ARCHIBALD CRARY—HEIRS OF.

[To accompany bill H. R. No. 528.]

June 30, 1864.—Ordered to be printed with the old report and other papers.

Mr. Stiles, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the memorial of Archibald C. Crary, asking the balance of pay due the heirs of the late Colonel Crary, deceased, on account of military services rendered in the army of the Revolution, respectfully report:

That the memorial is true in relation to the facts stated. That an elaborate report was made to this house by the honorable Dutee J. Pearce at the first session of the twenty-fourth Congress, (No. 337,) which is adopted and made a part of this report.

A memorial of the petitioner was presented by the honorable Roscoe Conklin at the 1st session of the 37th Congress, and was referred to the Committee on Revolutionary Claims, who reported that "the memorial is true," and submitted with that report a bill providing for the payment of the balance of pay due at the time of his discharge from the army of the Revolution to the late Colonel Crary for services as a colonel of a regiment of the Rhode Island brigade. The committee find in the papers accompanying that report, and in the certified statements of the secretary of state of the State of Rhode Island accompanying the memorial, ample evidence of the truth of the statements contained in the petitioner's memorial.

The committee adopt the aforesaid report of the select committee of the 24th Congress, to whom the memorial of the then surviving officers and soldiers of the Rhode Island brigade had been submitted, and respectfully submit that statement as part of this report.

It is the opinion of your committee that the acts and resolves of the Continental Congress, so far as they relate to the indebtedness of the confederation, were merged in article 6, section 1, of the Constitution of the United States; and they apprehend that Congress possesses no constitutional power to legislate in reference to demands for military services rendered to the confederation, except so far as it is necessary to ascertain the amount that from evidence appears to be due the legal representatives of an officer or soldier who rendered service in the army of the Revolution, and to provide for its payment.

Article 6, section 1, of the Constitution is in these words: "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid under this Constitution as under the confederation." This is an assumption by the people of the United States "of all debts contracted and engagements which had been entered into by the confederation." There can be no more explicit assumption of those debts and contracts than is contained in article 6, section 1, of the Constitution.
Your committee unanimously report the accompanying bill to pay the heirs of the said Colonel Crary the sum of $1,256 44, being balance due him on depreciation of his pay, as found due him by a committee of the legislature of Rhode Island in 1784, and respectfully recommend its passage; and further recommend that said amount be paid by certificates of indebtedness redeemable at the pleasure of the government, bearing six per cent. interest, payable annually.

HOUSE OF REPRESENTATIVES.

The Committee on Revolutionary Claims, to whom was referred the memorial of Archibald C. Crary, praying that compensation may be made to the heirs-at-law of his father, the late Colonel Archibald Crary, deceased, for his services during the revolutionary war, report:

That the memorial is true in relation to the facts stated. That an elaborate report was made to this house by the honorable Dutee J. Pearce at the first session of the twenty-fourth Congress, (No. 337,) which is adopted and made a part of this report. The said report was accompanied by a bill (No. 352) to pay the whole brigade.

Your committee report the accompanying bill to pay the heirs of the said Colonel Crary the balance due him for his services for three years and ten months.

Mr. D. J. Pearce, from the select committee to whom the subject had been referred, made the following

REPORT, (No. 337.)

The select committee to whom was referred the memorial of the officers and soldiers of the Rhode Island brigade, their heirs and representatives, submit to the House the following report:

That from the examination of the documents hereto annexed, and the acts of Congress both before and since the adoption of the federal Constitution, the committee are of opinion that the facts set forth in the memorial are substantially correct; that early in the month of December, A. D. 1776, the British landed a powerful army on the island of Rhode Island, and threatened devastation to the then four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, and that, with the aid of their fleet, they had the whole control of the waters of the Narragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms.

By the proceedings of this convention, which are hereto annexed, it will be seen that an army of six thousand was deemed necessary to be raised by said four colonies or States, of which Rhode Island was to raise two battalions containing fifteen hundred, and a regiment of artillery of three hundred, making eighteen hundred in all. The whole subject-
matter, however, of the raising of this army was to be submitted to Congress for their approbation, it being well understood it was not to be raised for local defence only, but for the common defence of the country, although urgent necessity then required it to be stationed in Rhode Island.

The Continental Congress lost no time in approving the raising of this brigade and other troops, and on the 15th of February, 1777, passed a resolve that Congress “approve of the measures adopted for the defence of that State.” The brigade which had been ordered by the general assembly of Rhode Island to be raised was then filled up, or so soon as it could be, and the whole army raised in pursuance of the recommendation of said convention by said States was placed under the command of Major General Spencer, who was appointed to its command by Congress, and the whole were taken into continental pay; and the deputy paymaster for the eastern district was ordered to furnish the means of payment, and this brigade was kept in continental pay until after the evacuation of Rhode Island and the end of the third enlistment, which was in March, 1780. It was first raised for fifteen months, and then twice for one year each time, by said general assembly, making three years and three months in all; and it appears from various resolves of Congress, which are correctly recited in the memorial, that during all this time the several acts of the legislature of Rhode Island, directing their enlistments, were fully approved of by them, and the troops were paid by officers appointed by them for that purpose, after so raised by said State.

The committee deem it unnecessary to recapitulate either all the resolves and acts of Congress or of the legislature of Rhode Island in relation to this brigade, inasmuch as they are found to be correctly stated in the memorial and also in an able report made by a select committee, to whom this subject was referred at the last session of Congress, from which the committee have thought proper to make the following extracts, contained in pages 28, 29, 33, 34, 35, 36, 37, 38, 39, and 40, and adopt as part of their report:

“It is understood and believed that no objection was made by the commissioner sent to Rhode Island under the act of May 7, 1787, to the substantial justice of this claim, to the several amounts or to the whole sum as a charge against the United States. It was, nevertheless, rejected by him, and rejected because it was not made by the State of Rhode Island, but by the individuals to whom the money was most truly and justly due and payable. It was said the State must first assume and promise to pay these several amounts, and then she might, without having paid any part of it, charge the whole sum to the United States; and thereupon the commissioner would allow, and the United States become liable to pay, and would pay, the same. The State of Rhode Island refused to do this, because the United States had undertaken to pay these men—had paid them in depreciated currency, and therefore whatever might be due for such depreciation was a debt of the United States and not of the State of Rhode Island. That State, moreover, alleged that she was already in advance greatly to the United States, and ought not to be called on further to become indebted on their account. It therefore happened that these men, enlisted by Rhode Island and received into the service and pay of the United States, did, between these two paymasters, upon a mere point of form, lose a great part of that compensation for their severe and perilous service to which they were, by all, admitted to be justly entitled.

It is well known that the commissioners appointed under this and former ordinances of the Continental Congress did not finish the settlement between the United States and the several States during the continuance of the confederation of those States.

After the adoption of the present Constitution by the several States, the Congress of the United States took up the consideration of this question of a settlement between the United States and the individual States. At the second
session of the first Congress a bill for the purpose of completing that settlement was passed by both houses, and, on the 5th day of August, A. D. 1790, approved by the President. All the parts of it material to this question will be found in the hereto annexed law, as published in the United States Laws, vol. 2, page 174.

It is seen by the transcript among the documents hereto annexed, that the final action of the general assembly was not had on this claim until October, 1793; but the power of the commissioners, under the law of August 5, 1790, expired on the first day of July preceding. If, therefore, the senate of Rhode Island had finally concurred in the original resolves of the house of representatives, it would then, in October, have been too late for the claimants to have derived any benefit from that concurrence. Their claim was this second time brought before the legislature of Rhode Island by the agents of that brigade, not because they believed any act of that legislature would add to its justice or validity, but to the intent that no want of diligence, no omission or neglect, should ever be alleged against them. The senate of that State did not concur in the resolves of the house of representatives, as it is believed, because that body considered the State of Rhode Island not to be, and the United States to be, the paymaster of the troops of that brigade; because, if the State were originally liable to pay them, no new promise was required by law to establish that liability, because no allowance of the claim of any citizen could be admitted by the commissioners, unless made before the 24th of September, 1788; and, finally, because the claims of the troops of this brigade had already been ascertained and allowed by the legislature of Rhode Island, at their October session, A. D. 1785, as it may be seen by the record of that session above quoted in this report.

This, too, was the opinion of the most learned counsel of those days; and the written advisement of one of them, obtained at that time by the claimants, is here reported in confirmation of the fact.

Opinion of Pierpoint Edwards.

I consider the State of Rhode Island as pledged for the payment of the arrears due to Crary, Topham, and Elliott's regiments; and that it is now a debt due from that State to the several individuals whose names are entered in the report of the committee.

I consider the sums reported to be due those three regiments to be a just charge against the United States, and that the faith of the United States is pledged that it shall be admitted as credit in favor of the State of Rhode Island.

It cannot be a sound objection against an admission of the claim before the commissioners that the State of Rhode Island has never actually paid those sums; those regiments were raised with the approbation of Congress, and by their resolutions acknowledged as part of the army raised for general defence. The State of Rhode Island, however, was the contracting party, and only contracting party, known to the regiments, and to Rhode Island only could the regiments look for their pay; and the sums reported by the committee to be still due to the regiments are the arrearages of their pay due from the said State of Rhode Island, but eventually chargeable by the State of Rhode Island to the United States; to the United States, therefore, it can be of no moment whether the State of Rhode Island has as yet actually paid it, for it is a debt now lying against the State of Rhode Island, which must be paid by them.

Were this a case between John Doe and Richard Roe, it would not admit of a single doubt. John Doe says to Richard Roe, the man whom you employ to mend my fence for me I highly approve of; he shall be paid as my other laborers of the same kind; but as he made the contract with you, and he knows you, and you only, in the bargain, you must settle the account, and pay him, and
HEIRS OF ARCHIBALD CRARY.

5

charge the amount to me. Richard Roe, when the work is done, calls upon the laborer, and states with him an account, by which it is agreed by the parties that there is a balance due to the laborer of £4: would it be consistent for John Doe, when Richard Roe brings in his account charging that balance, to say, I will not pay you, for you have not yet paid the balance, and perhaps you may finally cheat him out of his honest dues? Such answer from a private citizen would be deemed dishonorable, and, amongst all honorable men, ruin John Doe's character in point of integrity.

A State is, without any doubt in my mind, liable to be sued upon its contract in all the cases enumerated in the Constitution, and specified in the act of Congress establishing the courts of the United States. Each individual whose accounts were adjusted by the committee, as it respects the State of Rhode Island, may legally claim the balance reported in his favor on the footing of an insimul computassant; and if any individual brings himself within the description of persons who may sue a State, he undoubtedly may maintain an action against Rhode Island.

P. EDWARDS.

If the State of Rhode Island were liable to pay the troops of this brigade because they had been enlisted under the laws of that State, and if the United States were liable to pay them because the service was rendered in the common cause of all the States, then, so soon as the legislature of that State had ascertained and allowed that a certain amount was due to them for arrearage of pay, or depreciation, that amount became a legal and proper charge against the United States, and should have been admitted by the commissioners at any time after the month of October, 1785. By the ordinance of May 7, 1787, claims for depreciation, though not according to any resolve of Congress, were a good charge against the United States. So, too, was the true intent and meaning of the law of August 5, 1790. If these claims had been allowed by any State in favor of its citizens, no payment of them by such State was, by either that ordinance or that law, required to render them a valid, proper, and legal charge against the United States before the commissioners appointed under either of them. The claims of the Rhode Island brigade were, therefore, in the hands of this committee, rejected on mere technical and artificial grounds, alike adverse to the equitable construction of laws and against the principles of justice.

The other aspect of this claim should not be overlooked. By that the United States will appear to have been originally liable to pay, and, therefore, that Rhode Island was never liable at all to pay the troops of this brigade. That State acted as the agent, and under the advisement, sanction, and direction of the United States, in the enlistment and the raising of these regiments. As such agent, that State had nothing to do in regard to their wages, or the payment of them, other than to take care that justice should be done to these men by the United States, in whose behalf the State of Rhode Island acted in regard to them. What agent was ever liable for a debt contracted by him for his principal? The committee will review this case under this aspect of it. In doing this, it may be needful to state concisely many of the facts already stated.

The Continental Congress, as it appears by their resolve of February 15, 1777, approved of the act of the Rhode Island legislature by which the brigade of that State was raised.—(See vol. 2 of the Journals, page 41.) That brigade was raised as a part of the 6,000 troops determined by a committee from the legislatures of the four New England States to be necessary for the defence of that part of the country against the British army, then lately landed, and stationed at Newport, on the island of Rhode Island. It will be remembered that Congress had, by a resolve passed September 15, 1776, required Rhode Island, as her quota of eighty-eight battalions, to raise, equip, and send to the field.
two battalions. This had been fully done by that State. It is easily seen how much more than the equal share of such an army was put on that State by that requisition; for the population of it was less than 50,000, and that of all the States was little short of 3,000,000. Had the same quota, in proportion to their population, been assigned to each State, one hundred and ten battalions would have been raised instead of eighty eight.

The enemy continuing at Rhode Island, the legislature of that State did, in December, 1777, pass an act for the re-enlistment of these troops. This also was sanctioned by Congress, as appears, vol. 2, pages 404, 405, 406 of the journals.

It may be further seen by the resolves of Congress of October 13, 1778, (vol. 3, pages 87, 88,) that the doings of the Rhode Island legislature and the support of this brigade were approved by Congress.

In February, 1779, the legislature of that State passed an act for the further enlistment of the troops of that brigade, to serve twelve months. Congress again, on the 17th of April of the same year, "Resolved, That Congress approve the raising of a brigade of 1,500 men, by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, to be entitled to continental pay, clothing, and subsistence, and a bounty not exceeding $150 for every non-commissioned officer and soldier, upon condition that no further or other wages be allowed to said men by said State than is paid to other continental troops."—(Vol. 3, page 253 et seq.)

It may be supposed that these troops were sufficiently rewarded by a bounty so considerable as that authorized to be given by this resolve of Congress, and that they cannot, therefore, call on the nation for any loss sustained by them in consequence of depreciation. If gentlemen will be at the pains of looking into the journals of the Continental Congress, they will find bounties greater than those allowed to the troops of this brigade were allowed to other troops.

The alacrity with which men sprang to arms to meet the enemy at Boston, in the spring of the year 1775, induced Congress to believe that the same army which had engaged in the service voluntarily for six or eight months would, in the same manner re-enlist for one, two, or three years, or during the war. Accordingly Congress did, on the 10th of November, 1775, (vol. 1, page 193,) resolve that no bounty should be allowed for re-enlistment. In pursuance of this policy they, on the 10th of December following, refused to allow the account of Rhode Island for bounties paid by that State to such as had re-enlisted into the service.

In place of giving bounties to soldiers, who might thereby be induced to enter the service, or to continue in it, Congress, on the 17th of January, 1776, adopted the plan of giving one dollar and one-third to recruiting officers for each man by them enlisted. The private soldier then received for his monthly pay six dollars and two-thirds per month, and the officer received for enlisting him one-fourth part of that amount.

Congress continued this course of policy until the 26th of June, 1776, and few enlistments were made during that time for any term of service longer than one year. By a resolve of that date Congress offered a bounty of twenty dollars to all who should enlist for three years.—(Vol. 1, page 388.) On the 8th of October, 1776, a resolution was passed offering a suit of clothes, of the value of $20, annually, to each non-commissioned officer and private who should enlist for during the war. The difficulty of recruiting increased, and called for higher bounties. Congress, on the 6th of September, 1777, resolved, that clothing of the value of $47 3/4 should be delivered to each non-commissioned officer and private enlisted.—(Vol. 2, page 255.) Afterwards, on the 9th of October, 1778, the bounties paid by the States and by the United States were offered by Congress for three-years recruits.—(Vol. 3, page 84.) November 5, of the same
year, Congress authorized Pennsylvania to offer a suit of clothes as a bounty. March 29, 1779, Congress resolved, that Virginia and North Carolina be required to recruit for one year, and to give as a bounty to non-commissioned officers and privates the sum of two hundred dollars each. It will be remembered that it was on the 17th of April following, Congress resolved to permit Rhode Island to recruit the brigade of that State at a bounty of one hundred and fifty dollars to each non-commissioned officer and private for one year.

These bounties had not been fixed by Congress, and they accordingly rose in nominal amount as money depreciated; but the monthly pay had been fixed, and therefore, as money depreciated, the soldier, who received the nominal amount only of his wages, was left unpaid in exact proportion to the depreciation of the medium in which he received such wages. The complaint of the soldiers of this brigade is, not that they have not received their bounties, but that, by reason of depreciation, their wages have not been paid.

The committee look at the doings of the Rhode Island legislature, presented by the delegation of that State to Congress on the 17th of April, 1779, (vol. 3, page 253,) in the form of a preamble and resolution, in the words following, to wit: “Whereas the delegates of Rhode Island and Providence Plantations have, in pursuance of a direction from said State, represented to Congress that the legislature thereof have found it absolutely necessary to endeavor to raise a brigade of 1,500 men, officers included, for one year, for the common defence of those and the United States, and have accordingly offered a bounty of £45, (equal to $150,) the same clothing allowed continental troops, and an addition of £6 ($20) per month to their wages, for their better subsistence, and have requested that the same should be furnished and defrayed by the continent: Resolved, That Congress approve the raising a brigade of 1,500 men by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, upon the conditions set forth in said representation, and that the bounty, pay, clothing, and subsistence of said brigade shall be supplied and furnished at continental expense.”

This resolution, after frequent debate, was finally passed substantially in its original form, on the 4th day of May, 1779.—(Vol. 3, pages 266, 267.)

From the statement of these facts, it seems to strike the minds of this committee very forcibly that this brigade was raised, and re-enlisted and engaged in the service three years and three months, with the approbation of Congress; that these troops were brought into the service, and continued in it at continental expense; that Rhode Island never undertook to pay, or was liable to pay, their bounties or wages, or to furnish, and never did furnish, their subsistence or clothing.*

It must be erroneously stated in the memorial that the commissioners refused to allow the account of this brigade for depreciation because they did not come under the resolve of Congress made on the 10th of April, 1780. That resolve related only to the troops in the line of the army; but these, the regular continental troops, were not of the line of the army. That resolve had relation, in its retrospective operation, to those troops only which had been engaged for three years, and were then in service; but the troops of this brigade had been enlisted for their last year in February, 1779, and their whole term of service had expired some time before this resolution was passed by Congress. It would, of all things, be most unjust to govern their compensation by a law not made until after service was rendered. Equally unjust would it have been to have rejected their claim for depreciation because they did not serve three years under one enlistment. These troops, it is known, were raised to repel the invasion of the United States, made by the enemy on the island of Rhode Island, in December, 1776. It could not have been foreseen or imagined at that time that 5,000 troops of the enemy would have held that post, and suffered themselves to be blockaded on that island for three years. It would, therefore, have been

* Alluding to a memorial formerly presented to Congress.
improvident to have enlisted troops for three years to hold them in check. This brigade was accordingly engaged, first for fifteen months, and then, by two other successive engagements, continued in the service until, by the departure of the enemy from that post, there was no further need of their continuance in it. That resolve, moreover, related to the quotas of troops furnished by each State, according to the requisitions of Congress from time to time made on the States, and looked forward to unfinished service, or to such as had not yet commenced. This brigade were extra troops furnished by Rhode Island, which had already furnished her requisite quota, being two battalions. It was an extra amount of service furnished by that State, or by individuals of that State, for which the United States were bound to pay. This is a necessary consequence of the 5th article of the confederation: "All charges of the war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury."

It will not be contended either that this service was not for the common defence, or that it was not allowed by the United States in Congress assembled. The committee look at the doings of Congress from first to last, as referred to in their journal. The raising of these troops was not only allowed, but urged and insisted upon by Congress. Never was service more necessary for the common defence. At the mouth of Narragansett bay lies the island of Rhode Island. The bay is navigable for large ships-of-war thirty miles north from Newport, and up to Providence. Between the island and the main, on the east, is a ferry not four hundred yards wide. On the west is the island of Conanicut, with a ferry on each side of less than one mile in breadth. The enemy, encamped on Rhode Island, might, by these means, pass on the east or west to the main land in one hour, and sail up to Providence in three hours. The very heart of New England was thus open to his incursions, and but for the army, of which Rhode Island supplied one-fourth part, these incursions might have carried fire and sword to any part of the country. The island, beautified then as it was with groves and orchards, was swept of everything combustible. The axe was put to the root of every tree, and these, together with every fence, not built of stone, were left in ashes. At every point of the coast, on both sides of the bay, wherever a sufficient guard could not be stationed, every village and farm was pillaged. The militia were called out times almost without number, and the whole people for three years might have been said to have slept every night on their arms.

For all these services and sufferings Rhode Island received nothing. Nay, when it was moved in Congress by Colonel Hamilton, of New York, and seconded by Mr. Floyd, that, in settling the share of contribution of each State, respectively, to the public treasury, according to the 8th article of the confederation, some equitable allowance should be made in favor of such States as had, or any part of them, been in possession of the enemy, that motion was indefinitely postponed.

When the commissioners appointed by Congress under their ordinance for settling the accounts of the several States with the United States went into Rhode Island on that business, they were called upon by that State to allow and settle the account of this brigade for depreciation. This they were willing to do if the legislature of the State would first assume the amount of this account, and render the State liable for it, and then charge the same to the United States. The State refused to do this, because the troops had been raised under the sanction of Congress, and Congress had resolved that they should be paid at the expense of the United States, and because this service, being for the common defence, and the United States, and not the State of Rhode Island, originally liable for it, it was not an expenditure for which that State could, in any event, be made liable; and therefore, if the United States were not
liable for the payment of this amount without the assumption of it by the State, that assumption could not render them so. Had that State assumed this account, it would have been allowed by the commissioners, and been funded with other debts of the United States. It is probable some apprehension that the United States might never provide for and pay this account prevented the legislature of Rhode Island from rendering that State liable for a claim which they might ultimately thereby be called upon to pay. The United States had contracted to pay these troops, and had paid them so far as they had been paid. The State had neither paid nor contracted to pay them. For the balance due to them in consequence of depreciation, the United States were, therefore, alone liable, and ought, by every principle of justice, to pay it.

It is seen by the following document how the account stood between Rhode Island and the United States:

Statement of the balances found due to and from the several States, on the settlement of their accounts with the United States, by the commissioners appointed for that purpose.

**Balances Due to the States.**

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>$75,055</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>1,248,801</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>299,611</td>
</tr>
<tr>
<td>Connecticut</td>
<td>619,121</td>
</tr>
<tr>
<td>New Jersey</td>
<td>49,030</td>
</tr>
<tr>
<td>South Carolina</td>
<td>1,205,978</td>
</tr>
<tr>
<td>Georgia</td>
<td>19,988</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,517,584</strong></td>
</tr>
</tbody>
</table>

**Balances Due from the States.**

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>$2,074,846</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>76,709</td>
</tr>
<tr>
<td>Delaware</td>
<td>612,428</td>
</tr>
<tr>
<td>Maryland</td>
<td>151,640</td>
</tr>
<tr>
<td>Virginia</td>
<td>100,879</td>
</tr>
<tr>
<td>North Carolina</td>
<td>501,082</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,517,584</strong></td>
</tr>
</tbody>
</table>

At no time before the establishment of the Constitution was it believed that the United States would ever pay to the several States the balances due to them. Is it, then, wonderful that Rhode Island, already in advance nearly $300,000, would not consent to make any further advances to the United States? New York has never paid the balance of $2,000,000 against her; but, under the confederation, the United States have less pecuniary means at their command than New York has now under the Constitution. If, then, Rhode Island had, under the confederation, either paid this claim or issued stock notes in payment of it, no reasonable man could have expected repayment from the United States. After the Constitution was adopted it was too late to do this; for it is seen that claims of citizens, to become a charge against the United States, must have been allowed before the 24th September, 1788. Besides, if Rhode Island had made this debt her own, by paying the claimants, she must have lost more than twenty per centum of the whole, as is apparent
by the following statement of the manner in which balances were paid to the creditor States.

For the balance due to the States the following stocks were issued, viz:

<table>
<thead>
<tr>
<th>States</th>
<th>Six per cent. stock, bearing interest from January 1, 1791</th>
<th>Six per cent. stock, bearing interest from January 1, 1801</th>
<th>Three per cent. stock, for interest to December 31, 1790, on the balances due the States, bearing interest from January 1, 1811</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>$50,036 67</td>
<td>$85,018 33</td>
<td>$15,011 00</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>832,534 00</td>
<td>416,267 00</td>
<td>240,760 00</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>193,740 67</td>
<td>90,570 33</td>
<td>50,922 20</td>
</tr>
<tr>
<td>Connecticut</td>
<td>412,747 33</td>
<td>306,573 67</td>
<td>133,284 20</td>
</tr>
<tr>
<td>New Jersey</td>
<td>32,686 67</td>
<td>16,343 33</td>
<td>9,806 00</td>
</tr>
<tr>
<td>South Carolina</td>
<td>803,985 33</td>
<td>401,992 67</td>
<td>241,195 60</td>
</tr>
<tr>
<td>Georgia</td>
<td>13,325 33</td>
<td>6,662 67</td>
<td>3,997 60</td>
</tr>
<tr>
<td>Total</td>
<td>2,345,056 00</td>
<td>1,172,528 00</td>
<td>703,516 80</td>
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</table>

On these stocks the interest was payable quarterly. The principal of the six per cents was paid in small sums yearly, and the payment finished in 1824; the three per cents were paid off in 1832. This funding system, it will be seen, was established and carried into effect on rules by which the principal of the public debt due to citizens of the several States, and to those States also, was paid out of money saved by not paying or by deferring the payment of interest. By this there was a saving to the United States, and loss to their creditors aforesaid, of more than twenty per cent. Had Rhode Island paid the troops of her brigade for their depreciation, she must have suffered this loss. She lost this on her whole advances to the United States; and can it be wonderful that, with the uncertainty of receiving anything, and the certainty of losing so much for all she had paid, she should refuse to pay still more—that she should refuse to pay what the United States had promised to pay, the wages of these meritorious soldiers? It is clearly the opinion of this committee that the United States are not exonerated from this claim by any omissions of this kind made by Rhode Island, the agent between them and the troops of this brigade; and that being liable to pay for all services rendered in the common defence, and this being clearly of that kind, the neglect or informality of proceeding, if there were any on the part of Rhode Island, cannot discharge the nation from that liability, nor can that liability be questioned, when it is so clearly seen that all the States were directed by Congress to make good the depreciation of their State troops; that Congress, at the same time, engaged to liquidate and pay the same; that all the States whose records or laws are accessible to this committee did make good that depreciation, and charge the amount to the United States; that the United States appointed commissioners, with express powers and directions to allow these charges; and that they were finally allowed and paid by the United States, in stocks, according to the funding system.

Should it be objected that the settlement made by the commissioners appointed under the law of August 5, 1790, was final and conclusive, it is enough to say, in answer to this, that Congress has already removed that objection by opening that settlement in two instances. The first was in favor of Virginia, by a law approved July 5, 1832. By this law the Secretary of the Treasury
HEIRS OF ARCHIBALD CRARY.

is authorized and directed to settle with that Commonwealth for the claims of her revolutionary officers of the State establishment and in her naval service for half pay for life allowed to them by the laws of Virginia, and to pay to them or their heirs whatever may be found due, out of any money in the treasury not otherwise appropriated. It is admitted in the memorial of Virginia for this claim that the whole amount will be not less than $681,488 66.

The other instance is in favor of New Jersey, and is a claim for depreciation of pay made by the personal representatives of Lord Sterling. That State had, in pursuance of the resolve of Congress of the 28th of September, 1781, above recited, settled with Lord Sterling, one of the general officers of that State, and given him, for the balance of his depreciation, two certificates therefor: one for £534 1s. 6d., the other for £162 4s. 6d. The smallest of these certificates had been paid by New Jersey, but the largest had not been paid, nor ever laid before the commissioners aforesaid, appointed to settle the accounts between the United States and the several States. The memorial of the trustees of the widow of Lord Sterling stated these facts, and upon due proof of them their claim was allowed, and has been paid in full, with interest, in pursuance of a law passed at the last session of Congress.

The committee conceive that the great difficulty that has attended the settlement of the claims of these troops has grown out of their peculiar mixed character. They were not, strictly speaking, either continental or State troops entirely. They were State as to their being raised, and continental as to their pay. Had they been wholly State, the State would have paid them, and charged it to the United States; or had they been purely continental, no difficulty would have prevented their pay. Thus having two paymasters, they have failed of getting their pay for depreciation of either.

But there is one other important fact in relation to these claims which the committee cannot overlook. It is decisive, so far as consistency in legislation is binding. The troops raised by the States of Connecticut and Massachusetts, pursuant to the advisement of the conventions which met at Providence and Springfield, and sent to Rhode Island, have been paid their depreciation, it is reasonable to infer from the documents hereto annexed from the archives of those States. If the ordinances and laws of Congress were made broad enough, therefore, to cover them, consistency requires they should be to cover these also, and that technical difficulties should never be let in to defeat substantial justice. So far as this committee have understood, there never has been any objection to the justice of these claims. The difficulty has been merely in relation to the mode of payment—Congress prescribed one way, and the State of Rhode Island another. Between the two modes the veterans have not been paid. It is true a former Congress, on the 10th of May, 1783, resolved the claim for depreciation of this brigade to be "inadmissible," but the reason given in the resolve itself affords a sufficient explanation why it did so. It was because, at that time, Congress, in the language of the resolve, had "made no provision" for the claims of these or any other troops, unless they come within the letter of the resolve of April 10, 1780. But the old Congress soon found they could not settle with the States until such provision was made, and hence they began to extend their provisions in 1784, which was followed up by the ordinance of May 7, 1787, which made ample provision for all such claims, if assumed by the State; and by the act of Congress of August 5, 1790, still more extensive provisions were made, coupled, however, with the same condition, that they should first be assumed by the States. It is true Congress made the promise in 1780, but never passed any act by which that promise could be performed until May 7, 1787. Hence, at the time the above resolve of May 15, 1783, was passed, no mode had been pointed out or provision made by which the promise of 1780 could be carried into effect. It is one thing to adopt a principle, and another to carry that principle into action. It is one thing to
promise to pay, and another to pay. All this brigade now asks is to have suitable provisions made to carry into effect the promise held out in the resolve of August 12, 1780. The committee can see no impropriety in this request.

The States would not settle upon the terms offered in the resolve of April 10, 1780, for many had already paid this item of expense to their troops, who did not and could not come within that resolve, but which did come within the meaning of the resolve of the 12th of August of the same year. Necessity as well as justice, therefore, required that more liberal provisions should be made; and hence, to meet the demands, more liberal provisions were made. Now, let it be remembered, that all these provisions were made subsequently to the 15th of May, 1783, and the reason of that resolve will be fully explained.

The claim of Rhode Island stands upon equal, if not better, ground than that of Virginia in 1832, when allowed and paid by Congress. It was not pretended that the Virginia claims came within the act of Congress of October 21, 1780, allowing half pay for life, or the act of March 22, 1783, commuting said half pay for five years' whole pay. The select committee to whom the Virginia memorial was referred admit the provision heretofore made by Congress did not reach their cases, and extend to them the measure of justice they expected and demanded at the close of the war; and, failing in this, they required of Virginia to fulfill her promises, embodied in the act of assembly recited above, alluding to the act of the Virginia assembly of May, 1779, making provision for the officers, "being citizens of Virginia," enlisted in the army, whether on the continental or State line. Under this act the State was sued and judgments recovered against the State, and the State must have paid them. In relation to these suits, and the law under which they were brought, the same select committee say, "Virginia had voluntarily divested herself of one of the attributes of sovereignty, by permitting herself to be sued and impleaded in her own courts by a pre-existing law which had already passed at the October session of the legislature." In the year 1778 it was enacted "that where the auditors, acting according to their discretion and judgment, shall disallow or abate any article of demand against the Commonwealth, and any person shall think himself aggrieved thereby, he shall be at liberty to petition the high court of chancery, or the general court, according to the nature of his case, for redress; and such court shall proceed to do right thereon, and a like petition shall be allowed in all other cases to any other person who is entitled to demand against the Commonwealth any right in law or equity." And the committee go on further to say, "The officers of these regiments, and others similarly circumstanced, addressed to the auditors their demands for the half pay for life, promised in the act of 1779. These demands were disallowed; and the Commonwealth having already authorized and invited appeals from the judgment of the officer dependent upon her will to the judges of the courts who hold their seats by no precarious tenure, the officers claiming their half pay carried their demands to the courts, where the decision of the auditor was overruled, and judgments rendered in their favor. This contest quickly found its way into the court of the last resort, (the supreme court of appeals,) where the decision of the chancellor was reversed, and that of the auditor confirmed. But in this decision there was an express saving to the officers claiming half pay to have their cases re-adjudicated without prejudice, on fuller proof." No attempt was made to disturb this decision until within a few years past, when, as the same committee say, "fuller proof was found in an authentic record, placing the evidence of service beyond the reach of all rational doubt; and after passing again through several intermediate tribunals, the same questions were submitted to the Supreme Court and the claims allowed, by a decision from which there is no appeal."

Under these circumstances, Virginia petitioned Congress. Congress decided by an act passed July 5, 1832, to allow and pay the claims.
Now, how stands the claim of Rhode Island? The Continental Congress, on August 12, 1780, did pass a resolve, pledging themselves that they would take speedy measures for liquidating and paying all troops for what was due on account of depreciation, whether of the quota of any State or not. The claim of Rhode Island comes within the very letter of this resolve, as well as its equity; indeed, it comes within the equity of the resolve of April 10, 1780, but the resolve of 12th August, 1780, covers it entirely. The memorial asserts that this brigade was raised for the common defence of the country, and this appears not only by all the approving acts of Congress, but by the correspondence between the governor of Rhode Island and General Washington, in 1777. But it appears to this committee, that if it had been raised for "local defence" only, still it would be entitled, under the resolve aforesaid, and so it was understood when Congress passed the act of August 5, 1790. The first Secretary of the Treasury, in a report which was the foundation of that act, says, that "it appears difficult to conceive a good reason why the expenses for the particular defence of a part in a common war should not be a common charge, as well as those incurred professedly for the general defence." But it is unnecessary to follow out this part of the subject. It appears manifest, from all the evidence, this brigade was not raised for local defence only, but for the United States in general.

Why, then, have not these claims for depreciation been paid? The committee believe simply because no act of Congress has been passed under which they could have been settled without their first being assumed by Rhode Island. The ordinance of 1787, of the Continental Congress, made ample provision for their settlement, if they had thus been assumed. So did the act of Congress of August 5, 1790, but those acts required, in the opinion of the commissioners, all claims to be assumed by the State before they could be settled.

Why did Rhode Island refuse to assume them? It is believed no other or better reason can be given than the one stated in the memorial, "That Congress hired these troops; sent a paymaster to Rhode Island to pay them; did pay them in depreciated paper, and now ought, without any interference on the part of the State, to make up such depreciation, agreeably to their pledge of August 12, 1780." The committee cannot but feel the force of this. If the State of Rhode Island had no agency in paying their troops, if no money was placed in her hands for that purpose, there could be no good reason given why Rhode Island should assume and take upon herself to pay the depreciation.

The committee believe the recital of the acts and resolutions referred to in the memorial presented this session are correct, and they are of opinion that the troops of said brigade were raised by the State of Rhode Island for the common defence of the country, with the full approbation and at the earnest request of the Continental Congress, and with the approval of the commander-in-chief of the American army, as appears by a correspondence between him and the governor of Rhode Island, said to be recently discovered in the archives of said State, and appended to this report. That they were taken into continental pay, and were paid by continental paymasters, without any intermediate agency of the State of Rhode Island, and like all troops were paid in paper currency, which at the time of payment had greatly depreciated in value; therefore, like other troops in the same army, under the resolves of Congress, they had the same right to expect the depreciation of their pay to be made up to them as it was to others. And the committee are further of the opinion, that the claims of the officers and men belonging to said brigade have been duly ascertained by the competent authority of Rhode Island, and that the probable and only reason why they never have been paid is simply because, as before stated, they were never assumed by the State of Rhode Island in such manner or form as would enable that State to charge them to the United States. With these facts before them, the committee have reported a bill for their relief.
MEMORIAL OF WILLIAM WILKINSON, AND OTHER SURVIVORS OF THE OFFICERS AND SOLDIERS OF THE RHODE ISLAND BRIGADE, &C.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, officers and soldiers, and heirs and representatives of such, of the Rhode Island brigade, a corps raised by the State of Rhode Island during the revolutionary war, for the common defence of that and other States, respectfully represent:

That in the month of December, A. D. 1776, the British took possession of Newport, with a powerful army and fleet, which threatened the devastation of all the New England States; that, as soon as practicable after this event, at the request of Rhode Island, delegates from each of these States met in convention at Providence, to concert measures for their common defence. This convention met on the 25th of December, and soon agreed on a plan of co-operation, and they were of opinion, that while so large a body of the enemy were in the State of Rhode Island, it was necessary to keep six thousand men in said State to oppose them, and they apportioned the same among said States, to be recommended to be raised accordingly. That, in pursuance of this arrangement, Rhode Island was to raise a brigade consisting of three regiments, for fifteen months, for the defence of the United States in general, as well as Rhode Island. Before, however, this corps was raised, the proceedings of this convention were laid before Congress for their approbation; and on the fifteenth of February following, the subject having been before them several days, Congress passed a resolution fully approving of the measures adopted and recommended by this convention, for the defence of Rhode Island, as by reference thereto will fully appear. As soon as this was done, Rhode Island proceeded to raise her quota of troops.

And your memorialists further show, that at or near the expiration of the enlistment of these troops, the enemy still keeping possession of the island of Rhode Island, it was found necessary to re-enlist them for another year; which was done by order of the general assembly, in December, 1777. Previous, however, to this, a second convention of committees, or delegates from the New England States and New York, met at Springfield, in the State of Massachusetts. This convention met on the 30th of July, 1777, and for the purpose of concerting further measures of defence against the common enemy. The proceedings of this convention were received by Congress on the 18th day of August following, but were not acted upon definitively till the 22d, 26th, and 27th of November following, when they were fully approved. The resolution of November 26 recommends to those several States to supply their respective battalions with all the necessary clothing, in addition to what had been before allowed, and to charge the same to the United States. It was also, among other things, recommended by said convention, “that the State of Rhode Island be requested to fill up, as soon as may be, their two battalions for the defence of said State; that the State of Massachusetts be desired to hasten on their two battalions they have ordered for that purpose; that the State of Connecticut be desired to raise and equip one battalion of seven hundred and twenty-eight men, with all speed, and direct them to the above service; and that the State of New Hampshire be desired to raise and equip three hundred men, with all speed, and direct them to the above purpose.”

And your memorialists further show, that, by a further resolve of Congress on the 13th day of January, 1778, it was resolved, “that it be earnestly recommended to the States of New Hampshire, Massachusetts Bay, Rhode Island, and Connecticut, immediately to furnish, and keep constantly in the State of
Rhode Island and Providence Plantations, for the defence of said State, their several quotas of troops, as adjusted by the convention which met at Springfield.” By a resolve of the 21st of February following, General Washington was directed to order a major general to take command of the troops in the State of Rhode Island, in the place of General Spencer, resigned. In consequence of this, General Sullivan was appointed. Further, by a resolve of Congress of the 13th of June, 1778, it was resolved, “that the delegates from the States of New Hampshire, Massachusetts and Connecticut be requested to write in the name of this Congress to their respective States, setting forth the urgent necessity of their immediately raising the quotas of troops by them respectively agreed, to be under the command of General Sullivan, for the relief of the State of Rhode Island, and to prevent further depredations.”

And your memorialists would further allege that, in order to dislodge the enemy from the island of Rhode Island, General Sullivan, major general and commander of the American forces, made an attack on the 29th of August, 1778, but failed in the attempt, and was obliged to retreat. In consequence of this, the enemy still continued in possession of the island, and still continued their depredations on the inhabitants along the fertile shores of Narragansett bay, and it was again necessary to re-enlist said brigade for another year; which was done, by order of the general assembly of Rhode Island, in February, 1779. This third enlistment was submitted to the consideration of Congress, who, on the 4th of May following, passed a resolution approving thereof.

And your memorialists would further show, that said brigade, which had been thus raised by the State of Rhode Island, at the urgent request of Congress, and continued in the field during three several enlistments, amounting in all to three years and three months, was also paid by Congress; that on the 14th of January, 1778, Congress resolved, “that Ebenezer Hancock, esqr., deputy paymaster general of the eastern district, be directed forthwith to appoint an assistant paymaster, constantly to attend and pay the army stationed in and near Providence, for the defence of Rhode Island and Providence Plantations, and apply to Congress, from time to time, for the necessary supplies of money for the same.” Under this authority, Benjamin Steele was appointed assistant paymaster; and it appears by further resolves of Congress that on the 26th of June, 1778, three hundred thousand dollars, and on the 17th of September five hundred thousand dollars more, were placed in his hands for the payment of these troops; and on the 13th of October all the advances for their clothing were approved of by Congress, as by reference to said acts will fully appear. And now your memorialists aver that said brigade performed all the services under the acts of Congress aforesaid, during the three several terms of enlistment, and were paid in manner aforesaid; but were paid in continental paper currency, which, at the several times of payment, had so far depreciated in its value that their wages were but trifling in gold and silver.

And your memorialists further aver, that, so greatly had paper money depreciated, and so greatly had the officers and soldiers of the American army generally suffered on this account, that Congress, on the 12th day of August 1780, passed a resolve, that “it has been recommended to the several States to make compensation for the officers and soldiers to them respectively belonging, for the depreciation of their pay; and that Congress will take speedy measures for liquidating and paying what is due on that account to the officers and soldiers who do not belong to the quota of any State.” That this resolve may be more readily understood, it may be observed that Congress had previously recommended (vide resolve of April 10, 1780) to the States to make compensation for depreciation to their several quotas of troops, or troops of the line; but they now resolved that such compensation should be made to officers and soldiers who do not belong to the quotas of any State. Of that class was this brigade, (although it was intended by the State of Rhode Island that they should be on
the same footing, as, by reference to a correspondence between the governor of Rhode Island and General Washington on this subject, will more fully appear;) and, under the hope and expectation held out by this resolve, this brigade waited until the amount of depreciation should be properly ascertained, when they expected Congress would redeem its pledge, and pay them what was due on that account.

And your memorialists further declare, that, in order to ascertain the amount due for such depreciation, the general assembly of Rhode Island, at their February session, A. D. 1784, appointed a committee for that purpose, which committee did examine the accounts of said brigade, and did ascertain by the scale established by Congress the several sums due to each and every of the officers and soldiers belonging to said brigade on account of depreciation, and did make a report thereof to said general assembly, at their October session, 1785, which report was accepted by the general assembly, as by their records will duly appear.

And your memorialists further declare, that although Congress did, by their resolve of the 12th of August, 1780, pledge themselves that all claims for depreciation should be provided for, whether of troops belonging to the quotas of States or not, yet they have never passed any act which, at the time of passing it, provided for the settlement of the claims for depreciation of this brigade. They have passed a number of general acts providing for the settlement of similar claims of States against the United States, but never passed any act which would include this, unless first assumed and paid by the State; and they remain unpaid to this hour, although admitted by every officer of government who has ever examined them to be honestly and justly due. On the one hand, the commissioners who have been appointed to liquidate claims of a similar description against the United States could not allow these, because the State had not paid them in the first instance agreeably to the provisions of the acts under which they acted; and, on the other hand, the State of Rhode Island would not pay them, because the troops had been raised and paid under the immediate advice and direction of Congress. They said, as their wages had in the first instance been paid by the United States government, so ought what was due on account of the depreciation of those wages; that Congress hired these troops, sent a paymaster to Rhode Island to pay them, did pay them in depreciated paper, and now ought, without any interference on the part of the State, to make up such depreciation, agreeably to their pledge of August 12, 1780, aforesaid. Thus the claims of this brigade remain as they did at the close of the war, undisputed as to their justness and equity, and yet unliquidated. Nor yet have they ever been foreclosed by any act of limitation. No act has been passed which has provided for their settlement; no act has been passed excluding or annulling them; and the faith, the credit, and the honor of the United States are as much pledged in their favor as at the close of the war.

Wherefore, your memorialists humbly pray that the facts herein set forth may be duly considered, and that an act may be passed directing these claims to be paid, or that such relief may be had in the premises as to justice may seem meet.

And they, as in duty bound, will ever pray.

John Howland.
Levi Lee.
Samuel F. Man.
Geo. F. Man.
William Wilkinson.
Dan. L. Dexter.
Amaziah Weatherhead.
Elias D. Trofton.

Benj. Hoppin.
James Manchester.
Henry B. Drown.
Benjamin Greene.
James Miller.
Owen Grinnell.
Benedick Remington.
Correspondence between Governor Cooke and General Washington, referred to in the memorial of the Rhode Island brigade.

Morristown, January 20, 1777.

Sir: I am exceeding sorry to hear that your State has ordered several battalions to be raised for the defence of the State only, and this before proper measures are taken to fill the continental regiments. You cannot be insensible how unequal any one State is, unconnected with the others, to defend itself, if the enemy should make a descent against it with any considerable force; neither have you the least reason to think you would derive less protection from the troops if they were raised upon the continent's account than that of the State. If each State was to prepare for its own defence, independent of the others, they would all be conquered in a short time, one by one. Our success must depend on a firm union and a strict adherence to the general plan; other measures may produce a partial relief, but never can remove the principal evil.

You must be sensible the season is fast approaching when a new campaign will open; nay, the former is not yet closed, neither do I intend it shall unless the enemy quit the Jerseys. It is of the last importance to the interest of America that the new regiments be speedily levied; it will give me an opportunity in the fore part of the campaign, before the enemy can collect their force, or receive any reinforcements from home, to give them a fatal stab. Such a blow in the beginning of the season might terminate the campaign to great advantage.

I am sure the necessity of having the continental regiments immediately completed is too obvious to need any further arguments. I hope the powers of government are such as to complete the new levies by draft if they cannot be filled seasonably by voluntary enlistments. Necessity obliges me to call on you, (as I shall on every other State,) in the most pressing terms, to complete without delay your proportion of the eighty-eight battalions; I am confident the raising of two regiments at the expense of the State, before the continental regiments are complete, can answer no valuable purpose. If the enemy should make a descent upon Rhode Island with any considerable force, the opposition of two regiments would be inconsiderable. If they only infest the coast with their ships, the militia would answer a better purpose, and at a far less expense. I must confess I am ignorant of the reasons that induced the assembly to adopt the measure, neither can I conceive of the use and policy of the scheme.

I wish it may not be productive of more injury than benefit, by introducing innovations and changes that must retard the filling of the continental regiments, and consequently prejudice the general interest, which every State must have an eye to. The obligation on your State is greater than on any other, being the most exposed and the least capable of making a separate defence. Our affairs here are in a very prosperous train; within a month past, in several engagements with the enemy, we have killed, wounded, and taken prisoners, between two and three thousand; I am very confident the enemy's loss here will oblige them to recall their force from your State.

If I am properly supported I hope to close the campaign gloriously for America.

I am, with the greatest regard and esteem, sir, your most obedient, humble servant,

GEO. WASHINGTON.

Secretary's Office, Rhode Island,
December 17, 1835.

True copy from the files of this office.
Witness: HENRY BOWEN, Secretary.

H. Rep. Com. 112—2
HEADQUARTERS, Morristown, January 24, 1777.

Sir: The situation to which I am reduced for want of a regular body of troops on whom I can depend for a length of time, makes it indispensably necessary for me to call upon you to exert yourselves in levying and equipping the number of battalions allotted to your State by the resolution of Congress in September last. You must be fully sensible of the hardship imposed upon individuals, and how detrimental it must be to the public to have her farmers and her tradesmen frequently called into the field as militia, whereby a total stop is put to arts and agriculture, without which we cannot possibly long subsist. But great as this inconvenience is, we must put up with it or submit to a greater—the total loss of our liberties—until our regular continental army can be brought into the field.

The above reasons alone, I hope, will be sufficient to induce you to exert yourselves; for if our new army is not ready to take the field early in the spring, we shall lose all the advantages which, I may say, we have providentially gained this winter.

While our dependence is upon militia, we have a full army one day, and scarce any the next; and I am much afraid that the enemy, one day or other, taking advantage of one of these temporary weaknesses, will make themselves masters of our magazines of stores, arms, and artillery. Nothing but their ignorance of our numbers protects us at this very time; when, on the contrary, had we six or eight thousand regular troops, or could the militia who were with me a few days ago have been prevailed upon to stay, we could have struck such a stroke as would have inevitably ruined the army of the enemy in their divided state.

I am not without hopes that, by creating a powerful diversion on the side of New York, we may still keep their force divided between that province and this; if so, and a good body of regular troops could be thrown in to me before the roads will be in a condition for the enemy (with their reduced wagon and artillery horses) to move out, it perhaps may not be out of my power to strike a decisive blow before the spring. This is another and a forcible reason to induce you to send your new levies forward with all expedition. While the men are raising, I beg you will spare no pains to make collection of all things necessary for their equipment, not only with such as they carry with them into the field, but for their use and convenience while they are there, such as spare shoes, stockings and shirts, the want of which has been the ruin of the old army.

If these articles are provided and put into the hands of the regimental quartermasters, they can always be delivered out when wanted, and stoppages made by the paymasters.

I expect the clothier general will be with the army in a few days, when I shall give him directions to allot a proportion of the clothing lately taken and purchased for the public to each State.

I am, sir, with the greatest respect, your most obedient servant,

GEO. WASHINGTON.

Hon. Nicholas Cooke, Esq.

Secretary's Office, Rhode Island, December 17, 1835.

True copy from the files of this office.

Witness: HENRY BOWEN, Secretary.
HEIRS OF ARCHIBALD CRARY.

PROVIDENCE, February 9, 1777.

SIR: I have been favored with your excellency's letters of the 20th and 24th ultimo, and have laid them before the general assembly.

The enemy having landed not less than 7,000 troops upon Rhode Island, and being possessed of the bay with a large fleet, laid us under the necessity of establishing a body of forces with all possible expedition. In this situation, when it was impracticable to fill the continental battalions, the assembly set on foot two regiments of 750 men each, and one regiment of artillery of 300 men, to serve for fifteen months. The following is the form of the enlistment of the non-commissioned officers and privates: "I, the subscriber, do hereby solemnly engage and enlist myself as a soldier, in the pay of the State of Rhode Island and Providence Plantations, for the preservation of the liberties of America, and the defence of the United States in general, and of this State in particular, from the day of my enlistment, for and during the term of fifteen months, unless sooner discharged by the general assembly; and I hereby promise to submit myself to all the orders and regulations of the army, and faithfully to observe and obey all such orders as I shall receive from time to time from my officers."

And the following is a clause in the commission issued to the officers: "And in case of an invasion or assault of a common enemy, to infest or disturb this or any other of the said States, you are to alarm and gather together the—under your command, or any part thereof, as you shall deem sufficient, and therewith, to the utmost of your skill and ability, you are to resist, expel, kill, and destroy them, in order to preserve the lives, liberties, and properties of the good people of this and the other United States."

Consequently, those regiments are as much held and designed to do duty in every part of the United States as the continental battalions; and to render them effectually so, they are, by act of government, put under the command of General Spencer and the other generals of the continental army. And when Congress shall have ordered them into their service, there will be no other difference between them, than that the former are enlisted for fifteen months, and the latter for three years, or during the war.

Early information of the footing upon which these troops are raised was given to our delegate in Congress, who tells us, in a letter of the 7th ultimo, that he had laid the same before Congress, and that the measures we had taken gave him great satisfaction. And I am extremely sorry it had not been also immediately transmitted to your excellency; as I am persuaded, in that case, you would have entertained a very different opinion of this measure, and been convinced that it was adopted from necessity alone, and not with the most distant idea of our making a local or separate defence, or of obstructing the enlistment into the continental battalions.

It is true that it hath had a tendency, in some degree, to cause such obstruction, which was very early obviated by an order permitting enlistments from those troops into the continental battalions. In consequence of which, Captain Thayer has in a short time enlisted forty men out of one of those regiments. I will now inform your excellency of the measures taken by this State to fill up the two continental battalions assigned by Congress as our quota of the eighty-eight battalions first ordered to be raised.

We have filled up the greater part of the vacancies in them, and enclose you a list of the officers appointed, who are directed to exert themselves in recruiting. We have also given a bounty of sixteen pounds in addition to the encouragement by Congress, and engaged to furnish each man, in behalf of the continent, with arms, accoutrements, a blanket, and a knapsack. The assembly will make a short adjournment to try the effect of this great encouragement; and in case these measures fail of the hoped for success, will make still greater efforts to fill those battalions.
I am to request you to give me information whether there be a probability of Colonel Greene's being soon exchanged, as the assembly have left a vacancy for him in that case, and have determined to appoint Colonel Crary to the command of that regiment if that event be not likely soon to take place.

February 7, 1777.

To the House of Mag.:

Gentlemen: Resolved, That the foregoing draught of a letter to his excellency General Washington be approved of, and that a fair copy thereof be made out and forwarded as soon as may be to his excellency General Washington. Voted and passed.

Per order:

J. LYNDON, Clerk.

In the upper house, read February 10, and concurred. 

By order:

HENRY WARD, Secretary.

Agreeable to your excellency's recommendation, I have sent to Newport all the prisoners in the land service that were in the care of this State, and enclose you one of Lord Percy's receipts for them.

I am, with great esteem and respect, sir, your excellency's most obedient, humble servant,

Secretary's Office, Rhode Island, &c., December 16, 1835.

True copy from the files of this office.

Witness:

HENRY BOWEN, Secretary.

Headquarters, Morristown, March 3, 1777.

Sir: I was yesterday honored with your letter of the 9th ultimo.

The extracts you have been pleased to favor me with show that the two regiments of foot and that of artillery were established on a plan more extensive and generous than that of mere local defence, and the objections formerly made are almost wholly done away by the order permitting the men to be enlisted into the continental regiments. Indeed, the peculiar circumstances of Rhode Island under an invasion would furnish many apologies for the measure.

I am much obliged by your exertions to raise your quota of troops. The situation of our affairs requires every nerve to be strained to accomplish the work in the different States, and no pains should be spared to provide the men with arms and every other necessary. Our want of the former is a matter of concern to me, and it is to be regretted that the States, individually, have paid too little attention to the obtaining supplies themselves.

I cannot give a decisive answer respecting Colonel Greene's discharge. In a few days there will be a further negotiation upon the subject of prisoners, after which it may be in my power to inform you with more certainty. At present there is an impediment. As he is the first lieutenant colonel, and conducted himself with bravery and to good acceptance in the Canada expedition, I would advise that the matter of command should lie over a little longer. After the negotiation, I may be able to satisfy you.

I wish regular lists of the prisoners returned to the enemy had been trans-
mitted, specifying the names, rank, and corps of the officers, and number of
privates. A receipt similar to the one sent me does not answer the purpose.

It appears by a letter from General Arnold that the prisoners from New
Hampshire had gone in, and that some exchange had been made. So far as
this was of continental prisoners, 'twas wrong. Unless some regular mode is
observed, and under the direction of one head, the business can never be con-
ducted with propriety, nor the state of matters in this instance be ever known.
It is necessary for us to know what officers are sent in by us, and what are re-
turned. I would also wish to be furnished with regular accounts, or as much
so as possible, of the expenses incurred by you in supporting the prisoners
taken by continental arms in the land service; also of those in the marine line.
They should be separate. Accounts are kept on the part of the enemy of all
rations, disbursements, and clothing, and we should have ours ready for a settle-
ment. In future I hope the management of prisoners will be better understood,
and that the most perfect and accurate accounts will be kept on our part of every
charge incident to their support, &c.

I have the honor to be, with great esteem, sir, your most obedient servant,
GEO. WASHINGTON.

Secretary's Office, Rhode Island,
December 18, 1835.

True copy from the files of this office.
Witness:
HENRY BOWEN, Secretary.

I certify that at the date of the foregoing letters Nicholas Cooke was governor
of the State of Rhode Island.
HENRY BOWEN, Secretary.

Proceedings of the convention at Providence, December 25, 1776.

At a meeting of the committees appointed by the States of the Massachusetts
Bay, Connecticut, New Hampshire, and Rhode Island and Providence Plantations,
convened at Providence on Wednesday, the twenty-fifth day of December,
in the year of our Lord one thousand seven hundred and seventy-six,
Present: From the State of the Massachusetts Bay.—Hon. Thomas Cushing,
esq.; Azor Orne, esq.; Hon. Tristram Denton, esq.
From the State of Connecticut.—Hon. Eliphalet Dyer, esq.; Hon. Richard
Law, esq.; Nathaniel Wales, jr., esq.; Titus Hosmer, esq.
From the State of New Hampshire.—General Nathaniel Folsom, esq.; Hon.
Josiah Bartlett, esq.; Colonel Supply Clap.
From the State of Rhode Island and Providence Plantations.—Hon. Stephen

COUNCIL CHAMBER, December 16, 1776.

The board, taking into their consideration a letter from the Hon. Nicholas
Cooke, esq., governor of the State of Rhode Island, enclosing a resolve of the
general assembly of said State, proposing that this State should appoint a com-
mittee to meet the twenty-third day of this instant, (or as much sooner as pos-
sible,) in the town of Providence, in Rhode Island, with a council of war, ap-
pointed by said State, to confer upon the expediency of raising an army for
immediate defence against the British fleet and army now within the State of
Rhode Island, and to consult upon every measure necessary to be taken for the
support of the common cause: Thereupon,
Resolved, That it is highly necessary and expedient that the Hon. Thomas Cushing, Azor Orne, and Tristram Datton, esquires, (a committee appointed the sixteenth day of November last by the general assembly of this State to proceed to Providence and confer with such committees as might be appointed by the several States of New England upon measures necessary to support the credit of the public currencies of said States,) should proceed, and they are hereby empowered to proceed, to Providence, in Rhode Island, and on the part and in behalf of this State, on the twenty-third instant, there to meet and to confer with the council of war appointed by the assembly of the State of Rhode Island, and also with such other committees as may be appointed by the States of Connecticut and New Hampshire, upon the expediency of raising an army for our immediate and common defence; upon the measures necessary to support the credit of the public currencies of the New England States; for preventing monopolies, and the high price of goods and the necessities of life; regulation of vendues; embargo on shipping; and such other matters as are of general concernment to the New England States, and not repugnant to, or interfering with, the powers and authorities of the Continental Congress, and to report the result of their conference to the general court; and the secretary is hereby directed to notify the gentlemen before mentioned of this resolution of the board, enclose them a copy of the same, and desire them immediately to signify to the board whether they shall proceed upon the business aforesaid or not.

A true copy.

Attest:

JOHN AVERY,
Deputy Secretary.

STATE OF CONNECTICUT, ss:


Whereas a large body of troops of the British army, defended by a strong fleet, have taken possession of the island of Rhode Island, and threaten an invasion of some of the adjoining States of New England; and whereas the State of Massachusetts Bay and the State of Rhode Island have proposed that committees from the States of New England meet at Providence, in the State of Rhode Island, as soon as may be, to consult for their immediate defence and safety; and whereas, from the operations of Avar in New York and New Jersey, a free communication with the Congress is, in some measure, interrupted, and the general and army of the United States are employed in their defence against the common enemy:

Resolved by this assembly, That Eliphalet Dyer, Richard Law, Nathaniel Wales, jr., and Titus Hosmer, esquires, be, and they are hereby, appointed a committee in behalf of this State, to meet the committees of the other States of New England, at Providence, in the State of Rhode Island, or at any other place where they may convene, on the twenty-third of December instant, or as soon as may be, and consult with them of the expediency of raising and appointing an army for the more immediate defence of the New England States against the threatened invasion, as well as for the more general defence in the common cause, and of such regulations as may be necessary to support the credit of our currencies; to prevent oppressing the soldiers and inhabitants by extravagant prices; and, in general, of every measure to expedite the raising and appointing an army, or necessary for the common defence, and to make report to this assembly, or, in the recess thereof, to his honor the governor and council of safety, of whatever they may judge fit to be done, for approbation;
and that suitable measures may be pursued thereon until the whole subject-
matter can be laid before the honorable Congress of the United States of
America, measures taken, and directions given by them thereon.

A true copy of record. Examined by

GEORGE WYLLYS, Secretary.

IN THE HOUSE OF REPRESENTATIVES,
December 19, 1776.

Voted. To choose a committee of three persons of this State to repair to
Providence, in the State of Rhode Island, with full power, in conjunction with
the other New England States, to lay a plan for settling an army of sufficient
force there; and that General Nathaniel Folsom, the Hon. Josiah Bartlett, esq.,
and Colonel Supply Clap be the committee of this State for that purpose.

Sent up for concurrence.

JOHN LANGDON, Speaker.

In council, eadem die, read and concurred.

E. THOMPSON, Secretary.

Copy examined by

E. THOMPSON, Secretary.

At the general assembly of the governor and company of the State of Rhode
Island and Providence Plantations, begun and holden in Providence, in the
county of Providence, within and for the State aforesaid, on Friday, December
thirteen, in the year of our Lord one thousand seven hundred and seventy-
six.

Whereas a large body of the enemy hath taken possession of the island of
Rhode Island, and is endeavoring to penetrate the country, so that it is become
necessary for the public utility of this State that a council of war be immedi-
ately appointed; therefore,

Voted and resolved, That his honor the governor, his honor the deputy gov-
ernor, the honorable Stephen Hopkins, esq., Ambrose Page, esq., Mr. John
Tanner, John Dexter, esq., the honorable Joshua Babcock, esq., Mr. Cromwell
Child, the honorable William Greene, esq., and Henry Ward, esq., be, and they
are hereby, appointed a council of war; that they, or any five of them, are
fully empowered to do, act, and transact all and every thing and matter for the
well-being and security of this State, and the United States in general; that
they make and ordain all such rules, orders, and regulations for the well-gov-
erning, ordering, disciplining, clothing, and supplying the army now raised or
that may be raised by this State and the other neighboring States in con-
junction, (if such an army should be so raised,) as to them shall seem right and
just; and that all such rules, orders, and regulations by them made in the re-
cess of the general assembly shall be of as full force and authority, to all in-
tents and purposes, as though made and passed by this general assembly.

The above and preceding is a true copy of the act of assembly, constituting
a council of war.

Witness:

HENRY WARD, Secretary.

Resolved, That his honor the governor be requested to write to the States of
New Hampshire, Massachusetts Bay, and Connecticut, enclosing the resolve of
the general assembly appointing a council of war, and requesting that each of
said States appoint a committee, to meet the twenty-third of this instant, or as
much sooner as possible, in the town of Providence, in this State, with said
council of war, to confer upon the expediency of raising an army for the imme-
diate defence against the British fleet and army now within this State, whereby the militia may be relieved; and, in general, to consult upon every measure necessary to be taken for the support of the common cause.

A true copy. Witness: HENRY WARD, Secretary.

IN GENERAL ASSEMBLY, December 27, 1776.

This assembly having requested a conference with the other States of New England, at Providence, who have accordingly appointed committees, but with other powers and authorities than are given by this State, and consisting of a less number, it is therefore

Resolved, That the honorable William Bradford, esq., the honorable Stephen Hopkins, esq., and Henry Ward, esq., be, and they are hereby, appointed a committee to confer with the committees of the States of Massachusetts Bay, Connecticut, and New Hampshire, now convened in this State, upon the expediency of raising and appointing an army for the more immediate defence of the New England States against the threatened invasion, as well as for the more general defence in the common cause, and of such regulations as may be necessary to support the credit of our currencies; to prevent the oppressing the soldiers and inhabitants by extravagant prices; and, in general, of every measure to expedite the raising and appointing an army, or necessary for common defence; and to make report to this assembly of whatever they may judge fit to be done, for approbation; and that suitable measures may be pursued thereon, until the whole subject-matter can be laid before the honorable Congress of the United States of America, and measures taken, and directions given by them thereon; and that this appointment be considered as having been made and taken place on the 25th instant.

A true copy. Witness: HENRY WARD, Secretary.

The committee proceed and make choice of the honorable Stephen Hopkins, esq., president; Rouse J. Helme, clerk.

December, 1776.

Upon motion, Resolved, That application be made by this committee to the general court of the Massachusetts Bay to give orders to such part of the militia as are under the command of Major General Lincoln, and were ordered to march, or who may be marching through the State of Rhode Island, to be retained in the said State of Rhode Island, to oppose that body of the enemy who have landed therein, until a representation of the matter be made to Congress, and they shall give directions respecting them, or until the further motions of the enemy shall make it necessary to march them elsewhere, or further orders from said general court.

Upon motion, Resolved, That application be made by this committee to Major General Ward to give orders to the regiment in the continental service stationed at New Hampshire to march immediately to Providence, in the State of Rhode Island, for the defence of that State.

Henry Ward, esq., appointed to draught two letters, one to the honorable council of the Massachusetts Bay, and the other to the honorable General Ward. Mr. Ward having laid before the committee the letters he was nominated to draught, they are approved of, and the clerk is directed immediately to make fair copies of the same, to be signed by the president, and forthwith despatched.

The committee adjourn until to-morrow morning, 10 o'clock.
Thursday, December 26, 1776.

The committee met according to adjournment.

Present, the same members as yesterday.

The question being put, whether the State of Connecticut be requested to send any part of the four battalions in the service of that State, now under marching orders to the North river, to the defence of the State of Rhode Island, it passed in the negative; the committee being unanimously of opinion that those troops were necessary for the security of the posts upon the North river, and the stores there collected, which is of the utmost importance to the United States.

Upon motion, Resolved, That it is the opinion of this committee that while so large a body of the enemy is in possession of Rhode Island, it is necessary to keep six thousand men in the State of Rhode Island to oppose them, who may consist of the troops from the Massachusetts Bay, under the command of General Lincoln, ordered to march, or who may be marching through the said State, supposed to be about three thousand; of the battalion of continental troops now in the State of New Hampshire, being about four hundred and fifty; of the two battalions now raising in the State of Rhode Island, consisting of seven hundred and fifty men each; and of such continental troops as are raised in the States of the Massachusetts Bay and New Hampshire, and may be most conveniently marched, as will complete the number of six thousand. That for this purpose two battalions from the Massachusetts Bay, and one from New Hampshire, be ordered to march to the State of Rhode Island in parties, as soon as twenty men or more, belonging to a company, be raised; of which three battalions one thousand are to remain in the State of Rhode Island until further orders from Congress or the State in which they are raised, and the others may march on; and that it be recommended to the States of Massachusetts Bay and New Hampshire to give the necessary orders for the march of the said battalions as aforesaid.

Resolved, That during the continuance of the enemy in the State of Rhode Island it be recommended to the several States in New England to put the forces they may send into the said State under the command of Major General Lincoln, until further orders from the respective States to which they belong, or the general Congress.

The committee adjourn until to-morrow morning, 10 o'clock.

Sunday, December 29, 1776.

The committee met according to adjournment.

Present, the same members as yesterday.

Pursuant to the resolution of this committee, entered into on the 26th instant, application having been made to the general court of the Massachusetts Bay to give orders to the forces of that State under the command of Major General Lincoln, ordered to march, and who were marching through the State of Rhode Island, to be halted in that State to oppose the enemy, who have made a descent therein: and also to Major General Ward, to direct the continental regiment in New Hampshire to march to the said State of Rhode Island; and the said general court having ordered General Lincoln, with the greatest part of the troops under his command, to march to Danbury, in Connecticut; and Major General Ward having acquainted this committee that the said continental regiment is under marching orders for Ticonderoga, which cannot be revoked, and it is necessary to supply the deficiency occasioned thereby: It is therefore

Resolved, That the body of six thousand men in the above-mentioned resolution, declared by this committee to be necessary for the defence of the said State of Rhode Island, be supplied by the several States in New England as follows, to wit:
The Massachusetts Bay:

Part of the troops under General Lincoln.............. 1,300
Militia........................................ 550
A company of artillery.................................. 50

1,900

Connecticut:

Including one of the four battalions raising in that State to sup-
ply the deficiency in the continental army............ 1,092

New Hampshire........................................ 300

Rhode Island:

Two battalions, enlisted for 15 months.............. 1,500
A regiment of artillery, for 15 months............. 300

1,800

Continental troops........................................ 1,000

6,092

which will make the number about six thousand, as recommended in the resolution referred to.

It is recommended to the States of the Massachusetts Bay, Connecticut, and New Hampshire to continue the forces by them sent as aforesaid into the said State of Rhode Island, keeping up their full numbers, until further orders from the respective States by which they are sent, or from the general Congress.

And that said troops, and all others sent into the State of Rhode Island, be under the command of the general of the continental army commanding in said State.

The committee adjourn until to-morrow morning, 10 o'clock.

Whereas the militia of the several States of New England may be frequently called into the same service, and many inconveniences may be prevented by their being placed upon the same footing in point of encouragement, wages, and rations:

Resolved, That it be recommended to the several States aforesaid, that whenever the militia of said States, or either of them, shall be called into service for any term less than two months, that the officers and soldiers be allowed and paid the same wages and rations that those of equal rank in the continental army are allowed and paid.

And that it be further recommended, that when the militia shall be called out for a term more than two and not exceeding four months, that the non-commissioned officers and soldiers be paid a bounty of twenty shillings; and where the term of their service shall amount to five and shall not exceed six months, that the non-commissioned officers and soldiers be paid a bounty of forty shillings over and above the continental pay and rations, provided they shall voluntarily enlist into such service; otherwise, that they have and receive the continental wages and rations only, without any bounties as aforesaid.

And whereas the speedy filling up the quota of the continental army required of the New England States is of the greatest importance, for the furtherance thereof, it is recommended as highly necessary and expedient for the respective States to lay an embargo on all privateers, and on all shipping whatever, except what shall be specially permitted by each State for the purpose of bringing such necessaries as are absolutely needed; and also continental vessels, and armed vessels belonging to the respective States, permission being first had and obtained from the said State from whence they may depart; and that said embargo be continued until the end aforesaid, of filling up the continental army, be fully completed and accomplished. And it is further recom-
HEIRS OF ARCHIBALD CRARY.

mended to the States aforesaid that they import the articles of clothing, medicines, and whatever else may be necessary for the use of the army, on their own account and risk.

STATE OF RHODE ISLAND, &c.,

Secretary's Office, December 16, 1825.

The above is a true copy of certain parts of a document on file in my office, indorsed "Proceedings of the committee of the New England States, at Providence, December 25, 1776."

HENRY BOWEN, Secretary.

Proceedings of a convention at Springfield, July 30, 1777.

At a meeting of the committees from the States of New Hampshire, Massachusetts Bay, Connecticut, Rhode Island, and New York, holden at Springfield, in the county of Hampshire, the 30th day of July, anno Domini 1777, for the purpose of holding a conference respecting the state of the paper currency of the said governments; of the expediency of calling in the same by direct taxes or otherwise; of the most effectual, expeditious, and equal method of doing it; and to consult upon the best means for preventing the depreciation and counterfeiting of the same; and, also, to consider what is proper to be done respecting the acts lately made to prevent monopoly and oppression; and to confer upon the late acts for preventing the transportation, by land, of certain articles from one State to another; and to consider such other matters as particularly concern the immediate welfare of said States, and are not repugnant to, or interfering with, the powers and authorities of the Continental Congress; and to report the result of their conference to the general courts in their respective States:


From Massachusetts Bay.—Hon. Thomas Cushing and the Hon. Robert T. Paine, esqrs.

From Connecticut.—Hon. Roger Sherman, Samuel Huntington, and Titus Hosmer, esqrs.


From New York.—John Ross Hobart, esq.

The Hon. Stephen Hopkins, esq., was chosen president, and William Pynchon esq., clerk.

State of Rhode Island and Providence Plantations,

In General Assembly, July 9, 1777.

It is voted and resolved, That a committee of three persons be appointed, in behalf of this State, to meet committees from the general assemblies of the States of New Hampshire, Massachusetts Bay, Connecticut, and New York, at the town of Springfield, in the county of Hampshire, in the State of Massachusetts Bay, on the 30th day of this instant, July, in case said assemblies shall think fit to appoint such committees; then and there to hold a conference respecting the paper currency of said States; of the expediency of calling in the same; of the most effectual, expeditious, and equal method of doing it; of the best means to prevent the depreciation and counterfeiting of the same; and also to consider what is proper to be done with respect to the acts lately made to prevent monopoly and oppression; and to confer upon the late acts for preventing the transportation, by land, of certain articles from one State to another; and to consider such other matters as concern the immediate welfare of said States, and are not repugnant to, and interfering with, the powers and authorities of the Continental Congress; and particularly to consider and solicit some more
sure and effectual method to keep up a sufficient army to oppose that body of the enemy which is now in the possession of the island of Rhode Island; and that they report the result of their conference to this general assembly.

It is voted and resolved, That the Hon. William Bradford, esq., deputy governor, the Hon. Stephen Hopkins, esq., and Paul Mumford, esq., be, and they hereby are, appointed a committee for the purposes in the foregoing resolves mentioned.

A true copy. Examined.

Witness: HENRY WARD, Secretary.

Met and conferred upon sundry matters, and adjourned till Saturday morning, 9 o'clock.

Saturday, August 2, 1777.

Met according to adjournment; present the same members.

The committee confered upon the state of the paper currency of the said governments; of the expediency of calling in the same by taxes or otherwise; of the most effectual, expeditious, and equal method of doing it; and the best means for preventing the depreciation and counterfeiting the same; and upon full consideration, are unanimously of opinion that the quantity of paper currency emitted and in circulation in said States greatly exceeds what is necessary for a medium of trade and support of the war; whence necessarily follows the depreciation of the currency, and stagnation of their circulation, fluctuation, irregularity, and extravagance in prices; and, if not timely remedied, the total destruction of their credit, to the greatest injury of these States. They are also unanimously of opinion that the great number of bills circulating upon the credit of the United States, and of the several particular States, tend mutually to depreciate each other, not only by the too great quantity, but also by multiplied frauds in counterfeiting, and the increased difficulty in detecting the same, which evils, as far as is possible, to remedy at present and prevent in future.

Resolved, That it be earnestly recommended to the legislatures of the several States to make provision for drawing in and sinking the bills of credit which are not upon interest, by them respectively emitted, (small change less than a dollar only excepted,) by the 1st day of November next, either by taxes or by exchanging them for treasurer's notes, for sums not less than ten pounds, on interest at six per cent, per annum, or for continental bills of credit; and to prohibit the currency of their respective bills of credit from and after the said 1st day of November; and not to emit any more bills of credit hereafter, except for change, not exceeding half a dollar.

Resolved, That it be recommended to the several legislatures aforesaid for the future to provide for the contingencies of their respective States and the support of the war, as far as possible, by taxation; and in order to lighten the burden and accommodate the taxes to the convenience of the people, and the more effectually to establish the credit of the continental currency, that these taxes be levied and assessed, at the least, once in every quarter of the year; and to take effectual measures that the several assessments be duly collected and punctually paid into the respective treasuries.

Adjourned to Monday next, 9 o'clock in the morning.

Monday morning, met according to adjournment; the same members present as on Saturday.

The committee took into consideration the acts against monopoly and oppression; and, upon mature deliberation, are of opinion that they are attended with inconveniences, and that the good ends proposed thereby may be better attained by the measures herein recommended; whereupon,
Resolved, That it is recommended to the several legislatures to repeal all clauses in the aforesaid acts for preventing monopoly and oppression, so far as they relate to affixing the prices at which the articles therein enumerated shall be sold, and enacting penalties for not observing the same. And whereas it may be apprehended that the repeal of the monopoly bill may operate to the prejudice of the non-commissioned officers and soldiers who are employed in the continental army, upon the expectation of being supplied with the necessaries of life at the prices affixed by said bill, therefore, more effectually to prevent such evil,

Resolved, That it be recommended to the several legislatures aforesaid that provision be immediately made for supplying the troops belonging to the continental army, and raised in their respective States, who are in the field, with such necessary articles as are not supplied by the commissary general, upon the same terms as the several States have stipulated, always taking care that the prices affixed in said bill be considered as the prime cost; and also that provision be made, at the expense of the respective States, that the families of the non-commissioned officers and soldiers of the continental army, residing with them, be supplied with provisions and clothing, at the prices set in said bill, to the amount of their wages; and that committees be appointed in all the towns and districts in said States, whose business it shall be to see that the families of said officers and soldiers are duly supplied with such necessaries of life as their circumstances may require, to the amount of such sum as shall be lodged by such officers and soldiers with said committee, not exceeding their pay respectively; and also to provide suitable laws to procure the necessary articles stipulated to supply the troops and their families, by impressing those articles when necessity shall require, and paying the owner a reasonable price, at the appraisement of indifferent judicious men.

And whereas the engrossing and withholding from sale of the conveniences and necessaries of life, accumulating profits on the same by repeated sales in large quantities, from one engrosser to another, are highly prejudicial to the interest of any State, and, under the present circumstances of these States, are of the most fatal and dangerous tendency:

Resolved, That it be recommended to the legislatures aforesaid to prohibit and prevent such practices from time to time, under severe penalties, as the nature and circumstances of the case may require, and to make provision for enforcing the sale of the commodities so engrossed or withheld, in small quantities, and at reasonable prices, for the use of the inhabitants.

Then adjourned to Tuesday morning, 9 o'clock.

Tuesday, met according to adjournment; present the same members as on Monday, and conferred on sundry matters, and adjourned.

Wednesday Morning, 9 o'clock.

Wednesday, met according to adjournment; present the same members as on Tuesday.

Whereas it may be sometimes necessary to prohibit the transportation of certain articles by land from one State to another, Resolved, That it be recommended to the respective legislatures to form their laws made for that purpose so as not to prevent the free transportation of any articles that can be spared from their respective States to supply the inhabitants of any of the other States, nor to prevent the inhabitants of other States from carrying out their property they were possessed of in such State at the time of making such laws, or which they may have afterwards imported by sea, or brought in from another State by land; and also that no unnecessary interruption be given to a free commercial intercourse between the inhabitants of the several States.
Whereas the concurrence of all the United States in the measures aforesaid will render them much more effectual for attaining the good ends proposed, Resolved, That a copy thereof be transmitted to the honorable Congress of the United States, that such measures may be taken for that end as they, in their great wisdom, shall think meet; and that a letter, signed by the president, accompany the same.

And whereas the State of Rhode Island have represented the necessity that a body of troops be kept up to guard the shores around Rhode Island, under the direction of the general officers stationed there, and have manifested a desire that the committee should consider the same, and express their opinions of it to their respective constituents: therefore, Resolved, as the opinion of this committee, That the State of Rhode Island be requested, to fill up their two battalions as soon as may be, for the above purpose; that the State of Massachusetts Bay be desired to hasten on the two battalions they have ordered for that purpose; that the State of Connecticut be desired to raise and equip one battalion of 728 men with all speed, and direct them to the above service; and that the State of New Hampshire be desired to raise and equip 300 men with all speed, and direct them to the above purpose.

A true journal of proceedings, signed by order of the above committee.

STEPHEN HOPKINS, President.

Attest: Wm. Pynchon, Jr., Clerk.

STATE OF RHODE ISLAND, &c.,
Secretary’s Office, December 16, 1825.

The foregoing is a true copy of part of the journal of the proceedings of the committee at Springfield, on file in my office, and certified in the original handwriting of Stephen Hopkins.

HENRY BOWEN, Secretary.

Resolution of Congress of April 10, 1780.

Resolved, That when Congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished, by Congress or the States, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of Congress that all the troops serving in the continental army shall be placed on an equal footing: Provided, That no person shall have any benefit of this resolution except such as were engaged during the war, or for three years, and are now in service, or shall hereafter engage during the war.

Resolution of Congress, August 12, 1780.

Resolved, That the said general officers be informed that Congress have at no time been unmindful of the military virtues which have distinguished the army of the United States through the course of this war, and that it has been constantly one of the principal objects of their care not only to provide for the health and comfort of the army, but to gratify their reasonable desires, so far as
the public exigencies would admit; that patience, self-denial, fortitude, and perseverance, and the cheerful sacrifice of time and health, are necessary virtues which both the citizen and soldier are called to exercise while struggling for the liberties of their country; and that moderation, frugality, and temperance must be among the chief supports, as well as the highest ornaments of that kind of civil government which is wisely instituted by the several States in this Union; that it has been recommended to the several States to make compensation for the officers and soldiers to them respectively belonging for the depreciation of their pay; and that Congress will take speedy measures for liquidating and paying what is due on that account to the officers and soldiers who do not belong to the quota of any State.—(Journal of Con. Cong., vol. 3, pp. 507, 508.)

Letter of Roger Huntington to B. Cowell, esq.

State of Connecticut, Comptroller's Office,

Hartford, December 8, 1834.

On examination of the books of this office, it appears that, in consequence of a large body of troops of the British army, defended by a strong fleet, having taken possession of the island of Rhode Island, and threatening an invasion of some of the adjoining States of New England, a convention of delegates from said States was ordered to meet, and did meet, at Providence, in said State of Rhode Island, on the 23d day of December, 1776, to consult for their immediate defence and safety; and said convention did stipulate and recommend that this State furnish, and send as its quota of the army proposed for the defence of Providence, &c., against the British forces now in possession of Newport, the number of ten hundred and ninety-two troops; and, in order to supply said quota, his honor the governor, by the advice of his council of safety, be empowered and directed to send forward Colonel Ely's battalion, and make up the remainder, or any deficiency that may happen of said numbers so agreed to be sent as aforesaid, in such manner, and out of such troops, as they shall think best, and in the speediest way to effect the same.

It appears that in January, 1777, four companies were ordered to be raised and marched to Rhode Island, under the command of Major John Ripley.

It appears that in March, 1777, six companies of militia were ordered to be detached and marched to Providence, under the command of Major John Ripley, and to serve until the 1st day of May, (unless sooner discharged,) to fill up our quota of the troops that were wanted to join Major General Spencer's division of the army at Rhode Island.

It appears that in September, 1777, one battalion was ordered to be raised, to serve in the State of Rhode Island or vicinity, to continue in service thirty-one days from the time they shall arrive at the place of general rendezvous; that Samuel McClellan was appointed colonel of said battalion.

It appears that in December, 1777, five hundred men, with proper officers, were ordered to be detached from the militia and marched to Providence, and join General Spencer, and serve two months from and after their arrival at the place of designation.

It appears that this State paid to Colonel McClellan, Colonel Ely, and the officers of the militia, for the troops under their command, £5,564 17s. 8d., as bounty or extra allowance on account of depreciation of currency; which sum was charged to the United States, and an account of the same delivered to the commissioner of army accounts February, 1788.

Certified by

ROGER HUNTINGTON,

Comptroller of Public Accounts.
That portion of the 6,000 men, raised for the defence of Rhode Island by order of the aforesaid convention, which was sent there by Massachusetts, was, together with all her other troops, paid for their depreciation by that State. This was done, undoubtedly, under the expectation that Congress would allow and cause it to be repaid, agreeably to the resolutions above stated. All this will appear by the following transcripts from the records of that State:

Letter of Edward Bangs to Tristam Burgess.

Boston, Secretary's Office, May 27, 1834.

Sir: I wish it was in my power to give a full and satisfactory answer to your questions as to the payment of the claims of troops in the revolutionary war for depreciation of their wages, but it is not. None but old men, of course, have any personal recollection of the circumstances to which you refer; and, with regard to documentary evidence, there is little in my office to throw light upon the subject. The troops of which you speak, if they served three years, must, I presume, have been on the continental establishment, of which we have regular "army books," containing complete lists of the Massachusetts troops up to the close of 1780, (after which the accounts were settled by continental agents, and, of course, are not to be found here;) but there is nothing to distinguish that portion of men who served at or near Rhode Island from any other portion of the regular line. If the troops alluded to were militia, or State troops, there are no regular books or records of their service, but only a mass of loose rolls, thrown together without distinction of time, regiment, or period of service, and which I have arranged as well as I could according to the alphabetical order of the captains' names. As to the claims for depreciation of wages, I presume they were in the first place paid by the respective States to their own troops, and afterwards adjusted by the United States; and such, several old men tell me, was the fact. I supposed there would be some evidence as to the manner in which these claims were settled in the treasurer's office, but he is not able to find any, or give me any information, excepting that there are several volumes containing lists of notes given to Massachusetts troops for "depreciation of wages," and minutes of the discharge of these notes, showing that in many (and probably in all) instances the State first paid the claims for depreciation. I have, besides, in my office fifteen small books, corresponding to the number of Massachusetts regiments of the line, containing lists of the officers and men of those regiments, which appear to have been made out with reference to a settlement of the "depreciation claims" of which you speak. I subjoin a copy of the heading of No. 1 of these books, as a sample, and also a copy of an entry at the end of the same.

"No. 1.

"The United States, debtor to the Commonwealth of Massachusetts, for the amount paid Colonel Joseph Vose, his officers and men, to make good the depreciation of their wages for the first three years' service in the continental army, agreeably to returns from the said regiment; also, for advances to sundry deserters in said regiment, made them before their desertion:

<table>
<thead>
<tr>
<th>Names</th>
<th>Rank</th>
<th>Amount of wages</th>
<th>Paid by the continent</th>
<th>Paid by the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Vose</td>
<td>Colonel</td>
<td>£ 810 0 0</td>
<td>£ 201 16 6</td>
<td>£ 608 3 6</td>
</tr>
<tr>
<td>Elijah Vose</td>
<td>Lieutenant colonel</td>
<td>£ 648 0 0</td>
<td>£ 161 15 6</td>
<td>£ 486 4 6</td>
</tr>
</tbody>
</table>
At the end of each of the lists is the following entry:

"Boston, September 21, 1787.

"Received of John Deming and Peter Boyer, esquires, committee for exhibiting claims in behalf of the Commonwealth of Massachusetts, a copy of the foregoing.

"ROYAL FLINT, Commissioner."

This is enough, I think, to show that, for the first three years' service, the State of Massachusetts first paid to her own troops the claims for depreciation of wages, and that they were afterwards passed to the account of the United States; and I have no manner of doubt that the same thing was done with regard to all the troops for all periods of the war. In 1779, (February 6,) also, I find that the general court passed a resolve of considerable length, "for supplying soldiers' families, and making good their wages, and the wages of both officers and men," of which the following is a clause:

"That this government will, at the close of the present war, receive an account of the time which the officers and private soldiers belonging to this State shall have served in the said battalions, and will then make good to them, and the heirs of such of them as shall then be dead, the wages of the establishment of Congress whereon they engaged, according to a late act of this government, entitled 'An act against monopoly and oppression,' taking for a measure of their wages the prices set to the articles enumerated in the same act, taking into consideration, by the same measure, all bounties except the continental bounty of six pounds, and the State bounty of twenty pounds, supplies, gratuities, and sums already advanced, or which shall hereafter be given, supplied, or advanced: Provided, nevertheless, That if the honorable Continental Congress shall make the wages of said officers and soldiers good to them as aforesaid, this government shall not be held by this resolution.""

I think it quite probable that, if I had time enough to spare to make a thorough search in the various offices, and among the papers and records of the legislature, I could come at a history of the whole business, but I have not the leisure; indeed, if I were to undertake, personally, to make all the examinations requested respecting revolutionary services, it would absolutely consume the whole of my time, without attending to anything else. I will always do everything in my power, however, to satisfy inquiries.

Very respectfully, your humble servant,

EDWARD D. BANGS, Secretary.

Hon. TRISTAM BURGESS, Member of Congress.

Copy of a letter to Benjamin Cowell, esq.

COMMONWEALTH OF MASSACHUSETTS,
Secretary's Office, January 9, 1835.

I hereby certify that from an examination of the books and documents relating to military services in the war of the Revolution, which remain in this department, it appears that an allowance was paid to the officers and soldiers of the Massachusetts State troops to make good the depreciation of their wages. The following is the heading of the rolls of sixteen regiments, viz: "The United States debtor to the Commonwealth of Massachusetts for the amount paid colonel, [here the name of the colonel is inserted,] his officers and men, to make good the depreciation of their wages for the first three years' service in the continental army, agreeably to returns of said regiment; also advances to sundry deserters in said regiment, made them before their desertion."

H. Rep. Com. 112—36
The same heading is on the roll of Colonels John Crane, Sherburne, William R. Lee, David Henley, John Allen, Hazen Jeduthun Baldwin, Lamb, Sheldon, Warner, and Major Caleb Gibbs. The following is also found in this office, viz: "The United States debtor to Commonwealth of Massachusetts for the amount paid sundry general officers, and the officers of the hospital and other departments, to make good the depreciation of their wages, agreeably to their returns."

At the end of each roll is the following, viz:

"Boston, September 21, 1787.

"Received from John Deming and Peter Boyer, esquires, committee for exhibiting claims in behalf of the Commonwealth of Massachusetts, a copy of the foregoing.

"ROYAL FLINT, Commissioner."

EDWARD D. BANGS, Secretary.

AN ORDINANCE for settling the accounts between the United States and individual States

Be it ordained by the United States in Congress assembled, That five commissioners be appointed by the board of treasury, whose duty it shall be to go to the several States in the districts hereafter mentioned, for which they may be respectively appointed, for the purpose of stating the accounts of the States, within those districts, against the United States.

That the States of New Hampshire, Massachusetts, Connecticut, and Rhode Island, form one district. That the States of Pennsylvania, Delaware and Maryland form one district. That the States of Virginia and North Carolina form one district. And that the States of South Carolina and Georgia form one district.

That it shall be the duty of the said commissioners, respectively, to receive of the States for which they are appointed all their accounts and vouchers for payments made on account of bounties, pay and depreciation of pay, to the late army of the United States, and for advances to the militia called out under the authority of the United States, and actually in their service, and to give descriptive acknowledgments thereof to the States from which they may be received, which accounts and vouchers shall be immediately forwarded to the commissioners of army accounts, whose duty it shall be to examine and pass such as are authorized by the resolves of Congress, and supported by proper vouchers, and to state such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims.

That it shall further be the duty of the said commissioners to receive and examine all the claims of the States to which they are appointed against the United States, for advancements or disbursements by them made for the use of the late commissary, quartermaster, clothing, marine, and hospital departments, or under any other description whatsoever; to pass upon all such as are authorized by the resolves of Congress and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted or supported, together with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

And be it further ordained by the authority aforesaid, That on all the ac-
HEIRS OF ARCHIBALD CRARY. 35

counts aforesaid interest shall be allowed at the rate of six per cent. per annum, agreeably to the resolves of Congress.

And whereas it is essential to the welfare of the confederacy that the accounts of the several States should be speedily adjusted, and this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective States for the use of the Union, although the same be not sanctioned by the resolves of Congress or supported by regular vouchers:

Be it therefore ordained, That the several States be, and they are hereby, limited to the space of six months for exhibiting to the proper commissioner their claims against the United States, of whatever nature the same may be; and that such States as may neglect to exhibit the same within the period of time, after the commissioner has notified to the supreme executive thereof that he is ready to proceed on the business of his commission, shall be precluded from any future allowance, but shall nevertheless stand chargeable with all advances of money or other articles which may have been made to them respectively by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

And be it further ordained, That the said commissioners of districts shall, within twelve months after they enter on the duties of their several appointments, repair to the place where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the Comptroller of the Treasury, on which their commissions shall terminate.

Be it further ordained, That a board, consisting of three commissioners, be appointed by the United States in Congress assembled, whose duty it shall be to receive from the Comptroller of the Treasury and from the commissioner of army accounts all the accounts and claims of the several States deposited in their respective offices, and to examine such of the said accounts as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different States: Provided, That such revision of the accounts above mentioned shall not in anywise affect the validity of the vouchers admitted by the commissioners of the respective districts.

And be it further ordained, That wherever it shall appear to the said board of commissioners that advances or disbursements, payments or supplies, of the description aforesaid, have been made by any of the States subsequent to the 18th of April, 1775, for articles or services for the use of the United States, that the said commissioners be, and they are hereby, vested with full power and authority to make such allowances for the same as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress or supported by regular vouchers, so as to enable the said commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof, agreeably to such quota as Congress shall hereafter determine.

And be it further ordained, That the determination of a majority of the aforesaid board of commissioners on the claims submitted to them shall be final and conclusive, and that their commission shall continue in force for one year and a half from the time of their entering on the duties of their office, unless sooner revoked by Congress.

And be it further ordained, That the pay of the commissioners of districts shall be at the rate of $1,250 per annum, and that of the clerks at the rate not exceeding $450 per annum each.

And be it further ordained, That every person employed, or to be employed, in pursuance of this ordinance, shall, previous to entering on the duties of his
office, take and subscribe an oath faithfully and impartially to perform the
duties of the office to which he is appointed, certificates of which shall be de-
posited with the Secretary of Congress.

And be it further ordained, That the ordinance of the 13th of October,
1786, entitled "An ordinance for establishing a board to liquidate and settle all
accounts between the United States and individual States,” be, and it is hereby,
repealed.

Under this ordinance the claims of the Rhode Island brigade for depreciation
were presented to the commissioner of the United States for that State. The
several amounts due to each individual had, as before stated, been ascertained.
The whole sum due to each regiment was summed up and certified in the form
of the following certificates:

Doings of the general assembly of Rhode Island.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
In General Assembly, October session, A. D. 1785.

Whereas the committee who were appointed to adjust the accounts of the
regiment late under the command of Colonel Archibald Crary, for the depreci¬
ation of their wages and allowances, presented to this assembly a state of the
accounts, and reported that there is due to the said regiment the sum of
£20,931 8s. 10d., lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and
hereby is, recommended to Mr. Edward Chinn, the commissioner in this State
for settling the accounts against the United States, to allow the same, and to
give the necessary certificates to the individuals of the said regiment for the
sums due to them respectively.

True copy of record.
Witness:
HENRY BOWEN, Secretary.

Whereas the committee who were appointed to adjust the accounts of the regi¬
ment late under the command of Colonel John Topham, for the depreciation of
their wages and allowances, presented to this assembly a state of the accounts,
and reported that there is due to the said regiment the sum of £22,802 19s. 9d.,
lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and
hereby is, recommended to Mr. Edward Chinn, the commissioner in this State
for settling the accounts against the United States, to allow the same, and to
issue the necessary certificates to the individuals of the said regiment for the
sums due to them respectively.

True copy of record.
Witness:
HENRY BOWEN, Secretary.

Whereas the committee who were appointed to adjust the accounts of the regi¬
ment lately commanded by Colonel Robert Elliott, for the depreciation of
their wages and allowances, presented to this assembly a state of the accounts,
and reported that there is due to the said regiment the sum of £20,821 19s. 5d.,
lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and
hereby is, recommended to Mr. Edward Chinn, the commissioner in this State
for settling the accounts against the United States, to allow the same, and to
issue the necessary certificates to the individuals of the said regiment for the
sums due to them respectively.

True copy of record.
Witness:
HENRY BOWEN, Secretary.
Extract of an act to provide more effectually for the settlement of the accounts between the United States and individual States.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That a board, to consist of three commissioners, be, and hereby is, established to settle the accounts between the United States and the individual States; and the determination of a majority of the said commissioners, on the claims submitted to them, shall be final and conclusive, and they shall have power to employ such number of clerks as they may find necessary.

SEC. 3. And be it further enacted, That it shall be the duty of the said commissioners to receive and examine all the claims that shall be exhibited to them before the first day of July, one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence, during the war, and on the evidence thereof, according to the principles of general equity, (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers,) so as to provide for the final settlement of all accounts between the United States and the States individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any State or district shall be subject to such examination, nor shall the claim of any citizen be admitted as a charge against the United States in the account of any State, unless the same was allowed by such State before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.

SEC. 4. And be it further enacted, That it shall be the duty of the said commissioners to examine and liquidate, to specie value, on principles of equity, the credits and debits of the States already on the books of the treasury, for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty-nine.

SEC. 5. And be it further enacted, That the commissioners shall debit each State with all advances which have been or may be made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each State for its disbursements and advances, on the principles contained in the third section of this act, with interest to the day aforesaid; and having struck the balance due to each State, shall find the aggregate of all the balances, which aggregate shall be apportioned between the States, agreeably to the rule hereinafter given; and the difference between such apportionments and the respective balances shall be carried in a new account to the debit or credit of the States respectively, as the case may be.

This law was limited to the 1st day of July, 1793; but, by another law, approved January 23, 1792, the powers of the commissioners were continued to them until the 1st day of July, 1793.

The claim of the Rhode Island brigade was laid before these commissioners in the same form as it had been submitted to the commissioners under the ordinances of May 7, 1787. Although it was believed that no act of Rhode Island could render that State any more liable to pay this claim, yet the agents of this brigade did bring the same before the general assembly, and the doings thereof will appear by the following transcript from legislative records of that State:

IN GENERAL ASSEMBLY, October session, 1792.

Whereas this assembly, at their session in February, 1784, appointed a committee to ascertain and settle the balances that were due the officers and soldiers of the regiments raised by this State during the late war with Great Britain, for the general defence, commanded by Colonels Elliott, Crary, and Topham, for the arrearages of pay whilst in the service of the United States; and whereas
the said committee did, at our October session, 1785, report there was due to
the officers and soldiers of Elliott’s regiment the sum of £20,821 19s. 5d.; to
those of Crary’s regiment the sum of £20,931 8s. 10d.; and to those of Top-
ham’s regiment the sum of £22,802 19s. 7d., agreeably to the separate account
of each officer and soldier, which accompanied said report; and whereas said
report was then accepted and allowed, and no provision hath as yet been made
for the payment of said balances: It is therefore—

Resolved, That the general treasurer be directed to issue his note or notes,
payable to the several individuals, their agent, or legal representatives, for the
amounts due them, respectively, with the interest included that is due thereon,
from the 1st day of May, 1780, to the 31st day of December, 1789; and that
the said notes be issued, bearing date the 31st day of December, 1789, and be
of the following tenor, to wit:

STATE OF RHODE ISLAND, &C.

For value received, in a balance due A B, for payment in arrear for services
in the State brigade, I ——— ———, general treasurer of said State, promise
to pay A B, or bearer, the sum of ———, with interest from this 31st day of
December, 1789, provided that the same shall be assumed by the United States,
or payment thereof provided for by them in the settlement of the claims of this
State against the United States.

———— ———, General Treasurer.

It is further resolved, That said notes be delivered to Archibald Crary, agent
for said officers and soldiers, he receipting for the same.

It is further resolved, That this act shall not take effect, so far as respects
the payment of said notes, unless the amount thereof shall be allowed by the
United States, and passed to the credit of this State, and shall be assumed, or
provision shall be made by the United States for the discharge of said balances:
And provided, also, That said officers and soldiers, their said agent or agents,
shall, before the issuing of said notes, agree to deposit the same with the said
treasurer, and that they remain with him, or his successor in said office, until
the said balances shall be allowed by the United States, or shall be assumed, or
provision shall be otherwise made for the payment thereof by the United States,
to the satisfaction of this assembly; or, otherwise, that the said notes be void.

Provided, also, That the said officers and soldiers, their said agent or agents,
shall agree to receive, in lieu of said notes, or in discharge thereof, such moneys,
or transferable certificates of the same, being due, as shall be granted by the
United States on payment of said balances.

Provided, further, That the said treasurer, before he shall issue said notes,
demand of the said officers and soldiers, their said agent or agents, his or their
assent or agreement, in writing, that the said notes remain in said office on the
conditions aforesaid; that if the balances shall be received by this State in
moneys or transferable certificates of the United States, the general treasurer
is hereby directed to pay or deliver the same to the said officers and soldiers,
or their agent or agents, taking receipts for the same in full discharge of said
notes.

IN LOWER HOUSE OF ASSEMBLY, October 31, 1792.

Resolved, That the above and before recited act pass into a law of this State.
Voted, &c.

Per order: RAY GREENE, Clerk.

IN THE UPPER HOUSE, November 3, 1792.

Read, and referred to the next session for consideration.

By order: HENRY WARD, Secretary.
In the Upper House of Assembly, October session, 1793.

Read in the upper house, and non-concurred in.

Per order:

SAM. SAMPSON, Deputy Secretary.

State of Rhode Island and Providence Plantations,
Secretary's Office, May 21, A. D. 1834.

The foregoing is a true copy of the original resolutions, with the entries thereon, now on file in this office.

Witness:

HENRY BOWEN, Secretary.

Mr. D. J. Pearce, from the select committee to which the subject had been referred, reported the following bill:

A BILL (No. 352) for the relief of the officers and soldiers who served in the Rhode Island brigade, in the revolutionary war, their heirs and assigns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is, authorized and directed to settle the claims made for depreciation by the officers and soldiers of the Rhode Island brigade, their heirs and assigns, as the same were made to and ascertained by a committee appointed by the legislature of Rhode Island, at the February session thereof, anno Domini seventeen hundred and eighty-four, the report whereof was received by that legislature at their October session, anno Domini seventeen hundred and eighty-five, in accordance with the principles and promises made to the army of the Revolution by the resolve of the Continental Congress of April tenth, seventeen hundred and eighty, and by their further resolve of August twelve, seventeen hundred and eighty, and subsequently embodied in an ordinance of the same Continental Congress, of the seventh of May, seventeen hundred and eighty-seven, and in an act of Congress approved the fifth of August, seventeen hundred and ninety; as also upon the same principles that the troops raised by the States of Massachusetts and Connecticut were paid their depreciation, which were sent to the State of Rhode Island, on the invasion of said State, in December, seventeen hundred and seventy-six, in pursuance of the recommendation of the same convention which recommended the raising of said brigade.

Sec. 2. And be it further enacted, That the said Secretary of the Treasury shall receive, as the basis and evidence of said claims, the report of the committee appointed as aforesaid by the legislature of Rhode Island, which is in form and substance as follows, viz:

"State of Rhode Island and Providence Plantations. In general assembly, October session, anno Domini seventeen hundred and eighty-five:

"Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel Archibald Crary, for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty thousand nine hundred and thirty-one pounds eight shillings and ten pence, lawful money; and the same being duly considered—

"It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner of this State for settling the accounts against the United States, to allow the same, and to give the necessary certificates to individuals of the said regiment for sums due to them respectively.

"True copy of record.

"Witness:

HENRY BOWEN, Secretary."
"Whereas the committee who were appointed to adjust the accounts of the regiment lately commanded by Colonel Robert Elliott, for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty thousand eight hundred and twenty-one pounds nineteen shillings and five pence, lawful money; and the same being duly considered—

"It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to the individuals of the said regiment for the sums due to them respectively.

"True copy of record.

"Witness: HENRY BOWEN, Secretary."

"Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel John Topham for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty-two thousand eight hundred and two pounds nineteen shillings and seven pence, lawful money; and the same being duly considered—

"It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner of this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to individuals of the said regiment for the sums due to them respectively.

"True copy of record.

"Witness: HENRY BOWEN, Secretary."

Sec. 3. And be it further enacted, That the said Secretary of the Treasury shall receive and admit the acceptance of the reports aforesaid in the case of each regiment and the officers and men thereof, made by the legislature of said State, in manner and form as above stated, as such an allowance and assumption thereof by said State, as was required by the ordinance and law aforesaid, to have enabled said State to have made a charge thereof to the United States; and the amount found due for depreciation in each individual case by the report aforesaid, summed up as they are therein, without interest, shall be the sum to be admitted and paid said officers and men, or their heirs and assigns, out of any money in the treasury not otherwise appropriated.

Sec. 4. And be it further enacted, That this act shall be in force five years, and no longer.

A.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of Archibald C. Crary, a resident of the city of Utica, in the State of New York, respectfully represents: That soon after the invasion of Rhode Island, in 1776, the legislatures of the New England States severally appointed committees of their bodies to meet at Providence on the 25th of December of the same year, to form a joint committee and to adopt measures for their defence against the English army, then encamped at Newport, and conferred on this joint committee all the powers which their several legislatures possessed in reference to the troops raised in those States; that this joint committee ordered a division of 6,000 men to be formed on the island of Rhode Island, and apportioned to each of the New England States its quota (to raise)
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of this division. That the "quota" of the State of Rhode Island was 1,000 men enlisted for three years or during the war, and a brigade of 1,800 men enlisted for fifteen months. The rank and file of this brigade were subsequently re-enlisted and continued in the service three years and three months, and were known as the Rhode Island brigade. The officers of this brigade, as were those of the two regiments enlisted for three years or during the war, were appointed and commissioned without any definite term of service being agreed on.

Your petitioner further respectfully represents that the father of your memorialist, Archibald Crary, deceased, late of Newport, in the State of Rhode Island, was the colonel of a regiment of the Rhode Island brigade, from the 16th of December, 1777, till the 16th of March, 1780, a period of three years and three months, and was honorably discharged from said service at the time said brigade was disbanded. That at the time of his discharge there remained due him from the United States of his monthly pay, the sum of twelve hundred and fifty-six dollars and forty-four cents (£376 18s. 8d.) That this balance remained due him after crediting the United States the amounts which they had from time to time paid him, at the current exchange value of the continental money (so called) in which said payments had been made, and debiting them the monthly pay, rations, and forage due him for said services.

Shortly after the expiration of said services, his accounts for said depreciation were duly presented to the commissioner appointed by the United States, to pay the depreciation of their pay to those who had served in the line of the United States' army, and said accounts were rejected by the commissioner aforesaid, on the ground that he was only authorized to pay the depreciation of their pay to those who had served in the continental line—the "regiments enlisted for three years or during the war"—and that the Rhode Island brigade was not of the continental line. Your memorialist respectfully represents that this decision was a direct and palpable violation of the contract made and then existing between the United States on the one part, and the legislature of the State of Rhode Island, for that State, and as agents of this brigade, on the other part, and which is evidenced by the writing filed in the office of the secretary of state of the State of Rhode Island, of which the following is a true copy:

"Providence, February 9, 1777.

"Sir: I have been favored with your excellency's letters of the 20th and 24th ultimo, and have laid them before the general assembly.

"The enemy having landed not less than 7,000 troops upon Rhode Island, and being possessed of the bay, with a large fleet, laid us under the necessity of establishing a body of forces with all possible expedition. In this situation, when it was impracticable to fill the continental battalions, the assembly set on foot two regiments, of 750 men each, and one regiment of artillery, of 300 men, to serve 15 months. The following is the form of the enlistment of the non-commissioned officers and privates: 'I, the subscriber, do hereby solemnly engage and enlist myself as a soldier, in the pay of the State of Rhode Island and Providence Plantations, for the preservation of the liberties of America and the defence of the United States in general, and of this State in particular, from the day of my enlistment, for and during the term of 15 months, unless sooner discharged by the general assembly; and I hereby promise to submit myself to all the orders and regulations of the army, and faithfully to observe and obey all such orders as I shall receive from time to time from my officers.'

"And the following is a clause in the commission issued to the officers: 'And in case of an invasion or assault of a common enemy to infest or disturb this or any other of the said States, you are to alarm and to gather together the under your command, or any part thereof as you shall deem sufficient, and therewith, to the utmost of your skill and ability, you are to resist, expel, kill, and
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destroy them, in order to preserve the lives, liberties, and properties of the good people of this and the other United States.'

"Consequently, those regiments are as much held and designed to do duty in every part of the United States as the continental battalions; and to render them effectually so, they are by act of government put under command of General Spencer and the other generals of the continental army. And when Congress shall have ordered them into their service there will be no other difference between them than that the former are enlisted for fifteen months, and the latter for three years or during the war.

"Early information of the footing upon which these troops are raised was given to our delegate in Congress, who tells us, in a letter of the 7th inst., that he had laid the same before Congress, and that the measures we had taken gave him great satisfaction. And I am extremely sorry it had not been also immediately transmitted to your excellency, as I am persuaded, in that case, you would have entertained a very different opinion of this measure, and been convinced that it was adopted from necessity alone, and not with the most distant idea of our making a local or separate defence, or of obstructing the enlistments into the continental battalions.

"It is true that it hath had a tendency in some degree to cause such obstruction, which was very early obviated, by an order permitting enlistments from those troops into the continental battalions. In consequence of which, Captain Thayer has, in a short time, enlisted forty men out of one of those regiments. I will now inform your excellency of the measures taken by this State to fill up the two continental battalions assigned by Congress, as our quota of the 88 battalions first ordered to be raised.

"We have filled up the greater part of the vacancies in them, and enclose you a list of the officers appointed, who are directed to exert themselves in recruiting.

"We have also given a bounty of sixteen pounds in addition to the encouragement given by Congress, and engage to furnish each man, in behalf of the continent, with arms, accoutrements, a blanket and a knapsack.

"The assembly will make a short adjournment to try the effect of this great encouragement, and in case these measures fail of the hoped for success, will make still greater efforts to fill these battalions.

"I am to request you to give me information, whether there be a probability of Colonel Green being soon exchanged, as the assembly have left a vacancy for him in that case, and have determined to appoint Colonel Crary to the command of that regiment, if that event be not likely soon to take place.

"February 7, 1777.

"To the House of Representatives:

"Gentlemen: Resolved, That the foregoing draught of a letter to his excellency General Washington be approved of, and that a fair copy thereof be made out and forwarded, as soon as may be, to his excellency General Washington. Voted and passed,

"Per order:

"In the upper house, February 10. Read and concurred in.

"By order:

"Agreeably to your excellency's recommendation, I have sent to Newport all the prisoners in the land service that were in the care of this State, and enclose you one of Lord Percy's receipts for them.

"I am, with great esteem and respect, sir, your excellency's most obedient servant.

"Nicholas Cooke, Governor."
This instrument, in form of a letter, and containing matter foreign to its main object, was in effect a manifesto. In it the governor and legislature of Rhode Island notify General Washington and the Continental Congress on what terms they will part with this brigade, and also on what terms the said brigade will enter the service of the United States, to wit: "When Congress shall have taken them into their service, there will be no other difference between them, (the three regiments enlisted for fifteen months, and the two regiments enlisted for three years or during the war,) than that the former are enlisted for fifteen months, and the latter for three years or during the war.

A letter from Governor Cooke, simply to inform General Washington what had taken place, would have required no legislative sanction—would need no certificate of the clerk of the general assembly—would not have been certified by the secretary of state of the State of Rhode Island. General Washington would have believed Governor Cooke without his letter being made a legislative and executive act, and receiving all the sanction that could be given an instrument emanating from that State government. But, there was a necessity for this legislative enactment. A brigade of 1,800 citizens of that State was about to leave the State service, and to enter that of the United States, and the rights of 1,800 citizens of Rhode Island had to be protected by something more authoritative than a letter from Governor Cooke to General Washington. These men were not the subjects of the prince of Hesse Cassel; they were not new recruits, ignorant of their rights as soldiers; they were very many of them veterans, and well knew the importance of avoiding disputes in reference to their rank, and of having their rights known. They had served in the name of their king at Boston in 1775. In 1776 and 1777, they served in the ninth regiment of United States infantry at New York, Trenton, Germantown, and during the winter of its campaign in New Jersey, at Morristown. The said Colonel Archibald Crary was at Morristown, New Jersey, the lieutenant colonel of the 9th United States infantry, when he was appointed colonel of the 2d regiment of this brigade, and returned to Rhode Island with the said 9th regiment, and took command of the 2d regiment of the Rhode Island brigade when the said 9th regiment was disbanded. The officers and soldiers of this brigade were not so new in their profession as to serve without knowing who was to pay them, and whose orders they were to obey. They knew that on parade, in courts-martial, when taken prisoners and seeking an exchange, their grade and rank, whether militia or regulars, would be important. The State of Rhode Island had its interest at stake, and had a right to know when those officers and soldiers were no longer under the pay of that State. This rendered the said writing a very important instrument. It in truth formed the basis of the contract of transfer of a brigade of freemen from the service of that State to that of the United States, and on the Continental Congress receiving this manifesto and assenting to the terms prescribed in it, and on their ordering those troops into their service, it formed a compact by which the United States were bound. The effect was that this brigade became a part of the continental army. In proof of the accuracy of these views and of the effect of this contract, your memorialist respectfully refers to the diploma or certificate signed by General Washington, and by General Knox, (the Adjutant General of the United States army in the war of the Revolution,) herewith submitted. This instrument certifies in so many words that "the said Archibald Crary was a colonel in the army of the United States," and if the knowledge of its subject-matter and the veracity of these illustrious generals are to be relied on, this evidence is conclusive.

To obviate the objection above stated to paying these and similar claims, Congress, on the 10th of April, 1780, passed an act that all troops serving in the continental army should be placed on the same footing; and on the 12th of August, of the same year, Congress resolved, that they would take speedy measures for liquidating and paying what is due on that account (depreciation)
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to the officers and soldiers who do not belong to the quota of any State; and December 31, 1781, Congress resolved, "that all officers of the line of the army below the rank of brigadier general who do not belong to the line of any particular State or separate corps of the army, and are entitled by acts of Congress to pay and subsistence, shall have the same, with the depreciation of their pay, made good to January 1, 1782." On the passage of these acts of Congress the said Colonel Archibald Crary presented his pay accounts to the legislature of the State of Rhode Island, and these accounts were referred to a committee of that body, who, in the February session of 1785, reported the said accounts made up according to the rules and regulations prescribed by Congress. In their report this committee stated that there was then due the said Colonel Archibald Crary for the services aforesaid, the sum of twelve hundred and fifty-six dollars and forty-four cents (£376 18s. 8d.) from the United States; and the said committee also presented their report and said account to Edward Chinn, esq., who had been appointed United States commissioner, for the liquidation and payment of the claims due from the United States to citizens of the State of Rhode Island, and this commissioner rejected said accounts upon the ground that the State of Rhode Island had neither paid nor assumed to pay them.

In pursuance of the act of 12th of August, 1780, the acts of Congress of 7th of May, 1787, and 5th of August, 1790, were passed. "By these acts (of 7th of May, 1787, and 5th of August, 1790) not only charges by the State for depreciation, but all equitable charges against the United States which grew out of the revolutionary contest, whether expressly authorized by any vote of Congress or not, were to be settled; but these acts required all claims to be first assumed and paid by the States, and then charged in their State accounts with the United States." To avail themselves of the benefits of the provisions of the acts of Congress, (of May 7, 1787, and the 5th of August, 1790,) those citizens of Rhode Island who had served in the said brigade obtained an act of the legislature of that State in conformity with the acts of Congress (of the 7th of May, 1787, and August 5, 1790) assuming the debts of the United States to the Rhode Island brigade, but this act was vetoed by the governor of Rhode Island, and the Rhode Island brigade was thus prevented from availing themselves of the provisions of the said acts of Congress, (of the 7th of May, 1787, and 5th of August, 1790,) and these acts expired in 1793.

Your memorialist further states, that no part of the amount reported by the said committee of the legislature of Rhode Island in 1785 to be then due the said Colonel Archibald Crary has ever been paid by the United States or either of the States, but that the said sum of twelve hundred and fifty-six dollars and forty-four cents remains now due to his heirs-at-law, together with interest thereon at the rate of six per cent, per annum from the month of February, 1785, (the date of the report of the said committee of the legislature of Rhode Island.) Your memorialist claims said interest under the resolve of Congress of the 3d of June, 1784, which is in the words following, to wit: "Resolved, That an interest of six per cent, per annum be allowed to all creditors of the United States for supplies furnished or services done from the time the payment becomes due."

Your memorialist respectfully submits that the acts (of May 7, 1787, and August 5, 1790) are not a compliance with, or performance of, the promise contained in the act of the 12th of August, 1780, which is as follows: That Congress will take speedy measures for the liquidating and paying what is due on that account (depreciation) to the officers and soldiers who do not belong to the quota of any State. "The Rhode Island brigade was within this resolve," and this promise was made to them, and to the said Colonel Archibald Crary, as one of said brigade. This promise, so far as the Rhode Island brigade were the obligees, has never been performed; not a dollar has been paid to those men, of the amount reported in February, 1785, by said committee, to be due them. No one disputes the rendition of the three years' and three months' services for
which said pay is charged; no one pretends that the officers and soldiers who rendered those services have been paid; no one pretends the United States have had any release or discharge from said indebtedness, and no one believes if the promises of the United States government had been no greater than have been their performance, these citizens of Rhode Island would have entered the service of the United States. The promise to them made when the enemy was at hand was, “We will pay you in specie or its equivalent.” The performance, paying these officers and soldiers in continental pieces of pasteboard, of which bushels equally good were manufactured by the English in their camps. After the first promise had been broken and the soldiers began to desert, Congress from time to time made the promises to pay the amounts of depreciation. The performance of these promises was the passing an act in substance that if the State of Rhode Island would advance this money, the United States would refund the same. Rhode Island replied, “No! pay your own debts;” and the United States have since rested upon their laurels. Your memorialist would suggest that they are such laurels as would cost the Dey of Algiers or the Emperor of Morocco his head, if similar fraud should be practiced by either of these on his army.

Your memorialist respectfully represents, that it cannot in truth be said the continental paper in which these men were paid was transferred to other hands at a discount, and the full amount paid to the new holder by the United States. On the contrary, the amount credited to the United States for these continental promises was a total gain to the United States. And your memorialist now has in his possession a greater amount in those promises, which were passed by the United States in the war of the Revolution for military services, than the balance herein claimed to be due from the United States to the heirs of the said Colonel Archibald Crary. It is such money as might pass by descent, not otherwise.

Your memorialist further respectfully represents that, as stated by a committee of your honorable body, the troops of Massachusetts, Connecticut, and New Hampshire, sent to Rhode Island on the invasion of the latter State in December, 1776, (pursuant to the recommendations of the New England convention of December 25, of the same year,) have been paid their depreciation. The Rhode Island brigade was raised pursuant to the recommendations of the same convention, and was the agreed “quota” for said State to raise, and ought in a like manner to be paid. That this brigade was within the equity of the resolve of Congress of April 10, 1780. They were continental troops, raised for the common defence of the country. They were raised not only with the full approbation, but at the earnest solicitation of Congress, were taken into continental pay, placed under continental officers, and were actually in service three years and three months.

It would be difficult to render a legitimate reason, based on law or equity, why the two regiments of Rhode Island troops, who served three years in the war of the Revolution, should have been paid the depreciation of their pay, and the three regiments who served three years and three months in the same war, and during most of their service at the same camps, and embracing in their terms of service the same period, should not have been paid the depreciation of their pay; and why the Connecticut and Massachusetts brigades, and the New Hampshire regiment, which formed parts of the same division with the Rhode Island brigade, and were raised in pursuance of the recommendations of the same convention, should have been paid their depreciation of pay, and the Rhode Island brigade of said division should have been (and that their heirs should be) deprived of their just dues for the services aforesaid. If it should be asked by what means the officers and soldiers of the Rhode Island brigade were deprived of their depreciation of pay, the answer, drawn from historic facts, is easily stated. The continental Congress, for reasons known to themselves, inserted in the acts which embraced the claims for depreciation of pay due said division, a
clause which required that the States should severally first assume and pay these debts of the United States before the United States commissioner, appointed to discharge the same, could pay the amount of the said depreciation of pay. The States of Massachusetts, Connecticut, and New Hampshire assumed and paid the amounts due their troops who served in said division, the depreciation of their pay, and the United States refunded the same to those States; but the governor of Rhode Island (as above stated) vetoed the act passed by the legislature of that State for the assumption of pay due the Rhode Island brigade, and this ill-advised veto has since been the obstacle to paying these just dues of the Rhode Island brigade by the United States.

The substance of said veto is clearly and briefly stated in a report of a committee of the honorable House of Representatives, recommending the payment of the depreciation of pay to the Rhode Island brigade, to wit: "That Congress hired these troops, sent a paymaster to Rhode Island to pay them, did pay them in depreciated value, and now ought, without any intervention on the part of any State, to make up such depreciation agreeably to their pledge of August 12, 1780." This presents the case in a nutshell; and when it is borne in mind that these troops were defrauded of their pay, for the services referred to in the said report, and that the said division of 6,000 men, of which these troops formed a part, were placed in the path of an English army of 7,000 men, and thus enabled Massachusetts, Connecticut, and New Hampshire to march the remainder of their troops to the valley of the Hudson, and to aid in the capture of the English army under Burgoyne, we are astonished that any quibbles should have been resorted to in dealing with those troops. The same committee of the honorable the House of Representatives, in their report on the claims of the Rhode Island brigade, say: "But let it be supposed that the State of Rhode Island had no good reason to have refused them: what then? Ought the refusal of a State to assume a legal and honest claim of an individual against the United States, as required by the acts aforesaid, to preclude that individual from having his just dues? If the claims of this brigade are just and honest in themselves, and the subject of a fair charge against the United States agreeably to their own laws, ought it to be in the power of a State to defeat payment? And if a State attempt to defeat payment through any defect of laws, ought those claims for that reason never to be paid? The services of this brigade were performed for the common defence of the country. Shall the country refuse to pay them merely because the State refused in the first instance to assume them? Every regular corps in the continental army, it is believed, has been paid its depreciation (of pay) but this."

Should it be demanded why these claims, if just and legal, remained unasked for and unpaid through the long period of seventy-five years, the reply of your memorialist is: The officers and soldiers of the army of the Revolution, who aided in bringing this government into existence, did repeatedly ask of the United States and of the State governments the payment of their just dues, till they were grieved, and mortified, and dishheartened; that the neglect of that government, for which they had suffered so much, should prove to the world they had toiled for naught. They were in no situation to attend the sittings of Congress to obtain their pay for years of toil and suffering in the army of the Revolution; they had served a dishonest employer, and that employer had locked up their hard earnings in the treasury, and guarded that treasury by quibbles and fraudulent legislation, till the war-worn soldier was compelled to abandon his rights in pursuit of the means of subsistence; and many died oppressed with poverty, leaving their families destitute, and the government of the United States looked on with indifference, and retained the soldier's mite, alike regardless of its duty and the honor of their country. This is (your memorialist states and can prove) the true history of the apparent neglect of these officers and soldiers to prosecute their claims for the pay promised them for their said
services. Your memorialist respectfully asks what more can be required of a soldier than that he should faithfully perform the duties of a soldier, that he should serve the term for which he enlisted or engaged, should sign the payrolls of his regiment, and receive the pay due him for his services? It is the admitted duty and the practice of every government to place the soldier's pay within the soldier's reach. It is respectfully asked, has the pay due the Rhode Island brigade ever been placed within their reach? And if it has not, has the government of the United States performed its duty to these troops? and will it not be adding insult to injury to render the arbitrary detention of the pay due the officers and soldiers of the Rhode Island brigade as an excuse for never paying them or their heirs?

In evidence of the facts herein above stated, your memorialist respectfully submits the commissions of the said Colonel Archibald Crary, the certificates of the secretaries of state of the several States who had suffered by said depreciation of pay, and refers to the evidence submitted to Congress with the petitions of survivors of the Rhode Island brigade in 1835 and 1836.

Your memorialist further respectfully represents that the petition, of which the foregoing is a copy, was referred by the honorable the House of Representatives of the 37th Congress to their Committee on Revolutionary Claims, and on the 20th of January, 1862, that committee reported that "the memorial is true in reference to the facts stated," and accompanied this report with a bill to pay your petitioner twelve hundred and fifty-six dollars, without interest. The application for the payment of this debt, together with the interest which had accrued thereon, was sustained by the honorable the legislature of Rhode Island; but neither the nature of this indebtedness, the length of time payment had been so unjustly withheld, nor the express guarantee of article 6, section 1, of the Constitution of the United States, was sufficient to secure its payment. In that petition your memorialist omitted the numerous authorities which sustain his claim to interest on this demand. It was apparently unnecessary to adduce evidence of the uniform practice of the United States government in reference to those debts contracted by the confederation, which had been assumed by the people of the United States. The disallowance of interest on this debt of the confederation, your memorialist submits, was an inadvertency, and was caused by the habit of liquidating claims which have arisen since the dissolution of the confederation. There has been no general act of Congress by virtue of which creditors of the United States can claim interest as a vested right. This creates a broad line of distinction between the debts of the confederation assumed and debts originally contracted by the United States—the former being per se demands drawing interest; the latter not being subject to interest, except by the express promise of the United States government.

The acts and resolves of the Continental Congress, so far as they relate to the indebtedness of the confederation, being merged in article 6, section 1, of the Constitution of the United States, your memorialist apprehends that Congress possesses no constitutional power to legislate in reference to demands for military services rendered the confederation, except so far as is necessary to ascertain the amount of principal and interest due the legal representatives of an officer or soldier who rendered services in the army of the Revolution, and to provide for its payment. Article 6, section 1, of the Constitution is in these words: "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid under this Constitution as under the confederation." This is an assumption by the people of the United States "of all debts contracted and engagements which had been entered into by the confederation," or its insertion in the Constitution was a fraud, practiced to induce the State of Rhode Island to consent to the abolition of the articles of confederation, and to accede to the Constitution. There can be no more explicit assumption of those debts and contracts than is contained in article 6, section 1,
of the Constitution; and there can be no more perfect contract to pay "an interest of six per cent. per annum to all creditors of the confederation for supplies furnished or services done" than is contained in the resolve of the Continental Congress of June 3, 1784, which is in these words: "An interest of six per cent. per annum shall be allowed to all creditors of the United States, for supplies furnished or services done, from the time that the payment becomes due." This, your memorialist respectfully submits, cannot be made to sanction two constructions. It is an "engagement entered into (by the confederation) to pay an interest of six per cent. per annum to all creditors of the United States, for supplies furnished or services done, from the time that the payment became due," or its adoption was a fraud, practiced for the purpose of obtaining delay of payment. Your memorialist apprehends if this resolve was an engagement to pay "an interest of six per cent. per annum for supplies furnished or services done," article 6, section 1, of the Constitution is an assumption of that contract, and that this resolve is thereby rendered a constitutional compact, which cannot be varied by legislative action, and that it is equally competent for the government of the United States to refuse to pay the principal as it is to pay the interest of this debt. Your memorialist respectfully submits that there can be no question as to the time when payment of wages became due an officer or soldier of the army of the Revolution. Those officers and soldiers did not enter that service or enlist as the bankers and brokers of the government. When an officer or soldier had faithfully served the term for which he had engaged, and had signed the pay-roll, his pay became due. It is true, the stupidity and ignorance of a paymaster, the bankruptcy of a government, or the imbecility of officials, might procrastinate the time of payment; but neither the one nor all of these could defer the time when payment became due, and interest commenced, for services done under the confederation.

Your memorialist further respectfully represents that the attempt to compromise this trifling pecuniary obligation by disallowing interest since the reference, decision and payment of the claim instituted by the late Surgeon Baird, of Pennsylvania, is simply adjudicating a second time rights originally conferred, (for a good and valid consideration,) by one of the most explicit statutes in the English language. The noted case of Surgeon Baird and his heirs for his half pay was contested before the accounting officers of the Treasury Department and committees of the honorable House of Representatives through the long period of fifty-three years. On the 9th of February, 1855, a bill granting the heirs of Surgeon Baird $16,230, in full of the arrearages of pay due for the services of their father, was reported in their favor. This bill was referred by a resolution of Congress to the Court of Claims of the United States, for the purpose of an examination into the "merits and legal validity of the claim." On this reference it went before the Court of Claims for a trial. After the arguments, the case was submitted, and Chief Justice Gilchrist delivered the opinion of the court. Having disposed of the objections interposed by the solicitor of the United States against the validity of the claim, the chief justice observed: "The next question in the case is, whether the claimant is entitled to interest."

"On the 3d of June, 1784, Congress passed the following resolution: 'That an interest of six per cent. per annum shall be allowed to all creditors of the United States for supplies furnished or services done from the time that the payment became due.' No language could be more express or free from doubt than this. It is directly applicable to the present case. Dr. Baird had rendered services to the United States, for which he was entitled to half pay for life. His half pay became due at the expiration of a year from the time of his reduction, and at the end of each successive year thereafter. The resolution was passed, from a feeling that it was just and right that interest should be paid from the time half pay became due, and it was a voluntary contract on the part of the United States, constituting a legal claim against them, which no subsequent..."
legislation could release without the assent of the other party. It may be added, that up to the year 1837 there was paid interest on 1,510 claims of widows and orphans, and claims of officers for personal services, the statutes of limitation as to such claims having been suspended. The proceedings in relation to the claim for commutation do not appear to be very material in relation to the case in its present position. On the 23d of March, 1783, a resolution was passing provided that the officers and others entitled to half-pay for life ‘shall be entitled to receive at the end of the war their five years’ full pay, in lieu of half pay for life, in money—that is, specie—or in securities on interest, as Congress should find most convenient.’ On the 28th of January, 1794, Dr. Baird applied for the benefit of this provision, but died in the year 1805, having, as is said in the report of the Committee of Claims of the 5th of February, 1855, ‘become wearied and disheartened with delay.’ In the year 1818, his son, Thomas P. Baird, having become of age, petitioned Congress for relief, and on the 3d of March, 1835, the committee reported that ‘Dr. Absalom Baird was entitled to the benefit of the provision of the resolution of January 17, 1781, extending the grant of half pay for life to the officers of the hospital department and medical staff.’ No action was had upon the resolution until the 22d of June, 1836, when an act was passed granting five years’ full pay in commutation, under the resolution of 1783, but without interest. *

“If Dr. Baird was entitled to commutation under this resolution, he should have received either the money or securities, as Congress should find most convenient. They did not find it convenient to pay the money at the time, and of course he was entitled to interest. He asked for the money or securities on interest, but Congress permitted fifty-three years to elapse after the passage of the resolution, and then gave him merely the sum of $2,400, to which he was entitled in the year 1783. Mr. Ready’s report, of the 5th of February, 1855, considers only the question whether interest should be allowed on the five years’ full pay as commutation from the end of the war, the time when it became due, and the committee decided that interest was due. But as our opinion is that Dr. Baird was entitled to half pay for life, from the 29th of March, 1791, the matter relating to the commutation need not be further inquired into.

* * * * * * * * * * * * * * *

“The amount of Dr. Baird’s half pay was $240 per annum, payable at the end of every year. He was entitled to this sum up to the 27th of October, 1805, the day of his death, and interest on the payments as they became due, according to the express provisions of the resolution of June 3, 1784.

“There was, therefore, due him at the time of his death the sum of $10,074 84. Upon this sum interest is due from the 27th of October, 1805, until the 1st of June, 1856, deducting therefrom the sum of $2,400, paid under the act of June 23, 1836.”

Dr. Baird, as this case shows, was a surgeon one year and nine days, in a corps of artificers, for which services he had been paid in full. The act of January 17, 1781, was passed during his term of service, by which Dr. Baird became entitled to half pay for life. This half pay was kept from him and his heirs fifty-three years, and for this detention, interest was allowed and paid. The late Colonel Crary was the lieutenant colonel of the ninth regiment of United States infantry seven months, and lieutenant colonel and colonel of the second regiment of the Rhode Island brigade three years and three months. On the liquidation of his accounts for these actual services, a balance was found due him of $1,256 44, and this money has been arbitrarily withheld from him and his heirs eighty-two years. These facts are all matters of record, and are admitted by the government of the United States. No one denies that the resolve of the Continental Congress of June 3, 1784, under which the heirs of the late Dr. Baird were entitled to interest, applies equally to the claim of the heirs of the late Colonel Crary. Not that this act is now in force: it was merged in

H. Rep. Com. 112—4
and became a part of the contract contained in art. 6, sec. 1, of the Constitution, equally in the case of the claim of Dr. Baird and his heirs, as of Colonel Crary and his heirs.

Your memorialist respectfully represents, that the claim for commutation of half pay on account of the services of the late Commodore Barron, commander of the State navy of Virginia, during the war of the Revolution, was allowed, with interest, in compliance with the advice of Attorney General Reverdy Johnson. Commodore Barron had been an officer in the navy of the United States during the greater part of his life, and had consequently received full pay and emoluments for the period for which half pay has been allowed, with interest for its detention; the statutes allowing half pay and the resolve of June 3, 1784, being equally imperative in their operations.

The claim presented by the personal representatives of the late Lord Sterling, of New Jersey, and referred to by the honorable Dutee J. Pearce, in the first session of the twenty-fourth Congress, in his report from the select committee to whom the subject of the claim of the Rhode Island brigade had been referred, is an instance of interest being allowed on the balance remaining due an officer after he had been discharged from the service: "New Jersey had, in pursuance of the resolve of Congress of the 22d of September, 1781, settled with Lord Sterling, one of their general officers, and had given him for the balance of his depreciation two certificates, one for £534 1s. 6½d., the other £164 4s. 6½d.; the smallest of these certificates had been paid by New Jersey, but the largest had not been paid, nor ever laid before the commissioners appointed to settle the accounts between the United States and the several States. The memorial of the trustees of the widow of Lord Sterling stated these facts, and upon due proof of them their claim was allowed, and has been paid in full, with interest, in pursuance of a law passed at the last session of Congress."

The United States, in the act of July 5, 1832, directs to be "paid to the Virginia officers, or to their representative, interest upon each year's half pay, from the time the same became due." To show that there is nothing peculiar in the condition of these claims, your memorialist respectfully refers to the opinion of Attorney General Reverdy Johnson, given the honorable Thomas Ewing, Secretary of the Interior, in the case of Thomas Armstrong, late a captain in the army of the Revolution. In this case, Attorney General Reverdy Johnson states: "It is not the design of Congress to leave it to Virginia, either by her legislature or by her courts, to enlarge the sphere of her liability. To the extent she was then (in 1790) a debtor, and only to that extent, did Congress intend to indemnify her."

In Thorndike v. United States, Justice Story observes: "If the present were a contract between private citizens, there can be no doubt that the court would be bound to give interest upon the contract up to the time of payment; and if by law the amount due on the contract could be pleaded as a tender or a set-off to a private debt, it would be a good bar in the full extent of the principal and interest due at the time of such tender or set-off. Nay, more; if the note or promise were made by a citizen to the government, the latter might enforce its claim to the like extent. Can it make any difference, in the construction of the contract, that the government is the debtor instead of the creditor? In reason and equity it ought to make none, and there is not a scintilla of law to justify any. If a suit could be maintained against the government, I do not perceive why it would not be as much the duty of the court to render judgment in such suit, for the principal and interest, in the same manner and to the same extent as it would in the case of a private citizen. The United States have no prerogative to claim one law upon their own contracts as creditors and another as debtors. If, as creditors, they are entitled to interest, as debtors they are bound also to pay it."
CHAP. 988. AN ACT for the relief of John Thomas and Peter Foster.

1. John Thomas, revolutionary officer, commutation pay allowed him with interest.  
2. Peter Foster, revolutionary officer, commutation pay allowed him with interest.  

Approved March 2, 1833.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury do settle the account of John Thomas, and allow him five years' full pay as a captain of infantry of the revolutionary army, in the Virginia line, on continental establishment, with such interest thereon as would have been payable to the said John Thomas, if a certificate had been given him for the amount of said commutation, and the same had by him been subscribed to the funded debt of the United States, under the act of one thousand seven hundred and ninety.

SEC. 2. And be it further enacted, That the same accounting officers do settle the account of Peter Foster, a lieutenant of infantry of the revolutionary army, of the Virginia line, and allow him five years' full pay as such lieutenant, with such interest thereon as is directed in the foregoing section to be allowed to John Thomas, and that the said several sums of money and interest be paid out of any money in the treasury not otherwise appropriated.

CHAP. 994. AN ACT for the relief of Eleanor Courts, widow of Richard Henly Courts.

1. Dr. Richard Henly Courts, revolutionary officer, money due to be paid to his widow.  

Approved March 2, 1833.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury pay to Eleanor Courts, widow and legal representative of Richard Henly Courts, a surgeon's mate in the revolutionary army, out of any money in the treasury not otherwise appropriated, the account of the said Richard Henly Courts, for twenty-two months' service and rations as surgeon's mate, together with such interest thereon as would now be due if a certificate of the amount of said account had been issued, and the same had been subscribed to the loan created by the act of one thousand seven hundred and ninety, providing for the funding debt of the United States.

CHAP. 997. AN ACT for the relief of the heirs of Colonel John Ely, deceased.

1. Colonel John Ely, revolutionary officer, paid for medical services, with interest.  

Approved March 2, 1833.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the legal heirs of Colonel John Ely, deceased, who was a colonel in the Connecticut line of the army of the Revolution, the sum of sixty dollars per month for his services, expenses, and travel, in discharging the duties of a physician and surgeon to sick and wounded prisoners of the American army, dispersed in
various parts of Long Island, from the ninth day of December, one thousand seven hundred and seventy-seven, to the twenty-fifth day of December, one thousand seven hundred and eighty; and that the amount herein allowed be paid to said heirs, together with such interest thereon as would now be due had a certificate therefor been issued on the said twenty-fifth day of December, one thousand seven hundred and eighty, and said certificate been subscribed to the debt of the United States, and funded under the act of August the fourth, one thousand seven hundred and ninety, and all dividends thereon were now outstanding and unpaid; to be paid out of any money in the treasury not otherwise appropriated.


CHAP. 1000. AN ACT for the relief of Thomas Triplet.

1. Thomas Triplet, revolutionary officer, five years' full pay allowed him with interest. Approved March 2, 1833.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury do settle the account of Thomas Triplet, (a captain of infantry in the revolutionary army,) and allow him five years' full pay as such captain, with such interest as would have become due thereon had a certificate for the same been duly issued, and afterwards, in due time, subscribed to the funded debt of the United States; and that the same be paid out of any money in the treasury not otherwise appropriated.


1. James Gibbon, revolutionary officer, five years' full pay allowed him, with interest. 2. William Price, revolutionary officer, interest on his commission pay allowed his widow. 3. Philip Slaughter, interest on commutation allowed him. Approved March 2, 1833.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they hereby are, authorized and required to settle and adjust the account of James Gibbon, a captain of the army of the Revolution, and allow him five years' full pay, which five years' full pay is the commutation of his half pay for life, with such interest thereon as would have been payable to the said James Gibbon if a certificate had been given him for the amount of said commutation, and the same had by him been subscribed to the funded debt of the United States, under the act of one thousand seven hundred and ninety, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. And be it further enacted, That the proper accounting officers of the Treasury Department do also settle and adjust the account of William Price, late a lieutenant in the Virginia line in continental establishment, and pay to his widow, Sarah Price, whatever sum of money would have accrued and been payable to him as interest and dividends thereon, had he, the said Price, received a certificate for the amount of five years' full pay as a lieutenant of infantry, (according to the resolves of Congress of March, one thousand seven hundred
and eighty-three,) and had subscribed the said certificate to the public debt, in conformity with the provisions of the acts of Congress of the fourth and fifth of August, one thousand seven hundred and ninety, which sum of money so found to be due as interest or dividends, and no more, shall be paid out of any money in the treasury not otherwise appropriated.

Sec. 3. And be it further enacted, That the Secretary of the Treasury be authorized and directed to pay to Philip Slaughter, out of any money in the treasury not otherwise appropriated, interest upon the commutation of half pay heretofore allowed him.

Your memorialist respectfully submits, that the foregoing special acts and statements of adjudicated claims fully prove the right to interest on the balance due the heirs of the late Colonel Crary; and that the fifteen hundred claims for half pay, &c., which had been allowed and paid, with interest, previous to 1837, together with the great number of similar claims liquidated and paid, with interest, at the Treasury Department, since that date, and to which your memorialist respectfully refers, show the accuracy of the statement “that it has been the uniform practice of the government to pay interest” on all debts contracted by the confederation, “for supplies furnished or services done,” from the time payment became due. If the officers and soldiers of the revolutionary army could justly claim that the confederation owed them for services done, your memorialist apprehends they could, with equal right, claim that the confederation owed them “an interest of six per cent. per annum for those services from the time that the payment became due,” or language has no significance, promises no obligation, and legislative proceedings no moral guide or restraint.

Your memorialist further respectfully represents, that article 6, section 1, of the Constitution of the United States, is not only an assumption of the indebtedness of the confederation to the Rhode Island brigade, but that it is in its operation a guarantee to the State of Rhode Island that she shall not become obligated to pay to her citizens, to whom the confederation had been indebted, the amounts released by Rhode Island to the other States of the confederation. Had the State of Rhode Island consented to the abolition of the articles of confederation, without having obtained the assumption of this indebtedness by the people of the United States, she would by this act have rendered herself individually holden to pay to her citizens the debts of the confederation, which she had released the other States from their joint obligations to pay. It is not probable the State of Rhode Island would have consented to the dissolution of the confederation and acceded to the Constitution of the United States, had not this assumption of the indebtedness of the confederation and guarantee been contained in the Constitution. Rhode Island had paid her part of all the expenses of the war of the Revolution, including the payment of the wages and depreciation of pay to all the troops of every other State, and she had a perfect right to require that her citizens who had rendered military services in the war of the Revolution should have been paid their just dues, before she permitted the articles of confederation to be abolished. But Rhode Island generously waived this right to immediate payment, and trusted to this assumption of the indebtedness of the confederation. These facts gave to the State of Rhode Island the absolute right, when your memorialist petitioned the honorable the thirty-seventh Congress for the payment of the balance due the heirs of the late Colonel Crary, to demand of the government of the United States the immediate payment of this debt, and that the rights of her citizens should be no longer trifled with. In the exercise of this right, the honorable legislature of Rhode Island instructed her members in that Congress to aid in procuring the passage of a bill authorizing the payment of the debt and interest due from the United States to the heirs of the late Colonel Crary.
Your memorialist further respectfully represents, that in addition to the obligations mentioned, exists a debt of gratitude, which the savage would not disregard. Had a member of the Rhode Island brigade, by his bravery and prowess, saved an Indian's family from the hands of their enemy, as a report of a committee of your honorable body states that this brigade had saved the families and homes of many New England citizens, and a reward for this service had been promised by the father of that Indian family, this reward would have been promptly paid. The dangers and sufferings of his winter's hunt would have formed no impediment or excuse. His debt for such services would have been honorably discharged. It was left solely for the government of the United States to turn their key on the soldier's paltry earnings, and to ignore the services of their benefactors. The Indian's simple promise, made in private, would long since been redeemed. The Constitution of the United States, bearing the signatures of Washington and the selected agents of the then States of this great republic, has not been sufficient to secure to the war-worn soldier the trifling compensation repeatedly promised by the government and people of the United States, for services which protected the persons and property of the citizens of the confederation, and materially aided in procuring their independence.

Your memorialist therefore prays that an act may be passed by your honorable body, authorizing the Secretary of the Treasury of the United States to pay the heirs-at-law of said Colonel Archibald Crary, (on due proof of heirship being presented to him,) the said sum of (£376 18s. 8d.) twelve hundred and fifty-six dollars and forty-four cents, together with interest, as aforesaid—or that such other action may be had in the premises as to your honorable body may seem meet.

And your memorialist, &c.

ARCHIBALD C. CRARY.

[A true copy of the letter and certificate accompanying the petition.]

STATE OF RHODE ISLAND, &c.

SECRETARY'S OFFICE,
Providence, June, 22d, A. D. 1860.

ARCHIBALD C. CRARY, Esq.,

DEAR Sir: Yours of the 10th, was duly received, but my official duties have prevented me from completing my examination of your memorial until now.

Having carefully examined it in detail, I find that I am enabled from the official documents in this office, to furnish the evidence referred to in your memorial, as follows:

Page 1, line 2. Resolution of the general assembly, agreeable to the request of Massachusetts, appoints a committee to meet committees of other New England colonies, to meet in Providence, 10th Dec.

Preamble setting forth that "the British have taken possession of Newport and the island of Rhode Island," &c.; a council of war is appointed, with resolution to invite the New England colonies to meet in convention at Providence, to confer on the subject of "raising an army for defence against the British fleet and army now within the State, whereby the militia may be relieved."

Lines 5 and 6. Relative to the council of war; the powers of the committee of war.

December, 1776. The general assembly orders three regiments to be raised
act for raising these regiments "for the defence of the United States in general, and this State in particular."
The grand committee of the two houses of the general assembly chose officers December, 1776; among them,
"Joseph Stanton, colonel of the regiment of infantry now ordered to be raised for 15 months."
"Archibald Crary, esq., lieut. colonel of the same regiment."
(Note.—From this it will appear that Colonel Crary’s service began one year earlier than is stated in your memorial.)
Committee appointed to confer with other New England colonies “now convened in this State, upon the expediency of raising and appointing an army, for the more immediate defence of the New England colonies, against the threatened invasion, as well as for the more general defence of the common cause.”
May, 1777. A bounty of £6 was, by the general assembly, allowed to each soldier who enlisted in the 15 months’ brigade.
June, 1777. Archibald Crary, was by the general assembly elected colonel of the same regiment in the 15 months’ brigade.
July, 1777. A committee of three appointed to meet other committees from the New England States and New York, at Springfield, among other matters, particularly to consider of, and solicit some more sure and effectual way to keep up a sufficient army to oppose that body of the enemy now in possession of the island of Rhode Island."
Dec. 1777. “An act was passed for raising and equipping 1,500 men,” consisting of two battalions of infantry and a regiment of cavalry, “for the defence of the U. States in general and of this State in particular.” Archibald Crary, elected by the general assembly colonel of the 1st battalion. Lines 18 to 22. The evidence of this:
A copy of the list is here which bears the name of Col. Crary, stating the amount due him to be £376 14 8. The list contains the names of all the men in Colonel C.'s regiment, with the amount due each, amounting altogether to £20,931 8 10
Line 33. The letter of Gov. Cooke, as adopted by the general assembly.
Page 3, line 10 to 17. Report to the general assembly of the amount due for depreciation to Colonel Crary’s regiment. Report adopted, and Mr. Chinn recommended to allow it, and give the individuals named belonging to the regiment, their certificates.
Page 3, line 9. Col. Crary presents petition for settlement of the accounts of his brigade, which is referred to committee. 1784.
Committee to confer with Mr. Chinn, June, 1784.
Memorial to Congress relative to the expenses incurred by the State of R. I. in the common defence of the country during the war of the Revolution. Report of committee and adopted by the gen. assembly, 1791.
I find much of your memorial refers to acts and proceedings of Congress. Evidence of this can only be found in the documents printed by Congress, including the old laws of the United States. These documents can doubtless be found in the State Library at Albany.
There may be additional facts discovered by following through the proceedings of our general assembly during the revolutionary war, although it appears to me that the facts mentioned in your memorial are quite sufficient for your case. The acknowledgment of money due for depreciation is an acknowledgment of service; and upon the evidence contained in the list where Col. Crary's name appears, many bounty lands and pensions have been obtained. Indeed, for many claimants, there is no other evidence of service. Judge Cowel has relied on this list of balances more than on any thing else for the bounties and pensions he has obtained for different parties.
I do not think that any similar claims to that of yours remain unpaid in some way or other, either by pensions or bounty lands, or if such remain, there are no heirs to claim them.

I am, very respectfully, your obd’t servant,

JOHN R. BARTLET,
Sec’y of State.

Secretary of State’s Office,
Providence, Rhode Island, Jan. 19th, 1863.

I certify that the statements made in the foregoing letter are correct.
In testimony whereof, I have hereunto set my hand and affixed the seal of the State this 19th day of January, 1863.

[1. s.]

JOHN R. BARTLET,
Secretary of State