping an account of their expenses, which shall be reimbursed by the Congress of the United States of America.

That, besides the actual expenses of the commissioners, a handsome allowance be made to each of them, as a compensation for his services.

That the commissioners of the other courts in Europe be empowered to draw bills of exchange, from time to time, for the amount of their expenses, upon the commissioners at the court of France.

MAY 9, 1778.

Whereas there are more captains in the navy than there are ships provided for them :

Ordered, That the committee for foreign affairs write to the commissioners of the United States at foreign courts, and inform them, that Congress expect they will not recommend any foreign sea-officers, nor give any of them the least expectation of being employed as captains in the navy of the United States.

## A PROCLAMATION.

Whereas Congress have received information and complaints “ that violences have been done by American armed vessels to neutral nations, in seizing ships belonging to their subjects and under their colours, and in making captures of those of the enemy whilst under the protection of neutral coasts, contrary to the usage and custom of nations :” To the end, that such unjustifiable and piratical acts, which reflect dishonour upon the national character of these states, may be in future effectually prevented, the said Congress hath thought proper to direct, enjoin and command, and they do hereby direct, enjoin and command, all captains, commanders, and other officers and seamen belonging to any American armed vessels, to govern themselves strictly in all things agreeably to the tenor of their commissions, and the instructions and resolutions of Congress ; particularly that they pay a sacred regard to the rights of neutral powers and the usage and custom of civilized nations, and on no pretence whatever presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States, except they are employed in carrying contraband goods or soldiers to our enemies, and in such case that they conform to the stipulations contained in the treaties subsisting between such princes or powers and these states ; and that they do not capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations or princes, under the penalty of being condignly punished therefor, and also of being bound

to make satisfaction for all matters of damage and the interest thereof by reparation, under the pains and obligation of their persons and goods. And further, the said Congress doth hereby resolve and declare, that persons wilfully offending in any of the foregoing instances, if taken by any foreign powers in consequence thereof, will not be considered as having a right to claim protection from these states, but shall suffer such punishment as by the usage and custom of nations may be inflicted upon such offenders.

Given in Congress, at York, in the state of Pennsylvania, this ninth day of May, Anno Domini, 1778.

MAY 11, 1778.

Whereas it hath been represented unto us, that a certain snow, called "Our Lady of Mount Carmel and St. Anthony," said to be the property of Messrs. John Ignatius de Oliveria Perceira, and Anthony dios dos Santos, subjects of his most faithful majesty the king of Portugal, and bound from the Brasils to Fayal, was taken on the high seas by a private armed vessel commissioned by these United States, and sent as a prize into the state of Massachusetts Bay: that the same vessel, being duly libelled in the courts of the said state, was acquitted; and that no owner hath appeared to claim the said snow and her cargo, the master of the said snow having, as is said, been sent home in another vessel at his own request, by the master of the said armed vessel: And whereas it hath been further represented unto us, that divers of the commodi-

ties in the said snow contained are perishable; that damage may arise from permitting the vessel and cargo to continue in their present situation, and that it would be dangerous to send the said snow to the place of her former destination, as she might be made prize of by ships in the service of the king of Great Britain:

Now therefore, to the end that right may in this behalf be done,

Resolved, That the board of war of the said state of Massachusetts Bay be requested to make sale, with all convenient speed, in the best manner and for the most money possible, of the said snow and her cargo, to deposit the net proceeds thereof, after deducting all costs and charges, which shall then be due thereon, in the publick funds of these United States; and to transmit an exact account thereof to the committee of foreign affairs.

That the said committee do transmit such account and a copy of the proceedings of the court of admiralty relative to the said snow, together with these resolutions, to the commissioner or commissioners of these states, who may then be and reside at the court of his most christian majesty; and,

That the said commissioner or commissioners do inform the ambassador or resident of his most faithful majesty at the said court, of the premises; in order that the lawful and rightful owners of the said snow and her cargo may obtain proper certificates and authentick proof of their property in the same, and thereby be enabled, either personally or by their lawful attorney, to appear, demand and receive the moneys so



deposited as aforesaid, together with the interest thereof.

It is nevertheless provided, That nothing in the foregoing resolutions contained, shall be construed to bar the lawful and rightful owners of the said snow and of her cargo, from their action or actions against the master or owners of the said private armed vessel, or any of them, for damages sustained beyond the money so to be deposited by reason of the capture aforesaid; any clause or article thereof to the contrary notwithstanding.

On the question put, to agree to the foregoing resolution, the yeas and nays being required—

Massachusetts Bay,	Mr. Lovell, Mr. Dana,	Ay. } No. } ×
Rhode Island,	Mr. Ellery,	No. } No.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Wolcott,	No. } No. } No. No. }
New York,	Mr. G. Morris,	Ay. } ×
New Jersey,	Mr. Scudder,	No. } No.
Pennsylvania,	Mr. J. B. Smith, Mr. J. Smith, Mr. Clingan,	Ay. } Ay. } Ay. No. }
Delaware,	Mr. M'Kean,	Ay. } Ay.
Maryland,	Mr. Carroll, Mr. Plater, Mr. Henry,	No. } Ay. } Ay. Ay. }

Virginia,	Mr. R. H. Lee,	Ay.	} Ay.
	Mr. F. L. Lee,	Ay.	
	Mr. T. Adams,	Ay.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Matthews,	No.	
	Mr. Hutson,	Ay.	
Georgia,	Mr. Langworthy,	Ay.	> Ay.

So it was resolved in the affirmative.

MAY 16, 1778.

Resolved, That the invoice of articles to be imported from France, together with the list of medicines, approved by Congress, be signed by the committee of commerce, and transmitted to the commissioners of the United States at Paris, who are authorized and directed to apply to the house of Roderique Hortales and Co. for such of the said articles as they shall not have previously purchased or contracted for.

Ordered, That copies of the invoices be delivered to Mons. de Francey, agent for Roderique Hortales and Co. together with a copy of the foregoing resolution.

Resolved, That the articles to be shipped by the house of Roderique Hortales and Co. be not insured, but that notice be given to the commissioners at France, that they may endeavour to obtain convoy for the protection thereof.

Resolved, That a copy of governour Livingston's letter of April 27th, respecting the horses purchased for the use of the continental army, at the request of the

committee of Congress in camp, be transmitted to the quartermaster general ; and that he be ordered immediately to pay for such horses, and settle the accounts with the persons employed to make the purchases, agreeably to the terms upon which the governour engaged.

Resolved, That the committee for foreign affairs report such alterations in, or additions to, the instructions and commissions given to the commissioners at the courts of Berlin, Vienna and Tuscany, as they may think expedient.

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JUNE 1, 1778.

To follow proceedings of May 28, 1778. Page 91.

Congress took into consideration the instructions to the commissioners in Europe ; and after debate,

Resolved, That they be recommitted, and that three members be, for this purpose, added to the committee for foreign affairs, who reported the same.

The members chosen—Mr. Drayton, Mr. Duer and Mr. Smith.

THREE O'CLOCK, P. M.

The committee, to whom the instructions to the commissioners of the United States at the several courts in Europe were recommitted, brought in a report, which was taken into consideration ; and after some debate thereon,

Ordered, That the farther consideration thereof be postponed.

JUNE 2, 1778.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the instructions of the commissioners of the United States at foreign courts; and after debate,

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

JULY 14, 1778.

The sieur Gerard being arrived in town, and having delivered to the President a copy of a letter from his most christian majesty, signed Louis, and underneath Gravier de Vergennes, the same was read: Whereupon,

Resolved, That his excellency the sieur Gerard be received as minister plenipotentiary from his most christian majesty to the Congress of the United States of America.



SEPTEMBER 4, 1778.

To follow proceedings of August 6, 1778. Page 97.

Congress being informed that the books and papers of Thomas Morris, late commercial agent of the United States in France, are deposited with the commissioners at the court of France, or some of them; and the honourable Robert Morris, esquire, surviving partner and administrator of the deceased, applying to this

house to cause the same to be delivered to him, so that he may proceed to a settlement of the estate, &c.

Ordered, That the commissioners or commissioner, who shall be possessed of the said books and papers when this order arrives, deliver the same, both publick and private, to the said Robert Morris, or to his order.

SEPTEMBER 11, 1778.

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

Resolved unanimously, That to-morrow be assigned for electing a minister plenipotentiary at the court of France.

SEPTEMBER 14, 1778.

Congress proceeded to the election of a minister plenipotentiary to the court of France; and, the ballots being taken,

Doctor Benjamin Franklin was elected.

Resolved, That a committee of five be appointed to prepare a letter of credence to his most christian majesty, notifying the appointment of doctor B. Franklin, minister plenipotentiary of these United States at the court of France.

That the said committee also prepare a draft of instructions to the minister plenipotentiary.

The members chosen—Mr. G. Morris, Mr. Chase, Mr. Drayton, Mr. S. Adams and Mr. R. H. Lee.

Ordered, That the letters of credence, received through the hands of the minister of France and the count d'Estaing, be referred to the said committee.

Congress took into consideration the letter from Mr. S. Deane, and, after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

### SEPTEMBER 16, 1778.

Congress resumed the consideration of the letter of the 11th, from Mr. Deane: Whereupon, a motion was made,

That Mr. Deane be directed to attend Congress on Friday morning next, to answer such questions as the members may propose to him, for the better understanding of the state and progress of publick affairs during his mission in France.

### SEPTEMBER 18, 1778.

THREE O'CLOCK, P. M.

The committee, to whom were referred the letters from the honourable Arthur Lee, of 6th, 15th and 31st January, 1778, and the letter of 16th January, 1778, from the honourable B. Franklin and S. Deane, brought in a report, which was read: Whereupon,

A member in his place informed the house, that he had information that W. Carmichael had charged Mr. Deane with misapplication of the publick money, &c.

Being called upon to reduce this information to writing, he delivered in a paper, which was read as follows:—

“ R. H. Lee is informed, that Mr. Carmichael did  
“ some time in the last spring or winter say, in  
“ Nantes, that he knew Mr. Deane had misapplied the  
“ publick money; and that Mr. Carmichael did in  
“ strong terms reprobate Mr. Deane’s conduct both in  
“ his publick and private character: That Mr. Car-  
“ michael said an open rupture had taken place be-  
“ tween Mr. Arthur Lee and the gentlemen at Passy;  
“ that they had come to a resolution to do business  
“ without consulting Mr. Lee on any occasion; and  
“ that he (Mr. Carmichael) knows the excuse will be  
“ made to Congress, that the French ministry have de-  
“ sired it, though he does not doubt that desire has  
“ arose from Mr. Deane’s insinuations: That Mr.  
“ Carmichael condemned Mr. Deane’s conduct to-  
“ wards Mr. Lee, and was pointedly severe in repro-  
“ bating the system and measures that he had pursued  
“ in his publick character, and which he said he would  
“ fully unfold when he came to America.”

SEPTEMBER 22, 1778.

Whereas information hath been given to Congress, from which it is probable that William Carmichael, esquire, is possessed of a knowledge of the conduct of Silas Deane, esquire, late commissioner at the court of Versailles, touching the application of the publick moneys of these United States, and other matters relating to his publick character:

Resolved, That the said William Carmichael be directed to attend at the bar of the house this afternoon, to be examined in the premises.

Whereas certain dissensions, detrimental to the publick service, are said to have existed among the American commissioners in Europe :

Resolved, That the said William Carmichael be also examined, touching the said dissensions, and the conduct of the said commissioners, as far as the same may have come to his knowledge.

Ordered, That the consideration of the letter of the honourable Silas Deane, esquire, be postponed until the examination of William Carmichael, esquire, is taken, and that Mr. Deane be informed thereof.

THREE O'CLOCK, P. M.

On motion,

Resolved, That Mr. Carmichael be examined upon oath: that Mr. Secretary take down in writing, the questions propounded, and the answers given to them.



SEPTEMBER 25, 1778.

To follow proceedings of September 22, 1778. Page 101.

A letter, of the 24th, from Mr. S. Deane, was read, intimating, that he is informed “ that letters from Mr. Izard, reflecting on his character and conduct whilst  
“ in the service of the publick abroad, have been read  
“ in Congress,” and requesting “ to be furnished with  
“ copies thereof, and that he may be permitted to wait  
“ on Congress, and to be heard in his vindication.”



Ordered, That Mr. Deane be furnished with extracts of all such parts of Mr. Iazard's letters, read in this house on the 19th, as relate to his publick character.

SEPTEMBER 26, 1778.

Ordered, That Mr. Carmichael be directed to attend at the bar of this house on Monday afternoon at three o'clock, to be examined, touching the matter set forth in the resolution of the 22d.

Ordered, That Tuesday afternoon be assigned for hearing the honourable Silas Deane, esquire; and that he be notified to attend on that day at three o'clock.

SEPTEMBER 28, 1778.

THREE O'CLOCK, P. M.

Mr. Carmichael attending, was called in and sworn, and sundry questions being asked, and answers returned, he had leave to withdraw.

Ordered, That Mr. Carmichael attend at the bar of this house on Wednesday next, at ten o'clock, to be farther examined.

SEPTEMBER 29, 1778.

Ordered, That the hearing of Mr. Deane be postponed till the examination of Mr. Carmichael is finished; and that Mr. Deane be informed thereof.

## SEPTEMBER 30, 1778.

Mr. Carmichael attending, according to order, was called in, and the house proceeded in his examination.

Ordered, That Mr. Carmichael attend on Friday afternoon, to be further examined.

## OCTOBER 3, 1778.

The committee for foreign affairs laid before Congress a letter of June 1st, from the honourable A. Lee, at Paris, which was read.

Ordered, That the honourable Silas Deane, esquire, be furnished with a copy of the said letter, so far as relates to him.

## OCTOBER 5, 1778.

Ordered, That Mr. Carmichael attend this afternoon, at four o'clock, to be further examined.

THREE O'CLOCK, P. M.

Mr. Carmichael attending, according to order, was called in, and being further examined, was ordered to withdraw.



## OCTOBER 13, 1778.

To follow proceedings of October 6, 1778. Page 102.

Resolved, That Mr. Witherspoon be added to the committee for preparing instructions to doctor Frank-

lin, minister plenipotentiary of the United States at the court of France.

OCTOBER 14, 1778.

A letter of the 12th, from Mr. S. Deane, was read, accompanied with his remarks on the extracts from the letters of Mr. Izard, and also his remarks on the extracts from the letters of Mr. A. Lee, with which Mr. Deane was furnished.

Ordered, That a copy of the remarks on the extracts of Mr. Izard's letters be made out and transmitted to Mr. Izard; and that Mr. President be furnished with a duplicate thereof.

Ordered, That a copy of the remarks on the extracts of Mr. Izard's and Mr. Lee's letters be made out and transmitted to Mr. Lee.

Ordered, That Monday next be assigned for the further examination of Mr. W. Carmichael; and that Mr. Carmichael be directed to attend on that day.

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OCTOBER 15, 1778.

To follow proceedings of October 15, 1778. Page 103.

A letter of the 28th of June last, from Mr. Izard, at Paris, with sundry papers accompanying the same, were read.

Ordered to lie on the table for the perusal of the members.

## OCTOBER 21, 1778.

To follow proceedings of October 21, 1778. Page 107.

Resolved, That the minister plenipotentiary of the United States of America at the court of Versailles be directed to cause an elegant sword, with proper devices, to be made and presented, in the name of the United States, to the marquis de la Fayette.

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## OCTOBER 24, 1778.

To follow proceedings of October 22, 1778. Page 127.

Some further instructions to the minister plenipotentiary at the court of France were taken into consideration; and, after debate,

Ordered, That the same be recommitted; and that Mr. Duer be added to the committee.

## OCTOBER 26, 1778.

The committee having again brought in a draft of further instructions to the minister plenipotentiary of the United States at the court of France, the same were agreed to.

N. B. The further instructions were the eighth article, and the plan of attack, and what relates thereto: and hence it was, that the whole, being blended together, were dated the 26th October.

## DECEMBER 5, 1778.

A letter of the 4th, from S. Deane, esquire, was read.

Ordered, That Monday evening be assigned for hearing Mr. Deane, and that he be notified to attend.

## DECEMBER 7, 1778.

The President informed Congress, that on Saturday last he received two letters from the honourable R. Izard: That, like the former, these letters contain matters of publick and private nature; but as the house have determined not to receive extracts of letters, he submitted them entire, being persuaded that it is Mr. Izard's desire that all publick matters should be communicated to them.

Ordered, That the letters be received.

The letters were accordingly received and read, viz. one of July 25, and the other of September 12, 1778.

SIX O'CLOCK, P. M.

Resolved, That Silas Deane, esquire, report to Congress in writing, as soon as may be, his agency of their affairs in Europe, together with any intelligence respecting their foreign affairs which he may judge proper.

That Mr. Deane be informed, that if he hath any thing to communicate to Congress in the interim, of immediate importance, he shall be heard to-morrow evening at six o'clock.

Mr. Deane attending, was called in, and the foregoing resolutions were read to him.

#### DECEMBER 22, 1778.

A letter of the 21st, from Mr. S. Deane was read, informing Congress that he has committed to writing as particular an account of his agency of their affairs in Europe as his situation will permit him, and that he waits the pleasure of Congress to lay the same before them.

Ordered, That Mr. Deane be informed that Congress will meet this evening at six o'clock, to receive his information, and that he attend at that time.

SIX O'CLOCK, P. M.

According to order, Mr. Deane attending, was called in, and proceeded to read his written information; but not having time to finish,

Ordered, That he attend to-morrow at ten o'clock, and proceed in his information.

#### DECEMBER 23, 1778.

According to order, Mr. Deane attending, was called in, and proceeded in his information; and having gone through what he had written, he produced sundry letters and papers, which he desired might be read. Upon a letter of April 7, from doctor Franklin, to him, being read, Mr. Deane desired leave to say something in explanation of the last clause of the said letter, which respects a negotiator, "who, as the letter mentions, is

“gone back apparently much chagrined at his little  
 “success, and in which doctor Franklin says he has  
 “promised him faithfully, that since his propositions  
 “could not be accepted, they should be buried in ob-  
 “livion; and therefore earnestly desires that Mr. Deane  
 “would put that paper immediately in the fire, on the  
 “receipt of the letter, without taking or suffering to be  
 “taken any copy of it, or communicating its contents.”

As he was proceeding to explain this matter, a motion was made, That Mr. Deane withdraw.

Mr. Deane accordingly withdrew.

A motion was then made,

That Mr. Deane be called in and informed, that if he has any thing further to report, he lay it before Congress in writing.

In lieu of which it was moved, as an amendment,

That Mr. Deane be permitted to proceed in his verbal explanation, referred to; and that it be afterwards reduced to writing, if Congress shall judge it necessary.

The amendment being received, a division was called for, and on the question to agree to the first clause, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple,	Ay.	} Ay.
	Mr. Frost,	Ay.	
Massachusetts Bay,	Mr. S. Adams,	Ay.	} Ay.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Ellery,	No.	} DIVIDED.
	Mr. Collins,	Ay.	
Connecticut,	Mr. Dyer,	Ay.	} Ay.
	Mr. Ellsworth,	Ay.	
	Mr. Root,	Ay.	

New York,	Mr. Jay, Mr. Duane,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Witherspoon, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Roberdeau,	Ay. }	Ay.
Delaware,	Mr. M'Kean,	Ay. }	Ay.
Virginia,	Mr. F. L. Lee, Mr. M. Smith, Mr. Griffin,	Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Williams, Mr. Hill, Mr. Burke,	Ay. } Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton, Mr. Hutson,	No. } Ay. } Ay. }	Ay.
Georgia,	Mr. Langworthy,	Ay. }	Ay.

So it was resolved in the affirmative.

On the question to agree to the second clause, the yeas and nays being required by Mr. Ellery—

New Hampshire,	Mr. Whipple, Mr. Frost,	Ay. } Ay. }	Ay.
Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Collins,	Ay. } Ay. }	Ay.



Connecticut,	Mr. Dyer,	Ay. }	} Av.
	Mr. Ellsworth,	Ay. }	
	Mr. Root,	Ay. }	
New York,	Mr. Jay,	Ay. }	} Av.
	Mr. Duane,	Ay. }	
New Jersey,	Mr. Witherspoon,	Ay. }	} Av.
	Mr. Fell,	Ay. }	
Pennsylvania,	Mr. Roberdeau,	Ay. }	> Av.
Delaware,	Mr. M <sup>c</sup> Kean,	Ay. }	> Av.
Virginia,	Mr. F. L. Lee,	Ay. }	} Av.
	Mr. M. Smith,	Ay. }	
	Mr. Griffin,	No. }	
North Carolina,	Mr. Penn,	Ay. }	} Av.
	Mr. Williams,	Ay. }	
	Mr. Hill,	Ay. }	
	Mr. Burke,	Ay. }	
South Carolina,	Mr. Laurens,	Ay. }	} Av.
	Mr. Drayton,	Ay. }	
	Mr. Hutson,	Ay. }	
Georgia,	Mr. Langworthy,	No. }	> No.

So it was resolved in the affirmative.

Ordered, That the secretary inform Mr. Deane that Congress will give him notice of the time when he shall attend again, which will probably be this evening.

#### DECEMBER 26, 1778.

Ordered, That Mr. Deane be notified to attend Congress on Monday next at ten o'clock, A. M.

## DECEMBER 31, 1778.

A letter of the 30th, from Mr. Deane, was read, informing that he waits the orders of Congress, and that he has received letters which he is desirous to communicate personally, which relate to parts of his narration: Whereupon,

Ordered, That Mr. Deane be notified to attend immediately.

Mr. Deane, attending, was called in, and gave further information in writing, and having finished,

Ordered, That he withdraw into the next room.

Accordingly he withdrew: Whereupon,

A motion was made,

That a day be now assigned for Mr. Deane to attend Congress, that such questions may be asked as the house shall think proper, to elucidate the subject of his narrative.

Question put,

Passed in the negative.

Ordered, That Mr. Deane be called in and informed, that he has leave to withdraw, and that Congress will notify to him their future orders.

Mr. Deane, being called in, was informed of the foregoing order, and withdrew.

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 JANUARY 14, 1779.

To follow proceedings of January 1, 1779. Page 130.

Whereas it has been represented to this house by the honourable sieur Gerard, minister plenipotentiary of

France, that “ it is pretended the United States have  
“ preserved the liberty of treating with Great Britain  
“ separately from their ally, as long as Great Britain  
“ shall not have declared war against the king his  
“ master :” Therefore,

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

JANUARY 20, 1779.

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

Resolved, That a committee, consisting of one member from each state, be appointed to take into consideration the foreign affairs of these United States, and also the conduct of the late and present commissioners of these states in Europe, and report thereon.

The members chosen—Mr. Whipple, Mr. Gerry, Mr. Ellery, Mr. Ellsworth, Mr. Duane, Mr. Fell, Mr. Searle, Mr. M’Kean, Mr. Paca, Mr. M. Smith, Mr. Burke, Mr. Laurens and Mr. Langworthy.

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JANUARY 26, 1779.

To follow proceedings of January 25, 1779. Page 131

Mr. M. Smith laid before Congress sundry papers, which he informed the house contained matters of pub-

lick information, and which the delegates of Virginia were instructed to lay before Congress. The papers being read, are,

First. An account, headed "sums advanced for the state of Virginia, by the honourable Arthur Lee, esquire, dated the 3d of September, 1778," and undersigned "a true copy, H. Ford, secretary;" on which is endorsed as follows, "the delegates from the state of Virginia are instructed to lay this paper before Congress, with a view to inform them that Hezekiah Ford, who signs it as secretary to the honourable Arthur Lee, hath been and is considered by the governour and council of this state as an enemy to the American cause of independence, and by no means a fit subject to be near the person of an American commissioner in Europe, or intrusted with any of the secrets of the United or of their allies. January the 25th, 1779."

Ordered, That the committee of foreign affairs communicate to the honourable Mr. A. Lee, by the first opportunity, the purport of the above endorsement, that he may be acquainted with the character of Mr. Ford.

FEBRUARY 13, 1779.

Resolved, That the President inform the minister plenipotentiary of his most christian majesty, that Congress will take the subject of his memorials of the 9th instant into immediate consideration; and that if he wishes to communicate any thing farther to them,

Congress will receive the same from him in a private audience.

Resolved, That all private audiences, given to foreign ministers, be held in a committee of the whole house.

#### FEBRUARY 15, 1779.

The President acquainted the house that, pursuant to their order, he had informed the minister of France that Congress will take his memorials of the 9th into immediate consideration; and that if he wishes to communicate any thing farther to them, Congress will receive the same in a private audience. That the minister wished to make farther communication to Congress, and would attend the house at twelve o'clock this day.

The minister plenipotentiary of France attending agreeably to his appointment, Congress was resolved into a committee of the whole. After the minister had withdrawn, the President resumed the chair, and Mr. F. L. Lee reported, that the minister has had a private audience and free conference with the committee; that the committee have come to no resolutions thereon, and desire leave to sit again.

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#### FEBRUARY 24, 1779.

To follow proceedings of February 23, 1779. Page 137.

A letter of November 7th, 1778, from Benjamin Franklin, A. Lee, and J. Adams, commissioners of the United States at Paris, was read, enclosing copies of letters that passed between the said commissioners and

monsieur the count de Vergennes, relative to a negotiation to be made with the Barbary states; and also, copy of a letter from the ambassador of Naples, to the commissioners, informing, that the king his master has opened his ports to the flag of the United States of America, and desiring, at these times when the sea is covered with privateers of different nations, and also with pirates, to know the colours of the flag and form of the sea papers.

Ordered, That the papers relative to a negotiation with the states of Barbary, be referred to a committee of three.

The members chosen—Mr. Carmichael, Mr. Nelson and Mr. Burke.

Ordered, That the letter from the minister of Naples be referred to the marine committee, and that the committee be instructed to report forms of proper commissions, ship papers, and the like, with the means of authenticating them, and of notifying the same to the several powers who shall be disposed to open their ports to the subjects of the United States.

On the instruction, the yeas and nays being required by Mr. Burke—

New Hampshire,	Mr. Whipple,	No. } No.
Massachusetts Bay,	Mr. S. Adams,	No. }
	Mr. Gerry,	Ay. } No.
	Mr. Holten,	No. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	Ay. } Ay.
Connecticut.	Mr. Dyer,	Ay. }
	Mr. Root,	Ay. } Ay.

New York,	Mr. Jay,	Ay.	} Ay.
	Mr. G. Morris,	Ay.	
	Mr. Floyd,	Ay.	
	Mr. Lewis,	Ay.	
New Jersey,	Mr. Witherspoon,	Ay.	} Ay.
	Mr. Frelinghausen,	Ay.	
	Mr. Fell,	Ay.	
Pennsylvania,	Mr. Clingan,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Atlee,	Ay.	
	Mr. Searle,	Ay.	
Delaware,	Mr. M'Kean,	Ay.	> Ay.
Maryland,	Mr. Plater,	No.	} No.
	Mr. Paca,	No.	
	Mr. Carmichael,	No.	
	Mr. Henry,	No.	
Virginia,	Mr. T. Adams,	No.	} Ay.
	Mr. F. L. Lee,	Ay.	
	Mr. M. Smith,	Ay.	
	Mr. R. H. Lee, <i>excused.</i>		
	Mr. Griffin,	No.	
	Mr. Nelson,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} No.
	Mr. Hill,	No.	
	Mr. Burke,	No.	
South Carolina,	Mr. Drayton,	No.	} No.
	Mr. Hutson,	No.	
Georgia,	Mr. Langworthy,	No.	> No.

So it was resolved in the affirmative.

## MARCH 27, 1779.

To be inserted before proceedings of March 27, 1779. Page 151.

A motion was made by Mr. M. Smith, and seconded by Mr. Burke, in the following words :

“ Whereas it is of the utmost importance that Congress should be well informed of the situation of the several courts of Europe, and particularly of the views and designs of the British ministry : and whereas the servants of the United States at foreign courts have not in their publick letters given satisfactory information on that subject, and have written private letters to individuals, members of this house, which have lately arrived : Therefore,

“ Resolved, That the members of Congress be called on from the chair, to declare upon their honour whether they have received any, and what intelligence relative to the views and designs of any of the European courts, and particularly of the court of Great Britain.”

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

New Hampshire,	Mr. Whipple,	Ay.	> Ay.
Massachusetts Bay,	Mr. Lovell,	Ay.	} Ay.
	Mr. S. Adams,	Ay.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Collins,	No.	} DIVIDED.
	Mr. Ellery,	Ay.	
Connecticut,	Mr. Dyer,	Ay.	} Ay.
	Mr. Root,	Ay.	
	Mr. Spencer,	No.	



New York,	Mr. Jay, Mr. Morris,	Ay. } Ay. } Ay.
New Jersey,	Mr. Fell,	Ay. } ×
Pennsylvania,	Mr. Armstrong, Mr. Searle, Mr. Shippen, Mr. Muhlenberg, Mr. M'Lene,	Ay. } Ay. } Ay. } Ay. Ay. } Ay. }
Delaware,	Mr. Vandyke,	Ay. } Ay.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	Ay. } Ay. } Ay. } Ay. Ay. }
Virginia,	Mr. T. Adams, Mr. R. H. Lee, Mr. M. Smith, Mr. Griffin, Mr. Nelson,	Ay. } Ay. } Ay. } Ay. No. } Ay. }
North Carolina,	Mr. Penn, Mr. Burke,	Ay. } Ay. } Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. } Ay.
Georgia,	Mr. Langworthy,	Ay. } Ay.

So it was resolved in the affirmative.

A motion was made by Mr. Holten, and seconded by Mr. R. H. Lee, to strike out the words in the preamble, "and whereas the servants of the United States at foreign courts have not in their publick letters given satisfactory information on that subject, and have written private letters to individuals, members of this house, which have lately arrived:" the

words moved to be struck out containing two parts, the same were divided; and on the question that the first part as far as the words "on that subject," inclusive, stand part of the preamble, the yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	No. } No.
Massachusetts Bay,	Mr. Lovell, Mr. Adams, Mr. Holten,	No. } No. } No. No. }
Rhode Island,	Mr. Collins, Mr. Ellery,	No. } No. } No.
Connecticut,	Mr. Root, Mr. Dyer, Mr. Spencer,	No. } No. } No. No. }
New York,	Mr. Jay, Mr. Morris,	Ay. } Ay. } Ay.
New Jersey,	Mr. Fell,	Ay. } ×
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene,	No. } No. } No. } No. No. } No. }
Delaware,	Mr. Vandyke,	No. } No.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry,	Ay. } No. } Ay. } DIVIDED. No. }

Virginia,	Mr. T. Adams, Mr. F. L. Lee, Mr. Smith, Mr. R. H. Lee, Mr. Griffin, Mr. Nelson,	Ay. } No. } Ay. } No. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } Ay. }	DIVIDED.
Georgia,	Mr. Langworthy,	Ay. }	Ay.

So it passed in the negative, and the words were struck out.

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APRIL 15, 1779.

To follow proceedings of April 3, 1779. Page 152.

Congress took into consideration the report of the committee, consisting of Mr. Whipple, Mr. Gerry, Mr. Ellery, Mr. Ellsworth, Mr. Duane, Mr. Fell, Mr. Searle, Mr. M'Kean, Mr. Paca, Mr. M. Smith, Mr. Burke, Mr. Laurens, Mr. Langworthy, being a member from each state, appointed to take into consideration the foreign affairs of these United States, and also the conduct of the late and present commissioners of these states, wherein the committee report,

1st. That it appears to them that Dr. Franklin is plenipotentiary for these states at the court of France, Dr. A. Lee, commissioner for the court of Spain, Mr. William Lee, commissioner for the courts of Vienna and Berlin, Mr. R. Izard, commissioner for the court

of Tuscany : that Mr. J. Adams was appointed one of the commissioners at the court of France in the place of Mr. Deane, who had been appointed a joint commissioner with Dr. Franklin and Dr. A. Lee, but that the said commission of Mr. Adams is superceded by the plenipotentiary commission to Dr. Franklin.

2d. That it is the opinion of the committee that ministers plenipotentiary for these states are only necessary for the present at the courts of Versailles and Madrid.

3d. That in the course of their examination and inquiry, they they find many complaints against the said commissioners, and the political and commercial agency of Mr. Deane, which complaints, with the evidence in support thereof, are herewith delivered, and to which the committee beg leave to refer.

4th. That suspicions and animosities have arisen among the said commissioners, which may be highly prejudicial to the honour and interests of these United States.

5th. That the appointments of the said commissioners be vacated, and that new appointments be made.

6th. That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

7th. That no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other publick office.

8th. That no person be appointed plenipotentiary minister or commissioner for these United States who

is not a citizen thereof, and who has not a fixed and permanent interest therein.

9th. That fit and proper persons be appointed to settle and adjust Mr. Deane's publick accounts, and the publick accounts of all other persons who have transacted the commercial affairs of these states in France.

10th. That each of the plenipotentiaries, ministers and commissioners who now is, or has been, or may be appointed, be allowed at the rate of \_\_\_\_\_ per annum.

The house having on former days, when the report was under debate, agreed to the first and second articles thereof; and having also read the third article and the papers therein referred to, a motion was this day made by Mr. G. Morris, and seconded by Mr. Drayton,

That the members of this house who may have any papers or evidence in their possession relative to the said report, do lay the same upon the table.

On the question put, resolved in the affirmative.

Congress proceeded to consider the fourth article in the report, when a motion was made by Mr. Smith, and seconded by Mr. Carmichael, to strike out the words "which may be."

#### APRIL 20, 1779.

Congress resumed the consideration of the report on foreign affairs; and on the question, Shall the words "which may be," stand part of the report,

The yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	No. } No.
Massachusetts Bay,	Mr. S. Adams,	No. }
	Mr. Gerry,	No. } No.
	Mr. Lovell,	No. }
	Mr. Holten,	No. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	No. } DIVIDED.
Connecticut,	Mr. Spencer,	Ay. } ×
New York,	Mr. Jay,	No. }
	Mr. Duane,	No. }
	Mr. Morris,	No. } No.
	Mr. Floyd,	No. }
	Mr. Lewis,	No. }
New Jersey,	Mr. Fell,	No. } ×
Pennsylvania,	Mr. J. Armstrong,	No. }
	Mr. Shippen,	No. }
	Mr. Ailee,	No. } No.
	Mr. Searle,	No. }
	Mr. Muhlenberg,	No. }
	Mr. Wynkoop,	No. }
Maryland,	Mr. Plater,	No. }
	Mr. Paca,	No. } No.
	Mr. Carmichael,	No. }
Virginia,	Mr. T. Adams,	No. }
	Mr. Smith,	No. }
	Mr. R. H. Lee,	No. } No.
	Mr. Griffin,	No. }
	Mr. Nelson,	No. }
North Carolina,	Mr. Penn,	No. }
	Mr. Hill,	No. }
	Mr. Burke,	No. } No.
	Mr. Sharpe,	No. }

South Carolina,	Mr. Laurens,	No. )	No.
	Mr. Drayton,	No. }	

So it passed in the negative, and the words were struck out.

A division was then called for by Mr. Gerry, and that the first question be to agree to the first part of the fourth article, viz. "that suspicions and animosities have arisen among the said commissioners."

A motion was then made by Mr. Duane, seconded by Mr. Gerry, to amend the clause by striking out the word "said," and in lieu thereof inserting "late and present."

On the question put,  
Resolved in the affirmative.

A motion was made by Mr. Gerry, seconded by Mr. Muhlenberg, before the words "late and present," to insert "some of."

On the question put, the states were equally divided, and the amendment was lost.

A motion was made by Mr. R. H. Lee, seconded by Mr. Ellery, that the consideration of the fourth article be postponed until the fifth article is considered and determined on.

Question put, the states were equally divided.

A motion was made by Mr. Duane, seconded by Mr. Morris, to add the names of the commissioners, taking the sense of the house on each name to be added.

On the question, Shall the names be added,  
Resolved in the affirmative.

On the question, Shall Dr. B. Franklin's name be inserted,

Resolved in the affirmative.

On the question, Shall Mr. Silas Deane's name be added,

The yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Gerry,	Ay. } Ay.
	Mr. Lovell,	Ay. }
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Ellery,	No. } No.
	Mr. Collins,	No. }
Connecticut,	Mr. Spencer,	Ay. } X
New York,	Mr. Jay,	Ay. }
	Mr. Duane,	Ay. }
	Mr. Morris,	Ay. } Ay.
	Mr. Floyd,	Ay. }
	Mr. Lewis,	Ay. }
Pennsylvania,	Mr. Armstrong,	Ay. }
	Mr. Shippen,	Ay. }
	Mr. Atlee,	Ay. } Ay.
	Mr. Searle,	No. }
	Mr. Muhlenberg,	Ay. }
	Mr. Wynkoop,	Ay. }
Maryland,	Mr. Plater,	Ay. }
	Mr. Paca,	Ay. } Ay.
	Mr. Carmichael,	Ay. }
Virginia,	Mr. T. Adams,	Ay. }
	Mr. Smith,	Ay. }
	Mr. R. H. Lee,	Ay. } Ay.
	Mr. Griffin,	Ay. }
	Mr. Nelson,	Ay. }



North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.)	

South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Drayton,	Ay.)	

So it was resolved in the affirmative.

On the question, Shall Mr. Arthur Lee's name be added,

The yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	Ay.	> Ay.
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Massachusetts Bay,	Mr. S. Adams,	Ay.	} Ay.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.)	

Rhode Island,	Mr. Ellery,	No.	} DIVIDED.
	Mr. Collins,	Ay.)	

Connecticut,	Mr. Spencer,	Ay.	> X
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New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Morris,	Ay.	
	Mr. Floyd,	Ay.)	

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Atlee,	Ay.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	Ay.	
	Mr. Wynkoop,	Ay.)	

Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	Ay.)	

Virginia,	Mr. T. Adams,	Ay.	} Ay.
	Mr. Smith,	Ay.	
	Mr. R. H. Lee,	Ay.	
	Mr. Griffin,	Ay.	
	Mr. Nelson,	Ay.	

North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	

South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Drayton,	Ay.	

So it was resolved in the affirmative.

On the question, Shall Mr. Ralph Izard's name be added,

The yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	Ay.	> Ay.
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Massachusetts Bay,	Mr. S. Adams,	Ay.	} Ay.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	

Rhode Island,	Mr. Ellery,	No.	} DIVIDED.
	Mr. Collins,	Ay.	

Connecticut,	Mr. Spencer,	Ay.	>
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New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Morris,	Ay.	
	Mr. Floyd,	Ay.	

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Atlee,	Ay.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	Ay.	
	Mr. Wynkoop,	Ay.	

Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. T. Adams, Mr. Smith, Mr. R. H. Lee, Mr. Griffin, Mr. Nelson,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Hill, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

On the question, Shall Mr. William Lee's name be added,

The yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	Ay. >	Ay.
Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. }	DIVIDED.
Connecticut,	Mr. Spencer,	Ay. >	×
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Floyd,	Ay. } Ay. } Ay. } Ay. }	Ay.

Pennsylvania,	Mr. Armstrong,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. Atlee,	Ay.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	Ay.	
	Mr. Wynkoop,	Ay.	
Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	Ay.	
Virginia,	Mr. T. Adams,	Ay.	} Ay.
	Mr. Smith,	Ay.	
	Mr. R. H. Lee,	Ay.	
	Mr. Griffin,	Ay.	
	Mr. Nelson,	Ay.	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Drayton,	Ay.	

So it was resolved in the affirmative.

On the question, Shall Mr. John Adams's name be added,

The yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	Ay.	> Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay.	} DIVIDED.
	Mr. Gerry,	No.	
	Mr. Lovell,	Ay.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Ellery,	No.	} DIVIDED.
	Mr. Collins,	Ay.	

Connecticut,	Mr. Spencer,	Ay. } ×
New York,	Mr. Jay,	No. }
	Mr. Duane,	No. } No.
	Mr. G. Morris,	No. }
	Mr. Floyd,	No. }
Pennsylvania,	Mr. Armstrong,	Ay. }
	Mr. Shippen,	Ay. }
	Mr. Atlee,	No. } No.
	Mr. Searle,	No. }
	Mr. Muhlenberg,	No. }
Maryland,	Mr. Plater,	Ay. }
	Mr. Paca,	Ay. } Ay.
	Mr. Carmichael,	Ay. }
Virginia,	Mr. T. Adams,	Ay. }
	Mr. Smith,	Ay. }
	Mr. R. H. Lee,	Ay. } Ay.
	Mr. Griffin,	No. }
	Mr. Nelson,	No. }
North Carolina,	Mr. Penn,	No. }
	Mr. Hill,	Ay. }
	Mr. Burke,	No. } No.
	Mr. Sharpe,	No. }
South Carolina,	Mr. Laurens,	No. }
	Mr. Drayton,	No. } No.

So it passed in the negative.

The first clause being amended so as to read,

That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. Benjamin Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard and Mr. William Lee: and the question being ready to be put, the previous question was moved by Mr. S. Adams, and seconded by Mr. Lovell.

That the question be not now put ; on which the yeas and nays being required by Mr. Drayton,

New Hampshire,	Mr. Whipple,	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Gerry,	No. } DIVIDED.
	Mr. Lovell,	Ay. }
	Mr. Holten,	No. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	No. } DIVIDED.
Connecticut,	Mr. Spencer,	Ay. } X
New York,	Mr. Jay,	No. }
	Mr. Duane,	No. } No.
	Mr. Morris,	No. }
	Mr. Floyd,	No. }
Pennsylvania,	Mr. Armstrong,	Ay. }
	Mr. Shippen,	Ay. }
	Mr. Atlee,	No. } Ay.
	Mr. Searle,	Ay. }
	Mr. Muhlenberg,	Ay. }
	Mr. Wynkoop,	No. }
Maryland,	Mr. Plater,	No. }
	Mr. Paca,	No. } No.
	Mr. Carmichael,	No. }
Virginia,	Mr. T. Adams,	No. }
	Mr. Smith,	No. }
	Mr. R. H. Lee,	Ay. } No.
	Mr. Griffin,	No. }
	Mr. Nelson,	No. }
North Carolina,	Mr. Penn,	No. }
	Mr. Hill,	No. } No.
	Mr. Burke,	No. }
	Mr. Sharpe,	No. }

South Carolina,	Mr. Laurens,	Ay. }	} DIVIDED.
	Mr. Drayton,	No. }	

So it passed in the negative.

The question being then put to agree to the first clause as amended, and the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	No. } No.
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Massachusetts Bay,	Mr. S. Adams,	Ay. }	} AY.
	Mr. Gerry,	Ay. }	
	Mr. Lovell,	Ay. }	
	Mr. Holten,	Ay. }	

Rhode Island,	Mr. Ellery,	Ay. }	} AY.
	Mr. Collins,	Ay. }	

Connecticut,	Mr. Spencer,	Ay. } ×
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New York,	Mr. Jay,	Ay. }	} AY.
	Mr. Duane,	Ay. }	
	Mr. Morris,	Ay. }	
	Mr. Floyd,	Ay. }	

Pennsylvania,	Mr. Armstrong,	No. }	} AY.
	Mr. Shippen,	Ay. }	
	Mr. Atlee,	Ay. }	
	Mr. Searle,	Ay. }	
	Mr. Muhlenberg,	Ay. }	
	Mr. Wynkoop,	Ay. }	

Maryland,	Mr. Plater,	Ay. }	} AY.
	Mr. Paca,	Ay. }	
	Mr. Carmichael,	Ay. }	

Virginia,	Mr. T. Adams,	Ay. }	} AY.
	Mr. M. Smith,	Ay. }	
	Mr. R. H. Lee,	Ay. }	
	Mr. Griffin,	Ay. }	
	Mr. Nelson,	Ay. }	

North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Hill,	Ay.	
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Laurens,	Ay.	} Ay.
	Mr. Drayton,	Ay.	

So it was resolved in the affirmative.

The question was then put, to agree to the second clause, on which the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	No.	>No.
Massachusetts Bay,	Mr. S. Adams,	No.	} DIVIDED.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	No.	
	Mr. Holten,	Ay.	
Rhode Island,	Mr. Ellery,	No.	} DIVIDED.
	Mr. Collins,	Ay.	
New York,	Mr. Jay,	Ay.	} Ay.
	Mr. Duane,	Ay.	
	Mr. Morris,	Ay.	
	Mr. Floyd,	Ay.	
Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Shippen,	No.	
	Mr. Atlee,	Ay.	
	Mr. Searle,	No.	
	Mr. Muhlenberg,	No.	
	Mr. Wyukoop,	Ay.	
Maryland,	Mr. Plater,	Ay.	} Ay.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	Ay.	



Virginia,	Mr. T. Adams,	Ay. }	} AY.
	Mr. M. Smith,	Ay. }	
	Mr. R. H. Lee,	Ay. }	
	Mr. Griffin,	Ay. }	
	Mr. Nelson,	Ay. }	
North Carolina,	Mr. Penn,	Ay. }	} AY.
	Mr. Hill,	Ay. }	
	Mr. Burke,	Ay. }	
	Mr. Sharpe,	Ay. }	
South Carolina,	Mr. Laurens,	No. }	} DIVIDED.
	Mr. Drayton,	Ay. }	

So it was

Resolved, That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. B. Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard, and Mr. William Lee, highly prejudicial to the honour and interest of these United States.

APRIL 21, 1779.

Congress proceeded to consider the fifth article of the report of thirteen on foreign affairs.

On motion of Mr. Ellery, and seconded by Mr. Henry,

Resolved, That the names of the ministers therein referred to be repeated, and the question taken on each individually.

APRIL 22, 1779.

Congress resumed the consideration of the fifth article in the report of thirteen on foreign affairs, and

according to the order of yesterday, the first question debated was, Shall Dr. B. Franklin, minister plenipotentiary at the court of France, be recalled. When the question was about to be put, the previous question was moved by Mr. Morris, and seconded by Mr. Drayton.

On which the yeas and nays being required by Mr. Laurens—

New Hampshire,	Mr. Whipple,	No. } No.
Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } Ay. } No. No. } No. }
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. } DIVIDED.
Connecticut,	Mr. Spencer,	No. } ×
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Floyd, Mr. Lewis,	Ay. } Ay. } Ay. } Ay. Ay. } No. }
New Jersey,	Mr. Fell,	Ay. } ×
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Atlee, Mr. Scarle, Mr. Muhlenberg, Mr. Wynkoop,	No. } No. } No. } No. No. } No. } Ay. }
Delaware,	Mr. M'Kean,	No. } No.

Maryland,	Mr. Plater,	Ay.	} DIVIDED.
	Mr. Paca,	No.	
	Mr. Carmichael,	Ay.	
	Mr. Henry,	No.	
Virginia,	Mr. T. Adams,	No.	} No.
	Mr. Smith,	No.	
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	Ay.	
	Mr. Nelson,	No.	
North Carolina,	Mr. Penn,	Ay.	} AY.
	Mr. Burke,	Ay.	
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Laurens,	No.	} DIVIDED.
	Mr. Drayton,	Ay.	

So the previous question being lost, the main question was put; on which the yeas and nays being required by Mr Smith—

New Hampshire,	Mr. Whipple,	No.	> No.
Massachusetts Bay,	Mr. S. Adams,	No.	} No.
	Mr. Gerry,	Ay.	
	Mr. Lovell,	No.	
	Mr. Holten,	No.	
Rhode Island,	Mr. Ellery,	No.	} No.
	Mr. Collins,	No.	
Connecticut,	Mr. Spencer,	No.	> X
New York,	Mr. Jay,	No.	} No.
	Mr. Duane,	No.	
	Mr. G. Morris,	Ay.	
	Mr. Floyd,	No.	
	Mr. Lewis,	No.	
New Jersey,	Mr. Fell,	No.	> X

Pennsylvania,	Mr. Armstrong,	No.	} No.
	Mr. Shippen,	No.	
	Mr. Atlee,	No.	
	Mr. Searle,	No.	
	Mr. Muhlenberg, Mr. Wynkoop,	No. No.	
Delaware,	Mr. M <sup>c</sup> Kean,	No.	> No.
Maryland,	Mr. Plater,	No.	} No.
	Mr. Paca,	Ay.	
	Mr. Carmichael,	No.	
	Mr. Henry,	No.	
Virginia,	Mr. T. Adams,	No.	} Ay.
	Mr. Smith,	Ay.	
	Mr. R. H. Lee,	No.	
	Mr. Griffin,	Ay.	
	Mr. Nelson,	Ay.)	
North Carolina,	Mr. Penn,	Ay.	} Ay.
	Mr. Burke,	Ay.	
	Mr. Sharpe,	No.	
South Carolina,	Mr. Laurens,	No.	} No.
	Mr. Drayton,	No.	

So it passed in the negative.

APRIL 30, 1779.

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

Mr. Paca arose, and informed the house, that he had important information on the subject of the said report, which he would communicate agreeable to the

order of the house : he then proceeded to lay on the table a paper signed by himself and Mr. W. H. Drayton, containing intelligence respecting Arthur Lee, esquire, which was read. After debate, the house adjourned.

MAY 3, 1779.

Congress resumed the consideration of the report of the committee on foreign affairs; and the question under debate being stated, viz. Shall Mr. Arthur Lee be recalled,

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

On the question, Shall Mr. Arthur Lee be recalled, the yeas and nays being required by Mr. Smith—

New Hampshire, Mr. Whipple, No. >No.

Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	No. Ay. No. No. } No.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. } DIVIDED.
Connecticut,	Mr. Sherman, Mr. Spencer,	No. } No. } No.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Floyd,	Ay. } Ay. } Ay. } Ay. } Ay.
New Jersey,	Mr. Witherspoon, Mr. Scudder, Mr. Fell,	No. } No. } Ay. } No.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Atlee, Mr. Searle. Mr. Muhlenberg, Mr. Wynkoop,	No. } No. } Ay. } No. } Ay. } Ay. } DIVIDED.
Delaware,	Mr. Dickinson, Mr. Vandyke,	Ay. } No. } DIVIDED.
Maryland,	Mr. Paca, Mr. Carnichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. } No. } Ay.
Virginia,	Mr. Smith, Mr. R.H. Lee, <i>excused</i> . Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. } Ay. } Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. } Ay.

South Carolina,	Mr. Laurens,	No. } DIVIDED.
	Mr. Drayton,	

So the states were equally divided.

MAY 4, 1779.

A letter from his most christian majesty, undersigned de Vergennes, was read, informing Congress of the birth of a princess: Whereupon,

Resolved, That the President, with a committee consisting of a member from each state, wait on the minister plenipotentiary of France, and congratulate him on this event.

Resolved, That a committee of three be appointed to prepare the draft of a letter in answer to that from his most christian majesty.

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MAY 20, 1779.

To follow proceedings of May 13, 1779. Page 160.

Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs.

After debate, it was agreed by the house, that the question shall be stated, Shall Mr. R. Izard be recalled.

MAY 22, 1779.

The committee, consisting of Mr. Burke, Mr. Duane and Mr. Lovell, to whom was referred the letter from the minister plenipotentiary of France, with the note from don Juan de Mirailles, dated May 13, 1779, brought in a report: Whereupon,

Resolved, That the resolutions of Congress, passed on the 6th day of March last, relative to the control of Congress by appeal in the last resort over all jurisdictions for deciding the legality of captures on the high seas, be immediately transmitted to the several states; and that they be respectively requested to take effectual measures for conforming therewith.

Resolved, That the following letter be written to the minister plenipotentiary of France, and signed by the President:

Sir, Congress having taken into consideration your letter of the 19th of this month, I am directed to assure you, that as soon as the matter shall in due course come before them, they will attend very particularly to the cases of the vessels stated in the note from don Juan de Mirailles to have been sailing under the flag of his catholick majesty, and captured by armed vessels under the flag of the United States; and that they will cause the law of nations to be most strictly observed: that if it shall be found, after due trial, that the owners of the captured vessels have suffered damage from the misapprehension or violation of the rights of war and neutrality, Congress will cause reparation to be made in such manner as to do ample justice and vindicate the honour of the Spanish flag.

That Congress have every possible disposition to cultivate the most perfect harmony with his catholick majesty, and to encourage the most liberal and friendly intercourse between his subjects and the citizens of these United States; but they cannot, consistently with the powers intrusted to them and the rights of the



states and of individuals, in any case, suspend or interrupt the ordinary course of justice.

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JUNE 8, 1779.

To follow proceedings of June 3, 1779. Page 167.

Congress proceeded to the consideration of the report of the committee of thirteen on foreign affairs, and on the question, Shall Mr. R. Izard be recalled, the yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Whipple,	No. } No.
Massachusetts Bay,	Mr. S. Adams,	No. }
	Mr. Gerry,	Ay. } No.
	Mr. Lovell,	No. }
	Mr. Holten,	No. }
Rhode Island,	Mr. Ellery,	Ay. } Ay.
Connecticut,	Mr. Sherman,	Ay. }
	Mr. Huntington,	No. } Ay.
	Mr. Spencer,	Ay. }
New York,	Mr. Jay,	Ay. }
	Mr. Duane,	Ay. }
	Mr. Morris,	Ay. } Ay.
	Mr. Floyd,	Ay. }
	Mr. Lewis,	Ay. }
New Jersey,	Mr. Scudder,	No. }
	Mr. Fell,	Ay. } DIVIDED.
Pennsylvania,	Mr. Armstrong,	No. }
	Mr. Shippen,	No. }
	Mr. Searle,	No. } No.
	Mr. Muhlenberg,	Ay. }
	Mr. M'Lene,	No. }
	Mr. Wynkoop,	Ay. }

Delaware,	Mr. Dickinson,	Ay. } Ay.
Maryland,	Mr. Plater,	Ay. }
	Mr. Paca,	Ay. }
	Mr. Carmichael,	Ay. } Ay.
	Mr. Henry,	No. }
	Mr. Jenifer,	Ay. }
Virginia,	Mr. Smith,	Ay. }
	Mr. Griffin,	Ay. } Ay.
	Mr. Fleming,	Ay. }
North Carolina,	Mr. Penn,	Ay. }
	Mr. Burke,	Ay. } Ay.
	Mr. Sharpe,	Ay. }
South Carolina,	Mr. Laurens,	No. }
	Mr. Drayton,	No. } No.

So it was resolved in the affirmative.

A motion was then made by Mr. Duane, seconded by Mr. Armstrong,

“ That Mr. Izard be informed, that it is the sense of Congress that he need not repair to America until it suits his convenience.”

An objection being made to this as being out of order—

On the question, Is the motion in order, the yeas and nays being required by Mr. Drayton—

New Hampshire,	Mr. Whipple,	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Gerry,	No. }
	Mr. Lovell,	Ay. } Ay.
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	Ay. } Ay.

Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } Ay. } Ay. }	Ay.
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Floyd, Mr. Lewis,	Ay. } Ay. } No. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene, Mr. Wynkoop,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. Dickinson,	Ay.	> Ay.
Maryland,	Mr. Plater, Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } No. } Ay. } Ay. } No. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } Ay. } No. }	No
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } No. }	No.

So it was resolved in the affirmative.

On motion of Mr. Sherman, seconded by Mr. Lovell,  
Resolved, That the words "until it suits his con-  
venience," be struck out.

On the question to agree to the motion as amended,  
the yeas and nays being required by Mr. Paca—

New Hampshire,	Mr. Whipple:	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	Ay. } No. } Ay. Ay. } Ay. }
Rhode Island,	Mr. Ellery, Mr. Collins,	Ay. } Ay. } Ay.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	Ay. } Ay. } Ay. Ay. }
New York,	Mr. Jay, Mr. Duane, Mr. Morris, Mr. Floyd, Mr. Lewis,	No. } Ay. } No. } Ay. Ay. } Ay. }
New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } Ay. } Ay.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene, Mr. Wynkoop,	Ay. } Ay. } Ay. } No. } Ay. Ay. } Ay. }
Delaware,	Mr. Dickinson,	Ay. } Ay.

Maryland,	Mr. Plater,	No. } No.
	Mr. Paca,	No. }
	Mr. Carmichael,	No. }
	Mr. Henry,	Ay.
	Mr. Jenifer,	No. }
Virginia,	Mr. Smith,	No. }
	Mr. Griffin,	No. }
	Mr. Fleming,	No. }
North Carolina,	Mr. Penn,	No. }
	Mr. Burke,	No. }
	Mr. Sharpe,	No. }
South Carolina,	Mr. Laurens,	No. }
	Mr. Drayton,	No. }

So it was

Resolved, That Mr. Izard be informed, that it is the sense of Congress, that he need not repair to America.

On motion of Mr. S. Adams, seconded by Mr. Sherman,

Resolved, That Mr. W. Lee be informed, that it is the sense of Congress, that he need not repair to America.

Resolved, That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

The seventh proposition in the report being read, viz. "That no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other publick office:" after debate the previous question was moved by Mr. Morris, and seconded by Mr. Drayton, and being passed in the affirmative, the main question was set aside.

The eighth proposition being read, "That no person be appointed plenipotentiary minister or com-

“missioner for these United States who is not a citizen thereof, and who has not a fixed and permanent interest therein”—

The previous question was moved by Mr. S. Adams, and seconded by Mr. Morris.

A division of the main question was required; and on the previous question on the first, viz. “That no person be appointed plenipotentiary minister or commissioner for these United States who is not a citizen thereof,” the yeas and nays being required by Mr. Penn—

New Hampshire,	Mr. Whipple,	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Gerry,	Ay. } Ay.
	Mr. Lovell,	Ay. }
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	Ay. } Ay.
Connecticut,	Mr. Sherman,	Ay. } Ay.
New York,	Mr. Jay,	No. }
	Mr. Duane,	No. } No.
	Mr. Floyd,	Ay. }
Pennsylvania,	Mr. Armstrong,	Ay. }
	Mr. Shippen,	Ay. }
	Mr. Searle,	Ay. } Ay.
	Mr. Muhlenberg,	Ay. }
	Mr. M <sup>c</sup> Clene,	Ay. }
	Mr. Wynkoop,	Ay. }
Delaware,	Mr. Dickinson,	Ay. } Ay.
Maryland,	Mr. Paca,	No. }
	Mr. Henry,	No. } No.
	Mr. Jenifer,	Ay. }

Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } No. }	DIVIDED.

So it was resolved in the affirmative, and that part of the main question set aside.

The previous question being put on the latter part, passed in the affirmative, and that part was also set aside.

JUNE 10, 1779.

The order of the day being called for, to proceed in the consideration of the report on foreign affairs,

A motion was made by Mr. Burke, seconded by Mr. Laurens,

That the further consideration of the said report be postponed until order be taken on the letter of 22d May last from Mr. Deane, and a decision made on the resolution moved thereon by a member from North Carolina, seconded by a member from South Carolina.

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

New Hampshire,	Mr. Whipple,	No. } No.
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Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Holten,	No. } No. } Ay. }	No.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. }	DIVIDED.
Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } No. } Ay. }	No.
New York,	Mr. Jay, Mr. Lewis,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene, Mr. Wynkoop,	No. } No. } No. } Ay. } No. } Ay. }	No.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.



The motion was then read, viz.

“ That Silas Deane, esquire, be ordered not to depart the United States without the special permission of Congress ; and that Arthur Lee, esquire, be directed to repair forthwith to America, in order the better to enable Congress to inquire into the truth of the several allegations and suggestions made by the said Arthur Lee against the said Silas Deane.”

When the question was about to be put, the previous question was moved by Mr. Gerry, seconded by Mr. Adams ; and a division of the main question being called for,

On the question to agree to the previous question on the first clause, viz. “ That Silas Deane, esquire, be ordered not to depart the United States without the special permission of Congress ;” the yeas and nays being required by Mr. Laurens—

New Hampshire,	Mr. Whipple,	Ay. } Ay.
Massachusetts Bay,	Mr. S. Adams,	Ay. }
	Mr. Gerry,	Ay. } Ay.
	Mr. Lovell,	Ay. }
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Ellery,	Ay. }
	Mr. Collins,	No. } DIVIDED.
Connecticut,	Mr. Sherman,	Ay. }
	Mr. Huntington,	Ay. } Ay.
	Mr. Spencer,	Ay. }
New York,	Mr. Jay,	No. }
	Mr. Duane,	No. } No.

New Jersey,	Mr. Scudder, Mr. Fell,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene, Mr. Wynkoop,	Ay. } Ay. } Ay. } No. } Ay. } Ay. }	Ay.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer.	No. } No. } No. } Ay. }	No.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	No. } No. } No. }	No.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	No. } No. } No. }	No.
South Carolina,	Mr. Laurens, Mr. Drayton,	No. } No. }	No.

So the states were equally divided, and the question lost.

On the question to agree to the clause abovementioned, the yeas and nays being required by Mr. Holten—

New Hampshire,	Mr. Whipple,	No. } No. }	No.
Massachusetts Bay,	Mr. S. Adams, Mr. Gerry, Mr. Lovell, Mr. Holten,	No. } No. } No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } Ay. }	DIVIDED.

Connecticut,	Mr. Sherman, Mr. Huntington, Mr. Spencer,	No. } No. } No. }	No.
New York,	Mr. Jay, Mr. Duane,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Scudder, Mr. Fell,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Armstrong, Mr. Shippen, Mr. Searle, Mr. Muhlenberg, Mr. M'Lene, Mr. Wyakoop,	No. } No. } No. } Ay. } No. } Ay. }	No.
Maryland,	Mr. Paca, Mr. Carmichael, Mr. Henry, Mr. Jenifer,	Ay. } Ay. } No. } No. }	DIVIDED.
Virginia,	Mr. Smith, Mr. Griffin, Mr. Fleming,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Penn, Mr. Burke, Mr. Sharpe,	Ay. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. } Ay. }	Ay.

So the states were equally divided, and the question lost.

The previous question being put on the second clause, was carried in the affirmative, every member answering except Mr. Henry and Mr. Smith. So the main question was set aside.

## JUNE 18, 1779.

To follow proceedings of June 17, 1779. Page 172.

The committee on the treasury report,

That they have according to order, prepared bills of exchange on the minister plenipotentiary of the United States at the court of France, in favour of Mr. Caron de Beaumarchais, consisting of fifty sets, six bills to each set, as specified in a schedule annexed, all dated the 15th day of this instant June, amounting in the whole to two millions four hundred thousand livres tournois, and payable the 15th day of June, 1782; and also six sets, six bills to each set, all dated the same day, drawn on the said minister in favour of the said Mr. C. de Beaumarchais, for the yearly interest of the said principal sum, at six per cent., being one hundred and forty-four thousand livres yearly, in the whole four hundred and thirty-two thousand livres; the principal and interest so drawn for amounting in the whole to two millions eight hundred and thirty-two thousand livres, which last mentioned bills for the interest are particularly specified in the said schedule; and that they have also prepared letters of advice of the said bills of exchange to the said minister plenipotentiary: Whereupon,

Resolved, That the said drafts be signed by the President of Congress, and entered in the auditor's office as warrants are usually passed, and then delivered to Mr. Francey, agent for the said Mr. de Beaumarchais, on his giving the auditor general a receipt for the same; and that Mr. de Beaumarchais be charged with the amount of the said principal sum in the books of the treasury.

Resolved, That the faith of the United States be pledged to make good any contract or engagement which shall be entered into by the said minister plenipotentiary, or any future minister of these United States at the court of Versailles, for obtaining money or credit to enable him to honour the said drafts and provide for their punctual discharge.

Ordered, That copies of the foregoing resolutions, and that of the 5th instant, and of the letters of advice, subscribed by the President, be transmitted by the committee for foreign affairs to the minister plenipotentiary of the United States at the court of Versailles.

### JULY 24, 1779.

In the list of yeas and nays under this date, page 209, the states of Delaware and Maryland should stand thus—

Delaware,	Mr. Dickinson, excused.	} No.
	Mr. Van Dyke, No.	
	Mr. M-Kean, No.	
Maryland,	Mr. Henry,	} Ay.
	Mr. Forbes,	

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### AUGUST 2, 1779.

To follow proceedings of August 2, 1779. Page 217.

Resolved, That the minister of France be assured that Congress will, at all times, afford every countenance and protection to the consuls and other servants

of his most christian majesty, within the powers and authorities to them delegated by their constituents.

That the several appointments of consuls made and which may hereafter be made and approved by Congress, be duly registered in the secretary's office, and properly notified by the President to the executive authorities of the respective states, in whose port such consuls may reside.

That the measures taken by Mr. Holker to procure flour for the fleet of his most christian majesty in the way of commerce, have, from time to time, been made known unto, and been fully approved by Congress: that the several proceedings and publications complained of by the minister on that subject, are very injurious to the servants of his said majesty, and that Congress do highly disapprove of the same.

That the president and supreme executive council of Pennsylvania be informed, that any prosecutions which it may be expedient to direct, for such matters and things in the said publications or transactions as may be against the laws of nations, shall be carried on at the expense of the United States.

That the minister of France be informed, that the president and supreme executive council of Pennsylvania have taken proper measures to restore the flour taken from the agents of Mr. Holker.

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AUGUST 6, 1779.

To follow proceedings of August 5, 1779. Page 222.

On a report from the board of treasury,  
Resolved, That an allowance of eleven thousand

four hundred and twenty-eight livres tournois per annum, be made to the several commissioners of the United States in Europe for their services, besides their reasonable expenses respectively.

That the salary, as well as the expenses, be computed from the time of their leaving their places of abode to enter on the duties of their offices, to be continued three months after notice of their recall, to enable them to return to their families respectively.

That the several commissioners, commercial agents and others in Europe, intrusted with publick money, be directed to transmit, without delay,\* their accounts and vouchers, and also triplicate copies of the same

\* For inserting the words "without delay," which were moved by Mr. Marchant, and seconded by Mr. Laurens; the yeas and nays being required by Mr. Laurens—

New Hampshire,	Mr. Peabody,	Ay. } Ay.
Massachusetts Bay,	Mr. Gerry,	Ay. }
	Mr. Lovell,	No. } Ay.
	Mr. Holten,	Ay. }
Rhode Island,	Mr. Marchant,	Ay. } Ay.
Connecticut,	Mr. Huntington,	Ay. } Ay.
New York,	Mr. Jay,	Ay. }
	Mr. Lewis,	Ay. } Ay.
New Jersey,	Mr. Scudder,	Ay. }
	Mr. Fell,	No. } Ay.
	Mr. Houston,	Ay. }
Pennsylvania,	Mr. Armstrong,	Ay } }
	Mr. Atlee,	Ay. }
	Mr. Searle,	No. } Ay.
	Mr. Muhlenberg,	No. }
	Mr. M'Lenc,	Ay. }
Delaware,	Mr. Dickinson,	Ay. }
	Mr. Vandyke,	Ay. } Ay
	Mr. M'Kean,	Ay. }

to the board of treasury of these United States, in order for settlement.

Resolved, That a suitable person be appointed by Congress to examine the said accounts in Europe, and certify his opinion thereon previous to their being transmitted.

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### SEPTEMBER 17, 1779.

To be inserted September 17, 1779, bottom of page 249.

GENTLEMEN,

The king my master having been pleased to attend to the representations which my ill state of health obliged me to make to him, his majesty has granted me leave to return. At the same time he has taken care to send a new minister plenipotentiary to America, that there may be no interruption in his care to cultivate a mutual friendship. I must leave it to the abilities of monsieur the chevalier de la Luzerne to explain to you his majesty's sentiments, and confine myself at this time in testifying to you, gen-

Maryland,	Mr. Carmichael, Mr. Forbes,	Ay. } Ay. } Ay.
Virginia,	Mr. Smith, Mr. Fleming, Mr. Randolph,	Ay. ) Ay. ) Ay. ) Ay.
North Carolina,	Mr. Penn, Mr. Harnett, Mr. Sharpe,	Ay. ) Ay. ) Ay. ) Ay.
South Carolina,	Mr. Laurens, Mr. Drayton,	Ay. ) Ay. ) Ay.

So it was resolved in the affirmative.



tlemen, the satisfaction I shall have in rendering him an account of the occurrences which I have been witness of for more than a year during my residence with you. His majesty will thereby perceive the sentiments with which your councils are animated and governed, your wisdom, your firmness, your attachment to the alliance, and your zeal for the prosperity of the common cause and the two nations respectively. He will see with pleasure that that inestimable union, which constitutes the principal force and weight of the confederacy, reigns among the United States; that the citizens are so far from being wanting in zeal and spirit to repel incursions which can have no other object than a barbarous devastation, that there is not an American, who is not sensible of the necessity of concurring to humble still farther and weaken the common enemy, by efforts proportionate to the importance of happily terminating a glorious revolution, and of securing as speedily as possible to the United States of America, by a solid and honourable peace, the inestimable advantages of liberty and independence, which is the essential and fundamental object of the alliance, and of the war kindled and rendered necessary by England.

It only remains for me, gentlemen, to offer you as a body and as individuals, the tribute of my thanks for the marks of confidence and esteem, and also of attention which I have received from you; I have always endeavoured to deserve them by the most sincere and zealous attachment to the interests and dignity of the United States, as well as to the principles and sentiments resulting from the alliance. I have not been wanting in zeal

for every thing that could have any relation to that object, and that could farther cement the connexions, whether political or personal, between the two nations. The most flattering recompense of all my labours would be the testimony of your satisfaction.

To which the President in behalf of Congress returned the following answer :

SIR,

We receive with much concern the intimation you have given us, that the bad state of your health obliges you to leave America : though at the same time we are sensible of the continued friendly care of his most christian majesty in sending a new minister plenipotentiary to these states.

Great as our regret is in thus parting with you, yet it affords us pleasure to think how well disposed you are to improve the favourable opportunities you will have on your return to France, of evincing to his majesty the reality of those sentiments on our part, which may justly be termed the animating principles of the United States.

By such representations, the king will be assured that the citizens of these states observe, with the most lively satisfaction, the repeated instances of his amity for them ; that they regard the alliance as an inestimable connexion, endeared to them by the purity of the motives on which it was founded, the advantages derived from it, and the blessings it promises to both nations ; that their resolution of securing its essential objects, liberty and independence, is unalterable ; that they are determined by all the exertions in their power

to advance the common cause, and to demonstrate, that while they are attentive to their own interests, they as ardently desire to approve themselves not only faithful but affectionate allies.

By a residence of more than a year near Congress, you are enabled to form a competent judgment of the difficulties we have had to encounter, as well as of our efforts to remove them.

Sir, we should be deficient in the respect due to distinguished merit, if we should fail to embrace this opportunity of testifying the high esteem which you have obtained throughout this country by your publick and private conduct. You have happily combined a vigilant devotion for the dignity and interest of our most excellent and illustrious ally, with a zealous attachment to the honour and welfare of these states.

Your prudence, integrity, ability and diligence in discharging the eminent trust reposed in you, have secured our entire confidence, and now solicit from us the strongest declarations of our satisfaction in your behaviour.

That you may be blessed with a favourable voyage, the approbation of your sovereign, the perfect recovery of your health, and all happiness, is among the warmest wishes of every member of this body.

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OCTOBER 13, 1779.

To follow proceedings of October 13, 1779. Page 276.

On motion of Mr. Lovell, seconded by Mr. Morris.  
Resolved, That Mr. A. Lee be informed of Mr. Jay's

appointment, and that, agreeable to his request, he is at liberty to return to America.

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NOVEMBER 23, 1779.

To follow proceedings of November 12, 1779. Page 296.

According to order, Congress was resolved into a committee of the whole; and after some time, the President resumed the chair, and Mr. Plater reported, that the committee have had under consideration the report of the committee on ways and means, and come to a conclusion thereon, which he was directed to report. The report being read,

“That bills of exchange be drawn on Mr. J. Jay, to the amount of one hundred thousand pounds sterling, and on Mr. Henry Laurens, to the amount of one hundred thousand pounds sterling, payable at six months sight; and that the same be sold at the current rate of exchange”—

A division was called for, and that the first question be, that bills of exchange be drawn on Mr. J. Jay, to the amount of one hundred thousand pounds sterling, payable at six months sight; and that the same be sold at the current rate of exchange.

On which the yeas and nays being required by Mr. Forbes—

New Hampshire,	Mr. Peabody,	Ay.	} Ay.
Massachusetts Bay,	Mr. Lovell,	Ay.	
	Mr. Holten,	Ay.	} Ay.
	Mr. Partridge,	No.	

Connecticut,	Mr. Huntington,	Ay.	} No.
	Mr. Sherman,	No.	
	Mr. Root,	No.	
New York,	Mr. Schuyler,	Ay.	} Ay.
	Mr. Livingston,	Ay.	
New Jersey,	Mr. Witherspoon,	Ay.	} Ay.
	Mr. Scudder,	Ay.	
	Mr. Fell,	No.	
	Mr. Houston,	Ay.	
Pennsylvania,	Mr. Searle,	Ay.	} Ay.
	Mr. Shippen,	Ay.	
	Mr. M'Lene,	Ay.	
Maryland,	Mr. Plater,	Ay.	} DIVIDED.
	Mr. Forbes,	No.	
North Carolina,	Mr. Harnett,	Ay.	} Ay.
	Mr. Sharpe,	Ay.	
South Carolina,	Mr. Matthews,	Ay.	} Ay.

So it was resolved in the affirmative.

The question was taken on the second part.

Resolved in the affirmative.

Resolved, That a committee of three be appointed to report on the manner of carrying the above resolution into effect.

The members chosen—Mr. Livingston, Mr. Matthews and Mr. Gerry.

#### NOVEMBER 29, 1779.

Resolved, That the bills be prepared under the direction of the board of treasury, and with such checks as they may devise to prevent counterfeits, and be signed by the treasurer of loans.

That so many of the bills as the treasury board shall, from time to time, think proper to issue, be put into the hands of the continental loan officer in the state of Pennsylvania, or of any other state; and that the board of treasury direct the lowest rate of exchange at which the same may be sold.

That the board of treasury may, at their discretion, suspend the sale of such bills, reporting to Congress their reasons for so doing, that they may receive directions thereon.

That the committee of foreign affairs be, and they are hereby directed to write to Mr. Jay and Mr. Laurens, informing them of the drafts that will be made upon them, and explaining fully the reasons that urge Congress to draw, directing them to keep up a mutual correspondence, and afford each other every assistance in procuring money to pay the bills.

That one eighth per cent. on moneys received in payment for the said bills, shall be allowed to the persons intrusted with the sale thereof.

That no bill be drawn for a less sum than the amount of fifty pounds sterling.

JANUARY 14, 1780.

On motion of the committee for foreign affairs—

Whereas by the eleventh article of the treaty of amity and commerce between his most christian majesty and the United States of America, it is provided, that “the subjects and inhabitants of the said United States, or any one of them, shall not be reputed “aubains in France, and consequently shall be ex-

“empted from the droit d’aubaine, or other similar  
“duty, under what name soever: they may by testa-  
“ment, donation or otherwise, dispose of their goods,  
“moveable and immoveable, in favour of such persons  
“as to them shall seem good; and their heirs, subjects  
“of the said United States, residing, whether in France  
“or elsewhere, may succeed them, ab intestat, without  
“being obliged to obtain letters of naturalization, and  
“without having the effect of this concession contested  
“or impeded under pretext of any rights or preroga-  
“tives of provinces, cities or private persons: and the  
“said heirs, whether such by particular title or ab  
“intestat, shall be exempt from all duty, called droit  
“de detraction, or other duty of the same kind; sav-  
“ing, nevertheless, the local rights or duties, as much  
“and as long as similar ones are not established by  
“the United States, or any of them: The subjects of  
“the most christian king shall enjoy, on their part,  
“in all the dominions of the said states, an entire and  
“perfect reciprocity relative to the stipulations con-  
“tained in the present article; but it is agreed, at  
“the same time, that its contents shall not affect the  
“laws made or that may be made hereafter in France,  
“against emigrations, which shall remain in all their  
“force and vigour; and the United States, on their  
“part, or any of them, shall be at liberty to enact  
“such laws relative to that matter as to them shall  
“seem proper.”

Resolved, That it be recommended to the legisla-  
tures of the several United States to make provision,  
where not already made, for conferring like privileges  
and immunities on the subjects of his most christian

majesty, agreeable to the form and spirit of the above recited article.

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MARCH 25, 1780.

To follow proceedings of January 31, 1780. Page 311.

On the report of a committee,

Resolved, That the papers and original affidavits, relative to the capture of the brig *Eagle*, John Ashmead, commander, under a fort in the island of Saba, be filed in the office of the secretary of the United States in Congress assembled.

That authenticated copies thereof, signed by the said secretary, be transmitted to their high mightinesses the states general of the United Provinces, by the minister plenipotentiary of these United States at the court of Versailles; and that he be directed to apply to them for their aid in procuring satisfaction for the loss of the said brig *Eagle* and cargo; and for some assurance that the flag of the United States of America shall be protected from insult when in the ports of the United Provinces.

APRIL 17, 1780.

A motion was made by Mr. Matthews, That a resident be appointed to the court of Versailles, with the same powers that are usually annexed to the said office.

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



New Hampshire,	Mr. Peabody, Mr. Folsom,	Ay. } No. }	} DIVIDED.
Massachusetts Bay,	Mr. Lovell, Mr. Holten,	No. } No. }	
Rhode Island,	Mr. Ellery, Mr. Collins,	No. } No. }	} No.
Connecticut,	Mr. Huntington, Mr. Ellsworth,	No. } No. }	
New York,	Mr. Scott, Mr. Livingston, Mr. Schuyler,	Ay. } Ay. } Ay. }	} Ay.
New Jersey,	Mr. Fell, Mr. Houston, Mr. Clark,	No. } No. } No. }	
Pennsylvania,	Mr. Searle, Mr. Shippen,	No. } No. }	} No.
Maryland,	Mr. Plater,	No. } ×	
Virginia,	Mr. Madison,	No. } No.	
North Carolina,	Mr. Burke,	No. } ×	
South Carolina,	Mr. Matthews, Mr. Kinloch,	Ay. } Ay. }	} Ay.

So it passed in the negative.

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JULY 7, 1780.

To follow proceedings of July 7, 1780. Page 322.

On motion of Mr. Searle, seconded by Mr. M-Kean,  
Resolved, That the board of treasury be directed to  
furnish Mr. Laurens with bills on France to the amount  
of one thousand pounds sterling, on account of his

salary, out of those bills ordered to be drawn by the resolution of the 19th of May last.

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### JULY 11, 1780.

To follow proceedings of July 10, 1780. Page 322.

Ordered, That the committee of intelligence cause to be published the resolution of May 5th, 1778, respecting the eleventh and twelfth articles of the treaty of amity and commerce between his most christian majesty and these United States, and a copy of the said treaty as finally ratified.

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### AUGUST 9, 1780.

To follow proceedings of July 10, 1780. Page 322.

On the report of a committee to whom was referred a letter from the honourable Ralph Izard,

Resolved, That Congress are convinced of the faithful endeavours of Mr. Izard to fulfil the objects of the commission to which he was appointed by them on the 7th of May, 1777, and approve of the reasons which determined him not to proceed to the court of Tuscany.

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### SEPTEMBER 15, 1780.

To follow proceedings of September 15, 1780. Page 323.

The minister plenipotentiary of France transmitted to Congress a letter of this date, respecting the aboli-

tion of the eleventh and twelfth articles of the treaty of commerce between the United States and his most christian majesty, with an authenticated copy of a declaration of the king, whereof the following is a translation :

A DECLARATION OF THE KING.

The Congress of the United States of North America having represented to the king, that the execution of the eleventh article of the treaty of amity and commerce, signed the 6th of February last, may be attended with inconveniences, and having, in consequence thereof, desired that that article may be expunged, agreeing on their part, that the twelfth article shall be considered in the same manner as null and void: His majesty, in order to give the United States of North America a new proof of his affection, as well as his desire to confirm the union and good correspondence established between the two states, has been pleased to pay a regard to their representations—accordingly he hath declared and by these presents doth declare, that he consents to the suppression of the eleventh and twelfth articles abovementioned, and that his intention is, that they be considered as if never comprehended in the treaty signed the 6th of February last.

Done at Versailles, the 1st day of September, one thousand seven hundred and seventy eight.

(Signed)      GRAVIER DE VERGENNES.

In conformity to the foregoing declaration of his most christian majesty, the commissioners plenipotentiary of the United States signed and delivered to his most christian majesty the following

DECLARATION.

The most christian king having been pleased to regard the representations made to him by the general Congress of North America, relating to the eleventh article of the treaty of commerce, signed the 6th of February in the present year ; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect, the above said general Congress hath declared on their part, and do declare, that they consent to the suppression of the eleventh and twelfth articles of the above-mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the 6th of February.

Done at Paris, the first day of September, 1778.

(Signed)

B. FRANLKIN,  
ARTHUR LEE,  
JOHN ADAMS.

SEPTEMBER 19, 1780.

A letter of the 16th, from the honourable the minister plenipotentiary of France, was read, informing Congress that he is about to leave Philadelphia, and to be absent for some weeks ; but that Mr. Marbois will

remain here in quality of his majesty's charge des affaires; and hoping that, from his known attention to matters relative to the embassy, Congress will grant him their confidence: Whereupon,

Resolved, That the President inform the minister of France, that, in his absence, they will readily continue their intercourse with the embassy of his most christian majesty, through Mr. Marbois, as his majesty's charge des affaires, in whose abilities and attention to the interests of the court of France and those of the United States they have just confidence.

SEPTEMBER 27, 1780.

On the report of a committee, to whom were referred sundry letters of John Magnall,

Resolved, That copies of the said letters attested by the secretary of Congress, be sent to the honourable John Jay, minister plenipotentiary of these United States at the court of Madrid; and that he be instructed to endeavour to obtain, for the captors of the Dover cutter, the benefit intended by the resolve passed in Congress on the 14th day of October, 1777, respecting vessels belonging to British subjects, seized and brought into any of the ports or harbours of these United States, by the master or mariners, and that he be informed it is the wish of Congress that the whole profit of the capture be divided among the captors.

## OCTOBER 5, 1780.

To follow proceedings of October 4, 1780. Page 325.

On the report of a committee, to whom was referred a motion of Mr. Adams, relative to certain propositions of the empress of Russia respecting the rights of neutral nations, Congress passed the following act:

Her imperial majesty of all the Russias, attentive to the freedom of commerce, and the rights of nations, in her declaration to the belligerent and neutral powers, having proposed regulations, founded upon principles of justice, equity and moderation, of which their most christian and catholick majesties, and most of the neutral maritime powers of Europe, have declared their approbation—

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

Resolve, That the board of admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained in the declaration of the empress of all the Russias, on the rights of neutral vessels.

That the ministers plenipotentiary from the United States, if invited thereto, be and hereby are respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may

be agreed upon by the Congress expected to assemble in pursuance of the invitation of her imperial majesty.

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

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OCTOBER 14, 1780.

To follow proceedings of October 7, 1780. Page 326.

On a report of the board of treasury,

Resolved, That Samuel W. Stockton, esquire, late secretary to the honourable William Lee, late commissioner for the United States at the courts of Vienna and Berlin, be considered on salary, at the rate of three hundred pounds sterling per annum, from the time he left London, to go to Mr. Lee, at Vienna, which was in the month of May, 1778, until he came to this city with letters to Congress, from Mr. Lee, in the month of December, 1779. That Mr. Stockton be not allowed for any expenses; and that the several sums of money he has received, agreeably to his liquidated account, be deducted from the salary aforesaid, and the balance paid to Mr. Stockton, in specie, or current money equivalent; rating specie dollars at four shillings and six pence sterling.

## OCTOBER 28, 1780.

To follow proceedings of October 25, 1780. Page 343.

On motion of Mr. Lovell, seconded by Mr. S. Adams,  
Resolved, That the honourable John Adams be and hereby is authorized and instructed to accept the bills of exchange drawn on the honourable Henry Laurens, in pursuance of the resolution of Congress of the 6th instant, in the same manner as he is authorized and instructed to accept those heretofore drawn on Mr: Laurens, according to the resolutions of November 23, 1779: and in case of the absence of Mr. Adams, the authority hereby granted be and is hereby extended to the honourable Francis Dana.

## NOVEMBER 3, 1780.

Resolved, That the consul, to be appointed to reside in France, be allowed a salary of one thousand five hundred dollars per annum, in lieu of all commissions for business done on account of the United States.

## NOVEMBER 4, 1780.

Congress proceeded to the election of a consul to reside in France; and the ballots being taken, William Palfrey, esquire, was elected.

## NOVEMBER 23, 1780.

To follow proceedings of November 22, 1780. Page 348.

On a report of the board of treasury,  
Resolved, That the board of treasury furnish the honourable Ralph Izard with bills of exchange, out of



those already ordered to be drawn on doctor Franklin and Mr. Jay, to the amount of fifty-two thousand one hundred and thirteen livres, being the balance of his account, as accepted by Congress on the 11th of August last; thirty thousand livres thereof to be on Mr. Jay, and the remainder on doctor Franklin.

Resolved, That the honourable John Adams be informed of this transaction, which is to supersede the orders given to the honourable Henry Laurens, on the 11th of August last, for the payment of the said balance of fifty-two thousand one hundred and thirteen livres to Mr. Izard.

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#### NOVEMBER 28, 1780.

To follow proceedings of November 28, 1780. Page 351.

Ordered, That Saturday next be assigned for electing a secretary to the embassy at the court of Versailles.

#### DECEMBER 1, 1780.

Resolved, That the order of the day to-morrow for electing a secretary to the embassy at the court of Versailles be postponed to Wednesday next.

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#### DECEMBER 15, 1780.

To follow proceedings of December 15, 1780. Page 353.

Ordered, That the board of treasury, in adjusting the salary of Arthur Lee, esquire, compute the same

from the 15th day of December, 1776, to the 25th day of March, 1780.

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DECEMBER 21, 1780.

To follow proceedings of December 21, 1780. Page 360.

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

Resolved, That a committee of three be appointed to take into consideration the case of the honourable Henry Laurens, made a prisoner on his passage to Europe, and said to be committed to the tower of London, on suspicion of high treason, and to report thereon.

The members—Mr. Duane, Mr. Witherspoon, Mr. Burke.

On motion of Mr. S. Adams, seconded by Mr. Bee,

Ordered, That the President write to our ministers plenipotentiary at the courts of Versailles and Madrid, desiring them to apply to the courts at which they respectively reside, to use means for obtaining the release and exchange of the honourable Henry Laurens.

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JANUARY 10, 1781.

To follow proceedings of January 10, 1781. Page 393.

The committee, appointed to consider and report a plan for the department of foreign affairs, report,

That the extent and the rising power of these United States entitle them to a place among the great poten-

tates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connexion.

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

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

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

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

Resolved, That an office be forthwith established for the department of foreign affairs, to be kept always in the place where Congress shall reside.

That there shall be a secretary for the despatch of business of the said office, to be styled "secretary for foreign affairs."

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the department of foreign affairs: to receive and report the

applications of all foreigners : to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before Congress when required : also to transmit such communications as Congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries : the said secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department : he shall also be authorized to employ one or if necessary more clerks to assist him in the business of his office : and the secretary, as well as such clerks, shall, before the President of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.

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### MARCH 26, 1781.

To follow proceedings of March 24, 1781. Page 402.

A letter of the 22d of February, from the governour of Virginia, was read, with a memorial enclosed from Messrs. Stoddert, Kerr and North : Whereupon,

On motion of Mr. Madison, seconded by Mr. M. Smith,

Ordered, That authenticated copies of the said memorial, protests and affidavits be transmitted to the honourable John Adams ; and that he be instructed to represent the case to which they relate to their high

mightinesses the states general of the United Provinces of the Netherlands, and to claim such redress for the memorialists, as justice and the law of nations require.

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MAY 24, 1781.

To follow proceedings of May 23, 1781. Page 404.

On a report from the board of admiralty, to whom was referred the petition of Dumaine and Lyon,

Resolved, That a copy of the said petition be transmitted to the minister plenipotentiary of these United States at the court of Spain; and that he be directed to represent the matter to the said court, and take such measures as he may judge expedient to obtain an order to the judge of the admiralty of Teneriffe, to deliver the whole amount of the sales of the prize therein mentioned, to the owners of the brigantine Brilliant, their agent or attorney, for the use of the said owners and the captors.

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MAY 29, 1781.

To be inserted in proceedings of May 29, 1781. Page 408.

Ordered, That in the settlement of Mr. A. Lee's accounts, the board of treasury admit as vouchers, bills of lading and invoices, which show that merchants of character have shipped the contents: where such cannot be produced, that they admit receipts, or other papers which charge the consignee or other competent person at the port of delivery: that they admit the bankers accounts which charge the bank with the cre

dit given for cash deposited, and undertake if required to vouch the particular payments which are entered to Mr. Lee's debt, as commissioner of the United States : and where no vouchers under the foregoing descriptions are produced, that the accounts be left open in order to give an opportunity for completing the vouchers.

That the accounts for expenses be stated so as to distinguish between ordinary and extraordinary ; that the latter be stated particularly for the consideration of Congress, giving credit for the articles delivered up to the publick at first cost, and that the former be stated generally, and that no other voucher be required for either, than the word of honour of the said A. Lee, late minister.

That with respect to the charge for moneys disbursed on account of the state of Virginia, it be admitted to Mr. Lee's credit, whenever the state of Virginia shall signify that they admit themselves to be debited therewith.

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In page 414, line 14, between the words "that" and "would," the words [the enemy] though not in the original record, are necessary.

In page 423, lines 9 and 10, for "consideration," read "confederation."

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JUNE 4, 1781.

To follow proceedings of May 29, 1781. Page 423.

Resolved, That the disposition and management of that part of the money, granted by his most christian

majesty to these United States, which is to be employed in America, be committed to the superintendent of finance, that it may be applied to the purposes for which it was granted, namely, a vigorous prosecution of the present campaign.

That what remains unsold of the bills of exchange drawn by order of Congress on the ministers plenipotentiary of these United States respectively at Versailles, Madrid and the Hague, be also committed to the superintendent of finance, to be by him disposed of for the purpose abovementioned: provided, that none of the bills drawn upon the ministers at Madrid and the Hague, be sold until he shall have assurances that funds are provided for paying them.

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JUNE 14, 1781.

To follow proceedings of June 14, 1781. Page 443.

On motion of Mr. Matthews, seconded by Mr. Sharpe,  
Resolved, That the minister plenipotentiary of these United States at the court of Versailles, be authorized and empowered to offer lieutenant-general Burgoyne in exchange for the honourable Henry Laurens.

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JUNE 21, 1781.

To follow proceedings of June 19, 1781. Page 457.

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

Resolved, That a vice consul be appointed to reside in France, who shall exercise all the powers. and per-

form the services required of William Palfrey, during his absence from that kingdom, or during the pleasure of Congress; and be allowed a salary of 1000 dollars per annum, in lieu of all commissions for business done on account of the United States of America.

Ordered, That Monday next be assigned for electing a vice consul.



### JUNE 26, 1781.

To follow proceedings of June 26, 1781. Page 458.

On the report of a committee, consisting of Mr. Clymer, Mr. Sullivan and Mr. Matthews, to whom were referred two letters of the 22d, from Mr. R. Morris,

Resolved, That an agent for the United States of America be appointed to reside at the Havana.

Ordered, That tomorrow be assigned for electing the said agent; and that the committee who brought in this report prepare the draft of a commission and instructions for the said agent.

Congress proceeded to the election of a vice consul, conformable to the resolution of the 21st of this month; and, the ballots being taken,

Thomas Barclay was elected, having been previously nominated by Mr. Clymer.

### JUNE 27, 1781.

Congress proceeded to the election of an agent to reside at Havana; and, the ballots being taken, Mr. Robert Smith was elected.



Resolved, That it be the duty of the agent appointed to reside at Havana, to manage the occasional concerns of Congress, to assist the American traders with his advice, and to solicit their affairs with the Spanish government, and to govern himself according to the orders he may, from time to time, receive from the United States in Congress assembled, or their superintendent of finance.

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### AUGUST 10, 1781.

To follow proceedings of August 10, 1781. Page 469.

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

Mr. Robert R. Livingston was elected, having been previously nominated by Mr. Floyd.

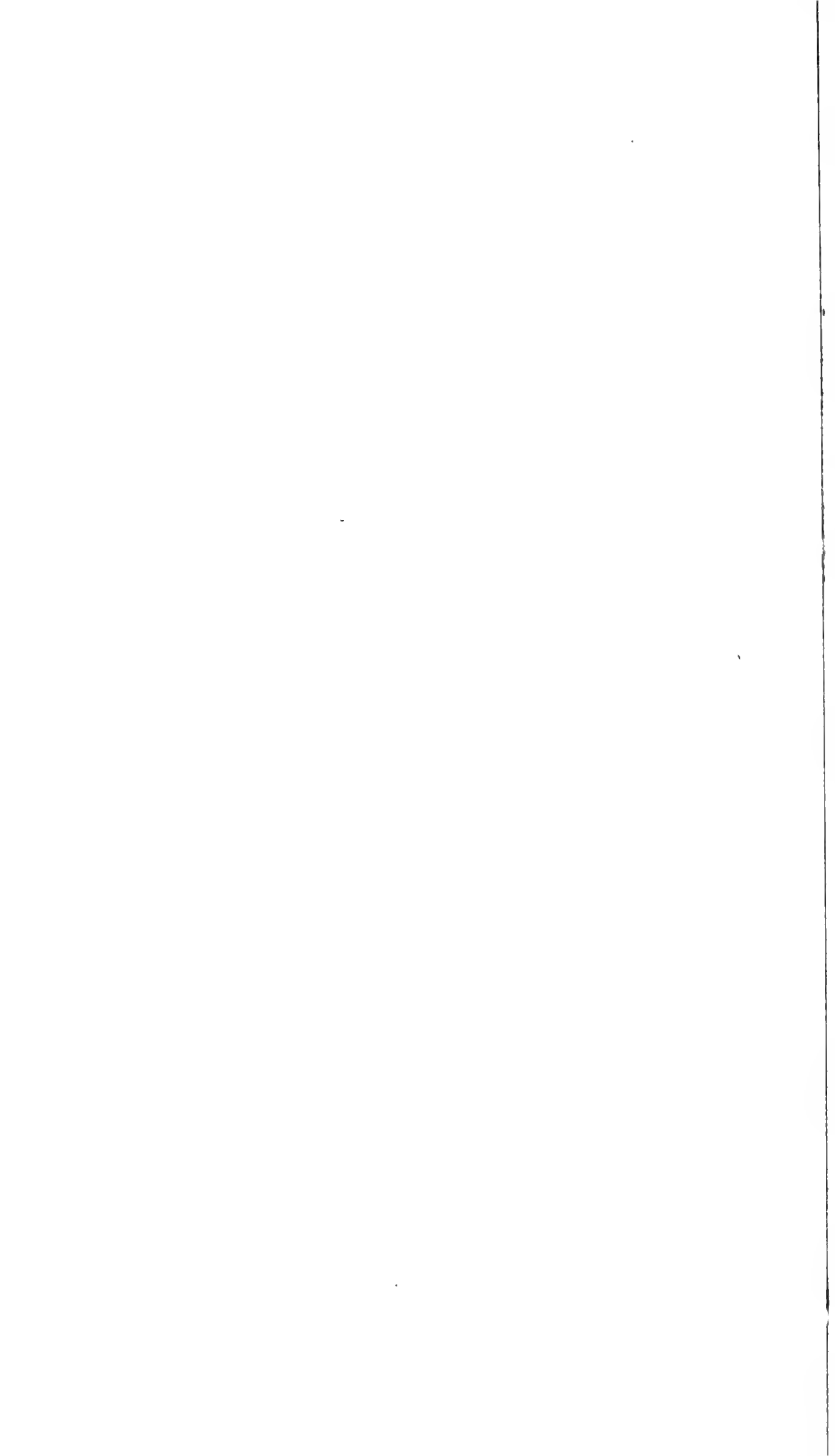
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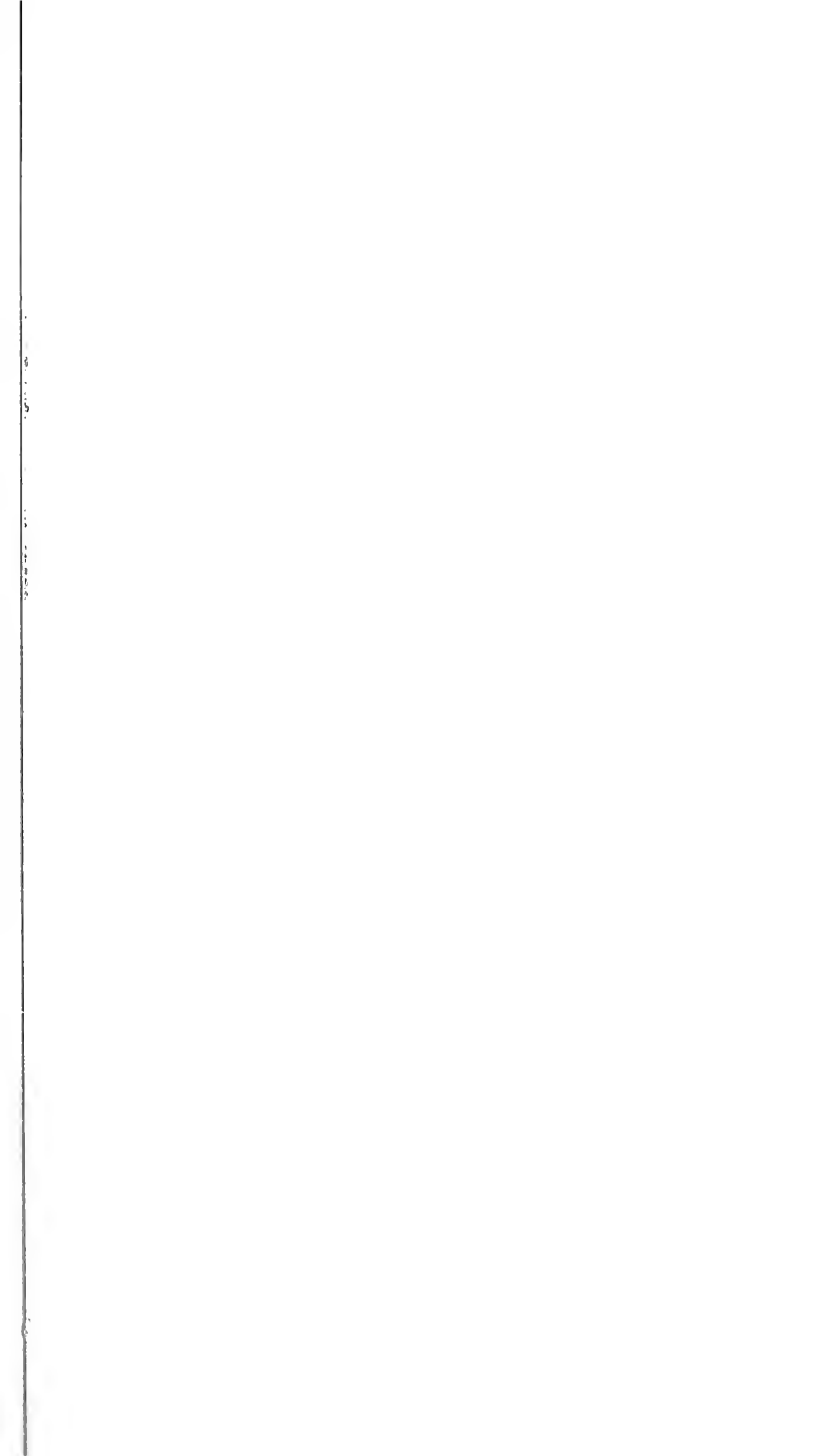
### AUGUST 24, 1781.

To follow proceedings of August 16, 1781. Page 474.

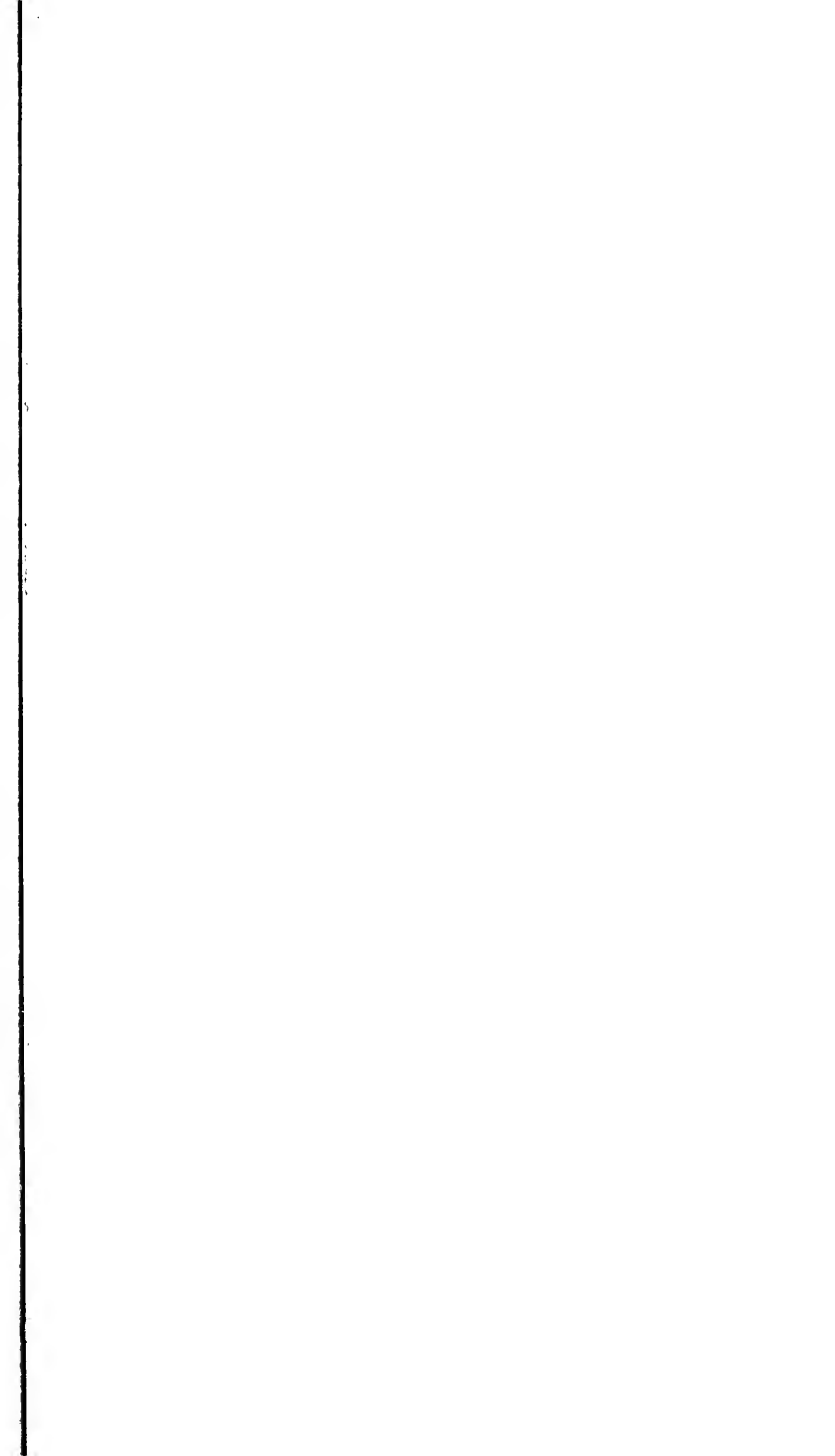
On a report of the board of admiralty,

Resolved, That Joshua Johnson, esquire, be, and he is hereby authorized to examine, audit and settle the accounts of T. D. Schweighhauser, against the frigate Alliance ; and that the minister plenipotentiary of these United States at the court of Versailles be, and he is hereby empowered and directed to pay the balance that may be found due to the said T. D. Schweighhauser, upon the liquidation and settlement of the said J. Johnson.









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