

Edited Historical Documents

Proceedings of the British Commissioners at Philadelphia, 1778-9: Partly in Ferguson's Hand (2)*

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Introduction

1. Three sets of 'Proceedings'¹

2. Adam Ferguson and The Carlisle Peace Commission

Early in 1778, Britain was forced to change its American colonial policy by two incidents; the surrender of John Burgoyne at Saratoga on 17 October 1777 and the Treaty of Amity and Commerce on 6 February 1778, by which France promised America to support its independence. The British government began to look for a way to put an end to the American Revolutionary War. The Conciliatory Acts were proposed by Lord North and passed through parliament in the spring of 1778. It was decided that a Peace Commission would be sent to America. Frederick, Earl of Carlisle, William Eden, later Lord Auckland, George Johnston, former governor of West Florida, and the Howe brothers, Richard and William, were chosen as its members. On

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* 'Proceedings of the British Commissioners at Philadelphia, 1778-9: Partly in Ferguson's Hand (1)', hereafter cited as 'Proceedings 1', has been published in *The Research Reports of the Department of International Studies*, no.7, 2007, in which 'Introduction 1: Three sets of 'Proceedings', Contents and pages from the beginning to 100 of the original text are included.

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¹ See above note*.

21 April 1778, the British peace commission² sailed for New York.

One of the commissioners, Johnstone, invited Adam Ferguson, professor of moral philosophy at the University of Edinburgh, who elaborated declared his pro-government position on the American question in an anonymous pamphlet³ published in 1776, to accompany him shortly before embarking for America. It was probably William Johnstone Pulteney, Ferguson's old acquaintance and Johnstone's elder brother, who had recommended that his brother invite Ferguson.⁴ Knowing Johnstone's hotheaded nature well, Pulteney thought that Professor Ferguson, whom Johnstone highly esteemed, would soothe Johnstone and help avoid potential troubles in America. When he left for America together with the Carlisle Peace Commission, Ferguson had no official post. But after arriving in Philadelphia, on 6 June 1778, as recorded in the proceedings⁵ of the Carlisle Peace Commission printed in this edition, he was appointed as secretary of the commission by virtue of his 'Ability, Diligence and Secrecy'.⁶

According to the 'Orders and instructions'⁷ the Carlisle Peace Commission was dispatched to America in order to quiet the American colonists by conciliatory measures, to repeal the oppressive acts enacted since 1763, to grant 'a full Pardon . . . to all that have been in Rebellion',⁸ and to rees-

² Hereafter cited as the Carlisle Peace Commission. For the history of the Carlisle Peace Commission, see Charles R. Ritcheson, *British Politics and the American Revolution*, University of Oklahoma Press, 1954, pp. 258-86; Alan S. Brown, 'The Impossible Dream: The North Ministry, The Structure of Politics, and Conciliation', in Lawrence S. Kaplan, ed., *The American Revolution and "A Candid World"*, The Kent State University Press, 1977. For the Carlisle Peace Commission and Adam Ferguson in particular, see Jane B. Fagg, 'Adam Ferguson: Scottish Cato' (Ph. D. dissertation, University of North Carolina at Chapel Hill, 1968), chapter VI; Fagg, The Biographical Introduction to *The Correspondence of Adam Ferguson*, edited by Vincenzo Merolle, London, 1995, pp. xlvii-lvi and Yasuo Amoh, 'Adam Ferguson and the American Revolution', *Kochi University Review of Social Science*, No. 37, March, 1990, pp. 55-87.

³ [Adam Ferguson], *Remarks on a Pamphlet lately Published by Dr. Price, entitled, Observations on the Nature of Civil Liberty, the Principles of Government and the Justice and Policy of the War with America, &c., In a Letter from a Gentleman in the Country to a Member of Parliament*. London, 1776.

⁴ Cf. Fagg, 'Scottish Cato', pp. 1601 and Biographical Introduction, p. li.

⁵ The Edinburgh copy of the 'Proceedings'. (hereafter cited as Edinburgh copy) See 'Proceedings 1', p. 156.

⁶ Edinburgh copy, pp. 55-6. ('Proceedings 1', pp. 202-3)

⁷ Edinburgh copy, pp. 11-38. ('Proceedings 1', pp. 173-191)

⁸ Edinburgh copy, p. 34. ('Proceedings 1', p. 188)

establish a union and coalition of the mother country and her colonies. For 'the Declaration of Independence dated July 4th 1776, and all Votes, Resolutions and Orders passed since the Rupture began', the commissioners were instructed as follows: 'it is not necessary to insist on a formal revocation of them'.⁹ This instruction, however, did not mean that the British government approved the American Independence. The 'Orders' continued that 'as such Declaration, Votes, Orders and Resolutions, not being Legal Acts, will be in effect rescinded by the Conclusion of the Treaty.'¹⁰ The British government had considered the Declaration as illegal since its promulgation, and therefore, it was not even necessary to insist on its formal revocation. As Morgan has written, 'a commission under the Earl of Carlisle was directed to offer them everything they had asked for short of independence'.¹¹

Ferguson played an important role in the early stages of the commission's work in America. It was Ferguson who first tried to meet the members of the Congress in person, and to inform them of the commission's proposal for peace. But General Washington wrote to Ferguson that 'I cannot grant the passport . . . without the previous instructions of Congress upon the subject.'¹² The Congress, however, resolved not to enter into negotiations with the commissioners without 'an explicit acknowledgement of the independence' as Henry Laurens, President of the Congress, wrote to the commissioners on 17 June 1778.¹³

Ferguson, as Commission Secretary, worked diligently in this capacity. As is known from the documents printed in this edition, Ferguson wrote many of the commission papers and certified most of the others as true copies. Ferguson, however, seems not to have carried out his original mission as expected by Pulteney. While the commissioners were doing their routine work in America, Johnstone began to write personal letters to influential Americans suggesting that those who helped secure the reconciliation with Britain could be sure of reward. At first, the other commissioners appear

⁹ Edinburgh copy, p. 36. ('Proceedings I', p. 190)

¹⁰ Edinburgh copy, pp. 36-7. ('Proceedings I', p. 190)

¹¹ E.S. Morgan, *The Birth of the Republic 1763-1789*, Chicago University Press, p. 84.

¹² Edinburgh copy, pp. 71-2. ('Proceedings I', pp. 21-45)

¹³ Edinburgh copy, pp. 85-6. ('Proceedings I', pp. 22-34)

not to have thought Johnstone's deed unfavourable to their mission. As we noted earlier, Pulteney had recommended Ferguson to his brother in order to prevent him from committing such imprudent deeds in America, but Ferguson was not able to do so.¹⁴ Furthermore, in 'A Declaration of Congress to His Majesty's Commissioners'¹⁵ dated 11th August 1778, Johnstone, by name, was accused of bribing Joseph Reed, a member of Congress, with ten thousand pounds sterling and any office in the colonies. Although the charge was never proved, the Carlisle Peace Commission was damaged and Johnstone sailed home before the rest of the commissioners.¹⁶

In the later stages of the commission's work Ferguson was deeply involved in the 'Manifesto and Proclamation'¹⁷ issued on 3 October 1778. The 'Manifesto' was an ultimatum, which was presented by the commission to the American rebels before their return to England, and its main proposal was 'the benevolent overtures of Great Britain towards a Reunion and Coalition with her Colonies.'¹⁸ But the 'Manifesto' was addressed not only to the members of the Congress but also directly to the colonial assemblies of various districts. Furthermore, it was addressed to the 'free Inhabitants of the said Colonies, of every Rank and Denomination'.¹⁹ Ferguson, as secretary, charged with disseminating the document and was busy with the printing of several hundred copies in English and German and the prepara-

¹⁴ Fagg suggests the possibility that Ferguson also wrote a letter to a member of Congress, John Witherspoon, Ferguson's former foe in Scotland in the controversy over John Home's *Douglas*. Cf. Fagg, 'Scottish Cato', pp. 176-7 and Fagg, Biographical Introduction, p. lii. For the controversy over the presentation of the *Douglas* in Edinburgh, see Richard B. Sher, *Church and University in the Scottish Enlightenment: The Moderate Literati of Edinburgh*, Edinburgh University Press, 1985, pp. 74-92 and Yasuo Amoh, *Adam Ferguson and the Scottish Enlightenment*, Tokyo, 1993, pp. 93-112. (Written in Japanese)

¹⁵ Edinburgh copy, pp. 106-8. See below, pp. 240-3. For Johnstone's reply, see Edinburgh copy, pp. 116-118. See below 250-3.

¹⁶ *The Dictionary of National Biography*, online edition, October, 2006 version.

¹⁷ Edinburgh copy, pp. 170-178. At the bottom of the 'Manifesto' was signed 'By their Excellencies (namely, Carlisle, Clinton and Eden) Command. Adam Ferguson, Secretary'. For detailed analysis of the 'Manifesto', see J. B. Fagg, 'An "Ingenious Literary Production": Adam Ferguson and the Carlisle Commission Manifesto', *Scotia: Interdisciplinary Journal of Scottish Studies*, vol. XXIV, 2000, pp. 1-14.

¹⁸ Edinburgh copy, p. 170.

¹⁹ Edinburgh copy, p. 170.

²⁰ Fagg, 'An "Ingenious Literary Production"', p. 5. Cf. Edinburgh Copy, pp. 168-9.

tion of a copy on vellum for each "revolted colony."²⁰

The Carlisle Peace Commission came to adopt a strategy of dividing the Americans into camps and offering a separate peace directly to each of the colonies, plantations and provinces. Moreover, asserting that the alliance of the rebel colonists with France, 'our late mutual and natural enemies'²¹ changed the nature of the conflict, the 'Manifesto' threatened that 'Great Britain may by every Means in her Power destroy or render useless a Connexion contrived for her Ruin, and for the Aggrandizement of France.'²²

As Fagg vividly describes,²³ the 'Manifesto' was criticized bitterly not only in America but also in Britain. In *The Crisis* Number VI, October 20, 1778 addressed to The Earl of Carlisle, General Clinton, and William Eden, Thomas Paine criticized accused the 'Manifesto' as 'tedious and unmeaning, and only a repetition of your former follies, with here and there an offensive aggravation',²⁴ and stated: 'I consider you in this declaration, like madmen biting in the hour of death. It contains likewise a fraudulent meanness; for, in order to justify a barbarous conclusion, you have advanced a false position.'²⁵ Furthermore, pointing out 'an assertion which has no foundation, either in fact or philosophy' in the 'Manifesto', Paine scorned its secretary, Mr Ferguson, who 'is a man of letters, and has made civil society his study and published a treatise on that subject'.²⁶ It seems hasty for Paine to have attributed the assertion found in the official paper of the commission to its secretary. The secretary might have written it as instructed by the commissioners. But Sher has written the 'Manifesto and Proclamation' . . . appears to have been largely, if not wholly, the work of their secretary.'²⁷

In effect, the 'Manifesto' was in vain, and the commissioners and their secretary left for England without any results. The failure of the Carlisle Peace Commission was denounced bitterly by Edmund Burke: 'They enter

²¹ Edinburgh copy, pp. 172.

²² Edinburgh copy, p. 173.

²³ Fagg, 'An "Ingenious Literary Production"', pp. 6ff.

²⁴ Thomas Paine, *Collected Writings* edited by Eric Foner, New York, 1995, p. 181.

²⁵ Paine, *Collected Writings*, p. 182.

²⁶ Paine, *Collected Writings*, p. 186.

²⁷ Sher, *Church and University*, p. 274. In contrast, Fagg notes in 'An "Ingenious Literary Production"' as follows: 'No drafts have been found and the language and ideas of the Manifesto are not peculiar to Ferguson. . . . It is most likely the work of the three. (namely, Carlisle, Clinton and Eden)' (p. 5)

the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrance at random behind them.’²⁸ After arriving at London on 20 December 1778, Ferguson had to settle all remaining business as the secretary by 30 May 1779, when the commissioners demitted office.

²⁸ Edmund Burke, ‘Speech at Bristol Previous to the Election 6 September 1780’, in Burke, *Party, Parliament, and the American War 1774-1780* edited by W. M. Eofson with John A. Woods, Oxford, 1996, p. 633.

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³⁰ The documents from number 75 to 155 are to be published, together with the documents included in 'Proceedings I' and this paper, in an appendix to The Project Research Report of KAKENHI (Title of Project: Research on the relation between the Enlightenment and the formation of political economy in the modern Anglophone sphere), Principal Researcher: Hideo TANAKA, Professor at Kyoto University, 2007.

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[38. Letter N^o. 7 to Lord George Germain]

*N.° 7 Letter to
Lord George
Germain*

My Lord

We must refer your Lordship to our late dispatches for the Copies and duplicates of our Proclamation and of our last letter to the Congress. We now enclose three printed Papers in two of which published in Pensylvania. Your Lordship will find the Resolution of the Congress relating to our last letter, with some Anonymous Publications intended to counteract our measures. In the third Paper which is printed here you will find a Message to the Congress from M.^r Gerard¹, the supposed Resident of France, at Philadelphia calculated to confirm the people of these Provinces in their Hostility to Great Britain.

From the former two of these Papers Your Lordship may collect together with the Resolutions of the Congress, the Reasonings which are offered to the public on the present state of Affairs, and on the subject of our several Propositions, and will Judge of the expectations we are entitled to from of the Success of our Commission.

The French Squadron | weighed Anchor and put to Sea 101
on the 22^d Instant but with what destination is unknown. If to act on this Coast with the Superiority they have hitherto had, All arguments and representations on our part must remain ineffectual. But if our Situation should change for the better, by the Recovery of our Superiority at Sea, and could the War in consequence of Reinforcements and of immediate Change of orders from England, be resumed Offensively from this place; We should endeavour to pursue the object of our Commission in the manner most suitable to these Circumstances.

¹ Conrad Alexandre Gerard, (1729-90) first French Ambassador appointed to America after France granted full diplomatic status to the American commissioners in March, 1778. Previous to that, Gerard, as an under-secretary to French foreign minister Charles Gravier, Comte de Vergennes, played an important role in France's efforts to draft military and commercial treaty alliances with the Americans and thus weaken Britain's standing in Europe. (EAR)

At present we continue to disperse our Proclamation and shall publish our last letter to The Congress, with what may be necessary to Vindicate our assertion on the Subject of the French Treaty. But under the present Aspect of Affairs to persist any longer in our Pacific advances either to the Congress or to the People at large, would be to expose His Majesty and the State of Great Britain to Insults of which we should be sorry to furnish the occasion. We have the honor to be with the greatest respect My Lord

Your Lordships Most Obedient

and Most humble Servants

New York

Carlisle

July 26th: 1778

H. Clinton

W^m Eden

Geo: Johnstone

| New York, July 27th

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Intimation being received from Sir Henry Clinton that a Frigate was under orders to sail for England with the Admiral's Dispatches. A Duplicate of the last Letter to Lord George Germaine dated July 26th was sent with a Copy of the Royal Gazette, New York July 25th. The other two Inclosures were wanting in this Duplicate as no other Copies of them had been procured besides those already sent.

New York, August 3^d

Received by the Packet, then arrived from England.

*Letter from
William Knox,
Esq.*

[39. Letter from William Knox², No.1]

Whitehall, 3^d June 1778.

² William Knox (1732-1810), under-secretary in the British Colonial Department (1770-82) and strong supporter in a united British empire based on the principle of parliamentary supremacy. As a pamphleteer, he used this platform to defend the British parliament's right to tax Americans, most provocatively in his defence of the Stamp Act in the *Claim of the Colonies to an Exemption from Internal Taxes Imposed by Authority of Parliament Examined* (1765). (EAR, DNB)

My Lords and Sirs,

I am directed by Lord George Germain to send you the inclosed Memorial of Zebediah Story³ of Newport, Rhode Island to His Lordship, for your Consideration.

I have the Honor to be,

My Lords and Sirs,

You most obedient

humble servant.

W. Knox.

[40. Petition of Zebediah Story]

*Copy of a
Petition from
Zebediah Story*

To the Right Honourable Lord George Germaine.
The petition of Zebediah Story of Newport, Rhode Island,
Mariner.

Sheweth

That your Petitioner having bought Flax Seed, Staves, Mahogany and other Goods or Merchandize applied to His Majesty's Commissioner Viscount Howe for Liberty to export the same to Great Britain or Ireland in two Vessels which your Petitioner also bought there called the Success and Levant. His Lordship did not think proper to comply with your petitioner's Request.

| Your Petitioner therefore humbly prays that it may be recommended to the commissioners in America to grant the Relief required that the said Goods and Vessels may have permission to proceed accordingly being intended as a Remittance to a person in London to whom the Value is due.

103

And Your petitioner shall ever pray, &c. &c.

New York, August 7th.

Present

³ Zebediah Story, captain, at New Port, Rhode Island. The agent of Edward Mayne, who was merchant at London.

The Earl of Carlisle, Sir Henry Clinton
William Eden, Esq. and George Johnstone, Esq.
Upon a Representation from the Commander in Chief of his
Majesty's Forces Resolved That the following Remon-
strance and Requisition be made to the American Congress
And that the Secretary do transmit the Same.

New York, August 7th 1778.

*Letter Doctor
Ferguson to
Henry Laurens,
Esq. Presidt of
the Congress.**

Sir,
I have the Honour to transmit to you by Order of their
Excellencies His Majesty's Commissioners, The inclosed
Paper containing a Remonstrance addressed to the Con-
gress on the Subject of the Detention of the Troops lately
serving under Lieutenant General Burgoyne¹ with a Requi-
sition for their immediate Release. To which I make no
doubt that You will pay the Attention due to Matters of
such high Concern and have the Honour to be with the
Greatest Respect.

Sir,
Your most obedient
and most humble Servant.
Adam Ferguson

To His Excellency,
Henry Laurens, Esq.
President of the Congress.

| [41. Remonstrance & Requisition to the A. Congress] 104

Remonstrance By The Earl of Carlisle, Sir Henry Clinton, William

* Not listed in the original contents.

¹ John Burgoyne (1722-92), British general and politician; defeated and taken prisoner at Saratoga by General Gates' American forces in a turning point of the war. He was paroled back to England in 1778 to answer for his failures in Parliament where his primary defence was that he was the victim of Germain's mismanagement and lack of cooperation. He sat in Parliament until 1784 and joined in opposition of the American war. (*EAR, DNB*)

*and Requisition
of His Majesty's
Commissioners
to the American
Congress*

*Eden Esq. and George Johnstone, Esq. His Majesty's
Commissioners appointed with sufficient Powers to treat,
consult, and agree upon the Means of quieting Disorders
now subsisting in certain of the Colonies, Plantations,
and Provinces of North America.*

Upon a Representation from the Commander in Chief of His Majesty's Forces, That the Troops lately serving under Lieutenant General Burgoyne notwithstanding the solemn Convention entered into at Saratoga, in which it is stipulated, That the said Troops should have a free Passage to Great Britain; are nevertheless under various Pretences still detained in New England: The following Remonstrance against the unjust Detention of those Troops and Requisition for their immediate Release, on the Condition annexed to the Article by which their passage to England is stipulated, are now solemnly made to the American Congress.

Whereas the Means that have been devised by Mankind to mitigate the Horrors of War, and to facilitate the Re-establishment of Peace, depend on the Faith of Cartels, Military Capitulations, Conventions and Treaties entered into even during the Continuance of Hostilities. From whence all Nations have agreed to observe such Conventions, as they revere the Sacred Obligations of Humanity and Justice, and as they would avoid the horrid Practice of Retaliations, which, however justly due to the Guilty, in such Cases, but too frequently fall on the Innocent.

And whereas upon these Considerations, all Breach of Faith, even with an Enemy, and all Attempts to elude the Force of Military Conventions, or to defeat their salutary purposes by Evasion or Chicane, are justly held in Detestation, and deemed unworthy of any Description of Persons assuming the Character of, stating themselves as the Representatives of Nations.

And whereas it was stipulated in the second Article of the Convention entered into at Saratoga between Lieutenant General Burgoyne and Major General Gates⁵, "That a free

Passage be | granted to the Army under Lieutenant General Burgoyne to Great Britain upon Condition of not serving again in North America during the present Contest; And the Port of Boston is assigned for the Entry of Transports whenever General Howe shall so order."

His Majesty's Commissioners now founding their Claim on this Article, join with the Commander in Chief of His Majesty's Forces in a Peremptory Requisition, That free Entrance into the Harbour of Boston be given to Transports for the immediate Embarkation of the said Troops, and that they be allowed to depart for Great Britain in Terms of the said Convention. And the said Commissioners, in order to remove every supposed Difficulty or Pretence for Delay in the Execution of this Treaty arising from any past, real, apparent or supposed Infraction of it by Word or Writing on the Side of either party, hereby offer to renew, on the Part of Great Britain, all the Stipulations of the said Convention, and particularly to ratify the Condition annexed to the Second Article thereof above recited, by which those Troops are not to serve again in North America during the present Contest.

And this Requisition dated at New York on the 7th of August 1778 is now sent to the American Congress for their direct and explicit Answer.

signed Carlisle
 Hen Clinton
 W^m Eden
 Geo: Johnstone

New York August 18th

Received the following Extract of a Resolution of the

⁵ General Horatio Gates (1727-1806), served in the British Army early in his career, retiring in 1765 and later living in Virginia. He was appointed by the Congress in 1775 as general of the Continental Army and then head of the Board of War after defeating Burgoyne in 1777. (*EAR*)

American Congress. With the Subsequent Declaration to which it refers.

*Extract of a
Resolution of
Congress*

| In Congress, August 12th 1778.

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Resolved,

That a Copy of the Declaration passed Yesterday be signed by M^r. President and sent by a Flag to the Commissioners of the King of Great Britain at New York.

Extract from the Minutes.

Certified,

Henry Laurens,

President.

[43. A Declaration of Congress to His Majesty's
Commissioners]

*A Declaration
of Congress to
His Majesty's
Commissioners*

A Declaration.

Whereas George Johnstone, Esq. one of the British Commissioners for restoring peace in America, on the eleventh of April last, did write and send a Letter to Joseph Reed⁶,

Esq. a Member of Congress, containing this paragraph, viz. "The Man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this Contest has drawn forth, will deserve more from the King, and the People, from patriotism, humanity and all the tender Ties that are affected by the Quarrel and Reconciliation, than ever was yet bestowed on Human kind." And whereas the said George Johnstone, Esq. on the sixteenth day of June last, wrote and sent a Letter to Robert Morris⁷, Esq. another Member

⁶ Joseph Reed (1741-1785), soldier and later statesman, Reed was known as a "reluctant revolutionary" who worked closely with George Washington as military secretary and as adjutant-general. Reed is of particular interest for making public news that a member of the Carlisle Commission had attempted to bribe him. (EAR)

of Congress, containing this paragraph, viz. "I believe the Men who have conducted the Affairs of America incapable of being influenced by improper motives; But in all such Transactions there is Risque, and I think, that whoever ventures should be secured, at the same Time that Honour and Emolument should naturally follow the Fortune of those who have steered the Vessel in the Storm, and brought her safely into Port. I think Washington and the President have a Right to every Favour that gratefull Nations can bestow, if they could once more unite Our Interests, and spare the miseries and Devastation of War." Which Letters were laid before Congress. | And whereas the said Joseph Reed, Esq. hath in his place in Congress declared, that on Sunday the 21st of June last, a few Days after the Evacuation of the City of Philadelphia by the British Troops, he received a written Message from a married Lady of Character, having Connexions with the British Army, expressing a Desire to see him on Business which could not be committed to Writing. That, attending the Lady agreeable to her appointment in the Evening, after some previous Conversation respecting her particular Connexions, the Business and Characters of the British Commissioners and particularly Governor Johnstone /meaning the said George Johnstone, Esq./ were the Subjects of general Conversation, which being more confined, the Lady enlarged upon the Great Talents and amiable Qualities of that Gentleman, and added, that in several Conversations with her, he /Governor Johnstone/ had expressed the most favourable Sentiments of him /M^r. Reed/ and that it was particularly wished to engage his /M^r. Reed's/ Interest to promote the Objects of their Commission, viz. a Reunion between the two Countries, if consistent with his Princi-

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⁷ Robert Morris (1734-1806), prominent merchant widely known as the "Financier of the American Revolution". While his personal resources were central to the American victory, he was also a leading figure in Congress, representing Pennsylvania from 1775-1778. (*EAR*)

ples and Judgment; and that in such Case, it could not be deemed unbecoming or improper in Government /meaning the British/ to take a favourable Notice of such Conduct, and that in this Instance he /M^r. Reed/ might have ten thousand pounds Sterling, and any Office in the Colonies / meaning these united States/ in his Majesty's Gift /meaning in the Gift of His Britannic Majesty/: To which finding an Answer was expected, he /Mr. Reed/ replied, "he | was not worth purchasing, but such as he was, the King of Great Britain was not rich enough to do it." And whereas the said Paragraphs written and sent as aforesaid by George Johnstone, Esq.; and the said Declaration made by Joseph Reed, Esq. call loudly upon Congress to express their sense upon them; therefore

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Resolved,

That the Contents of the said paragraphs, and the particulars in the said Declaration, in the Opinion of Congress, cannot but be considered as direct Attempts to corrupts and bribe the Congress of the United States of America.

Resolved,

That as Congress feel, so they ought to demonstrate the highest and most pointed Indignation against such daring and atrocious Attempts to corrupt their Integrity.

Resolved,

That it is incompatible with the Honour of Congress, so hold any Manner of Correspondence or intercourse with the said George Johnstone, Esq. especially to negotiate with him upon Affairs in which the Cause of Liberty and Virtue is interested: And for the propriety of such Conduct, we make and publish to the world, this Our Declaration.

Done in Congress at Philadelphia, this 11th August, in the Year of Our Lord 1778, and in the third Year of the Independence of America.

By Order of Congress.

Henry Laurens,
President.

| The same Day received by the July Packet the following 109
Letter, with printed Copies of several Acts of Parliaments
passed in the last Sessions relating to America.

[44. Letter from William Knox, N^o. 2]

*Letter from W^m.
Knox, Esq.*

Circular

My Lords and Sirs,

I send you inclosed by the Direction of Lord George
Germain, printed Copies of several Acts passed in the last
Sessions of Parliament, which relate to America.

I have the Honour to be,

My Lords and Sirs

Your most obedient

Whitehall humble Servant.

1st July 1778. W. Knox.

[45. List of Acts of Parliament]

An Act for allowing the Exportation of certain Quantities
of Wheat, Flour, &c, to Newfoundland, &c, &c, &c.

An Act to explain and amend so much of an Act made in
the Fourth Year of the Reign of His Majesty as relates to
the Clandestine Conveyance of Sugar, &c, &c, &c.

An Act for the Relief of the Captors of Prizes, &c, &c, &c.

An Act to continue the several Laws therein mentioned
relating to the Allowance upon the Exportation of Gun-
powder, &c, &c, &c.

An Act to permit the Exportation of Goods directly from
Ireland, &c, &c, &c.

An Act for allowing the Reimportation of unmanufactured
Tobacco, &c, &c, &c.

New York, August 20th.

The following Papers being presented by M^r Eipha^s of

Massachusetts Bay, for the Consideration of the Commissioners they were pleased to Order the Minute Subjoined.

[46. Memorial to His Majesty's Commissioners]

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*Memorial to
His Majesty's
Commissioners*

To Their Excellencies His Majesty's Commissioners.

The Reconciliation of the Friends to Government with their Country is now become an Object of the Attention of His Majesty's Commissioners. See their Letter of the 10th July. Whether Congress be competent to such Measure, further than to advise the particular States upon it, or whether it be the proper Business of each State, are Matters of Doubt. The States cannot or rather dare not negotiate that or ~~lor~~ any other Matter with the Commissioners, as the Congress claim the exclusive Power of treating. See Confederation, and their Address to the States and People on their first Notice of the Conciliating Bills.

The Province or State of Massachusetts Bay have resolved, that the Friends to Government from that Province, shall not return, but on Application first made to their General Court.

Will not such Reconciliation in that Province properly originate in overtures from the Friends to Government, from thence, by Way of Application or Memorial to their General Court, provided the Terms proposed be not incompatible with the Designs of Government?

Will not such Reconciliation, should it take place, tend to a General Reconciliation between the two Countries, as One Subject of Dissension will thereby be removed? Does the Inclosed Memorial contain any proposition inconsistent with the Claims and Intentions of Government?

Should the Friends to Government return to their Country and to their Estates and the War still continue, as they would carry with them the same principles and Attach-

⁸ Not identified.

ments, that have hitherto influenced their Conduct, will they not have it in their Power, consistent with the proposed Terms of Reconciliation, more effectually to promote the present generous Designs and Claims of Government at some future more favourable period, than they possibly can in their present Situation?

Will not their Estates, now wholly in the Hands and at the Disposal of the people, more effectually support the War on the part of America, than if in the Hands of the proper Owners, in which Case a part only, viz. in equal proportion with others, would be appropriated to that purpose?

| Is not the present, if ever, the proper Time to attempt such Reconciliation as it has been proposed by the Commissioners and as the Affairs of Government begin to wear a more favourable Aspect? 111

Should such overtures prove unsuccessful, will not the Attempt serve to explain the Designs and Expectations as well as the Temper and Disposition of the people of that province?

The above propositions and Queries are humbly submitted to the Consideration of His Majesty's Commissioners, whose Judgement and Advice thereon, will influence and regulate the Conduct of the Friends to that Government, which said Commissioners represent.

When it is considered, that the Friends to Government have left Families, Fortunes, Friends and Connexions in the Country, that the war has occasioned a Separation from these for more than three Years and that the Happiness and prosperity, not only of themselves, but of their Families and posterity must depend on their being enabled at some future Time to return to their Country, it must surely be acknowledged, that the Time, Manner, and Terms thereof, are Objects of the last Importance, and such as call for the Indulgence of that Government, to which, at the Risque of their Lives and Fortunes they have adhered.

*Draft of a
Memorial to the
Council and
Assembly of
Massachusetts
Bay*

[47. Memorial to the Assembly of Massach <usetts> Bay]

To the Honourable the Council, and House of Representatives of the State of Massachusetts Bay, in General Court assembled, &c, &c, &c.

The Memorial of Us the Subscribers. Humbly Sheweth.

That, from the present Aspect of public Affairs, it appears highly probable, that a Reconciliation with our Fellow Country men, will have a very great Tendency to prevent the further Effusion of blood, and all the horrid Concomitants | of War, and to restore peace and Happiness to both Countries, We therefore deem it an Indispensable Duty we owe to Our Country, Ourselves, and to posterity to endeavor all in Our power to Effect these important and very desirable Ends.

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When we reflect, on the Calamities of War that have already taken place in Our Country, We not only wish to prevent the further Continuance thereof, but that all parties and Denominations of Men, could be prevailed on, charitably to impute them, to that fatal Difference in Opinion, which has in all Ages of the World, and in all Nations, divided and distracted the Councils of erring Mortals, and occasioned much the greatest part of those Wars that have destroyed the Happiness of Mankind.

As We are disposed to believe, that Our Country men in General will not ungenerously wish us to make any Concessions, inconsistent with those Manly Feelings, that ought ever to influence our Actions and Conduct; and as we cannot conceive that any Good can possibly accrue, from a Revival of those Subjects of Dissension, which have proved so fatal to our Happiness. Let us in Candour draw over them a Veil of mutual Forgiveness and perpetual Oblivion.

We beg Leave to assure Your Honours, that notwithstanding

our past Opinions and Conduct, in which we have unhappily differed so widely from our Countrymen in General, We ever have and now do most sincerely wish the Happiness and Prosperity of our Country, and altho' we have the strongest Assurances that Great Britain will afford us "Support, at every Expence of Blood and Treasure;" it is the first Object of our Wishes to be reconciled with and restored to the Friendship and Affection of our Countrymen, and to return and spend the Remainder of our Days with them and with our Friends and Families.

| We acknowledge that it was with the highest Pleasure, we saw a late generous and humane Resolution of Congress, respecting our Reconciliation with and Return to our Country. We have also seen a Resolution of Your State purporting that no One in Our predicament, should be permitted to return and become a Subject of Your Government, but upon Application first made to the Great and General Court. We hope the peculiarity of our Situation, will sufficiently apologize for our delaying such Application untill this Time, being the first favorable Opportunity.

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We therefore beg Leave to propose to your Serious Consideration the following Terms of Accomodation. Namely

That you make us the Subjects of an Act of Amnesty and Naturalization.

That you include in said Act all such as are in like Circumstances with us provided they comply with the same Conditions that may be enjoined us.

That we be restored to the Possession of our property.

That you recommend to your Constituents to receive us amongst them, and to afford us protection.

We on Our part solemnly undertaking.

That we will become peaceable Subjects of your Laws and Government.

That we will pay our equal proportion of the public Debt incurred on Account of the War.

Should these Terms of Reconciliation, offered in the

Fulness of Affection and Love to our Country, be rejected, an Event, we can scarcely suppose possible, and the War be continued, We call on God and Our Country to Witness that we are not the Occasion.

We therefore intreat your candid Attention to this our Request, and doubt not, when you have duly weighed the Nature and extensive Effects of our proposed Reconciliation, You will see the same productive of such Happiness, both public and private, as will induce your chearful and ready Compliance.

[48. Minute of the Commissioners]

114

*Minute of His
Majesty's
Commissioners*

It is the Sense of His Majesty's Commissioner that they being intrusted with a Plan of Pacification formed upon the most gracious Intentions of the King and of the Parliament and having given to the General Congress of American Deputies the necessary Intimation of their Arrival and of the principles upon which they were authorized to restore the peace of America. The Business now rests with the Congress and with the people of America.

His Majesty's Commissioners are ready to receive any propositions that may be made to them and treat on the principles stated in their Letters to the Congress and in their Proclamation to the people But cannot countenance any Measures tending to a Reconciliation with his Majesty's Rebellious Subjects upon Terms inconsistent with those already proposed to the American Congress Nor give their Sanction to any Act by which a Subject of the State of Great Britain may be led to renounce his Allegiance to His Majesty or to join with His Enemies.

New York, August 26th.

Present:

The Earl of Carlisle,
William Eden, Esquire, and
George Johnstone, Esquire

The following Letter was delivered by Mr. Johnstone on the Subject of the Declaration of the Congress of the 11th of August, respecting himself, with the Inclosed paper in Answer thereto on His part which had been previously communicated to Sir Henry Clinton. And the Commissioners approve of sending the said paper to the Congress, together with the following Declaration on the Part of the Earl of Carlisle, Sir Henry Clinton and William Eden, Esquire, which was yesterday prepared and agreed to by them, as also a Duplicate of the Remonstrance and Requisition made by His Majesty's Commissioners respecting the

Detention | and Release of the Troops lately serving under Lieutenant General Burgoyne dated the 7th Instant and now signed by the Earl of Carlisle, Sir Henry Clinton and William Eden, Esq.

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[49. Letter from G. Johnstone, Esq. to the Commissioners]

*Letter from
George
Johnstone, Esq
to the Earl of
Carlisle, Sir
Henry Clinton
and William
Eden, Esq.*

To the Earl of Carlisle, Sir Henry Clinton and William Eden Esq three of the Commissioners appointed to treat, consult and agree on the Means of quieting the Disorders in North America.

After waiting a sufficient Time for an Answer to the Representation we transmitted to the Congress respecting the King's Troops detained at Boston, It appears to me that the Resolution of Congress of the 11th of August relating to myself is Calculated to evade giving an Answer to that Requisition.

As there is no prospect of treating with the Congress

short of the Terms contained in their Answer to Our first Letter to which I should never consent and as I believe if any thing is done in the Manner of Treaty, It must be by Means of other Men that those who compose the Majority of that Body.

I think it a Duty I owe my Fellow Subjects at Boston to remove any Exception that is now raised by the Congress as to me in order that the Requisition may be again repeated. For this purpose I desire to make the inclosed Declaration unless You shall see any Objection, as to fulfilling the purpose of Our Commission in other Respects in which I mean to act and use my best Endeavours as long as I continue in this Country.

I am with perfect Respect,
My Lord and Gentlemen,
Your most obedient and
most humble Servant.
New York,
26th August 1778. Geo. Johnstone.

[**50. Answer of G. Johnstone, Esq. to the Declaration of Congress** 116]

*Answer of
George
Johnstone, Esq.
to the
Declaration of
Congress of the
11th Instant*

New York, August 26th 1778.

George Johnstone, One of the Commissioners appointed by His Majesty to carry into Execution the gracious purpose of His Majesty and His parliament for quieting the Disorders now subsisting in North America and for maintaining the People of these Provinces in the Clear and perfect Enjoyment of their Liberties and Rights, having seen a Declaration of the American Congress signed by Henry Laurens, their president, dated 11th of August, to which for certain assumed Reasons therein specified is subjoined the following Resolution.

“That it is incompatible with the honour of Congress to hold any Manner of correspondence or Intercourse with

the said George Johnstone, Esq. especially to negotiate with him upon Affairs in which the Cause of Liberty and Virtue is interested."

The said George Johnstone for himself says, That he is far from considering the said Resolution of the Congress as offensive to him, That he rather receives it as a Mark of Distinction to which he is by no Means entitled either by his Exertions in the Cause in which he is employed or by his Abilities for improving any future Circumstances that may occur towards fulfilling the purposes of the Commission under which he is appointed.

That he shall be happy to find when this Exception as to him shall be removed that the Congress are inclined to retract their former Declaration and to negotiate with others upon Terms equally conducive to the Happiness of both Countries; at the same time he is inclined to believe That the said Resolution of Congress has been issued upon similar Motives with those Resolutions respecting the Cartouch Boxes of General Burgoyne's Army and calculated as an Excuse to a deluded people for not sending an explicit Answer to a plain Requisition that was made to the Congress from His Majesty's Commissioners with Regard to the unfortunate soldiers who are | detained at Boston under every Indignity contrary to the public Faith of a solemn Convention signed at Saratoga, and also to serve as a pretext to the unhappy Constituent of the Congress who are suffering under the various Calamities of War for disappointing the good Effects of the Commission, which the Real Friends of America had so long requested by the most solemn petitions, Resolutions and public Declarations, and which so many of the Inhabitants of this Continent now desire to see carried into full Effect.

As the great purpose Mr. Johnstone had in View in coming to North America was to promote a Reconciliation between Great Britain and her Colonies with a full Determination to do nothing that could have a Tendency to

prevent it, in order therefore to defeat the purposes intended by this Resolution of Congress, the Subscriber George Johnstone, thinks proper to decline acting as a Commissioner or otherwise interfering in any Message, Answer, Agreement, Negotiation, Matter, or thing that may regard the said congress, which he does with so much the more pleasure as he is perfectly satisfied the Business will be left in more able and sufficient Hands reserving to himself the Liberty, if he should judge proper of publishing before he leaves North America, a Justification of his Conduct against the aspersions thrown on his Character.

When the Congress were contending for essential Privileges necessary to the preservation of their Liberty under solemn Declarations that their Resistance was calculated merely to obtain Redress upon those points M^r. Johnstone should have been sorry to have incurred their Censure, tho' unheard in his Defence, and upon a Chain of Evidence so totally inconclusive as to him.

| At present when the Congress can remain deaf to the Cries of so many of their Fellow Subjects, who are suffering by the Miseries of this War, and from Motives of private Ambition can so far sully the principles upon which their first Resistance was made, as to bow to a French Ambassador and league with the ancient Enemy of both our Countries, from whose hostile Designs Great Britain has so often rescued the Inhabitants of North America, and this for the avowed purpose of reducing the power of the parent State after all their just Claims are gratified and thereby injuring their nearest and dearest Friends and Relations forgetting all the principles of Virtue and Liberty that ought to regulate the Conduct of Men in Society.

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Mr. Johnstone is not anxious about the Good opinion of such a Body, notwithstanding the Regard he shall always bear to many of the Individuals who compose it, from a just Allowance to be made for Men acting under the

Heats incident to Civil Commotions, and from a certain Knowledge they did entertain, and a persuasion that they now entertain different Sentiments.

With Respect to the Body of the people of America at large the Subscriber sincerely wishes to avoid every Subject of Offence which designing Men may possibly intend to create by exciting Angry passions in Return to personal provocations and thereby defeat any Effects of Good will towards Mr. Johnstone, which the Remembrance of former good Offices he has rendered them might occasion.

Geo. Johnstone.

|[51. Declaration of the Earl of Carlisle, &c]

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*Declaration of
the Earl of
Carlisle, Sir
Henry Clinton
and William
Eden Esq.*

Whereas The Earl of Carlisle, Sir Henry Clinton, Knight of the Bath, and William Eden, Esq., Three of his Majesty's Commissioners appointed to treat, consult, and agree upon the Means of quieting the Disorders subsisting in certain of the Colonies, plantations and Provinces in North America.

Have received a Declaration of the American Congress dated the 11th Instant which relates to a Gentleman with whom they have the Honour to be joined in Commission and is meant to affect him as a Commissioner, they hereby think proper on their part solemnly to declare that they had not any Knowledge either directly or indirectly of the Letters and Conversation alluded to in the said Declaration untill they saw them made public in the Newspapers. At the same Time they do not mean either to imply any Assent to the Construction put on private Correspondence which the Congress have thought proper to publish or to intimate a Belief that any person could have been authorized to hold the Conversation to which the said Declaration of the Congress alludes. Nor do they on the other hand mean to enter into an Explanation of

the Conduct of a Gentleman whose Abilities and Integrity require no Vindication from them. But they think proper in Justice to that Gentleman, as well as to themselves and to the Commission with which they are charged, to say that in the many Conversations which he has had with them upon the Measures adopted to restore the peace of these Colonies, the principle of all his Reasonings seemed to be, that Offers of Great Britain were obviously adapted to promote and establish the Liberties, peace, Opulence, Increase, Security and permanent Happiness of the Inhabitants of this Continent, And that those Blessings in an equal Degree were not to be expected from any other Connexion or Mode of | Government whatever. When therefore the King's Commissioners transmitted to the Congress the Acts of Parliament to exempt the Colonies for ever from British Taxation, and to secure their Charters and established Governments: And when they added that they were authorized and desirous to restore Peace, to revive free Intercourse and mutual Affection, to preserve the Value and promote the Credit of the paper Circulation, to give Satisfaction and Security for ever on the Subject of the Military Establishments and to extend every Freedom to Trade; They felt that they were enabled to stipulate and had offered not only every thing that is or can be proposed by the French Alliance but also many Advantages to this Continent which can never by any possibility be derived from that unnatural Connexion. And they remain astonished at the Calamities in which the unhappy people of these Colonies continue to be involved from the blind Deference which their Leaders profess towards a power that had ever shewn itself an Enemy to all Civil and Religious Liberty and whose Offers His Majesty's Commissioners must repeat; Whatever may be the pretended Date and present Form of them; were made only in Consequence of the Plan of Accomodation previously concerted in Great Britain and with a View to prevent the

Reconciliation proposed and to prolong this destructive War.

This Assertion is made on the Credit of the following Facts:

It is well known to this whole Continent that public Intimation of the Conciliatory propositions on the part of Great Britain was given to the British parliament and consequently to the whole world in the Month of November last and Reasons for delaying those propositions till after the Recess for the Holidays were at the same time given to the House of Commons.

It is equally well known that the preliminaries of a French Treaty with which M^r. Simeon Deane⁹ first went to Sea in the Frigate called La Belle Poule did not bear Date earlier than the 16th December.

Silas

| It cannot be a Secret to the Congress that those preliminaries led to a Treaty of Commerce only and were transmitted to America in that inconclusive Form, because the Concessions made by France on the one hand were so unsatisfactory, and the Condition required of America on the other so exceptionable that the Commissioner's of the Congress did not think proper to proceed untill they should be specially authorized.

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Mr. Simeon Deane after having been some Weeks at Sea was obliged to put back into one of the French Ports and returned to Paris. In the mean time the Parliaments had met again on the 20th of January and the Propositions to be made, tho' not formally stated till the 17th February, were occasionally during the whole Interval a Subject of Discussion in all the preparatory Debates upon the State of the Nation. It was during this Interval and not before, that France being informed of the liberal and extensive Nature of the intended Offers thought it expedient for the purpose of prolonging the War and of making these Colonies the Instrument of her Ambition, to new model and enlarge

⁹ See 'Proceedings 1', p. 218, note 25.

her proposals.

Still however the full Powers are not pretended to have been given Mons.^r Gerard before the 30th January. And whatever Time the Treaties thus notoriously flowing from the generous Measures of Great Britain may have been dated by the French Ministers either in Fact or by Collusion for the purpose of giving an uncandid Interpretation to the proceedings of the British Parliament¹⁰; Whatever too may have been the Dates of the Dispatches which accompanied those Treaties, It is well known that neither Treaties, nor Letters notifying Treaties were sent from France before the 8th of March.

When these particulars together with all the other Circumstances attending the Conduct of the French Court towards these Colonies during the Years 1775, 1776 and 1777, most of which must be well known to the American Congress, are duly considered, the Designs of France, the ungenerous Motives of her Policy, and the Degree of Faith due to her professions will become too obvious to need any further Illustration.

| And His Majesty's Commissioners thought and still think themselves entitled to expect that the General Congress should not on the Ground of such Treaties, even if the Constitution under which they act had authorized them, assume the decisive part which they have taken without previously consulting the Assemblies of their different provinces and making their Constituents acquainted with all the Facts upon which a true Judgement might be formed.

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New York,
26th August 1778.

Carlisle.
Henry Clinton.
W^m. Eden.

¹⁰ The word 'Parliament' is inserted above this line of text in a different hand.

[52. Duplicate of the former Remonstrance & Requisition¹¹]

Duplicate of the Remonstrance and Requisition of His Majesty's Commissioners of the 7th August, sent by the Earl of Carlisle, Sir Henry Clinton and William Eden, Esq.

By The Earl of Carlisle, Sir Henry Clinton and William Eden Esq. Three of His Majesties Commissioners appointed with sufficient powers to treat, consult and agree upon the Means of quieting Disorders now subsisting in certain of the Colonies, Plantations and provinces of North America.

Upon a Representation from the Commander in Chief of His Majesty's Forces, That the Troops lately serving under Lieutenant General Burgoyne, notwithstanding the solemn Convention entered into at Saratoga, in which it is stipulated, That the said Troops should have a free Passage to Great Britain; are nevertheless under various Pretences still detained in New England: The following Remonstrance against the unjust Detention of those Troops and Requisition for their immediate Release, on the Condition annexed to the Article by which their Passage to England is stipulated, are now solemnly made to the American Congress.

Whereas the Means that have been devised by Mankind to mitigate the Horrors of War, and to facilitate the Re-establishment of peace, depend on the Faith of Cartels, Military Capitulations, Conventions and Treaties entered into even during the Continuance of Hostilities. From whence all Nations have agreed to observe such Conventions, as they revere the Sacred Obligations of Humanity and Justice, and as they would avoid the Horrid practice of Retaliations, which, however justly due to the Guilty, in such Cases, but too frequently fall on the Innocent:

| And whereas upon these Considerations, all Breach of Faith, even with an Enemy, and all Attempts to elude the Force of Military Conventions, or to defeat their salutary Purposes by Evasion or Chicane, are justly held in Detestation, and deemed unworthy of any Description of Per-

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¹¹ Duplicate of No. 41. See above pp. 237-9.

sons assuming the Character or stating themselves as the Representatives of Nations.

And whereas it was stipulated in the Second Article of the Convention entered into at Saratoga between Lieutenant General Burgoyne and Major General Gates, "That a free Passage be granted to the Army under Lieutenant General Burgoyne to Great Britain upon Condition of not serving again in North America during the present Contest; And the Port of Boston is assigned for the Entry of Transports whenever General Howe shall so order."

His Majesty's Commissioners now founding their Claim on this Article, join with the Commander in Chief of His Majesty's Forces in a peremptory Requisition, That free Entrance into the Harbour of Boston be given to Transports for the immediate Embarkation of the said Troops, and that they be allowed to depart for Great Britain in Terms of the said Convention. And the said Commissioners, in order to remove every supposed Difficulty or Pretence for Delay in the Execution of this Treaty arising from any past, real, apparent or supposed Infraction of it by Word or Writing on the Side of either party, hereby offer to renew, on the Part of Great Britain, all the Stipulations of the said Convention, and Particularly to ratify the Condition annexed to the Second Article thereof above recited, by which those Troops are not to serve again in North America during the present Contest.

| And this Requisition dated at New York, on the 26th of August 1778, is now sent to the American Congress for their direct and explicit Answer.

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Carlisle
Henry Clinton
William Eden

To His Excellency.

Henry Laurens, Esq.

The President and Others the

Members of the Congress met at Philadelphia.

*Resolution of
His Majesty's
Commissioners*

New York, August 26th, 1778.

His Majesty's Commissioners direct Doctor Ferguson to transmit to the President of the American Congress, for the Information of the Congress, the Declaration of this Day by George Johnstone, Esq. And the Declaration of the same Date by the Earl of Carlisle, Sir Henry Clinton and William Eden, Esq. And also the Requisition respecting the Troops lately serving under Lieutenant General Burgoyne signed by the Earl of Carlisle, Sir Henry Clinton and William Eden, Esq.

Adam Ferguson.
Secretary to His
Majesty's Commission.

Agreeably to the above Resolutions the following Dispatch was on the 26th August, 5 P.M. carried to the Quarters of Major General Jones¹² in Order to be sent from thence with a Flag of Truce, viz. A Packet containing in one cover the Separate Declarations of the Three Commissioners the Earl of Carlisle, Sir Henry Clinton and William Eden, Esq. together with that of George Johnston, Esq., And in a different cover the Remonstrance and Requisition relating to the Troops lately serving under Lieutenant General Burgoyne. The whole together with the order of His Majesty's Commissioners for that purpose inclosed in one cover directed in the same Manner with the Separate Packets to Henry Laurens, Esq. president and Others, the Members of the Congress met at Philadelphia.

¹² Major General Jones (1747-1792), Naval Commander first commissioned by Congress at the start of the Revolutionary War, he served well with several important achievements both in American and European waters during the campaign. (EAR)

| New York, August 27th.

Orders the following Letter to Andrew Elliot¹³ Esq.
Superintendent General of the Port of New York,

[53. Letter N^o.1 to Andrew Elliot, Esq.]

New York, August 27th 1778.

*Letter to the
Super Intendant
of the Port of
New York*

Sir

The Commanders in Chief of His Majesty's Navy and Army thinking it inexpedient at present to discontinue the Embargo on the Shipping in this Port, We must submit to that Opinion: We have however been glad to hear at the same time that there will not be any Objections to suffering a limited Quantity of Tonnage to be employed in the essential Services of bringing Flour and Wheat from Quebec, and Fish from Halifax and Newfoundland for the Relief and better Support of the Inhabitants of this City and the Parts adjacent within His Majesty's Authority. We desire therefore that you will give public Notice to the Merchants and receive the proposals of such of them as may be disposed at their own Risque to engage in immediate Voyages for the purposes above mentioned.

The Season being far advanced, this Notice to the Merchants tho' General, must be Short, and We shall be glad to know the Result.

Carlisle.

Wm. Eden.

Geo: Johnstone.

¹³ Andrew Elliot, New York merchant appointed by General Howe to hold the post of Receiver General and Collector for the port of New York from 1764-1776. He was a leading Loyalist in New York responsible for a range of government functions in general but particularly for the enforcement of regulations preventing the illegal re-export of goods to other colonies. As such he was extremely influential in New York during the War. (EAR)

[54. His Answer]

*Reply of the
Super Intendant
of the Port of
New York*

New York, 29th August 1778.

I have the Honour to acknowledge the Receipt of Your Excellencies Letter of the 27th Instant; and immediately gave the public Notice agreeable to Your Desire; in Consequence of which the Inclosed Lists of Vessels and Cargoes were proposed by the Merchants for Quebec and Newfoundland, for the express purpose of obtaining Cargoes of Grain, Flour and Fish, with which they are to return directly to this Port, under Forfeiture of one thousand pounds Sterling Bond, the Danger of the Sea and Captures excepted.

| If any Troops or Men in the Government Service are intended to be sent to Quebec or Newfoundland, I am empowered by the Owners of the Vessels going to those ports to inform Your Excellencies that they will readily carry such a proportion as their Vessels will admit of, Government finding the necessary Stores.

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I am with Great respect

Your Excellencies

Their Excellencies

Most obedient and

The Earl of Carlisle, &c. &c. &c. Most humble Servant.

Commissioners for restoring &c. &c. Andrew Elliot.

Super^t

[55. Letter N^o. 2 to Andrew Elliot, Esq.]

*Answer to the
Reply of the
Superintendent
of the Port of
New York*

New York, August 30th 1778.

Sir

We have received your Letter of this Date transmitting the proposals of the Merchants, which We shall immediately forward to Rear Admiral Gambier, accompanied with our Recommendation to Him to give the permission necessary for the Vessels engaged in so very useful and

urgent an Undertaking. We see no material Objection to any of the proposals and have no Difficulty in recommending to you to permit the parties concerned to proceed from this Port with the Cargoes proposed, except as to the Articles of Molasses and Salt, in Regard to which it may be previously Right for you to inform Yourself at the Commissary Generals Office that His Majesty's Stores are sufficiently supplied. We also recommend to You in Order to avoid Collusion and Impositions to take a Bond for the Bona Fide performance of the respective Voyage, with a Collateral Security to each Bond from known and well affected Persons.

Carlisle.

W^m. Eden.

Geo: Johnstone.

*Letter to
Admiral
Gambier*

[[56. Letter to Admiral Gambier]

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New York, August 30th 1778.

Sir,

We transmit to You for Your Information the Copy of a Letter dated 27th Instant from us to the Superintendant of this Port, together with a Copy of His Answer and the Original Inclosures contained therein, and a Copy of our Reply. And We make no Doubt that You will concur with us in giving every Facility within Your Department to the pressing and important Service which We have mutually in View.

The latter paragraph of Mr. Elliot's Letter may possibly assist You in complying with the Requisitions of the Commander in Chief for the Conveyance of particular Officers and their Suite to Halifax and Quebec.

Carlisle.

W^m. Eden.

Geo: Johnstone.

New York, August 29th.

The following Address being presented to His Majesty's Commissioners from the Merchants, Traders and Others Inhabitants of New York. The Answer subjoined was ordered to be given in Writing and signed by the Secretary.

[57. Address of the Merchants &c of New York]

*The Address of
the Merchants,
Traders and
others
Inhabitants
of New York to
His Majesty's
Commissioners*

To their Excellencies the Right Honorable the Earl of Carlisle, and the Honorable Sir Henry Clinton, William Eden, Esq. and George Johnstone, Esq. Commissioners, &c.

We His Majesty's loyal and dutiful Subjects, Merchants, Traders, and Others, Inhabitants of the City and County of New York, beg Leave to present our sincere and cordial Congratulations, as well on the Appointment of Your Excellencies to this Important Trust as on Your safe Arrival to this Continent.

| Deeply impressed with a gratefull Sense of His Majesty's paternal Goodness to all His Subjects, and conscious that it has ever been His gracious purpose rather to reclaim than to punish, We trust His Majesty, in the Confidence reposed in You as His Commissioners, has taken the most effectual Method, to give Energy and speedy Execution to His benevolent Intentions. It is therefore natural for us to look forward with pleasure to that period, when under Your Auspices, all party Distinctions shall cease; and peace, Harmony and legal Government, again bless this Country: And We trust Your Excellencies will soon have the pleasing and honourable Satisfaction, of restoring these inestimable Blessings to suffering Thousands, upon so firm and constitutional a Basis as will insure its Duration to the remotest Period.

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We at the same time with much Deference beg Leave to

represent, that the Loyal Inhabitants of the City and County of New York, from their past Experience of the Happiness they enjoyed, when at the peace of His Majesty, cannot but wish that, when it may be deemed consistent with the Good of the Empire they may be permitted to Hope for a Renewal of the same Privileges under such Regulations as may hereafter be thought expedient. At present, We would humbly beg Leave to mention, that from a Variety of concurring Causes, the Value of Commercial Property in this City, has increased to an Amount very important and interesting, not only to us as individuals, but also eventually to a large proportion of the mercantile part of Great Britain. This property is materially increased by many of us having on Hand a Variety of Articles, as well the produce of the several Counties in His Majesty's protection, as the Imports from other places, together with such Goods as have long been in the Stores of New York, unfit for the Service either of the Army or Navy, and only useful, when considered as a Remittance to Great Britain. These may be comprised under the following Articles, viz.t Tobacco, Indigo, Beeswax, Flax Seed, Potash, Lumber, Dye Woods, Furs, Oil, &c, &c, to a very large Amount; all which We are restrained from shipping by the Prohibitory Act.

| In thus representing to Your Excellencies some of those particulars which most materially affect His Majesty's faithful Subjects Nothing is more distant from our Intentions, than a Desire to point out any Line of Conduct to Your Excellencies: But conscious that the Great Object of all Your Cares is the public Good: We rest in full Confidence, that Your Excellencies will be pleased to take the Premises into Consideration and grant us such Indulgence and Relief, as to Your Excellencies may appear expedient and consistent with His Majesty's Service.

John Stoughton	William Kenyon.	David Seabury.
W ^m Taylor.	Edward Laight.	Peter Goelet.
Neil Jamieson.	Joseph Allicocke.	W. ^m Tongue.
Thomas Roy.	Will. ^m Jamieson.	John Porteous.
Robert Cuming.	W. ^m Scheviz.	Robs Ellice.
Minton Collins.	R. ^d Sharpe.	Quintin Hamilton.
Daniel M ^c Cormick.	Thomas White.	Smith Ramadge.
Will ^m Simpson.	W. Perry.	Robert Douglass.
Francis Green.	Law. ^o Kortwright.	Charles Eddy.
Charles Michie.	T. Backhouse.	Michael Price.
Younghusband & Harrison.		Andrew Kerr.
John Ponsonby.	Gabriel H Ludlow.	Benja.n Sykes.
Lewis and Rogers.	W. ^m Eocles.	Henry Thompson.
Jeremiah Stacy.	Tho. Simpson.	James Langton.
Lenus King.	Hugh Gaine.	W. ^m Donaldson.
John Moore.	John Miller.	Dennis M. ^c Ready.
Robt Robinson.	Jssachar Block.	Taylor & Rogers.
Rich. ^d Yates.	Sam. ⁱ Brownejohn.	Daniel Silsby
Robert Dale.	John Ross.	W. ^m Ustick.
W. ^m Lowther.	Tho. ^s Smith.	Willett Taylor.
Will. Pagan.	Dig. OBrien.	W. ^m Walton.
Robert Pagan &co.	Jacob Walton.	Rob. ^t Murray.
Cha. ^s Nicoll.	John Perry.	Benj. ⁿ Booth.
Edward Nicoll Jun ^r	Sam. Gault.	William Laight.
Ch. ^s Shaw.	W ^m . & Ja ^s Douglas.	John Murray.
Dan. Ebbets.	Tho. Galbreath.	Price & Salmon.
Fran. ^s Panton.	John Taylor.	Jacob Watson.
Edward Nicoll.	Rob. ^t R. Waddell.	Thomas C. Williams.
Peter Le Cock.	Tho. ^s Roach.	Moor & Neale.
Jacob Allbright.	Jn. Loudon M ^c Adam.	William Backhouse.
D. Grim.	James Rivington.	Fred. ^k Rhineland.
Tho ^s Fisher.	Samuel Burling.	Hugh Wardon.
John Dawson.	William Gerard.	Uriah Hendricks.
Birkett & Simpson.	Mich. ^c Cownor.	
Benjamin Huegget.	Ia. ^s Greenhowe.	
James Wells.	Isaac Levy	

W.^m Wiseham. John Oothout.
 Gwilt & Goodwyn.
 V. Pearse Ashfield.

[58. Answer of the Commissioners]

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*The Answer of
 His Majesty's
 Commissioners
 to the Address
 of the
 Merchants,
 Traders, and
 Others
 Inhabitants
 of New York*

The Earl of Carlisle, Sir Henry Clinton, William Eden, Esq. and George Johnstone, Esq. His Majesty's Commissioners, &c, &c, &c,

Thank the Merchants, Traders and Others Inhabitants of the City and County of New York; for the very obliging Terms of their Address and assure them that the Confidence reposed in the benevolent purposes of the Commission, as well as in the Cordial Wishes of the Commissioners to restore the Blessings of Peace, Harmony and Good Government to this Country, is founded on the strictest Truth.

His Majesty's Commissioners sincerely regret that whilst the Attainment of these great and important Objects remains in Suspence the Nature of the Service by Sea and Land should have required an Embargo to be laid on the Shipping in this Port.

It is the sincere Wish of the Commissioners to have the Embargo removed and they have no Doubt that as soon as it shall be no longer necessary for His Majesty's Service the Commanders in Chief of the Army and Navy will concur with them in removing it.

When that Moment arrives It is the purpose of His Majesty's Commissioners to extend the Freedom of Exportation to every Article of Merchandize collected in this Port and City which it may not be judged necessary to retain for the Use of the Troops and Inhabitants, And to grant to the Merchants this Relief under such Regulations as may be calculated for their Ease and Security, and at the same time Compatible with the other urgent Services of the Public.

By Order of their Excellencies

New York
29th August 1778.

Adam Ferguson,
Secretary.

| New York, September.

Received the following Letter from the Superintendant of the port of New York with a Copy of the Commissary General's Note inclosed, which is subjoined.

[59. Letter of Andrew Elliot, Esq.]

New York, 2^d September 1778.

*Letter from the
Superintendant
of the Port of
New York*

Immediately upon receiving Your Excellencies Letter of the 30th last Month, I waited upon Admiral Gambier, who informed me that he was ready to give the Vessels intended for Quebec and Newfoundland the necessary Papers.

On Application to the Commissary General I received the Answer of which I inclose Copy.

The King's Stores being fully supplied with Salt and Melasses, I have proceeded to give Permissions for the loading of these Articles, as well as the others mentioned on the Merchants Proposals.

A Bond is prepared agreeable to Your Excellencies Directions, which I shall take Care to see properly executed when pursuant to Your Recommendation I give the Permits to the Parties concerned to proceed from this Port.

I am with great Respect

Your Excellencies,

Most obedient and

Their Excellencies

Most humble Servant

The Earl of Carlisle, &c, &c, &c, Andrew Elliot.

His Majesty's Commissioners, Super¹
&c, &c,

[60. Commissary Generals Note inclosed]

*Copy of the
Commissary
Generals Note
to the
Superintendant
of the Port of
New York*

Copy.

Sir

In answer to Your Letter of Yesterday, I am to acquaint You that His Majesty's Stores here are sufficiently supplied with Salt and Melasses, I can therefore have no Objection to Permissions being granted for the Shipping of these Articles.

I have the Honour to be,
Sir

New York,
1st Sept. 1778.

Your most obedient and
most humble Servant.
Signed Daniel Wier¹⁴.

Andrew Elliot, Esq

| New York, 6th September.

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Dispatched on Board the Duke of Cumberland Packet, at 6 P.M. the following Letters with their Inclosures to the Secretary of State's Office.

[61 Letter N^o.8 to Lord George Germain]

*N.^o 8 Letter to
Lord George
Germain*

My Lord,

Our last Dispatch by One of His Majesty's Frigates contained a Duplicate of our Letter of the 26th of July¹⁵, which with the Letters, Duplicates and Triplicates formerly sent, completed the Account of our Proceedings to that

¹⁴ Not identified.

¹⁵ See above pp. 234-5.

Date. Since that Time Persons of great weight and Credit have come in from different Parts to avoid taking the Oaths which have been framed and offered to them. By them we are assured that Numbers of the People are inclined to prefer the proposed Plan of Accomodation with Great Britain to the Measures now pursued by their Leaders: And that even of those who wish for Independence in Preference to this Plan, few are willing to purchase this Independence at the Expence of a continued and ruinous War. But we must beg Leave to add that our Intelligence being chiefly derived from Persons however respectable in their Private Characters yet in their present Situation to be heard with some Reserve, we cannot transmit their Opinions without submitting to Your Lordship to make Use of a similar Caution. At the same Time it is certain that the Idea which is carefully propagated that a short Interval will extort the Concession of Independence from Great Britain contributes much to enable the Leaders of the Rebellion to persist in their Claim.

Lord Cornwallis¹⁶ and Admiral Gambier commanding the Army and Navy at this Place in the Absence of Lord Howe and Sir Henry Clinton will inform Your Lordship of the State of their several Departments; and the Accounts which they will send together with Your Knowledge of the Instructions under which they act will enable Your Lordship | to form a very clear Apprehension of our Situation and of the limited Prospect we have of Success in the Business committed to Us.

The Exertion of His Majesty's Government in sending a

¹⁶ Lord Cornwallis (1738-1805), British general, first commissioned as a major general and served under Howe and Clinton and later commanded British forces in the South. Cornwallis had some successes in his military campaigns against the Americans, but there were frustrations as well, and his strategic miscues and defeats leading up to his surrender at Yorktown are representative of the poor communication, lack of political coordination and personal and political infighting amongst British leaders. Cornwallis himself was at odds with the colonial secretary, Lord George Germain. (*EAR*, *DNB*)

powerful Squadron to Support the Armament already on this Coast, has in Consequence of the late Time of Departure from Britain and of its tedious and unfortunate Voyage failed of the Full Effect that might have been expected from it.

Mean Time the Instructions of March last fixing the Destination of the Army and Navy to Services which could not be executed in the Face of a superior Enemy at Sea, Have at the same Time in the Expectation of their being carried into Execution as soon as Circumstances could possibly admit Suspended all Offensive Operations on this Continent and occasioned an Embargo of four Months on all the Ships in this Port to secure a sufficient Quantity of Vessels to carry off the Troops, Stores, Goods and such Inhabitants as may be unwilling to trust to the Clemency of the Enemy in Case that Measure shall be adopted.

Under these Appearances of Weakness, or of a fixed Plan to abandon our Possessions here; Our Cause has visibly declined; And Nothing less than the Sense we have of the Importance of our Trust, and a Resolution not to give Way to despair while there remained the slightest Hope of eventual Success from our Exertions could have made us lose any Opportunity of quitting a Situation in which our Services are likely to be of so little Avail to His Majesty's Affairs.

It is however still difficult for us to believe that an Object of so much Consequence as that of holding at least the Sea Ports of this Continent by some Tye of Dependence and Friendship, an Object which involves not only the Ascendant which Great Britain has hitherto | held in the Navigation of the Atlantic, but likewise the Preservation of the Fisheries and even of the West India Islands, is to be given up without a proportionate Struggle when the Effects of a determined Perseverance might afford reasonable Hopes of Success.

And yet if the Troops now here instead of being recruited from Home to complete their present Establishment are to be weakened by Detachment for different and distant services, We / and indeed the Whole People of America / must give Way to this Opinion. And as We shall on that Supposition have no Part to take but that of returning to England, so we cannot doubt that Persons of every Description here, however well affected, will if they can be received by the assumed Government of their respective Colonies make their Peace upon any Terms; and the Whole will fall into the Hands of France with every Circumstance that can tend to secure the Dependence of this People on that Power, notwithstanding the Natural Antipathy that has hitherto prevailed against it.

These are Contingencies which we cannot foresee without extreme Regret and which we are anxious to employ our utmost Endeavours to prevent: The Result however will depend more on the Effect of His Majesty's Arms and his Councils than on any Measure which we can pursue. The express Resolution of the American Congress not to treat without the Removal of His Majesty's Troops or a Preliminary Acknowledgement of the Independence of the American Colonies, together with the public Reception which they have since given to a Minister from the Court of France, have put an Effectual Stop to all pacific Advances on our Part.

In this Situation of our Affairs as the release of the Troops lately serving under Lieutenant General Burgoyne appeared an Object of Great Moment to His Majesty's Service: We joined with Sir Henry Clinton as | Commander in Chief of His Majesty's Forces in making a Requisition to the American Congress for that Purpose, and have ventured upon the Ground of our Powers to treat concerning any Provisions, Regulations, Matters or Things for the Honour of His Majesty or His Parliament, or the Common Good of His Subjects, to offer in Respect of those Troops

the most explicit Assurances that they should not serve in North America during the present Contest.

What has passed since that Requisition was made will be communicated to Your Lordship in a separate Letter of this Date by the Earl of Carlisle and Mr. Eden.

We have in this Cover the Honour to transmit Copies of the inclosed Address of the Merchants, Gentlemen and other Inhabitants of New York; And of our Answer.

We also send Copies of the several Papers which have passed in Consequence of the Encouragement which we have thought proper to give to such Owners of small Vessels as have been willing at their own Risque to send to Quebec for Flour, and to Halifax and Newfoundland for Fish, for the Relief and better Supply of the Inhabitants in this Island and the Parts adjacent under His Majesty's Authority; And we have the Honour to inform Your Lordship that near thirty Vessels are sailing accordingly.

We farther beg Leave to inclose Copies of two papers presented to us on the Part of some Persons who being in Exile from their own Settlements wished to open separate Negotiations for Permission to return; And of the Negative which we thought it our Duty to | give to their Proposal; And we shall be happy to find that the Language we hold and the Measures we have pursued on these several Matters shall receive His Majesty's Approbation.

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We have the Honour to be with Great Respect,

My Lord,

Your Lordships

Most obedient and
most humble Servants.

Carlisle.

W.^m Eden.

Geo: Johnstone.

New York

5th Sep.^{tr} 1778.

Inclosures

Address of the Merchants, &c; entered page 127.
 Answer of His Majesty's Commissioners; page 130.
 Letter N^o 1 to Andrew Elliot, Esq. entered page 125.
 His Answer-----page 125.
 Letter N^o 2 of the Commissioners to Answer Elliot, Esq.
 entered page 126.
 Letter to Admiral Gambier; entered page 127.
 Letter N^o 3, from Andrew Elliot, Esq. With a Copy of
 a Copy of the Commissary General's Letter; entered
 page 131.
 Memorial to His Majesty's Commissioners; entered
 page 110.
 Memorial to the Assembly of Massachusetts Bay;
 entered page 111.
 Minute of His Majesty's Commissioners in Answer;
 entered page 114.

[62. Letter N^o.9 to Lord George Germain]

*N.° 9 Letter to
 Lord George
 Germain,
 signed
 Carlisle and
 William Eden*

My Lord,
 We have the Honour to inclose the Copy of a Requisition dated the 7th of August, which upon the Representation of the Commander in Chief we thought proper in Concurrence with him to address to the American Congress.

On the 18th of the same Month when we were expecting an Answer, we received by a Flag, a Minute from Mr. Laurens President of the Congress accompanying, a Declaration, of both which Papers we also inclose Copies. That Declaration states¹⁷ | some Extracts of private Letters from Mr. Johnstone to Individuals in Pennsylvania and describes a supposed Conversation with some unknown

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¹⁷ 'To Right Honourable Lord George Germain' is written at the bottom of p. 136 in the manuscript.

Person in that Province, in Consequence of which the Congress are pleased to ground a Charge against M.^r Johnstone of endeavouring to gain a Part of their Assembly by Corruption, and they formally resolve, upon that assumed Inference not to have any Negociation with Him. What may have been their real Motive for this singular Proceeding after the long Interval which had passed since they first pretended to be in Possession of the Materials on which it is framed, we are not yet able to ascertain. But if it was their Object by making personal Objection to One to fling Embarrassment in the Way of All who are honoured with His Majesty's Commands under the Commission, and thereby render the Performance of their Duties difficult and perplexing, they have failed in their View: For the same Zeal which M.^r Johnstone, in every Instance since our Connexion with Him, has manifested to promote the public Service has now induced Him formally and publicly to seperate Himself from Us in the Management of any Negociation, Matter or Thing that regards, or is to be transacted with the Congress.

The inclosed Declaration was accordingly transmitted to the Congress on the 26th of August having together with the inclosed Letter been previously Communicated to us, with that Cordial Unreserve which has prevailed among us in every official Proceeding under His Majesty's Commission. And as this Occasion seemed proper for pressing on the Attention of the People of this Continent, the Extent of our Offers on the one Hand, and the fallacious Circumstances of the unnatural French Treaty on the Other, we framed in Concurrence with Sir Henry Clinton and transmitted, the farther Declaration, of which we also inclose a Copy. These Papers were accompanied by a Duplicate of our | Requisition respecting the Saratoga Convention, except only that the Date was changed from the 7th to the 26th, and the Name of M.^r Johnstone was not used in the Preamble or Subscribed to it. The Whole were forwarded

by a Flag to the President of the Congress on the 26th Day of August together with a Minute describing the Particulars: We have since published them and are using proper Means to circulate them thro' the Colonies together with the printed Accounts of our former proceedings.

If His Majesty's Affairs here should unexpectedly take a favourable Turn, we shall have much Occasion to lament that the Advantage of M.^r Johnstone's Abilities and the Authority of His Name are no longer to give Weight to the Eventual Proceedings which may follow: in the meantime we think it a Duty, and are persuaded that Sir Henry Clinton if present would heartily join with us, to do Justice to that strict Sense of Honour which alone has driven Mr. Johnstone to take a Step so unpleasing to all those who are joined in Commission with Him.

We have the Honour to be with
the Greatest Respect,

My Lord,

Your Lordship's

Most obedient and

Most humble Servants.

Carlisle.

W^m Eden.

New York

5th Sept^r 1778

The Right Honourable Lord George Germain.

Inclosures

Requisition to the American Congress; entered page 103.

Declaration of the American Congress; entered page 106.

Answer from George Johnstone, Esq. to the Declaration of the Congress; entered page 114.

Letter of George Johnstone, Esq. to the Commissioners; entered page 115.

Declaration of the Earl of Carlisle, Sir Henry Clinton and

William Eden, Esq.; entered page 119.

[[63. Letter N°. 10 to William Knox, Esq.]]

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*N°. 10 Letter
from Adam
Ferguson, Esq.
to William
Knox, Esq. in
Answer to N° 1.
page 102*

Sir

I am directed by His Majesty's Commissioners to inform You that they received Your Letter of 3^d June, inclosing the Petition of Zebediah Story of Newport, Rhode Island Shewing that the Petitioner having bought Flax Seed, Staves, Mahogany and other Goods or Merchandize was desirous to export the Same in two Vessels to Great Britain or Ireland and humbly praying that it might be recommended to His Majesty's Commissioners to grant him the Relief required.

Soon after the Receipt of Your Letter with Copy of the above Petition, Newport Rhode Island was invested by a Rebel Force on the Land side and blocked up by the French Squadron by Sea. The subsequent Attacks on the Place have been defeated but with some Loss of Ships, that were destroyed to avoid their falling into the Enemy's Hands. There is not a particular Account what Share M.^r Zebediah Story may have had in this Loss. But if he is still in Possession of Merchandize which he wishes to export it is the purpose of His Majesty's Commissioners to give Relief in this and every Similar Case as far as shall appear consistent with the State of His Majesty's Service by Sea and Land.

I am with the Greatest Regard,

Sir,

Your most obedient and most
humble Servant.

New York,

Adam Ferguson.

5th Sep^r 1778.

William Knox, Esq. at the Secretary of State's Office,
Whitehall.

*N^o. 11 Letter to
William Knox,
Esq. N^o 2., in
Answer N^o 2
page 109*

[[64. Letter N^o.11 to William Knox, Esq.]]

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Sir,

I am by the Direction of His Majesty's Commissioners to inform You that they received Your Letter of the 1st July with printed Copies of several Acts passed in the last Session of Parliament relating to America: That they have judged proper to have these Acts reprinted here, and that the Copies are accordingly sent to the Press.

I am with the Greatest Regard

Sir

New York: Your most obedient and most humble Servant.
5th Sept.^r 1778.

Adam Ferguson.

William Knox, Esq. &c, &c, &c.

New York, 8th September.

By Order of their Excellencies His Majesty's Commissioners the following Circular Letter was prepared.

To Sir William Erskine, Quarter Master General.

To Lieut. Colonel Clark, Barrack Master General.

To Daniel Wier, Esq. Commissary General.

To Capt: David Laird, Agent for Army Victuallers and Storeships.

To Capt: John Bourmaster, Agent for Transports.

To John Grant, Esq. Commissary of Artillery. And,

To Henry Law, Esq. Port Master

Requiring from the Latter instead of an Account of Tonnage engaged in His Majesty's Service, an Account of Tonnage included in Merchant Ships not engaged in His Majesty's Service, and in all Privateers and Prizes.

[[65. Circular Letter concerning Ship Tonnage]

New York, 8th Sept^r. 1778.*Circular Letter*

Sir,

His Majesty's Commissioners finding it expedient to ascertain the Quantity of Ship Tonnage at present within the North and East Rivers, and the Sound, I am to request the Favour of You to prepare and transmit to me as soon as convenient an Account of such Part of the said Tonnage as is engaged in His Majesty's Service, within Your Department that I may lay the Same before the Commissioners for their Excellencies Information.

I have the Honour to be with Great Respect,

Sir,

Your most obedient and

most humble Servant,

Adam Ferguson.

New York, 11th Sept^r

In place of transmitting the Above Circular Letter to the Agents for Army Victuallers and Store Ships, and for Transports, It was judged proper to write the following to Rear Admiral Gambier commanding the Navy and other Shipping in His Majesty's Service in the Port of New York, and to Major General Pattison¹⁸.

[66. Letter to Admiral Gambier, and G^o. Pattison]New York, 11th Sep.^r 1778.*Letter to R.*

Sir,

Admiral

His Majesty's Commissioners finding it expedient to as-

¹⁸ James Pattison (1724-1805), brigadier-general, in charge of the Royal Artillery in New York from 1777 and later military commandant of New York City. He was actively involved in several British campaigns near New York including the capture of Verplank's Point. He returned to England in 1780. (The Loyalist Collection, University of New Brunswick, MIC-Loyalist FC LMR. P3J3P3)

Gambier

certain the Quantity of Ship Tonnage at present within the North and East Rivers and the Sound, I am by their Directions to request the Favour that You will be so Good as order* the Agent for Army Victuallers and Store Ships, and the Agent for Transports to prepare and transmit to me as soon as convenient an | Account of such Part of the said Tonnage is engaged in His Majesty's Service within their respective Departments, that I may lay the Same before the Commissioners for their Excellencies Information.

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I have the Honour to be with the Great Respect
Sir,

Your most obedient and
most humble Servant.

Adam Ferguson.

Rear Admiral Gambier

*The above Letter sent to Admiral Gambier, was thus altered when sent to Major General Pattison. instead of, "the Agent for Army Victuallers and Store Ship, and the Agent for Transports," as follows --- "the Commissary of Artillery," --- and instead of, "within their respective Departments," --- as follows --- "his Department."
The same Day received an Answer to the foregoing from Admiral Gambier.

[67. Admiral Gambier's Answer]

New York, 11th Sep^r 1778.

Sir,

*Admiral
Gambier's
Answer*

I am favoured with Your Letter of this Day's Date communicating the wish of His Majesty's Commissioners to have the Quantity of Ship Tonnage at present within the North and East Rivers ascertained; and shall forthwith give Directions to Captain Bourmaster, Agent for Trans-

ports, and M^r Cherry,¹⁹ Agent Victualler, to prepare and transmit to you an Account of such Tonnage as is within their respective Departments for their Excellencies Information.

I have the Honour to be

Sir,

Your most obedient
humble Servant.

J Gambier.

Adam Ferguson, Esq.

&c, &c, &c,

| New York, 14th Sep^r

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Received Yesterday the following Letter from Admiral Gambier, to which the Answer subjoined was sent this Day.

[68. Letter from Admiral Gambier to the Commissioners]

*Letter from
Admiral
Gambier to the
Commissioners*

New York, 12th Sep.^r 1778.

Having received by the Hands of the Viscount Howe, the Honour of a Commission and powers as Commander in Chief of His Majesty's Ship in North America; I take the Earliest Opportunity of Assuring your Excellencies of my Cordial Wish to give You every Aid and Assistance in my Power, in the Execution of Your Commission.

I have the Honour to be,

with perfect Esteem and Regard,

Your Excellencies,

Most faithful
and obedient Servant.

Their Excellencies

J Gambier.

His Majesty's Commissioners, &c, &c, &c.

¹⁹ Not identified.

[69. Answer of the Commissioners]

*Answer to
Admiral
Gambier*

New York, 14th Sep.^r 1778.

Sir,

We are favoured with Your Letter informing us that you have received by the Hands of the Lord Viscount Howe, a Commission and Powers as Commander in chief of His Majesty's Ships in North America, on which We beg Leave to Congratulate You and to express our Acknowledgements for the Assurances you are pleased to give Us of Your Cordial Wish to give every Aid and Assistance in Your Power in the Execution of the Commission, with which We are charged.

We have the Honour to be with the most perfect Esteem and Regard.

Sir,

Your most obedient and
most humble Servants.

Carlisle.

Hen. Clinton.

W.^m Eden.

Geo: Johnstone.

Admiral Gambier

| New York, 19th Sep.^r

144

Received from General Washington the following Letter, inclosing the subjoined Resolution of Congress.

[70. Letter from General Washington/inclosing/]

Head Quarters, White Plains

Sep.^r 16th 1778.

Gentlemen,

I am commanded by Congress to transmit to Your Excellencies the Inclosed Resolution.

I Have the Honour to be with Great Respect

*Letter from
General
Washington*

Your Excellencies,
Most obedient Servant
G.^o Washington.

Their Excellencies

The Right Honourable

The Earl of Carlisle, Sir Henry Clinton, and William Eden,
Esquire.

[71. Resolution of Congress]

In Congress, 4th Sep.^r 1778.

*Resolution of
Congress*

Whereas Congress did on the 8th Day of January 1778, resolve "That the Embarkation of Lieutenant General Burgoyne and the Troops under his Command be suspended till a distinct and explicit Ratification of the Convention of Saratoga shall be properly notified by the Court of Great Britain to Congress."

Resolved,

That no Ratification of the Convention of Saratoga which may be tendered in Consequence of Powers which only reach that Case by Construction and Implication, or which may subject whatever is transacted relative to it, to the future Approbation or Disapprobation of the Parliament of Great Britain, can be accepted by Congress.

Extract from the Minutes.

Cha. Thompson. Sec^y¹⁹.

| /Indorsed/

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Gen. Washington.

No Ratification of Convention of Saratoga till confirmed by Parliament.

In Letter of 12th Sep^r 1778.

¹⁹ Charles Thompson (1729-1824), merchant and politician, selected secretary of the First Continental Congress, a position he held for the duration of that body. (EAR)

New York, 21st Sep.^r

Wrote the following Letter to Lord George Germain

[72. Letter N.º 12 to Lord George Germain]

New York, 21st Sep^r 1778.

My Lord,

As Sir Henry Clinton is now in Condition by the Removal of the French Squadron and the Recovery of Our Superiority at Sea to proceed in the Execution of His Majesty's most secret Instructions of March last: And has Actually ordered the large proportion of the Troops under His command which were set apart for the West Indies and the two Floridas, to proceed on their several Destinations, as soon as the King's Ships wanted for Convoy can be ready to attend them. We think ourselves at Liberty to mention these Circumstances in Explanation of a Passage in Our Letter to Your Lordship of the 15th June, which is in the following Words.

"In accounting for the Step We have taken in the first Opening of Our Negociation by stating Privileges for America of so ample a Nature, We have other Reasons, which Your Lordships Knowledge of the Operations projected for the Naval and Military Services of the Year will easily suggest, and which have influenced Our Conduct. But as We cannot state those Reasons, tho' they have been principal Motives with Us, We request that in Case Our Letter to the Congress should be given to the public, no Judgement may be formed upon it untill all Circumstances can be fully explained."

| It will now be understood that the Expressions of the preceeding Passage did not relate merely to the Removal of the Army from Pennsylvania then the Seat of the War, but also to the projected Diminution of His Majesty's

Nº. 12 Letter to
Lord George
Germain

Forces on this Continent by the final separation of so considerable a Part for distant and permanent Services.

In Consequence of which We foresaw that the Authority of His Majesty over this Continent must be greatly impaired, and the Possession of any Part of the Revolted Colonies at least hazarded: And We again submit to Your Lordship, whether Circumstances of so decisive a Tendency and which were soon to become public by the Execution of His Majesty's Instructions were not likely --- in Case of Delay on Our Part to subject Us to such growing Disadvantages in the Execution of our Commission as fully to justify the Step we took -----notwithstanding We were sensible that in other Circumstances, some Advantage might have been received from more deliberate Observation on the Temper and Views, both of the Parties who were to receive Us as Friends, and of those with whom We were to treat as Opponents in the Negotiation projected.

And We hope that in this and other Particulars the very sincere good Intention with which We have endeavoured to attain the End of Our Important Commission will recommend Us to His Majesty's Indulgence and Approbation.

We have the Honour to be with the
Greatest Respect,

My Lord,

Your Lordship's

Most obedient and most
humble Servants.

Carlisle.

-----.

W^m Eden.

Geo: Johnstone.

The Right Honourable
Lord George Germain.

[[73. Letter N^o. 13 to Lord George Germain]]

N^o. 13

New York 21st Sep.^r 1778.

My Lord,

In Addition to the Duplicates of our last Dispatches which We now have the honour to transmit, We think it our Duty to state to Your Lordship, as clearly as We can, the sentiments which occur to us upon the present Aspect of His Majesty's Affairs on this Continent.

The Escape of the French Squadron into Boston Harbour where they now are, and the withdrawing of the Rebel Army from Rhode Island with so little Loss, were unfortunate and mortifying Events; for if the Endeavours of His Majesty's Commanders in Chief to cut off those respective Retreats had been successfull, the Result might have most essentially promoted the Interests of Great Britain on both Sides of the Atlantic. And even now We cannot but believe that the Eventual Inability which France has shewn to effectuate Her perfidious and unprovoked Designs has contributed to disgust a great Proportion of those within the Colonies who before were inclined to favour the unnatural Alliance proposed to them. The fruitless and very expensive Attempt against Rhode Island which the Rebels were induced to undertake in a full Relyance of being supported to the last by M. D'Estaing²⁰, must also have occasioned warm Resentments. Major General Grey's²¹ Success in the Accushnet River,²² immediately afterwards, and almost within the Hearing of the French Squadron off Boston, was fortu-

²⁰ Comte d'Estaing (1729-94), French Admiral. His career in America from 1778 to 1783 was one of mixed fortunes. His failures included his decision not to attack Admiral Howe's much smaller British Fleet at the Delaware River and Sandy Hook, 1778, and his defeat at Savannah, Georgia in 1779. (*EAR*)

²¹ Charles Grey (1729-1807), British General, sent to New York in 1777 as a colonel and promoted to Major General later that year. Because of several ruthless incidents during the Revolutionary War, Grey is a controversial figure remembered for his brutality. He resigned his commission in 1779 and returned to England believing that British military efforts were futile. (*DNB*)

²² Accushnet River, Massachusetts.

nately timed to demonstrate still farther that | France is not able to remove His Majesty's Forces from this Coast nor even to protect the Trade and privateering of Her pretended Allies within the American Harbours. Our Superiority in these Seas is, since the Arrival of the Chief Part of Admiral Byron's Squadron, We presume beyond Dispute; and whether M. D'Estaing continues here or returns towards Europe, the last of which Report say he intends to do unless reinforced from Old France, other Expeditions of the same Nature with that which has had so fortunate a Termination at Bedford, might be attempted; and should it in a future Day appear Consonant with the Dignity and Humanity of a great Nation to carry on a War of Devastation / into which the above Species would naturally degenerate /, it might prove to the Americans, that they have not avoided the most fatal Calamities from any Want of Ability in Great Britain to inflict them but from a generous pride and humane Reluctance, which has hitherto induced Her to prefer every other Method of conducting Her military Operations. At the same Time when Your Lordship recollects the very large and distant Detachments of His Majesty's Forces which must now immediately take place, You will be sensible that the Commander in Chief must be exceeding by straitened in his Operations, and in Truth will have a Force barely sufficient to secure the present Possessions.

If however it should be proposed to persevere in Measures of Coercion, and if Great Britain is equal to such Expence and Perseverance, We do not scruple to say that She will resume Her Exertions with great Advantage against a People who We have Reason to believe begin generally to recollect the Blessings of Peace, and are sensible at the same Time, that they are kept in Rebellion by their Leaders without either a Grievance or a just Object. There would be great Probability of Success if the Troops were enabled by Reinforcements to take the field | against the established

Army of the Rebels, so as to force them to an Action --- possibly too that Success might be expected from a smaller Reinforcement sufficient to furnish repeated, and continued Expeditions on the Sea Coasts and navigable Rivers; Tho' We have already intimated the Objections to which the latter Mode of making War if carried into a System would soon become subject.--- The Requisitions necessary for either System of operations do not come within Our Sphere but will be stated to Your Lordship from the proper Department.

Whether it falls within the Power and Policy of Great Britain to pursue either of the last mentioned Systems; or whether She will merely continue to keep Possession of the Floridas, Bahamas, Bermudas, Halifax, and be in sufficient Force in Canada to support the Indians in a War they will naturally be induced to carry on; or whether She will determine to maintain also Rhode Island and this Port, and with an Establishment here of ostensible and real Permanency to wait for Contingencies; or lastly whether She will consider the whole Struggle as desperate and hopeless; We shall not presume to conjecture: --- Indeed We are unable to foresee how far the Finances, Resources, and Spirit of the Nation are equal to a farther Perseverance in Exertions which however just have long been unsuccessful. But We think it Our Duty to repeat what We have in former Letters intimated, that there will not be any Safety left either for His Majesty's remaining Possessions on this Continent or for the West-india Islands, or for the British Commerce in General, if the Fleet and Army should be totally removed, and the War be continued: --- Nor do We comprehend How Peace can ever be attained by a Measure of that Complexion; for the Rebel Colonies, exclusive of their pretended Engagements to France, will then continue to have much to gain by the Prosecution of the War and Piracies, and will have little or nothing to lose or to apprehend. --- It may be doubted even whether

Peace can be attained if Great Britain should be so far sunk as to yield the ungrateful Claim of Independency; for it would be absurd not to suppose that Many of the Rebel Leaders are under the Influence if not in the immediate Pay of France; and it would be equally absurd to imagine that France will ever permit them to make any Peace separate from Her.

Under all these Circumstances and Considerations We shall respectively continue to pursue the same Principles of Conduct which induced us to accept this Mission. Nothing shall be left untried on Our Parts which may by any Possibility give Effect to the gracious and benevolent offers of His Majesty and His Parliament: But if no Circumstance should arise before the Winter to give Hopes which do not now exist, We agree that it will be our Duty to ease our Country of a fruitless Appointment, and We shall in that Case, excepting only the Commander in Chief who will be detained by His Military Duties, return to England. --- Previous, however, to such a Measure, We shall frame and circulate a solemn and explicit Notification of Our Intentions, to the Congress, the Provincial Conventions, and the People of the Colonies in General, in which We shall be anxious to save the Dignity of the Country, to engage a due Attention to the Blessings offered, and to impress a proper Sense of those Calamities which must otherwise be expected; --- in short We shall labour to evince, that our Departure is not a Measure of Despondency, but / what We hope it will prove / the Signal of that spirited Perseverance and Exertion which His Majesty's Kingdoms thro' all our History have shewn in every Occasion of Distress or Embarrassment. --- And as We have Reason to believe that some Ideas are entertained and circulated | that We either possess or expect Powers to grant the Independency, We shall think it right to assert the contrary and to add that, if such an Idea had ever been possible, We should not have thought Ourselves

compellable to be the Instruments of a Concession which We shall ever think Calamitous to those for whom it is claimed, and disgraceful as well as Calamitous to those of whom it is asked.

Finding it expedient and indeed necessary to make some Regulations respecting the trade of this Port, We have the Honour to transmit a Copy of the Proclamation which We propose to issue as soon as the Admiral can take such precautions as he may think proper to prevent this Measure's drawing the Seamen from His Majesty's Ships of War. Your Lordship will observe that We have limited Ourselves to facilitating the Exportation of an immense Quantity of Merchandize collected here, the property chiefly of British Subjects, and to the Removal of some Difficulties respecting Prize Goods. --- Indeed We have thought the general Situation of His Majesty's Affairs on this Continent as well as the Commercial Interests of His People unsuitable at present to an Exertion of the Powers with which We are entrusted farther than the public Services of the Moment require. --- But We trust that Our Proclamation limited as it is, may exclusive of the Ease which it extends to the Merchants, have some collateral good Effects: for it will at least shew a Degree of System and permanent Establishment at this Place which cannot fail of giving Confidence to a large Number of loyal Inhabitants who were apprehensive of being totally deserted: At the same Time that it will prove to those who already waver in Rebellion that the Distresses attending it are not at an End, and will force their Leaders to seek Resources for another Campaign.

| We also have the Honour of transmitting the inclosed Copies of the Resolutions of the Congress on our Requisition respecting the Saratoga Convention, and of M.^r Washington's Note accompanying those Resolutions: --- It would be superfluous to comment on the profligate Manner in which the Rebel Leaders persevere in this

Instance to multiply and use Evasions which must for ever excite the Indignation and Abhorrence of every Mind that feels a due Regard to the Principles of Honour and Public Faith. --- That direct and definite Authority from the King to confirm the Convention, which the inclosed Resolutions pretend to require, happens to have been received from Your Lordship, since our first Requisition by the Commander in Chief who proposes immediately to try its Effects.

We also inclose for Your Lordship's Information, a printed Answer to our Declaration of the 26th of August, which Answer, tho' anonymous, appears to have been published with the Approbation of the Congress, and was transmitted from the Jerseys with a Flag.

These Dispatches will be delivered to Your Lordship by M.^r Johnstone, whose Return to England at this interesting Moment We think a fortunate Circumstance, as the Informations which His abilities and Zeal for the public Service enable Him to give to His Majesty's Ministers, and the Nation, may be highly material.

We have the Honour to be with Great Respect,

My Lord,

Your Lordship's
Most obedient and
most humble Servants.

The Right honourable	Carlisle.
Lord George Germaine,	Hen. Clinton.
&c, &c, &c.	W ^m Eden.

| P.S. Since Writing the above We learn that M.^r 153
Washington's Army has removed from the White Plains, and that many of the Corps, are separated. The Reports from all Quarters agree that the Militia insisted on returning to their respective Districts and it is likewise said broke up apparently in Confusion. This may possibly be an Artifice, tho' We do not see the Purpose to which it

can tend unless it may be the Distribution of the Force towards the Sea Coasts to meet that Species of War which Major General Grey's Expedition may have given Reason to apprehend. --- In Consequence of the above Reports the Commander in Chief is making a Movement with the Army to observe the Motions of the Enemy.

New York, 22^d Sep.^r

Dispatched on Board the Eagle, Lord Viscount Howe:
 Duplicates of the Commissioners Letter of the 5th Instant with the several Inclosures to Lord George Germain; also Duplicate of the Separate Letter signed Carlisle and Wm Eden, with the respective Inclosures.

Duplicate of a Letter from Adam Ferguson, Esq. to William Knox, Esq. in Answer to N^o. 1, page 102.

Duplicate from the same to the same, in Answer to N^o. 2 page 109.

Duplicate of the Commissioners Letter of the 21st Instant with Duplicate of the Letter of the same Date, by the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq. with the following Inclosures, Copy of a Proclamation, relating to the Trade of New York -- Copy Extract of Proceedings of the Congress and General Washington's Letter: Also a printed Newspaper, called the Pennsylvania Packet, of the 12th Instant.

| [74. Proclamation of the Commissioners]²³

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*Proclamation
 of the
 Commissioners
 respecting the
 Trade of New
 York, &c.*

Proclamation.

By the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq.----- His Majesty's Commissioners, &c, &c, &c.

Whereas in Pursuance of an Act, made and passed in the Eighteenth Year of His Majesty's Reign, entitled, "An Act

²³ See above p. 231, note 30.

to enable His Majesty to appoint Commissioners, with sufficient Powers to treat, consult and agree upon the Means of quieting the Disorders now subsisting in certain of the Colonies, Plantations and Provinces in North America" His Majesty has been pleased to authorize and empower Us, ----- by Proclamation under Our Hands and Seals, from Time to Time as We shall see convenient to suspend the Operation and Effect of a certain Act of Parliament made and passed in the sixteenth Year of His Majesty's Reign, for prohibiting all Trade and Intercourse with certain Colonies and Plantations therein named, and for other purposes therein also mentioned, or any of the Provisions or Restrictions therein contained, and therein to specify at what Time and Places respectively, and with what Exceptions and Restrictions, and under what Passes and Clearances in Lieu of those heretofore directed by any Act or Acts of Parliament for regulating the Trade of the Colonies, and Plantations, the said Suspension shall take Effect, and the said Suspension and Proclamation in the same Manner and Form to annul and revoke.

And whereas His Majesty, in Pursuance of the said first recited Act, has been farther pleased to authorize and empower Us,----- from Time to Time, as We shall judge convenient, to suspend in any Places, and for any Time during the Continuance of the said first recited Act, the Operation and Effect of any Act or Acts of Parliament which have passed since the tenth Day of February 1763, and which relate to any of the Colonies, Provinces or Plantations, therein mentioned; so far as the same relate to them or any of them, or the Operation and Effect of any Clause, or any Provision, or other Matter, in such Acts contained, so far as such Clauses, Provisions, or Matter | relate to any of the said Colonies, Provinces, 155
or Plantations.

And whereas, the Disorders still continuing in Part of the Province of New York and the Hostilities subsisting

between His Majesty's Subjects of this Port, and those of the Neighbouring Provinces for the present prevent --- our framing and instituting a Commercial Plan on those Liberal Principles on which Great Britain wishes to Reunite with the American Colonies; We are nevertheless desirous untill such a Plan can be established on a large and permanent Basis to give all immediate Relief, and Security to the Trade carried on by His Majesty's Loyal Subjects at the Port of New York.

We therefore find it convenient to suspend, and do hereby from the Date of this Proclamation suspend so much of the aforesaid Act of Parliament made and passed in the sixteenth Year of His Majesty's Reign for prohibiting all Trade and Intercourse with certain Colonies, Provinces and Plantations therein named, as prevents the Exportation of Goods formerly allowed to be shipped from this Port to Great Britain, Ireland, Newfoundland, Halifax, Quebec, Rhode Island, East and West Floridas, and the British West Indies; The Articles of Stores and Provisions, Naval and Military Stores Excepted; And We do hereby authorize the Officers appointed in the Proclamation issued by His Excellency Sir William Howe on the 17th July 1777 to grant Permissions, for the loading and due Exportation of such first mentioned Goods to the Places aforesaid under the Restrictions and Regulations made and set forth in the said Proclamation.

And whereas His Majesty in Pursuance of the said first recited Act of Parliament has been farther pleased to authorize and empower Us, to grant a Pardon or Pardons to any Number or Description of Persons within the Colonies, Provinces or Plantations mentioned in the said Act:

And whereas by an Act of Parliament made and passed in the seventeenth Year of His Majesty's Reign, entitled, "An Act to | authorize the carrying of the Captures therein mentioned into any Part of His Majesty's Domin-

ions in North America and for ascertaining the Value of such Part of Ships and Goods as belong to the Recaptors" ---- It is enacted that the Persons appointed by His Majesty to grant Pardons may grant His Licence or Warrant, authorizing any Captors or any other Person in their Behalf to carry the Captures therein described into any Harbour or Place in any of His Majesty's Dominions:

We do hereby give full Licence and Warrant to the Commanders of His Majesty's Ships and Vessels of War, and to all others legally and properly authorized to make the Captures described in the Above mentioned Act to send all such Captures to the Ports of New York and New Port in Rhode Island; And We farther declare that such Captures after condemnation as lawful Prize may be exported into and landed in Great Britain or any of His Majesty's Dominions, upon Payment of the same Duties and subject to the same Restrictions in all other Respects, as the same now are subject to by the said recited Act; the Officers appointed in the Proclamation of His Excellency Sir William Howe aforementioned, granting such Licences for the said Exportations as We shall direct.

And We farther declare that this Proclamation shall commence from the Date hereof, and continue to be in Force for three Calendar Months from the said Date, or untill We shall think proper to annul and revoke it.

And pursuant to His Majesty's Commission, We hereby call upon all officers Civil and Military, and all Others His Majesty's Loving Subjects to be aiding and assisting unto Us in the Execution of this Our Proclamation, and of all the Matters herein contained:

Given under Our Hands and
Seals in New York, 26th Sep.^r
1778.

Carlisle. (L.S.)
Hen. Clinton. (L.S.)
W^m Eden. (L.S.)