

JOURNAL

OF

THE EXECUTIVE PROCEEDINGS

OF

384
591

U. S. CONG. THE SENATE

OF

THE UNITED STATES OF AMERICA:

From the commencement of the First, to the termination of the Nineteenth Congress. ✓

25

VOLUME I.

PRINTED BY ORDER OF THE SENATE OF THE UNITED STATES.

WASHINGTON:

PRINTED BY DUFF GREEN.

1828.

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IN SENATE OF THE UNITED STATES.

APRIL 4, 1828.

Resolved, That the entire Executive Journal of the Senate, from the commencement of the government to the close of the last session of the Senate, be printed and published.

Resolved, That the said Journal be printed under the direction of the Secretary of the Senate, who shall cause a suitable Index to be made and printed with each volume; and that seven hundred copies be printed.

Attest:

WALTER LOWRIE, *Secretary*.

AN ALPHABETICAL LIST

OF THE

SENATORS OF THE UNITED STATES,

From the commencement of the Government to the termination of the Nineteenth Congress.

NAMES.	STATES.	DATES OF APPOINTMENT.
Adair, John -	Kentucky,	1805.
Adams, John Quincy -	Massachusetts,	1803.
Anderson, Joseph -	Tennessee,	1797, 1798, 1803, '09, '09.
Armstrong, John -	New York,	1800, 1801, 1803, 1804.
Ashmun, Eli P. -	Massachusetts,	1816.
Bailey, Theodorus, -	New York,	1803.
Baldwin, Abraham -	Georgia,	1799, 1805.
Barbour, James -	Virginia,	1815, 1821.
Barry, William T. -	Kentucky,	1815.
Barton, David -	Missouri,	1821, 1825.
Bassett, Richard -	Delaware,	1789.
Bateman, Ephraim -	New Jersey,	1826.
Bayard, James A. -	Delaware,	1804, 1805, 1811.
Bell, Samuel -	New Hampshire,	1823.
Benton, Thomas H. -	Missouri,	1821.
Berrien, John McPherson	Georgia,	1825.
Bibb, George M. -	Kentucky,	1811.
Bibb, William W. -	Georgia,	1813.
Bingham, William -	Pennsylvania,	1795.
Bledsoe, Jesse -	Kentucky,	1813.
Bloodworth, Timothy -	North Carolina,	1795.
Blount, William -	Tennessee,	1797.
Boardman, Elijah -	Connecticut,	1821.
Bouligny, Dominique -	Louisiana,	1824.
Bradford, William -	Rhode Island,	1793.
Bradley, Stephen Roe -	Vermont,	1791, 1801, 1807.
Branch, John -	North Carolina,	1823.
Breckinridge, John -	Kentucky,	1801.
Brent, Richard -	Virginia,	1809.
Brown, James -	Louisiana,	1812, 1819.
Brown, John -	Kentucky,	1792, 1793, 1799.
Brown, Ethan A. -	Ohio,	1822.
Bullock, William B. -	Georgia,	1813.
Burr, Aaron -	New York,	1791.
Burrill, James, Jun., -	Rhode Island,	1817.
Butler, Pierce -	South Carolina,	1789, 1793, 1803.

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NAMES.	STATES.	DATES OF APPOINTMENT.
Cabot, George -	Massachusetts,	1791.
Campbell, Alexander -	Ohio,	1809.
Campbell, George W. -	Tennessee,	1811, 1815.
Carroll, Charles -	Maryland,	1789, 1791.
Chace, Dudley -	Vermont,	1813, 1825.
Chambers, Henry -	Alabama,	1825.
Chambers, Ezekiel F. -	Maryland,	1826.
Champlin, Christopher G. -	Rhode Island,	1809.
Chandler, John -	Maine,	1820, 1823.
Chipman, Nathaniel -	Vermont,	1797.
Clay, Henry -	Kentucky,	1806, 1810.
Clayton, Joshua -	Delaware,	1798.
Clayton, Thomas -	Delaware,	1824.
Clinton, De Witt -	New York,	1802.
Cobb, Thomas W. -	Georgia,	1824.
Cocke, William -	Tennessee,	1796, 1797, 1799.
Calhoun, John E. -	South Carolina,	1801.
Condit, John -	New Jersey,	1803, 1804, 1809, '09, '11.
Crawford, William H. -	Georgia,	1807, 1811.
Crittenden, John J. -	Kentucky,	1817.
Cutts, Charles -	New Hampshire,	1810, 1813.
Daggett, David -	Connecticut,	1813.
Dalton, Tristram -	Massachusetts,	1789.
Dana, Samuel W. -	Connecticut,	1810, 1815.
Davenport, Franklin -	New Jersey,	1798.
Dayton, Jonathan -	New Jersey,	1799.
Destrehan, J. N. -	Louisiana,	1812.
D'Wolf, James -	Rhode Island,	1821.
Dexter, Samuel, Jun., -	Massachusetts,	1799.
Dickerson, Mahlon -	New Jersey,	1817, 1823.
Dickinson, Philemon -	New Jersey,	1790.
Eaton, John H. -	Tennessee,	1818, 1819, 1821.
Edwards, John -	Kentucky,	1792.
Edwards, Ninian -	Illinois,	1818, 1819.
Edwards, H. W. -	Connecticut,	1823, 1824.
Ellery, Christopher -	Rhode Island,	1801.
Elliott, John -	Georgia,	1819.
Ellis, Powhatan -	Mississippi,	1825.
Elmer, Jonathan -	New Jersey,	1789.
Eppes, John W. -	Virginia,	1817.
Ellsworth, Oliver -	Connecticut,	1789, 1791.
Fenner, James -	Rhode Island,	1805.
Few, William -	Georgia,	1789.
Findlay, William -	Pennsylvania,	1822.
Fisk, James -	Vermont,	1817.
Forsyth, John -	Georgia,	1818.
Foster, Dwight -	Massachusetts,	1800.

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NAMES.	STATES.	DATES OF APPOINTMENT.
Foster, Theodore, -	Rhode Island,	1790, 1791, 1797.
Franklin, Jesse -	North Carolina,	1799, 1807. 23
Frelinghuysen, Frederick	New Jersey,	1793.
Fromentin, Eligius -	Louisiana,	1813.
Gaillard, John -	South Carolina,	1804, 1807, 1813, '19, '25.
Gallatin, Albert -	Pennsylvania,	1793.
German, Obadiah -	New York,	1809.
Giles, William B. -	Virginia,	1804, 1804, 1805, 1811.
Gilman, Nicholas -	New Hampshire,	1805, 1811.
Goldsborough, Robert H.	Maryland,	1813.
Goodhue, Benjamin -	Massachusetts,	1796, 1797.
Goodrich, Chauncey -	Connecticut,	1807, 1813.
Gore, Christopher -	Massachusetts,	1813, 1813, 1815.
Grayson, William -	Virginia,	1789.
Greene, Ray -	Rhode Island,	1797, 1799.
Gregg, Andrew -	Pennsylvania,	1807.
Griswold, Stanley -	Ohio,	1809.
Gunn, James -	Georgia,	1789, 1795.
Hanson, Alexander C. -	Maryland,	1816.
Hardin, Martin D. -	Kentucky,	1816.
Harper, Robert G. -	Maryland,	1816, 1816.
Harper, William -	South Carolina,	1826.
Harrison, William H. -	Ohio,	1825.
Hawkins, Benjamin -	North Carolina,	1790.
Hayne, Robert Y. -	South Carolina,	1823.
Hendricks, William -	Indiana,	1825.
Henry, John -	Maryland,	1789, 1795.
Hillhouse, James -	Connecticut,	1796, 1797, 1803, 1809.
Hindman, William -	Maryland,	1800, 1801.
Hobart, John S. -	New York,	1798.
Holmes, David -	Mississippi,	1820, 1821.
Holmes, John -	Maine,	1820, 1821.
Horsey, Outerbridge -	Delaware,	1810, 1815.
Howard, John E. -	Maryland,	1796, 1797.
Howell, Jeremiah B. -	Rhode Island,	1811.
Howland, Benjamin -	Rhode Island,	1804.
Hunter, John -	South Carolina,	1796.
Hunter, William -	Rhode Island,	1811, 1815.
Izard, Ralph -	South Carolina,	1789.
Jackson, Andrew -	Tennessee,	1797, 1823.
Jackson, James -	Georgia,	1793, 1801.
Johns, Kensey -	Delaware,	1794.
Johnson, Henry -	Louisiana,	1818, 1823.
Johnston, Josiah S. -	Louisiana,	1824, 1825.
Johnson, Richard M. -	Kentucky,	1819.
Johnson, William S. -	Connecticut,	1789.
Johnston, Samuel -	North Carolina,	1790.
Jones, George -	Georgia,	1807.

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NAMES.	STATES.	DATES OF APPOINTMENT.
Kane, Elias K. -	Illinois,	1825.
Kelly, William -	Alabama,	1822.
Kerr, Joseph -	Ohio,	1814.
King, Rufus -	New York,	1789, 1795, 1813, 1820.
King, William R. -	Alabama,	1819, 1823.
Kitchell, Aaron -	New Jersey,	1805.
Knight, Nehemiah R. -	Rhode Island,	1821, 1823.
Lacock, Abner -	Pennsylvania,	1813.
Lambert, John -	New Jersey,	1809.
Langdon, John -	New Hampshire,	1789, 1795.
Lanman, James -	Connecticut,	1819, 1825.
Latimer, Henry -	Delaware,	1795, 1797.
Laurence, John -	New York,	1797.
Leake, Walter -	Mississippi,	1817.
Lee, Richard Henry -	Virginia,	1789.
Leib, Michael -	Pennsylvania,	1809, 1809.
Livermore, Samuel -	New Hampshire,	1793, 1799.
Lloyd, Edward -	Maryland,	1819, 1825.
Lloyd, James -	Maryland,	1797.
Lloyd, James -	Massachusetts,	1808, 1809, 1822, 1823.
Logan, George -	Pennsylvania,	1801, 1801.
Logan, William -	Kentucky,	1819.
Lowrie, Walter -	Pennsylvania,	1819.
Maclay, Samuel -	Pennsylvania,	1802.
Maclay, William -	Pennsylvania,	1789.
Macon, Nathaniel -	North Carolina,	1815, 1819, 1825.
Magruder, Alexander B. -	Louisiana,	1812.
Malbone, Francis, -	Rhode Island,	1809.
Marks, William -	Pennsylvania,	1825.
Marshall, Humphrey -	Kentucky,	1795.
Martin, Alexander -	North Carolina,	1793.
Mason, Armistead T. -	Virginia,	1816.
Mason, Jeremiah -	New Hampshire,	1813.
Mason, Jonathan -	Massachusetts,	1800.
Mason, Stephens T. -	Virginia,	1794, 1797.
Mathewson, Elisha -	Rhode Island,	1807.
McIlvaine, Joseph -	New Jersey,	1823.
McKinley, John -	Alabama,	1826.
McLean, John -	Illinois,	1824.
Meigs, Return J. -	Ohio,	1808, 1809.
Mellen, Prentiss -	Massachusetts,	1818.
Milledge, John -	Georgia,	1806, 1807.
Mills, Elijah H. -	Massachusetts,	1820, 1821.
Mitchell, Samuel L. -	New York,	1804.
Mitchell, Stephen M. -	Connecticut,	1793.
Monroe, James -	Virginia,	1790, 1791.
Moore, Andrew -	Virginia,	1804, 1804.

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NAMES.	STATES.	DATES OF APPOINTMENT.
Morril, David L.	New Hampshire,	1817.
Morris, Gouverneur	New York,	1800.
Morris, Robert	Pennsylvania,	1789.
Morrow Jeremiah	Ohio,	1813.
Muhlenberg, Peter	Pennsylvania,	1801.
Nicholas, Wilson Cary	Virginia,	1799.
Noble, James	Indiana,	1816, 1821.
North, William	New York,	1798.
Ogden, Aaron	New Jersey,	1801.
Olcott, Simeon	New Hampshire,	1801.
Otis, Harrison Gray	Massachusetts,	1817.
Paine, Elijah	Vermont,	1795.
Palmer, William A.	Vermont,	1818, 1819.
Parker, Nahum	New Hampshire,	1807.
Parrott, John F.	New Hampshire,	1819.
Patterson, William	New Jersey,	1789.
Pickens, Israel	Alabama,	1826.
Pickering, Timothy	Massachusetts,	1803, 1805.
Pinckney, Charles	South Carolina,	1798, 1799.
Pinkney, William	Maryland,	1819, 1821.
Pleasants, James	Virginia,	1819.
Plumer, William	New Hampshire,	1802.
Pope, John	Kentucky,	1807.
Posey, Thomas	Louisiana,	1812.
Potter, Samuel J.	Rhode Island,	1803.
Potts, Richard	Maryland,	1793.
Randolph, John	Virginia,	1825.
Read, George	Delaware,	1789, 1791.
Read, Jacob	South Carolina,	1795.
Reed, Philip	Maryland,	1806, 1807.
Reed, Thomas B.	Mississippi,	1826.
Ridgely, Henry M.	Delaware,	1827.
Robbins, Asher	Rhode Island,	1825.
Roberts, Jonathan	Pennsylvania,	1814, 1815.
Robinson, Jonathan	Vermont,	1807, 1809.
Robinson, Moses	Vermont,	1791.
Rodney, Caesar A.	Delaware,	1821.
Rodney, Daniel	Delaware,	1826.
Ross, James	Pennsylvania,	1794, 1797.
Rowan, John	Kentucky,	1825.
Ruggles, Benjamin	Ohio,	1815, 1821.
Rutherford, Jonathan	New Jersey,	1791, 1797.
Sanford, Nathan	New York,	1815, 1825.
Schureman, James	New Jersey,	1799.
Schuyler, Philip	New York,	1789.
Sedgwick, Theodore	Massachusetts,	1796.
Seymour, Horatio	Vermont,	1821.

NAMES.	STATES.	DATES OF APPOINTMENT.
Sheafe, James -	New Hampshire,	1801.
Sherman, Roger -	Connecticut,	1791.
Silsbee, Nathaniel -	Massachusetts,	1826.
Smith, Daniel -	Tennessee,	1798, 1805.
Smith, John -	New York,	1804, 1807.
Smith, John -	Ohio,	1803.
Smith, Israel -	Vermont,	1804.
Smith, Samuel -	Maryland,	1803, 1809, 1809, 1822.
Smith, William -	South Carolina,	1816, 1817, 1826.
Southard, Samuel L. -	New Jersey,	1821, 1821.
Stanton, Joseph, Jun., -	Rhode Island,	1790.
Stockton, Richard -	New Jersey,	1796.
Stokes, Montfort -	North Carolina,	1816, 1817.
Stone, David -	North Carolina,	1801, 1813.
Storer, Clement -	New Hampshire,	1817.
Strong, Caleb -	Massachusetts,	1789, 1793.
Sumpter, Thomas -	South Carolina,	1801.
Tait, Charles -	Georgia,	1809, 1813.
Talbot, Isham -	Kentucky,	1815, 1820.
Tattnall, Josiah -	Georgia,	1796.
Taylor, John -	South Carolina,	1810, 1811.
Taylor, John -	Virginia,	1792, 1793, 1803, '22, '23.
Taylor, Waller -	Indiana,	1816, 1819.
Tazewell, Henry -	Virginia,	1794.
Tazewell, Littleton W. -	Virginia,	1824.
Thomas, Jesse B. -	Illinois,	1818, 1823.
Thompson, Thomas W. -	New Hampshire,	1814.
Thruston, Buckner -	Kentucky,	1805.
Tichenor, Isaac -	Vermont,	1796, 1797, 1815.
Tiffin, Edward -	Ohio,	1807.
Tracy, Uriah -	Connecticut,	1796, 1801, 1801, 1807.
Trimble, William A. -	Ohio,	1819.
Troup, George M. -	Georgia,	1816, 1817.
Trumbull, Jonathan -	Connecticut,	1795.
Turner, James -	North Carolina,	1806, 1811.
Van Buren, Martin -	New York,	1821.
Van Dyke, Nicholas -	Delaware,	1817, 1823.
Varnum, Joseph B. -	Massachusetts,	1811.
Venable, Abraham B. -	Virginia,	1803.
Vining, John -	Delaware,	1793.
Walker, Freeman -	Georgia,	1819.
Walker, George -	Kentucky,	1814.
Walker, John -	Virginia,	1790.
Walker, John W. -	Alabama,	1819.
Walton, George -	Georgia,	1795.
Ware, Nicholas -	Georgia,	1821, 1823.
Watson, James -	New York,	1798.

LIST OF SENATORS.

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NAMES.	STATES.	DATES OF APPOINTMENT.
Wells, William Hill -	Delaware,	1799, 1799, 1813.
Wharton, Jesse -	Tennessee,	1814.
White, Hugh Lawson -	Tennessee,	1825.
White, Samuel -	Delaware,	1801, 1802, 1803, 1809.
Whiteside, Jenkins -	Tennessee,	1809, 1811.
Williams, John -	Tennessee,	1815, 1817, 1817.
Williams, Thomas H. -	Mississippi,	1817, 1823.
Willey, Calvin -	Connecticut,	1825.
Wilson, James J. -	New Jersey,	1815.
Wingate, Paine -	New Hampshire,	1789.
Woodbury, Levi -	New Hampshire,	1826.
Worthington, Thomas -	Ohio,	1803, 1811.
Wright, Robert -	Maryland,	1801.

EXECUTIVE JOURNAL.

[FIRST SESSION.]

MONDAY, MAY 25, 1789.

THE SENATE BEING ASSEMBLED,

General Knox brought the following message from the President, which he delivered into the hands of the Vice-President, and withdrew.

Gentlemen of the Senate:

In pursuance of the order of the late Congress, treaties between the United States and several nations of Indians have been negotiated and signed. These treaties, with sundry papers respecting them, I now lay before you, for your consideration and advice, by the hands of General Knox, under whose official superintendence the business was transacted; and who will be ready to communicate to you any information on such points as may appear to require it.

G^o. WASHINGTON.

NEW YORK, May 25th, 1789.

The Secretary at War having examined the negotiations of the Governor of the Western Territory, with certain northern and north-western Indians, and the treaties made in consequence thereof at Fort Harmar, on the 9th of January, 1789, begs leave to

REPORT:

That the several treaties of peace which have been made with the northern tribes of Indians, and those north-west of the Ohio, since the conclusion of the late war with Great Britain, are as follows, to wit:

1st. The treaty at Fort Stanwix, on the 22d day of October, 1784, between Oliver Wolcott, Richard Butler, and Arthur Lee, Commissioners Plenipotentiary from the United States, on the one part, and the Sachems and Warriors of the Six Nations, on the other.

2d. The treaty entered into by the said Commissioners Plenipotentiary and the Sachems and Warriors of the Wyandot, Delaware, Chippawa, and Ottawa nations of Indians, at Fort McIntosh, the 21st day of January, 1785.

3d. The treaty at the mouth of the Great Miami, the 31st day of January, 1786, between Commissioners from the United States and the Chiefs and Warriors of the Shawonoe nation.

That the treaties of Fort Stanwix and Fort McIntosh, were entered on the journals of the United States, in Congress assembled, June 3d, 1785, and the treaty of the Miami on the 17th day of April, 1786.

That it may be proper to observe, that the Indians are greatly tenacious of their lands, and generally do not relinquish their right, excepting on the principle of a specific consideration expressly given for the purchase of the same.

That the practice of the late English colonies and government, in purchasing the Indian claims, has firmly established the habit in this respect, so that it cannot be violated but with difficulty, and an expense greatly exceeding the value of the object.

That the treaties of Fort Stanwix and of Fort McIntosh, do not state that the limits therein defined are by virtue of a purchase from the Indians.

That the said treaties have been opposed and complained of, will appear by the representation to Congress accompanying this report, marked No. 1.

That in consequence of the said representation, Congress, on the 21st day of July, 1787, passed the following resolve:

“Resolved, that the Superintendent of Indian Affairs for the Northern Department, inform the Five Nations, the Hurons, and other Indian nations, who joined in the representation made to Congress, dated the 18th day of December, 1786, that Congress, on the 18th of the present month, July 1787, received their said representation, and have taken it into their serious consideration, and in due time will send them an answer.”

That on the 5th of October, following, Congress resolved:

“That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country north-west of the Ohio, and about Lake Erie, as soon after the first of April next, as conveniently may be, and at such place, and at such particular time, as the Governor of the Western Territory shall appoint, for the purpose of knowing the causes of uneasiness among the said tribes, and hearing their complaints, of regulating trade, and amicably settling all affairs concerning lands and boundaries between them and the United States.

“That the Governor of the Western Territory hold the said treaty, agreeably to such instructions as shall be given him for that purpose.”

That on the 12th of October, 1787, Congress resolved:

“That twenty thousand dollars be, and hereby are appropriated, for the purpose of Indian treaties, whenever the same shall hereafter be judged necessary by a majority of the United States, in Congress assembled; and that the resolutions for holding a general treaty with the Indians, passed the fifth day of the present month, be, and they are hereby repealed.

That on the 22d of October, 1787, Congress resolved:

“That the Governor of the Western Territory be, and he is hereby empowered to hold a general treaty with the Indian tribes the ensuing spring, if in his judgment the public good requires it, and that he be authorized to draw for such sums of money, appropriated by the resolve of Congress, of the 12th instant, as may be necessary to effect this object, not exceeding the sum of fourteen thousand dollars.”

That on the 2d of July, 1788, Congress resolved:

“That the sum of twenty thousand dollars, in addition to the fourteen thousand dollars already appropriated, be appropriated for defraying the expenses of the treaties which have been ordered, or which may be ordered to be held on the present year, with the several Indian tribes in the northern department, and for extinguishing the Indian claims; the whole of the said twenty thousand dollars, together with six thousand dollars of the said fourteen thousand dollars, to be applied solely to the purpose of extinguishing Indian claims to the lands they have already ceded to the United States, by obtaining regular conveyances for the same, and for extending a purchase beyond the limits hitherto fixed by treaty: but that no part of the said sums be applied for any purpose other than those above-mentioned.”

That the instructions to the Governor of the Western Territory, marked No. 2, will further show the sense of Congress on this subject.

That the treaties of Fort Harmar, on the 9th of January, 1789, with the Sachems and Warriors of the Six Nations, the Mohawks excepted; and with the Sachems and Warriors of the Wyandot, Delaware, Ottawa, Chippawa, Pattiwatima, and Sac nations, inhabiting part of the country northwest of the Ohio, appear to have been negotiated by the Governor of the Western Territory, so as to unite the interests of the United States with the justice due the said Indian nations.

That the reservation, in the treaty with the Six Nations, of six miles square round the Fort at Oswego, is within the territory of the State of New York, and ought to be so explained as to render it conformable to the Constitution of the United States.

That, if this explanation should be made, and the Senate of the United States should concur in their approbation of the said treaties, it might be proper that the same should be ratified and published, with a proclamation enjoining an observance thereof.

All which is humbly submitted to the President of the United States.

H. KNOX.

WAR OFFICE, *May 23, 1789.*

Ordered, That the message from the President, with the papers accompanying the same, lie on the table for consideration.

THURSDAY, JUNE 11, 1789.

A message from the President of the United States was received, by Mr. Jay.

Gentlemen of the Senate:

A Convention between his most Christian Majesty and the United States, for the purposes of determining and fixing the functions and prerogatives of their respective Consuls; Vice Consuls, Agents, and Commissaries, was signed by their respective Plenipotentiaries, on the 29th of July, 1784.

It appearing to the late Congress that certain alterations in that Convention ought to be made, they instructed their Minister at the Court of France to endeavor to obtain them.

It has accordingly been altered in several respects, and, as amended, was signed by the Plenipotentiaries of the contracting powers, on the 14th of November, 1788.

The sixteenth article provides, that it shall be in force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged, on both sides, within the space of one year, or sooner, if possible.

I now lay before you the original, by the hands of Mr. Jay, for your consideration and advice. The papers relative to this negotiation are in his custody, and he has my orders to communicate to you whatever official papers and information on the subject he may possess and you may require.

G^o. WASHINGTON,

President U. States.

NEW YORK, *June 11th, 1789.*

The message being read, was ordered to lie for consideration.

FRIDAY, JUNE 12, 1789.

Proceeded to the consideration of the President's message of 25th ultimo, respecting the Indian treaties held by Governor St. Clair, with the Chiefs of the Six Nations, and appointed Mr. Few, Mr. Read, and Mr. Henry, a committee thereon.

The message from the President, of the 11th of June, was again read: whereupon,

Ordered, That Mr. Jay furnish the Senate with an accurate translation of the Consular Conventions between his most Christian Majesty and the United States, and a copy thereof for each member of Senate.

The further consideration of the President's message, of June 11th, was postponed.

TUESDAY, JUNE 16, 1789.

A message from the President, by Mr. Jay.

Gentlemen of the Senate:

Mr. Jefferson, the present Minister of the United States at the Court of France, having applied for permission to return home for a few months, and it appearing to me proper to comply with his request, it becomes necessary that some person be appointed *to take charge* of our affairs at that Court during his absence.

For this purpose I nominate William Short, Esquire, and request your advice on the propriety of appointing him.

There are, in the Office for Foreign Affairs, papers which will acquaint you with his character, and which Mr. Jay has my directions to lay before you, at such time as you may think proper to assign.

G^o. WASHINGTON.

NEW YORK, June 15th, 1789.

Ordered, That Mr. Jay lay before the Senate, to-morrow, at 12 o'clock, the papers referred to in the President's message of this day, relative to the character of Mr. Short.

Ordered, That the message from the President lie for consideration.

WEDNESDAY, JUNE 17, 1789.

Agreeably to the order of yesterday, Mr. Jay brought to the Senate the papers referred to in the President's message received the 16th.

Ordered, That Mr. Jay examine the translation of the Consular Convention, and report his opinion as to its fidelity; and that he lay before the Senate all the papers in his custody relative to the negotiation, and whatever official papers and information on the subject he may possess.

Proceeded to consider the nomination of William Short, Esquire, to take charge of the affairs of the United States at the Court of Versailles, as contained in the President's message received the 16th.

THURSDAY, JUNE 18, 1789.

The Senate proceeded in the consideration of the President's message on the nomination of William Short, Esquire.

Resolved, That the consent of the Senate to the President's nomination of officers be given by ballot: the negative being shown by a blank ballot, and the affirmative by the word "aye."

The Senate proceeded *by ballot* to determine upon the nomination of William Short, Esquire, agreeably to the President's message of the 16th; and

Resolved, That the President of the United States be informed that the Senate advise and consent to his appointment of William Short, Esquire, to take charge of our affairs at the Court of France, during the absence of the Minister Plenipotentiary at that Court.

Ordered, That an authenticated copy of the above resolve be transmitted to Mr. Jay, for communication.

TUESDAY, JULY 21, 1789.

Ordered, That the Secretary of Foreign Affairs be requested to attend the Senate to-morrow, at 12 o'clock, and to bring with him such papers as are requisite to give full information, relative to the Consular Convention between France and the United States.

WEDNESDAY, JULY 22, 1789.

The Secretary of Foreign Affairs attended, agreeably to the order of yesterday, and made the necessary explanations.

Whereas a convention referred this day to the Senate, bears reference to a convention pending between the most Christian King and the United States, previous to the adoption of our present Constitution—

Resolved, That the Secretary of Foreign Affairs, under the former Congress, be requested to peruse the said Convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations, or negotiations entered into by our Minister at the Court of Versailles, to ratify, in its present sense or form, the Convention now referred to the Senate.

MONDAY, JULY 27, 1789.

The Secretary of Foreign Affairs reported his opinion upon the Consular Convention between France and the United States, as follows:

OFFICE FOR FOREIGN AFFAIRS,
July 25, 1789.

The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the resolution of the 22d of July, 1789, reports:

That he has compared the two Conventions of 1784 and 1788.

That the copies of them, received from Mr. Jefferson, and now before the Senate, are so printed, and their variations so clearly marked, as that he cannot contrast them in a manner better calculated for an easy and accurate comparison.

That, in his opinion, there exist, in the convention of 1788, no variations from the original scheme sent to Doctor Franklin in 1782, nor from the convention of 1784, but such as render it less ineligible than either of the other two.

That, although he apprehends that this convention will prove more inconvenient than beneficial to the United States, yet he thinks that the circumstances under which it was formed render its being ratified by them indispensable.

The circumstances alluded to, are these:

The original scheme of 1782, however exceptionable, was framed and agreed to by Congress.

The convention of 1784 was modelled by that scheme, but in certain instances deviated from it; but both of them were to be perpetual in their duration.

On account of those deviations, Congress refused to ratify it, but promised to ratify one corresponding with the scheme, provided its duration was limited to eight or ten years; but they afterwards extended it to twelve.

By an instruction to Mr. Jefferson, of 3d October, 1786, he was, among other things, directed to propose to the king, "That the said convention be
"so amended as perfectly to correspond with the scheme, in every part,
"where a deviation from the same is not permitted by the said act (of 1782);
"and, further, that he represent to his Majesty, the desire of Congress to
"make the said convention probationary, by adding a clause for limiting its
"duration to eight or ten years. That he assure his Majesty of the determination of Congress to observe, on all occasions, the highest respect for
"candor and good faith, in all their proceedings; and that on receiving the
"convention, so amended, and with such a clause, they will immediately
"ratify it."

In the letter which accompanied these instructions, is the following paragraph:

"The original scheme of the convention is far from being unexceptionable, but a former Congress having agreed to it, it would be improper now
"to recede; and therefore Congress are content to ratify a convention made
"conformable to that scheme, and to their act of 25th January, 1782, provided a clause limiting its duration be added."

On the 27th July, 1787, Congress gave to Mr. Jefferson a commission, in general terms, to negotiate and conclude with his most Christian Majesty, a convention for regulating the privileges, &c. of their respective Consuls.

In one of the letters, then written to him, is this paragraph:

"Congress confide fully in your talents and discretion, and they will ratify
"any convention that is not liable to more objections than the one already,
"in part, concluded, provided that an article, limiting its duration to a term
"not exceeding twelve years, be inserted."

As the convention in question is free from several objections to which the one of 1784 was liable, and is, in every respect, preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow, as of necessary consequence, that the United States ought to ratify it.

All which is submitted to the wisdom of the Senate.

JOHN JAY.

WEDNESDAY, JULY 29, 1789.

The Senate having duly considered the convention between his most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls, transmitted to the Senate by the President of the United States, through the Secretary for Foreign Affairs:

Resolved, unanimously, That the Senate do consent to the said convention, and advise the President of the United States to ratify the same.

Ordered, That the Secretary of the Senate carry an attested copy of the above resolution to the President of the United States.

MONDAY, AUGUST 3, 1789.

Agreeably to order, Mr. Lear was admitted to the bar, and delivered a message from the President of the United States—and he withdrew.

Gentlemen of the Senate:

A list, having my signature to it, is hereby presented to you, containing the names of persons whom I nominate as Collectors, Naval Officers, and Surveyors, for the ports to which their names are respectively annexed—and as several applications have been addressed to the President and Senate conjointly, I lay all under this description before you, for your information.

Go. WASHINGTON.

NEW YORK, August 3, 1789.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Officers.</i>	<i>Nominations.</i>
New Hampshire.	1 Portsmouth -	Collector, Naval Officer, Surveyor,	Joseph Whipple. Eleazer Russell. Thomas Martin.
Massachusetts.	1 Newburyport -	Collector, Naval Officer, Surveyor,	Stephen Cross. Jonathan Titcomb. Michael Hodge.
	2 Gloucester -	Collector, Surveyor,	Eppes Sergeant. Samuel Whittemore.
	3 Salem and -	Collector, Naval Officer, Surveyor,	Joseph Hiller. William Pickman. Barth'w Putnam.
	Beverly -	Surveyor,	Josiah Batchelor.
	Ipswich -	Surveyor,	Jeremiah Stainiford.
	4 Marblehead -	Collector,	Richard Harris.
	5 Boston and } Charlestown }	Collector, Naval Officer, Surveyor,	Benjamin Lincoln. James Lovell. Thomas Melvill.
	6 Plymouth -	Collector,	William Watson.
	7 Barnstable -	Collector,	Joseph Otis.
	8 Nantucket, and Sherbourne -	Collector,	Stephen Hussey.
	9 Edgartown -	Collector,	John Pease.
	10 New Bedford -	Collector,	Edward Pope.
	11 Dighton -	Collector,	Hodijah Baylis.
	12 York -	Collector,	Richard Trevett.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Officers.</i>	<i>Nominations.</i>
Massachusetts	13 Biddeford and Pepperellborough 14 Portland and Falmouth - 15 Bath - - 16 Wiscasset - 17 Penobscot - 18 Frenchman's Bay 19 Machias - 20 Passamaquodi	Collector, Collector, Surveyor, Collector, Collector, Collector, Collector, Collector,	Jeremiah Hill. Nath'l F. Fosdick. James Lunt. William Webb. Francis Cook. John Lee. Melatiah Jordon. Stephen Smith. Lewis Fred'k Deles- denier.
Connecticut -	1 New London - 2 Stonington, - Middletown - 2 New Haven - 3 Fairfield -	Collector, Surveyor, Surveyor, Surveyor, Collector, Surveyor, Collector,	Jedediah Huntington Nath'l Richards. Jonathan Palmer. Asher Miller. Jonathan Fitch. Hezekiah Rogers. Samuel Smedley.
New York -	1 Sagg Harbor - 2 New York - City of Hudson Albany -	Collector, Collector, Naval Officer, Surveyor, Surveyor, Surveyor,	John Gelston. John Lamb. Benjamin Walker. John Lasher. John C. Tenbroeck. Jeremiah Lansing.
New Jersey -	1 Perth Amboy - 2 Burlington - Little Egg Har- bor - - 3 Bridgetown -	Collector, Collector, Surveyor, Collector,	John Halstead. John Ross. Ebenezer Tucker. Eli Elmer.
Pennsylvania -	1 Philadelphia -	Collector, Naval Officer, Surveyor,	Sharpe Dulany. Frederick Phile. Samuel Meredith.
Delaware -	1 Wilmington -	Collector,	George Bush.
Maryland -	1 Baltimore - 2 Chester - 3 Oxford - 4 Vienna - 5 Snow Hill - 6 Annapolis -	Collector, Naval Officer, Surveyor, Collector, Collector, Collector, Collector,	Otho H. Williams. Robert Purviance. Robert Ballard. John Scott. Jeremiah Banning. John Muir. John Gunby. John Davidson.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Officers.</i>	<i>Nominations.</i>
Maryland	7 Nottingham	Collector,	George Biscoe.
	Town Creek	Surveyor,	Robert Young.
	8 Nanjemoy	Collector,	John Coates Jones.
	St. Marys	Surveyor,	Robert Chesley.
Virginia	9 Georgetown	Collector,	James McCubbin Linghan.
	1 Hampton	Collector,	Jacob Wray.
	2 Norfolk and Portsmouth	Collector, Naval Officer,	William Lindsay. Philemon Gatewood.
	Suffolk	Surveyor, Surveyor,	Daniel Bedinger. Archibald Richard- son.
	Smithfield	Surveyor,	James Wells.
	3 Bermuda Hund. or City Point.	Collector, Surveyor,	William Heth. Christopher Roan.
	Richmond	Surveyor,	David Lambert.
	Petersburgh	Surveyor,	James Gibbons.
	4 Yorktown	Collector,	Abraham Archer.
	West Point	Surveyor,	John Spotswood Moore.
	5 Tappahannock	Collector,	Hudson Musc.
	Urbana	Surveyor,	Stage Davis.
	Port Royal	Surveyor,	George Catlett.
	Fredericksburg	Surveyor,	William Lewis.
	6 Yeocomico Ri- ver, including Kinsale	Collector,	Vincent Redman.
	7 Dumfries, inclu- ding Newport	Collector,	Richard Marshall Scott.
	8 Alexandria	Collector, Surveyor,	Charles Lee. Samuel Hanson.
	9 Folly Landing	Collector,	William Gibb.
	10 Cherry Stone	Collector,	George Savage.
	11 South Quay	Collector,	Thomas Bowne.
	12 Louisville	Collector,	Peyton Short.
South Carolina	1 Georgetown	Collector,	John Cogdell.
	2 Charleston	Collector, Naval Officer,	Geo Abbot Hall. Isaac Motte.
	3 Beaufort	Surveyor, Collector,	Edward Weyman. Andrew Agnew.
Georgia	1 Savannah	Collector, Naval Officer,	John Habersham. Benj. Fishbourn.
	2 Sunbury	Surveyor, Collector,	John Berrian. Cornelius Collins.
	3 Brunswick	Collector,	George Handley.
	4 St. Marys	Collector,	James Seagrove.

NEW YORK, August 3d, 1789.

Go. WASHINGTON.

On motion to reconsider the rule adopted the 18th June, relative to the mode of determining upon the nomination, by ballot; it passed in the negative.

A motion, that a committee be appointed to wait on the President of the United States, and confer with him on the mode of communication, proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices, was made, and postponed till to-morrow.

On motion to dispense with balloting upon the present occasion, and to consider the nomination now before the Senate, *viva voce*; it passed in the negative.

And it was agreed to proceed by ballot, a caveat being assented to, that it should not be considered as a precedent.

Agreed to begin with the State of New York: and, proceeding to take into consideration the nominations of Collectors, Naval Officers, and Surveyors, contained in the message from the President of the United States, of this date, the Senate did advise and consent to the appointment of the following officers of the Revenue:

<i>States.</i>	<i>Districts and Ports.</i>	<i>Names.</i>	<i>Appointments.</i>
New York -	Sagg Harbor -	John Gelston,	Collector.
	New York -	John Lamb,	Collector.
		Benjamin Walker,	Naval Officer.
		John Lasher,	Surveyor.
	City of Hudson -	John C. Ten Broeck,	Surveyor.
Connecticut -	Albany -	Jeremiah Lansing,	Surveyor.
	New London -	Jedediah Huntington	Collector.
		Nathaniel Richards,	Surveyor.
	Stonington -	Jonathan Palmer,	Surveyor.
	Middletown -	Asher Miller,	Surveyor.
	New Haven -	Hezekiah Rogers,	Surveyor.
New Jersey -	Fairfield -	Samuel Smedley,	Collector.
	Perth Amboy -	John Halstead,	Collector.
Massachusetts	Burlington -	John Ross,	Collector.
	Newburyport -	Stephen Cross,	Collector.
		Jonathan Titcomb,	Naval Officer.
		Michael Hodge,	Surveyor.
	Gloucester -	Epas Sergeant,	Collector.
		Samuel Whittemore,	Surveyor.
	Salem and Beverley -	Joseph Hiller,	Collector.
		William Pickman,	Naval Officer.
		Bartholomew Putnam,	Surveyor.
		Josiah Batchelor,	Surveyor.
	Ipswich -	Jeremiah Stainiford,	Surveyor.
	Marblehead -	Richard Harris,	Collector.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Names.</i>	<i>Appointments.</i>
Massachusetts.	Boston and Charlestown	Benjamin Lincoln, James Lovell, Thomas Melvill,	Collector. Naval Officer. Surveyor.
	Plymouth -	William Watson,	Collector.
	Barnstable -	Joseph Otis,	Collector.
	Nantucket and Sherbourne -	Stephen Hussey,	Collector.
	Edgartown -	John Pease,	Collector.
	New Bedford -	Edward Pope,	Collector.
	Dighton -	Hodijah Baylis,	Collector.
	York -	Richard Trevett,	Collector.
	Biddeford and Pepperelborough -	Jeremiah Hill,	Collector.
	Portland and Falmouth -	Nathaniel F. Fosdick	Collector.
	Bath -	James Lunt,	Surveyor.
	Wiscasset -	William Webb,	Collector.
	Penobscot -	Francis Cook,	Collector.
	Frenchman's Bay	John Lee,	Collector.
	Machias -	Melatiah Jordan,	Collector.
	Passamaquodi -	Stephen Smith,	Collector.
N. Hampshire	Portsmouth -	Lewis Fred'k Delesdenier,	Collector.
		Joseph Whipple,	Collector.
		Eleazer Russell, Thomas Martin,	Naval Officer. Surveyor.

Ordered, That the Secretary lay before the President of the United States, an authenticated copy of the proceedings of Senate upon his message of this day; which was accordingly done.

TUESDAY, AUGUST 4, 1789.

Proceeded to consider the nominations of Collectors, Naval Officers, and Surveyors, contained in the message from the President of the United States, of the 3d of August, and advised and consented to the appointment of the following persons, to wit:

<i>States.</i>	<i>Districts and Ports.</i>	<i>Names.</i>	<i>Appointments.</i>
New Jersey -	Bridgetown -	Eli Elmer,	Collector.
Connecticut -	New Haven -	Jonathan Fitch,	Collector.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Names.</i>	<i>Appointments.</i>
Pennsylvania	Philadelphia -	Sharpe Dulany, Frederick Phile, Samuel Meredith,	Collector. Naval Officer. Surveyor.
Delaware	- Wilmington -	George Bush,	Collector.
Maryland	- Baltimore -	Otho H. Williams, Robert Purviance, Robert Ballard,	Collector. Naval Officer. Surveyor.
	Chester -	John Scott,	Collector.
	Oxford -	Jeremiah Banning,	Collector.
	Vienna -	John Muir,	Collector.
	Snow Hill -	John Gunby,	Collector.
	Annapolis -	John Davidson,	Collector.
	Nottingham -	George Biscoe,	Collector.
	Town Creek -	Robert Young,	Surveyor.
	Nanjemoy -	John Coates Jones,	Collector.
	St Mary's -	Robert Chesley,	Surveyor.
	Georgetown -	James McCubbin, Linghan,	Collector.
Virginia	- Hampton -	Jacob Wray,	Collector.
	Norfolk and Ports- mouth -	William Lindsay, Philemon Gatewood, Daniel Bedinger,	Collector. Naval Officer. Surveyor.
	Suffolk -	Archibald Richard- son,	Surveyor.
	Smithfield -	James Wells,	Surveyor.
	Bermuda Hundred -	William Heth,	Collector.
	City Point -	Christopher Roan,	Surveyor.
	Petersburg -	James Gibbons,	Surveyor.
	Yorktown -	Abraham Archer,	Collector.
	West Point -	John Spotswood Moore,	Surveyor.
	Tappahannock -	Hudson Muse,	Collector.
	Urbanna -	Stage Davis,	Surveyor.
	Port Royal -	George Catlett,	Surveyor.
	Fredericksburg -	William Lewis,	Surveyor.
	Yeocomico River, in- cluding Kinsale	Vincent Redman,	Collector.
	Dumfries, including Newport -	Richard Marshall Scott,	Collector.
	Alexandria -	Charles Lee, Samuel Hanson,	Collector. Surveyor.
	Cherry Stone -	George Savage,	Collector.

<i>States.</i>	<i>Districts and Ports.</i>	<i>Names.</i>	<i>Appointments.</i>
Virginia -	South Quay - Louisville -	Thomas Brown, Peyton Short,	Collector. Collector.
South Carolina	Georgetown - Charleston -	John Cogdell, George Abbot Hall, Isaac Motte, Edward Weyman,	Collector. Collector. Naval Officer. Surveyor.
Georgia -	Savannah - Sunbury -	John Habersham, John Berrian, Cornelius Collins,	Collector. Surveyor. Collector.
South Carolina	Beaufort -	Agnew,*	Collector.
Virginia -	Richmond - Folly Landing -	† Gibb,‡	Surveyor. Collector.

And the further consideration of the nominations for the State of Georgia was postponed.

WEDNESDAY, AUGUST 5, 1789.

A message from the President of the United States, by Mr. Lear, his Secretary.

Gentlemen of the Senate:

In the list of nominations which I laid before you on the 3d instant, there was a mistake in giving in the name of David Lambert as Surveyor of the port of Richmond. This mistake I now desire to correct, by inserting in place thereof the name of Corbin Braxton.

Go. WASHINGTON.

August 5th, 1789.

Proceeded to consider the nominations of Collectors, Naval Officers, and Surveyors, contained in the messages from the President of the United States, of the 3d and 5th of August; and the Senate did advise and consent to the appointment of the following persons, to wit:

For the State of Virginia.

Richmond, Corbin Braxton, Surveyor.

For the State of Georgia.

Brunswick, George Handley, Collector.
St. Mary's, James Seagrove, Collector.

* Postponed for want of his Christian name.

† Postponed.

‡ Postponed for want of his Christian name

Proceeded to consider the nomination of Benjamin Fishbourn, Naval Officer for the port of Savannah; and, upon the question to advise and consent to the appointment, it passed in the *negative*.

And the Secretary, according to order, laid a certified copy of the proceedings before the President of the United States.

A motion, "That it is the opinion of the Senate, that their advice and consent to the appointment of officers should be given in the presence of the President," was postponed until to-morrow.

THURSDAY, AUGUST 6, 1789.

Ordered, that Mr. Izard, Mr. King, and Mr. Carroll, be a committee to wait on the President of the United States, and confer with him on the mode of communication proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices.

FRIDAY, AUGUST 7, 1789.

Mr. Lear, the Secretary of the President of the United States, brought the following messages to the Senate, and he withdrew.

Gentlemen of the Senate:

My nomination of Benjamin Fishbourn, for the place of Naval Officer of the port of Savannah, not having met with your concurrence, I now nominate Lachlan McIntosh for that office.

Whatever may have been the reasons which induced your dissent, I am persuaded they were such as you deemed sufficient. Permit me to submit to your consideration, whether, on occasions where the propriety of nominations appear questionable to you, it would not be expedient to communicate that circumstance to me, and thereby avail yourselves of the information which led me to make them, and which I would with pleasure lay before you. Probably my reasons for nominating Mr. Fishbourn may tend to show that such a mode of proceeding, in such cases, might be useful. I will, therefore, detail them.

First. While Colonel Fishbourn was an officer, in actual service, and chiefly under my own eye, his conduct appeared to me irreproachable; nor did I ever hear any thing injurious to his reputation as an officer or a gentleman. At the storm of Stony Point, his behavior was represented to have been active and brave, and he was charged by his General to bring the account of that success to the head quarters of the army.

Secondly. Since his residence in Georgia, he has been repeatedly elected to the Assembly as a representative of the county of Chatham, in which the port of Savannah is situated, and sometimes of the counties of Glynn and Camden: he has been chosen a member of the Executive Council of the State, and has lately been President of the same: he has been elected, by the officers of the militia in the county of Chatham, Lieutenant Colonel of the militia in that district: and, on a very recent occasion, to wit, in the month of May last, he has been appointed by the Council (on the suspension of the late Collector) to an office in the port of Savannah, nearly similar to that for which I nominated him, which office he actually holds at this time. To these reasons for nominating Mr. Fishbourn, I might add that I received private letters of recommendation, and oral testimonials in his favor, from

some of the most respectable characters in that State. But as they were secondary considerations with me, I do not think it necessary to communicate them to you.

It appeared, therefore, to me, that Mr. Fishbourn must have enjoyed the *confidence* of the militia officers, in order to have been elected to a military rank—the *confidence* of the freemen to have been elected to the Assembly—the *confidence* of the Assembly to have been selected for the Council—and the *confidence* of the Council, to have been appointed Collector of the port of Savannah.

Go. WASHINGTON.

NEW YORK, *August 6th*, 1789.

Gentlemen of the Senate:

By the act for settling the accounts between the United States and individual States, a person is to be appointed to fill the vacant seat at the Board of Commissioners for settling the accounts between the United States and individual States: I therefore nominate John Kean, of the State of South Carolina, to fill the vacant seat at the said Board of Commissioners.

Go. WASHINGTON.

NEW YORK, *August 6*, 1789.

Proceeded to consider the nominations of collectors, naval officers, and surveyors, contained in the messages from the President of the United States, of the 3d and 6th August, and the Senate did advise and consent to the appointment of the following persons, to wit:

For the State of South Carolina.—Beaufort, Andrew Agnew, Collector.

For the State of Georgia.—Savannah, Lachlan McIntosh, Naval Officer.

Proceeded to consider the nomination of John Kean to fill the vacant seat at the Board of Commissioners for settling the accounts between the United States and individual States; and the Senate did advise and consent to his appointment. And the Secretary, according to order, laid a certified copy of the proceedings before the President of the United States.

MONDAY, AUGUST 10, 1789.

On motion to commit the message from the President of the United States relative to the nomination of Mr. Fishbourn: It was postponed until a committee, appointed on the 6th August, “to wait on the President of the United States,” should report.

WEDNESDAY, AUGUST 12, 1789.

The committee to whom was referred the message of the President of the United States, of the 25th of May, 1789, with the Indian treaties and papers accompanying the same, reported, and the consideration thereof was postponed until the 26th.

TUESDAY, AUGUST 18, 1789.

A message from the President of the United States, by Mr. Lear, his Secretary, who delivered the following communication to the Vice-President, and withdrew:

Gentlemen of the Senate:

In conformity to the law re-establishing the government of the Western Territory, I nominate

Arthur St. Clair, Governor;
Winthrop Sargent, Secretary;
Samuel Holden Parsons, John Cleves Symmes, and William Barton,
Judges of the Court.

I also nominate Ebenezer Tucker, Surveyor of Little Egg Harbor, in the State of New Jersey.

Go. WASHINGTON.

NEW YORK, *August 18th*, 1789.

Read, and the consideration thereof was postponed until to-morrow.

THURSDAY, AUGUST 20, 1789.

A message from the President of the United States, by Mr. Lear, his Secretary, who delivered the following communication to the Vice-President, and withdrew.

Gentlemen of the Senate:

In consequence of an act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of Commissioners for managing the same, I nominate Benjamin Lincoln, as one of three Commissioners whom I shall propose to be employed to negotiate a treaty with the southern Indians. My reason for nominating him at this early moment, is, that it will not be possible for the public to avail itself of his services, on this occasion, unless his appointment can be forwarded to him by the mail which will leave this place to-morrow morning.

Go. WASHINGTON.

NEW YORK, *August 20th*, 1789.

Proceeded to consider the nominations of Governor, &c. of the Western Territory, as contained in the message from the President of the United States, of the 18th August, and the Senate did advise and consent to the appointment of

Arthur St. Clair, to be Governor of the Western Territory;
Of Winthrop Sargent, to be Secretary; and
Of Samuel Holden Parsons, John Cleves Symmes, and William Barton,
to be Judges.

Proceeded to consider the nomination of Ebenezer Tucker, to be Surveyor of Little Egg Harbor, in the State of New Jersey, and of

William Gibb, to be Collector of Folly Landing, in the State of Virginia. And the Senate did advise and consent to their being appointed to office, agreeably to the nominations respectively.

Also, proceeded to consider the nomination of Benjamin Lincoln, as one of the three Commissioners to be employed to negotiate a treaty with the southern Indians.

And the Senate did advise and consent to his appointment accordingly.

Mr. Izard, in behalf of the committee appointed the 6th of August "to wait on the President of the United States, and confer with him on the mode of communication," &c. reported:

The consideration of which was postponed till to-morrow.

The Secretary laid before the President an attested copy of the proceedings of Senate on the nominations made in his messages of the 3d, 18th, and 20th August, 1789.

FRIDAY, AUGUST 21, 1789.

The Senate proceeded to consider the report of the committee appointed the 6th of August.

The committee appointed to wait on the President of the United States, and confer with him on the mode of communication proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices, reported:

Which report was agreed to. Whereupon,

Resolved, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. That when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as at the head of the Senate, and his chair shall be assigned to the President of the United States. That when the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

That all questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering, viva voce, ay or no.

And the Secretary of the Senate laid before the President of the United States an attested copy of the proceedings.

A message from the President of the United States, by Mr. Lear, his Secretary, who delivered the following communication to the Vice-President, and withdrew.

Gentlemen of the Senate:

In addition to the nomination which I made yesterday, of Benjamin Lincoln, as one of three Commissioners to be employed to negotiate a treaty with the southern Indians, I now nominate Cyrus Griffin and David Humphreys, as the two other Commissioners, to be employed to negotiate the before-mentioned treaty.

Go. WASHINGTON.

NEW YORK, *August 21st*, 1789.

Proceeded to consider the last recited nominations, and the Senate did advise and consent to the appointments accordingly.

And an attested copy of the proceedings was laid before the President of the United States.

A message from the President of the United States, by Mr. Lear, his Secretary, who delivered the following communication to the Vice-President, and withdrew.

Gentlemen of the Senate:

The President of the United States will meet the Senate, in the Senate Chamber, at half past eleven o'clock, to-morrow, to advise with them on the terms of the treaty to be negotiated with the southern Indians.

Go. WASHINGTON.

NEW YORK, *August 21st*, 1789.

SATURDAY, AUGUST 22, 1789.

The President of the United States came into the Senate Chamber, attended by General Knox, and laid before the Senate the following state of facts, with the questions thereto annexed, for their advice and consent:

“To conciliate the powerful tribes of Indians in the Southern District, amounting probably to fourteen thousand fighting men, and to attach them firmly to the United States, may be regarded as highly worthy of the serious attention of government.

“The measure includes, not only peace and security to the whole southern frontier, but is calculated to form a barrier against the colonies of a European power which, in the mutations of policy, may one day become the enemy of the United States. The fate of the southern States, therefore, or the neighboring colonies, may principally depend on the present measures of the Union towards the southern Indians.

“By the papers which have been laid before the Senate, it will appear that, in the latter end of the year 1785, and the beginning of 1786, treaties were formed by the United States with the Cherokees, the Chickesaws, and Choc-taws. The report of the Commissioners will show the reasons why a treaty was not formed at the same time with the Creeks.

“It will also appear by the papers, that the States of North Carolina and Georgia protested against said treaties as infringing their legislative rights, and being contrary to the confederation. It will further appear, by the said papers, that the treaty with the Cherokees has been entirely violated by the disorderly white people on the frontiers of North Carolina.

“The opinion of the late Congress respecting the said violation will sufficiently appear by the proclamation which they caused to be issued on the first of September, 1788.

“By the public newspapers, it appears that, on the 16th of June last, a truce was concluded with the Cherokees, by Mr. John Steele, on behalf of the State of North Carolina; in which it was stipulated that a treaty should be held, as soon as possible, and that in the mean time all hostilities should cease on either side.

“As the Cherokees reside principally within the territory claimed by North Carolina, and as that State is not a member of the present Union, it may be doubted whether any efficient measures in favor of the Cherokees could be immediately adopted by the general government.

“The Commissioners for negotiating with the southern Indians may be instructed to transmit a message to the Cherokees, stating to them, as far as may be proper, the difficulties arising from the local claims of North Caro-

lina, and to assure them that the United States are not unmindful of the treaty at Hopewell; and as soon as the difficulties, which are at present opposed to the measure, shall be removed, the government will do full justice to the Cherokees.

“The distance of the Choctaws and Chickesaws from the frontier settlements seems to have prevented those tribes from being involved in similar difficulties with the Cherokees.

“The Commissioners may be instructed to transmit messages to the said tribes, containing assurances of the continuance of the friendship of the United States, and that measures will soon be taken for extending a trade to them agreeably to the treaties of Hopewell. The Commissioners may also be directed to report a plan for the execution of the said treaties respecting trade.

“But the case of the Creek nation is of the highest importance, and requires an immediate decision. The cause of the hostilities between Georgia and the Creeks is stated to be a difference in judgment concerning three treaties made between the said parties, to wit: at Augusta, in 1783, at Galphinton, in 1785, and at Shoulderbone, in 1786. The State of Georgia asserts, and the Creeks deny, the validity of the said treaties.

“Hence arises the indispensable necessity of having all the circumstances respecting the said treaties critically investigated by Commissioners of the United States, so that the further measures of government may be formed on a full knowledge of the case.

“In order that the investigation may be conducted with the highest impartiality, it will be proper, in addition to the evidence of the documents in the public possession, that Georgia should be represented at this part of the proposed treaty with the Creek nation.

“It is, however, to be observed, in any issue of the inquiry, that it would be highly embarrassing to Georgia to relinquish that part of the lands stated to have been ceded by the Creeks, lying between the Ogeeche and Oconee rivers; that State having surveyed and divided the same among certain descriptions of its citizens who settled and planted thereon, until dispossessed by the Indians.

“In case, therefore, the issue of the investigation should be unfavorable to the claims of Georgia, the Commissioners should be instructed to use their best endeavors to negotiate with the Creeks a solemn conveyance of the said lands to Georgia.

“By the report of the Commissioners who were appointed under certain acts of the late Congress by South Carolina and Georgia, it appears that they have agreed to meet the Creeks on the 15th of September, ensuing. As it is with great difficulty the Indians are collected together at certain seasons of the year, it is important that the above occasion should be embraced, if possible, on the part of the present government, to form a treaty with the Creeks. As the proposed treaty is of great importance to the future tranquillity of the State of Georgia, as well as of the United States, it has been thought proper that it should be conducted on the part of the General Government by Commissioners whose local situations may free them from the imputation of prejudice on this subject.

“As it is necessary that certain principles should be fixed, previously to forming instructions for the Commissioners, the following questions, arising out of the foregoing communications, are stated by the President of the United States, and the advice of the Senate requested thereon:

“1st. In the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees than the one herein suggested?

“2d. Shall the Commissioners be instructed to pursue any other measures respecting the Chickesaws and Choctaws, than those herein suggested?

“3d. If the Commissioners shall adjudge that the Creek nation was fully represented at the three treaties with Georgia, and that the cessions of land were obtained with the full understanding and free consent of the acknowledged proprietors, and that the said treaties ought to be considered as just and equitable: In this case, shall the Commissioners be instructed to insist on a formal renewal and confirmation thereof? And in case of a refusal, shall they be instructed to inform the Creeks that the arms of the Union shall be employed to compel them to acknowledge the justice of the said cessions?

“4th. But if the Commissioners shall adjudge that the said treaties were formed with an inadequate or unauthorized representation of the Creek nation, or that the treaties were held under circumstances of constraint, or unfairness of any sort, so that the United States could not with justice and dignity request or urge a confirmation thereof: In this case, shall the Commissioners, considering the importance of the Oconee lands to Georgia, be instructed to use their highest exertions to obtain a cession of said lands? If so, shall the Commissioners be instructed, if they cannot obtain the said cessions on better terms, to offer for the same, and for the further great object of attaching the Creeks to the government of the United States, the following conditions: 1st. A compensation in money or goods, to the amount of ——— dollars; the said amount to be stipulated to be paid by Georgia, at the period which shall be fixed, or, in failure thereof, by the United States. 2d. A secure port on the Altamaha, or St. Mary's rivers, or at any other place between the same, as may be mutually agreed to by the Commissioners and the Creeks. 3d. Certain pecuniary considerations to some and honorary military distinctions to other influential chiefs, on their taking oaths of allegiance to the United States. 4th. A solemn guarantee by the United States to the Creeks of their remaining territory, and to maintain the same, if necessary, by a line of military posts.

“5th. But if all offers should fail to induce the Creeks to make the desired cessions to Georgia, shall the Commissioners make it an ultimatum?

“6th. If the said cessions shall not be made an ultimatum, shall the Commissioners proceed and make a treaty, and include the disputed lands within the limits which shall be assigned to the Creeks? If not, shall a temporary boundary be marked, making the Oconee the line, and the other parts of the treaty be concluded? In this case, shall a secure port be stipulated, and the pecuniary and honorary considerations granted? In other general objects, shall the treaties formed at Hopewell with the Cherokees, Chickesaws, and Choctaws, be the basis of a treaty with the Creeks?

“7th. Shall the sum of twenty thousand dollars, appropriated to Indian expenses and treaties, be wholly applied, if necessary, to a treaty with the Creeks? If not, what proportion?”

Whereupon the Senate proceeded to give their advice and consent.

The first question, viz: “In the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees than the one herein suggested?” was, at the request of the President of the United States, postponed.

The second question, viz: "Shall the Commissioners be instructed to pursue any other measures respecting the Chickesaws and Choctaws than those herein suggested?" being put, was answered in the negative.

The consideration of the remaining questions was postponed till Monday next.

MONDAY, AUGUST 24, 1789.

The President of the United States being present in the Senate Chamber, attended by General Knox,

The Senate resumed the consideration of the state of facts, and questions thereto annexed, laid before them by the President of the United States, on Saturday last. And the first question, viz: "In the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees, than the one herein suggested?" being put, was answered in the negative.

The third question, viz: "If the Commissioners shall adjudge that the Creek nation was fully represented at the three treaties with Georgia, and that the cessions of land were obtained with the full understanding, and free consent, of the acknowledged proprietors, and that the said treaties ought to be considered as just and equitable: In this case, shall the Commissioners be instructed to insist on a formal renewal and confirmation thereof? And in case of a refusal, shall they be instructed to inform the Creeks that the arms of the Union shall be employed to compel them to acknowledge the justice of the said cessions?" was wholly answered in the affirmative.

The fourth question, and its four subdivisions, viz: "But if the Commissioners shall adjudge that the said treaties were formed with an inadequate or unauthorized representation of the Creek nation, or that the treaties were held under circumstances of constraint or unfairness of any sort, so that the United States could not, with justice and dignity, request or urge a confirmation thereof: In this case, shall the Commissioners, considering the importance of the Oconee lands to Georgia, be instructed to use their highest exertions to obtain a cession of said lands? If so, shall the Commissioners be instructed, if they cannot obtain the said cessions on better terms, to offer for the same, and for the further great object of attaching the Creeks to the government of the United States, the following conditions:

"1st. A compensation in money or goods, to the amount of ———dollars; the said amount to be stipulated to be paid by Georgia at the period which shall be fixed, or, in failure thereof, by the United States.

"2d. A secure port on the Altamaha or St. Mary's rivers, or at any other place between the same, as may be mutually agreed to by the Commissioners and the Creeks.

"3d. Certain pecuniary considerations to some, and honorary military distinctions to other influential chiefs, on their taking oaths of allegiance to the United States.

"4th. A solemn guarantee by the United States to the Creeks of their remaining territory, and to maintain the same, if necessary, by a line of military posts;" was wholly answered in the affirmative. The blank to be filled at the discretion of the President of the United States.

The fifth question, viz: "But if all offers should fail to induce the Creeks to make the desired cessions to Georgia, shall the Commissioners make it an ultimatum?" was answered in the negative.

The sixth question being divided, the first part, containing as follows, viz: "If the said cessions shall not be made an ultimatum, shall the Commissioners proceed and make a treaty, and include the disputed lands within the limits which shall be assigned to the Creeks?" was answered in the negative.

The remainder, viz: "If not, shall a temporary boundary be marked, making the Oconee the line, and the other parts of the treaty be concluded?"

"In this case shall a secure port be stipulated, and the pecuniary and honorary considerations granted?"

"In other general objects, shall the treaties formed at Hopewell, with the Cherokees, Chickesaws, and Choctaws, be the basis of a treaty with the Creeks?" was all answered in the affirmative.

On the seventh question, viz: "Shall the sum of twenty thousand dollars, appropriated to Indian expenses and treaties, be wholly applied, if necessary, to a treaty with the Creeks? If not, what proportion? It was agreed to advise and consent to appropriate the whole sum, if necessary, at the discretion of the President of the United States.

The President of the United States withdrew from the Senate Chamber, and the Vice-President put the question of adjournment, to which the Senate agreed.

WEDNESDAY, AUGUST 26, 1789.

Proceeded to consider the report of a Committee, appointed June the 10th, on Indian treaties made at Fort Harmar, the 9th day of January, 1789, viz:

The Committee to whom was referred the message of the President of the United States, of the 25th of May, 1789, with the Indian treaties and papers accompanying the same—

REPORT:

That the Governor of the Western Territory, on the 9th day of January, 1789, at Fort Harmar, entered into two treaties, one with the sachems and warriors of the Six Nations, the Mohawks excepted, the other with the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Patawattima, and Sacs nations—that those treaties were made in pursuance of the powers and instructions heretofore given to the said Governor by the late Congress, and are a confirmation of the treaties of Fort Stanwix, in October, 1784, and of Fort McIntosh, in January, 1785, and contain a more formal and regular conveyance to the United States of the Indian claims to the lands yielded to these States by the said treaties of 1784 and 1785.

Your Committee, therefore, submit the following resolution, viz:

That the treaties concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Esq. Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Six Nations, (the Mohawks excepted,) and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Patawattima, and Sacs nations, be accepted; and that the President of the United States be advised to execute and enjoin an observance of the same.

Ordered, That the consideration thereof be postponed.

TUESDAY, SEPTEMBER 8, 1789.

The Senate proceeded to the consideration of the message from the President of the United States, of the 25th of May, 1789, accompanying the trea-

ties formed at Fort Harmar, by Arthur St. Clair, Esq. on the part of the United States, viz: a treaty with the sachems and warriors of the Six Nations, the Mohawks excepted, and a treaty with the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawattima and Sac nations. Whereupon,

Resolved, That the President of the United States be advised to execute and enjoin an observance of the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawattima, and Sac nations.

And an attested copy of the proceedings was laid before the President of the United States.

FRIDAY, SEPTEMBER 11, 1789.

A message from the President of the United States, which Mr. Lear, his Secretary, delivered to the Vice-President, and withdrew.

Gentlemen of the Senate:

I nominate for the Department of the Treasury of the United States—

Alexander Hamilton, (of New York,) Secretary.

Nicholas Eveleigh, (of South Carolina,) Comptroller.

Samuel Meridith, (of Pennsylvania,) Treasurer.

Oliver Wolcott, Junior, (of Connecticut,) Auditor.

Joseph Nourse, (in office,) Register.

For the Department of War, Henry Knox.

For Judge in the Western Territory, in place of William Barton, who declines the appointment, George Turner.

For Surveyor in the district of Rappahannock, State of Virginia, in place of Staige Davis, who declines the appointment, I nominate Peter Kemp.

For surveyor of Town Creek, in the District of Patuxent, State of Maryland, in place of Robert Young, who declines the appointment, I nominate Charles Chilton.

And, in case the nomination of Samuel Meridith should meet the advice and consent of the Senate, I nominate, as Surveyor of the port of Philadelphia, William McPherson.

Go. WASHINGTON.

NEW YORK, *September 11th*, 1789.

Ordered, That the rules be so far dispensed with as that the Senate do consider the President's message at this time; and,

On the question to advise and consent to the appointment of Alexander Hamilton, of New York, to be Secretary for the Department of the Treasury of the United States, it passed in the affirmative.

On the question to advise and consent to the appointment of Nicholas Eveleigh, of South Carolina, to be Comptroller, and of Samuel Meridith, to be Treasurer, it passed in the affirmative.

Ordered, That the further consideration of the message from the President of the United States be postponed until to-morrow.

Ordered, That the Secretary lay before the President of the United States a certified copy of the proceedings.

SATURDAY, SEPTEMBER 12, 1789.

The Senate proceeded in the consideration of the message from the President of the United States, of the 11th of September; and,

On the question to advise and consent to the appointment of Oliver Wolcott, Jr. of Connecticut, to be Auditor for the Department of the Treasury of the United States, it passed in the affirmative.

On the question to advise and consent to the appointment of Joseph Nourse, (in office,) Register, it passed in the affirmative.

On the question to advise and consent to the appointment of Henry Knox, Secretary for the Department of War, it passed in the affirmative.

On the question to advise and consent to the appointment of George Turner, for Judge in the Western Territory, it passed in the affirmative.

On the question to advise and consent to the appointment of Peter Kemp, for Surveyor in the district of Rappahannock, it passed in the affirmative.

On the question to advise and consent to the appointment of Charles Chilton, for Surveyor of Town Creek, in the district of Patuxent, State of Maryland, it passed in the affirmative.

Ordered, That the further consideration of the message from the President of the United States, of the 11th of September, be postponed for a few days.

Ordered, That the Secretary lay before the President of the United States a certified copy of the proceedings of the Senate, upon his message of the 11th of September.

WEDNESDAY, SEPTEMBER 16, 1789.

A message from the President of the United States, by Mr. Lear, his Secretary, which he delivered to the Vice-President, and withdrew.

UNITED STATES, *September 16th*, 1789.

Gentlemen of the Senate:

I nominate Lemuel Wyatt as Collector for the port of Rehoboth, in the State of Massachusetts.

Go. WASHINGTON.

The Senate agreed so far to dispense with the rules, as to proceed, at this time, to the consideration of the President's message; and,

Upon the question to advise and consent to the appointment of Lemuel Wyatt, as Collector for the port of Rehoboth, it passed in the affirmative.

Ordered, That the Secretary do lay a certified copy of the proceedings of Senate hereupon before the President of the United States.

THURSDAY, SEPTEMBER 17, 1789.

A message from the President of the United States, by the Secretary at War, which he delivered to the Vice-President, and withdrew.

Gentlemen of the Senate:

It doubtless is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution, and executed with fidelity.

It is said to be the general understanding and practice of nations, as a check on the mistakes and indiscretions of Ministers or Commissioners, not to

consider any treaty, negotiated and signed by such officers, as final and conclusive, until ratified by the sovereign or government from whom they derive their powers. This practice has been adopted by the United States respecting their treaties with European nations, and I am inclined to think it would be adviseable to observe it in the conduct of our treaties with the Indians; for though such treaties being, on their part, made by their chiefs or rulers, need not be ratified by them, yet, being formed on our part by the agency of subordinate officers, it seems to be both prudent and reasonable that their acts should not be binding on the nation until approved and ratified by the government. It strikes me that this point should be well considered and settled, so that our national proceedings, in this respect, may become uniform, and be directed by fixed and stable principles.

The treaties with certain Indian nations, which were laid before you with my message of the 25th May last, suggested two questions to my mind, viz: 1st, Whether those treaties were to be considered as perfected, and consequently as obligatory, without being ratified? If not, then 2dly, Whether both, or either, and which of them, ought to be ratified? On these questions I request your opinion and advice.

You have, indeed, advised me "*to execute and enjoin an observance of*" the treaty with the Wyandots, &c. You, gentlemen, doubtless intended to be clear and explicit; and yet, without further explanation, I fear I may misunderstand your meaning; for, if by my *executing* that treaty, you mean that I should make it, (in a more particular and immediate manner than it now is,) the act of government, then it follows that I am to ratify it. If you mean, by my *executing it*, that I am to see that it be carried into effect and operation—then I am led to conclude, either that you consider it as being perfect and obligatory in its present state, and therefore to be executed and observed; or, that you consider it as to derive its completion and obligation from the silent approbation and ratification which my proclamation may be construed to imply. Although I am inclined to think that the latter is your intention, yet it certainly is best that all doubts respecting it be removed.

Permit me to observe, that it will be proper for me to be informed of your sentiments relative to the treaty with the Six Nations, previous to the departure of the Governor of the Western Territory, and therefore I recommend it to your early consideration.

Go. WASHINGTON.

September 17th, 1789.

Ordered, That the President's message be committed to Mr. Carroll, Mr. King, and Mr. Read.

FRIDAY, SEPTEMBER 18, 1789.

Mr. Carroll, on behalf of the Committee appointed yesterday, upon the President's message of the 17th of September, reported as follows:

The Committee, to whom was referred a message from the President of the United States, of the 17th September, 1789;

REPORT:

That the signature of treaties with the Indian nations has ever been considered as a full completion thereof, and that such treaties have never been solemnly ratified by either of the contracting parties as hath been commonly

practised among the civilized nations of Europe: wherefore the Committee are of opinion, that the formal ratification of the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattiwattima, and Sac nations, is not expedient or necessary; and that the resolve of the Senate, of the 8th September, 1789, respecting the said treaty, authorizes the President of the United States to enjoin a due observance thereof.

That, as to the treaty made at Fort Harmar, on the 9th of January, 1789, between the said Arthur St. Clair and the sachems and warriors of the Six Nations, (except the Mohawks,) from particular circumstances affecting a part of the ceded lands, the Senate did not judge it expedient to pass any act concerning the same.

Ordered, That the consideration of the report be postponed until Monday next.

The Senate proceeded to consider the message from the President of the United States, of September the 11th, nominating William McPherson as Surveyor of the port of Philadelphia; and,

Upon the question to advise and consent to his appointment, it passed in the affirmative.

Ordered, That the Secretary do lay before the President of the United States an attested copy of the proceedings of Senate hereon.

TUESDAY, SEPTEMBER 22, 1789.

The Senate proceeded to consider the report of the Committee appointed the 17th, on the President's message of that date; and,

On motion to postpone the report, to substitute the following, to wit:

Resolved, That the Senate do advise and consent that the President of the United States ratify the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawattima, and Sac nations:

It passed in the affirmative.

And, it being suggested that the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Six Nations, (except the Mohawks,) may be construed to prejudice the claims of the States of Massachusetts and New York, and of the grantees under the said States respectively.

Ordered, That the consideration thereof be postponed until next session of Senate.

Ordered, That the Secretary lay before the President of the United States a certified copy of the proceedings of Senate upon his message of 17th September.

THURSDAY, SEPTEMBER 24, 1789.

A message was received from the President of the United States, by Mr. Lear, his Secretary; which he delivered to the Vice-President, and he withdrew.

UNITED STATES, *September 24, 1789.*

Gentlemen of the Senate:

I nominate, for the Supreme Court of the United States—

John Jay, of New York, Chief Justice.

John Rutledge, of South Carolina,

James Wilson, of Pennsylvania,

William Cushing, of Massachusetts,

Robert H. Harrison, of Maryland,

John Blair, of Virginia,

} Associate Judges.

I also nominate, for District Judges, Attorneys, and Marshals, the persons whose names are below, and annexed to the districts respectively, viz:

DISTRICTS.	JUDGES.	ATTORNEYS.	MARSHALS.
Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia, Kentucky,	David Sewell John Sullivan John Lowell Richard Law Fran's Hopkinson Gunning Bedford Thomas Johnson Edm. Pendleton Thomas Pinckney Nath'l Pendleton Harry Innes	William Lithgow Sam. Sherburne, jr. Christopher Gore Pierpoint Edwards William Lewis George Read, jr. Richard Potts John Marshall Jno. Julius Pringle Mat. McAllister George Nicholas	Henry Dearbourn. John Parker. Jonathan Jackson. Philip Bradley. Clement Biddle. Allan McLean. Nathaniel Ramsay. Edw'd Carrington. Isaac Huger. Robert Forsyth. Sam. McDowell, jr.

Go. WASHINGTON.

SATURDAY, SEPTEMBER 26, 1789.

The Senate proceeded to consider the message from the President of the United States, of the 24th instant, and the nomination of John Jay, of New York, to be Chief Justice of the Supreme Court of the United States;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Rutledge, of South Carolina, to be one of the Associate Judges;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of James Wilson, of Pennsylvania, to be one of the Associate Judges;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of William Cushing, of Massachusetts, to be one of the Associate Judges;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Robert H. Harrison, of Maryland, to be one of the Associate Judges;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Blair, of Virginia, to be one of the Associate Judges;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of David Sewell, to be Judge for the District of Maine;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of William Lithgow, to be Attorney for the District of Maine;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Henry Dearbourn, to be Marshal for the District of Maine;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Sullivan, to be Judge for the District of New Hampshire;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Samuel Sherburne, Junior, to be Attorney for the District of New Hampshire;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Parker, to be Marshal for the District of New Hampshire;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Lowell, to be Judge for the District of Massachusetts;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Christopher Gore, to be Attorney for the District of Massachusetts;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Jonathan Jackson, to be Marshal for the District of Massachusetts;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Richard Law, to be Judge for the District of Connecticut;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Pierpoint Edwards, to be Attorney for the District of Connecticut;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Philip Bradley, to be Marshal for the District of Connecticut;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Francis Hopkinson, to be Judge for the District of Pennsylvania;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of William Lewis, to be Attorney for the District of Pennsylvania;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Clement Biddle, to be Marshal for the District of Pennsylvania;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Gunning Bedford, to be Judge for the District of Delaware;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of George Read, junior, to be Attorney for the District of Delaware;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Allan McLean, to be Marshal for the District of Delaware;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Thomas Johnson, to be Judge for the District of Maryland;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Richard Potts, to be Attorney for the District of Maryland;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Nathaniel Ramsay, to be Marshal for the District of Maryland;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Edmund Pendleton, to be Judge for the District of Virginia.

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Marshall, to be Attorney for the District of Virginia;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Edward Carrington, to be Marshal for the District of Virginia;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Thomas Pinckney, to be Judge for the District of South Carolina;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of John Julius Pringle, to be Attorney for the District of South Carolina;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Isaac Huger, to be Marshal for the District of South Carolina;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Nathaniel Pendleton, to be Judge for the District of Georgia;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Matthew McAllister, to be Attorney for the District of Georgia;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Robert Forsyth, to be Marshal for the District of Georgia;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Harry Innes, to be Judge for the District of Kentucky;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of George Nicholas, to be Attorney for the District of Kentucky;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Samuel McDowell, Jr., to be Marshal for the District of Kentucky;

And, on the question to advise and consent thereto, it passed in the affirmative.

Ordered, That the Secretary lay before the President of the United States the proceedings of the Senate upon his message of 24th September, 1789.

A message from the President of the United States. Mr. Lear, his Secretary, informed the Vice-President that he was commanded to bring the following nominations to the Senate; and he withdrew.

UNITED STATES, *September 25th*, 1789.

Gentlemen of the Senate:

I nominate—James Duane, Judge,	}	For the District of New York.
William S. Smith, Marshal,		
Richard Harrison, Attorney,		
David Brearly, Judge,	}	For the District of New Jersey.
Thomas Lowry, Marshal,		
Richard Stockton, Attorney,		

And I likewise nominate Thomas Jefferson, for Secretary of State;
Edmund Randolph, for Attorney General;
Samuel Osgood, for Postmaster General.

Go. WASHINGTON.

The Senate proceeded to consider the message from the President of the United States, of the 25th of September;

And the nomination of James Duane, to be Judge for the District of New York;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of William S. Smith, to be Marshal for the District of New York;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Richard Harrison, to be Attorney for the District of New York;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of David Brearly, to be Judge for the District of New Jersey;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Thomas Lowry, to be Marshal for the District of New Jersey;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Richard Stockton, to be Attorney for the District of New Jersey;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Thomas Jefferson, to be Secretary of State;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Edmund Randolph, to be Attorney General;

And, on the question to advise and consent thereto, it passed in the affirmative.

The Senate proceeded to consider the nomination of Samuel Osgood, to be Postmaster General;

And, on the question to advise and consent thereto, it passed in the affirmative.

Ordered, That the Secretary lay before the President of the United States the proceedings of the Senate on his message of the 25th September, 1789.

TUESDAY, SEPTEMBER 29, 1789.

A message from the President of the United States. Mr. Lear, his Secretary, informed the Vice-President that he was commanded to bring the following nomination to the Senate; and he withdrew.

UNITED STATES OF AMERICA, *September 29th*, 1789.

Gentlemen of the Senate:

I nominate William Carmichael, as Chargé des Affaires from the United States of America to the Court of Spain.

Go. WASHINGTON.

The Senate proceeded to consider the above message; and, Upon the question to advise and consent to the appointment of William Carmichael, as Chargé des Affaires from the United States of America to the Court of Spain; it passed in the affirmative.

Ordered, That the Secretary lay before the President of the United States the proceedings of the Senate upon his message of this day.

A message from the President of the United States, by the Secretary at War, which he delivered to the Vice-President, and withdrew.

UNITED STATES, *September 29th*, 1789.

Gentlemen of the Senate: Agreeably to the act of Congress for adapting the establishment of the troops in public service to the Constitution of the United States, I nominate the persons specified in the enclosed list to be the commissioned officers thereof.

This nomination differs from the existing arrangement only in the following cases, to wit:

Lieutenant Erkuries Beatty promoted to a vacant Captaincy in the Infantry; Ensign Edward Spear promoted to a vacant Lieutenantcy of Artillery; Jacob Melcher, who has been serving as a volunteer, to be an Ensign, vice Benjamin Lawrence, who was appointed nearly three years past, and has never been mustered or joined the troops.

It is to be observed, that the order in which the captains and subalterns are named, is not to affect their relative rank, which has been hitherto but imperfectly settled, owing to the perplexity of promotions in the State quotas conformably to the late confederation.

Go. WASHINGTON.

OFFICERS OF THE REGIMENT OF INFANTRY.

Lieutenant-Colonel Commandant.

Josiah Harmar, and a Brigadier-General by brevet; he having been appointed such by a resolve of Congress, of the 31st of July, 1787.

Majors.

John Plasgrave Wyllys,

John F. Hamtramck.

Captains.

Jonathan Heart,
David Zeigler,
William McCurdy,
John Mercer,

David Strong,
John Smith,
Joseph Ashton,
Erkuries Beatty.

Lieutenants.

John Armstrong,
John Pratt,
Ebenezer Frothingham,
William Kersey,

Thomas Doyle,
William Peters,
Jacob Kingsbury,
Ebenezer Denny.

Ensigns.

Francis Luse,
Cornelius Ryrer Sedam,
Nathan McDowell,
Abner Prior,

Robert Thompson,
Asa Hartshorn,
John Jeffers,
Jacob Melcher.

Surgeon.

Richard Allison,

*Mates.*John Elliot,
John Scott,John Carmichael,
Joshua Sumner.

OFFICERS OF THE BATTALION ARTILLERY.

Major Commandant.

John Doughty.

*Captains.*Henry Burbeck,
William Ferguson,Joseph Savage,
James Bradford,*Lieutenants.*John Pierce,
Moses Porter,
William Moore,
Dick Schuyler,Mahlon Ford,
Matthew Ernest,
Edward Spear,
Ebenezer Smith Fowle.*Surgeon's Mate.*

Nathaniel Heyward.

Go. WASHINGTON.

UNITED STATES, *September 29th*, 1789.

The Senate proceeded to consider the above nominations; and, on the question to advise and consent to their appointment, it passed in the affirmative.

Ordered, That the Secretary lay before the President of the United States the proceedings of the Senate upon his message of this day.

Attest;

SAM. A. OTIS, *Secretary*.

END OF THE FIRST SESSION.