

A portrait of Benjamin Franklin, an older man with long, wavy grey hair, wearing a white cravat and a light-colored coat. He is looking slightly to the right with a serious expression. The background is dark and textured.

# THE WORKS OF BENJAMIN FRANKLIN

VOLUME 10: 1782 - 1784

The Works of  
Benjamin Franklin

Volume 10

BENJAMIN FRANKLIN

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**CORRESPONDENCE AND MISCELLANEOUS  
WRITINGS  
1782 - 1784**

**MCXV: AN ACCOUNT OF TOADS FOUND ENCLOSED  
IN SOLID STONE**

At Passy, near Paris, April 6, 1782, being with M. de Chaumont, viewing his quarry, he mentioned to me that the workmen had found a living toad shut up in the stone. On questioning one of them, he told us they had found four in different cells which had no communication; that there was in each cell some loose, soft, yellowish earth, which appeared to be very moist. We asked if he could show us the parts of the stone that formed the cells. He said, No; for they were thrown among the rest of what was dug out, and he knew not where to find them. We asked if there appeared any opening by which the animal could enter. He said, No. We asked if, in the course of his business as a laborer in quarries, he had often met with the like. He said, Never before. We asked if he could show us the toads. He said, he had thrown two of them up on a higher part of the quarry, but knew not what became of the others.

He then came up to the place where he had thrown the two, and, finding them, he took them by the foot and threw them up to us, upon the ground where we stood. One of them was quite dead, and appeared very lean; the other was plump and still living. The part of the rock where they were found is at least fifteen feet below its surface, and is a kind of limestone. A part of it is filled with ancient sea-

shells, and other marine substances. If these animals have remained in this confinement since the formation of the rock, they are probably some thousands of years old. We have put them in spirits of wine, to preserve their bodies a little longer. The workmen have promised to call us if they meet with any more, that we may examine their situation. Before a suitable bottle could be found to receive them, that which was living when we first had them appeared to be quite dead and motionless; but being in the bottle, and the spirits poured over them, he flounced about in it very vigorously for two or three minutes, and then expired.

It is observed that animals who perspire but little can live long without food: such as tortoises, whose flesh is covered with a thick shell; and snakes, who are covered with scales, which are of so close a substance as scarcely to admit the passage of perspirable matter through them. Animals that have open pores all over the surface of their bodies, and live in air which takes off continually the perspirable part of their substance, naturally require a continual supply of food to maintain their bulk. Toads shut up in solid stone, which prevents their losing any thing of their substance, may perhaps for that reason need no supply; and being guarded against all accidents, and all the inclemencies of the air and changes of the seasons, are, it seems, subject to no diseases, and become as it were immortal.

*B. Franklin.* *Ref. 002*

## **MCXVI. TO L'ABBÉ SOULAVIE** **Ref. 003**

Passy, 22 September, 1782.

Sir:—

I return the papers with some corrections. I did not find coal mines under the calcareous rock in Derbyshire. *Ref.*

<sup>004</sup> I only remarked, that, at the lowest part of that rocky mountain which was in sight, there were oyster shells mixed in the stone; and part of the high county of Derby being probably as much above the level of the sea, as the coal mines of Whitehaven were below it, seemed a proof that there had been a great *bouleversement* in the surface of that island, some part of it having been depressed under the sea, and other parts, which had been under it, being raised above it. Such changes in the superficial parts of the globe seemed to me unlikely to happen, if the earth were solid to the centre. I therefore imagined, that the internal parts might be a fluid more dense, and of greater specific gravity than any of the solids we are acquainted with, which therefore might swim in or upon that fluid. Thus the surface of the globe would be a shell, capable of being broken and disordered by the violent movements of the fluid on which it rested. And as air has been compressed by art, so as to be twice as dense as water, in which case, if such air and water could be contained in a strong glass vessel, the air would be seen to take the lowest place, and the water to float above and upon it; and as we know not yet the degree of density to which air may be compressed, and M. Amontons calculated that, its density increasing as it approached the centre in the same proportion as above the surface, it would, at the depth of—leagues, be heavier than gold, possibly the dense fluid occupying the internal parts of the globe might be air compressed. And as the force of expansion in dense air when heated is in proportion to its density, this central air might afford another agent to move the surface, as well as be of use in keeping alive the subterraneous fires; though, as you observe, the sudden rarefaction of water coming into contact with those fires, may also be an agent sufficiently strong for that purpose, when acting between the incumbent earth and the fluid on which it rests.



If one might indulge imagination, in supposing how such a globe was formed, I should conceive, that, all the elements in separate particles being originally mixed in confusion, and occupying a great space, they would (as soon as the almighty fiat ordained gravity, or the mutual attraction of certain parts, and the mutual repulsion of others, to exist) all move to their common centre; and the air being a fluid whose parts repel each other, though drawn to the common centre by their gravity, would be densest towards the centre, and rarer as more remote; consequently all matters lighter than the central parts of that air, and immersed in it, would recede from the centre, and rise till they arrived at that region of the air which was of the same specific gravity with themselves, where they would rest; while other matter, mixed with the lighter air, would descend, and the two meeting would form the shell of the first earth, leaving the upper atmosphere nearly clear. The original movement of the parts towards their common centre would naturally form a whirl there, which would continue upon the turning of the new-formed globe upon its axis, and the greatest diameter of the shell would be in its equator. If by any accident afterwards the axis should be changed, the dense internal fluid, by altering its form, must burst the shell, and throw all its substance into the confusion in which we find it.

I will not trouble you at present with my fancies concerning the manner of forming the rest of our system. Superior beings smile at our theories, and at our presumption in making them. I will just mention that your observation of the ferruginous nature of the lava which is thrown out from the depths of our volcanoes, gave me great pleasure. It has long been a supposition of mine that the iron contained in the surface of the globe has made it capable of becoming, as it is, a great magnet; that the fluid of magnetism perhaps exists in all space; so that there is a magnetical north and south of the universe as well as of

this globe, and that, if it were possible for a man to fly from star to star, he might govern his course by the compass; that it was by the power of this general magnetism this globe became a particular magnet. In soft or hot iron, the fluid of magnetism is naturally diffused equally, when within the influence of the magnet it is drawn to one end of the iron, made denser there and rarer at the other. While the iron continues soft and hot, it is only a temporary magnet; if it cools or grows hard in that situation, it becomes a permanent one, the magnetic fluid not easily resuming its equilibrium. Perhaps it may be owing to the permanent magnetism of this globe, which it had not at first, that its axis is at present kept parallel to itself, and not liable to the changes it formerly suffered, which occasioned the rupture of its shell, the submersions and emersions of its lands, and the confusion of its seasons. The present polar and equatorial diameters differing from each other near ten leagues, it is easy to conceive, in case some power should shift the axis gradually, and place it in the present equator, and make the new equator pass through the present poles, what a sinking of the waters would happen in the present equatorial regions, and what a rising in the present polar regions; so that vast tracts would be discovered that now are under water, and others covered that are now dry, the water rising and sinking in the different extremes near five leagues. Such an operation as this possibly occasioned much of Europe, and, among the rest, this mountain of Passy on which I live, and which is composed of limestone, rock, and sea-shells, to be abandoned by the sea, and to change its ancient climate, which seems to have been a hot one.

The globe being now become a perfect magnet, we are, perhaps, safe from any change of its axis. But we are still subject to the accidents on the surface, which are occasioned by a wave in the internal ponderous fluid; and such a wave is producible by the sudden violent explosion

you mention, happening from the junction of water and fire under the earth, which not only lifts the incumbent earth that is over the explosion, but, impressing with the same force the fluid under it, creates a wave, that may run a thousand leagues lifting, and thereby shaking successively all the countries under which it passes. I know not whether I have expressed myself so clearly as not to get out of your sight in these reveries. If they occasion any new inquiries, and produce a better hypothesis, they will not be quite useless. You see I have given a loose to imagination; but I approve much more your method of philosophizing, which proceeds upon actual observation, makes a collection of facts, and concludes no further than those facts will warrant. In my present circumstances, that mode of studying the nature of the globe is out of my power, and therefore I have permitted myself to wander a little in the wilds of fancy. With great esteem, I have the honor to be, sir, etc.,

*B. Franklin.*

P. S.—I have heard that chemists can by their art decompose stone and wood, extracting a considerable quantity of water from the one and air from the other. It seems natural to conclude, from this, that water and air were ingredients in their original composition; for men cannot make new matter of any kind. In the same manner may we not suppose that, when we consume combustibles of all kinds, and produce heat or light, we do not create that heat or light, but only decompose a substance which received it originally as a part of its composition? Heat may be thus considered as originally in a fluid state; but, attracted by organized bodies in their growth, becomes a part of the solid. Besides this, I can conceive that in the first assemblage of the particles of which this earth is composed, each brought its portion of the loose heat that had been connected with it, and the whole, when pressed together, produced the internal fire that still subsists.

## MCXVII. TO ROBERT R. LIVINGSTON

Passy, 26 September, 1782.

Sir:—

I have just received yours dated the 9th of August, which mentions your not having heard from me since March. I have, however, written sundry letters, viz., of April the 8th, and June the 12th, June the 25th and 29th, August the 12th, and September the 3d, and sent copies of the same, which I hope cannot all have miscarried.

The negotiations for peace have hitherto amounted to little more than mutual professions of sincere desires, etc., being obstructed by the want of due form in the English commissions appointing their plenipotentiaries. The objections made to those for treating with France, Spain, and Holland were first removed; and by the enclosed, <sup>Ref.</sup>  
<sup>005</sup> it seems that our objections to that for treating with us will now be removed also, so that we expect to begin in a few days our negotiations. But there are so many interests to be considered and settled, in a peace between five different nations that it will be well not to flatter ourselves with a very speedy conclusion.

I mentioned in a former letter my having communicated to Count de Vergennes the state of American commerce, which you sent me, and my having urged its consideration, etc. Enclosed is a copy of a letter received from that minister on the subject.

The copy of General Carleton's letter, and the bills of exchange which you mentioned as enclosed, do not appear. I hope soon to have a better opportunity of writing, when I shall be fuller. With great esteem, etc.,

*B. Franklin.*

## **MCXVIII. FROM COUNT DE VERGENNES**

Versailles, 3 October, 1782.

Sir:—

I have the honor to return you the commission appointing Thomas Barclay, Consul of the United States, to reside in France, and I endorse the *exequatur*, which is requisite for the exercise of his functions. I must inform you that the latter of these will require the Admiral's signature previously to its being registered, either by the secretary of the Admiralty at L'Orient, where Mr. Barclay intends to fix his residence, or by those of other parts of the kingdom, where commercial considerations may require his presence. I have the honor to be, etc.,

*De Vergennes.*

## **MCXIX. FROM DAVID HARTLEY**

Bath, 4 October, 1782.

My Dear Friend:—

I only write one line to you to let you know that I am not forgetful of you or of our common concerns. I have not heard any thing from the ministry yet. I believe it is a kind of vacation with them before the meeting of Parliament. I have told you of a proposition which I have had some thoughts to make as a kind of copartnership in commerce. I send you a purposed temporary convention, which I have drawn up. You are to consider it only as one I recommend. The words underlined are grafted upon the proposition of my memorial, dated May 19, 1778. You will see the

principle which I have in my thoughts to extend for the purpose of restoring our ancient copartnership generally.

I cannot tell you what event things may take; but my thoughts are always employed in endeavoring to arrange that system upon which the *China Vase*, lately shattered, may be cemented together upon principles of compact and connection instead of dependence.

I have met with a sentiment in this country which gives some alarm, viz., lest the unity of government in America should be uncertain, and the States reject the authority of Congress. Some passages in General Washington's letter have given weight to these doubts. I do not hear of any tendency to this opinion—*that the American States will break to pieces, and then we may still conquer them*. I believe all that folly is extinguished. But many serious and well disposed persons are alarmed lest *this should be the ill-fated moment for relaxing the powers of the Union and annihilating the cement of confederation* (*vide* Washington's letter), and that Great Britain should thereby lose her best and wisest hope of being reconnected with the American States *unitedly*. I should, for one, think it the greatest misfortune. Pray give me some opinion upon this.

You see there is likewise another turn which may be given to this sentiment by intemperate and disappointed people, who may indulge a passionate revenge for their own disappointments by endeavoring to excite general distrust, discord, and disunion. I wish to be prepared and guarded at all points.

I beg my best compliments to your colleagues. Be so good as to show this letter to them. I beg particularly my condolence (and I hope congratulation) to Mr. Adams. I hear that he has been very dangerously ill, but that he is again recovered. I hope the latter part is true, and that we shall all survive to set our hands to some future compacts

of common interest and common affection between our two countries. Your ever affectionate

*D. Hartley.*

## **MCXX. TO ROBERT R. LIVINGSTON**

Paris, 14 October, 1782.

Sir:—

I have but just received information of this opportunity, and have only time allowed to write a few lines.

In my last of the 26th past, I mentioned that the negotiation for peace had been obstructed by the want of due form in the English commissions appointing their plenipotentiaries. In that for treating with us, the mentioning our States by their public name had been avoided, which we objected to; another is come, of which I send a copy enclosed. We have now made several preliminary propositions, which the English minister, Mr. Oswald, has approved and sent to his court. He thinks they will be approved there, but I have some doubts. In a few days, however, the answer expected will determine. By the first of these articles, the king of Great Britain renounces, for himself and successors, all claim and pretension to dominion or territory within the Thirteen United States; and the boundaries are described as in our instructions, except that the line between Nova Scotia and New England is to be settled by commissioners after the peace. By another article, the fishery in the American seas is to be freely exercised by the Americans, wherever they might formerly exercise it while united with Great Britain. By another, the citizens and subjects of each nation are to enjoy the same protection and privileges in each other's ports and countries, respecting commerce, duties, etc., that

are enjoyed by native subjects. The articles are drawn up very fully by Mr. Jay, who I suppose sends you a copy: if not, it will go by the next opportunity. If these articles are agreed to, I apprehend little difficulty in the rest. Something has been mentioned about the refugees and English debts, but not insisted on; as we declared at once that, whatever confiscations had been made in America, being in virtue of the laws of particular States, the Congress had no authority to repeal those laws, and therefore could give us none to stipulate for such repeal.

I have been honored with the receipt of your letters, Nos. 14 and 15. I have also received two letters from Mr. Lewis R. Morris, both dated the 6th of July, and one dated the 10th of August, enclosing bills for

68,290    livres,

71,380

9,756

In  
all        149,426    livres,

being intended for the payment of ministers' salaries for the two first quarters of this year. But as these bills came so late, that all those salaries were already paid, I shall make no use of the bills, but lay them by till further orders, and the salaries of different ministers not having all the same times of falling due, as they had different commencements, I purpose to get all their accounts settled and reduced to the same period, and send you the state of them, that you may be clear in future orders. I see in one of the estimates sent me that a quarter's salary of a minister is reckoned at 14,513 livres; in the other it is reckoned 16,667 livres, and the bill for 9,756 <sup>Ref. 006</sup> livres is mentioned as intended to pay a balance due on the remittance of the 68,290 livres. Being unacquainted with



the state of your exchange, I do not well comprehend this, and therefore leave the whole for the present, as I have said above. Permit me only to hint for your consideration whether it may not be well hereafter to omit mention of sterling in our appointments, since we have severed from the country to which that denomination of money is peculiar, and also to order the payment of your ministers in such a manner that they may know exactly what they are to receive, and not be subject to the fluctuations of exchange. If it is that which occasions the difference between 14,513 for the first quarter, and 16,667 for the second, it is considerable. I think we have no right to any advantage by the exchange, nor should we be liable to any loss from it. Hitherto we have taken 15,000 for a quarter (subject, however, to the allowance or disallowance of Congress), which is lower than the medium between those two extremes.

The different accounts given of Lord Shelburne's character, with respect to sincerity, induced the ministry here to send over M. de Rayneval, Secretary to the Council, to converse with him, and endeavor to form by that means a more perfect judgment of what was to be expected from the negotiations. He was five or six days in England, saw all the ministers, and returned quite satisfied that they are sincerely desirous of peace, so that the negotiations now go on with some prospect of success. But the court and people of England are very changeable. A little turn of fortune in their favor sometimes turns their heads, and I shall not think a speedy peace to be depended on till I see the treaties signed. I am obliged to finish. With great esteem, etc.,

*B. Franklin.*

## **MCXXI. TO JOHN ADAMS**

Passy, 15 October, 1782.

Sir:—

A long and painful illness has prevented my corresponding with your Excellency regularly.

Mr. Jay has, I believe, acquainted you with the obstructions our peace negotiations have met with, and that they are at length removed. By the next courier expected from London we may be able perhaps to form some judgment of the probability of success, so far as relates to our part of the peace. How likely the other powers are to settle their pretensions I cannot yet learn. In the meantime America is gradually growing more easy by the enemy's evacuation of their posts, as you will see by some intelligence I enclose. With great respect I have the honor to be, etc.,

## **MCXXII. FROM GEORGE WASHINGTON**

Head-Quarters, 18 October, 1782.

Sir:—

I have been honored with two favors of your Excellency, one presented by the Count de Ségur, of the 2d of April, the other delivered by the Prince de Broglie, of the 8th, both of which were rendered doubly agreeable by the pleasure I had in receiving them from the hands of two such amiable and accomplished young gentlemen. Independently of my esteem for your Excellency, be assured, sir, that my respect and regard for the French nation at large, to whom this country is under so great obligations, as well as the very favorable impressions I have conceived for their particular characters, will secure my warmest attention to the persons of these distinguished young noblemen.

I am much obliged by the political information which you have taken the trouble to convey to me, but feel myself much embarrassed in my wish to make you a return in kind. Early in the season, the expectations of America were much raised in consequence of the change of the British ministry, and the measures of Parliament; but events have shown that our hopes have risen too high. The death of the Marquis of Rockingham, the advancement of the Earl of Shelburne, and the delays of negotiation, have given us very different impressions from those we at first received. We now begin again to reflect upon the persevering obstinacy of the king, the wickedness of his ministry, and the haughty pride of the nation, which recall to our minds very disagreeable recollections, and a probable continuance of our present troubles. The military operations of the campaign are drawing to a close without any very important events on this side of the water, unless the evacuation of Charleston, which is generally expected, but not yet known to me, should take place, and form a paragraph in the page of this year's history.

The British fleet from the West Indies still continues in New York. I have not been able yet to decide on the enemy's intentions there. It is generally thought that a detachment of their troops will sail when the fleet returns to the West Indies, where it is conjectured their efforts for the winter will be prosecuted with vigor. I have the honor to be, etc.,

*George Washington.*

### **MCXXIII. TO THOMAS TOWNSHEND**

Passy, 4 November, 1782.

Sir:—

I received the letter you did me the honor of writing to me by Mr. Strachey, <sup>Ref. 007</sup> and was much pleased with the opportunity it gave me of renewing and increasing my acquaintance with a gentleman of so amiable and deserving a character.

I am sensible you have ever been averse to the measures that brought on this unhappy war. I have therefore no doubt of the sincerity of your wishes for a return of peace. Mine are equally earnest. Nothing, therefore, except the beginning of the war, has given me more concern than to learn at the conclusion of our conferences that it is not likely to be soon ended. Be assured no endeavors on my part would be wanting to remove any difficulties that may have arisen, or, even if a peace were made, to procure afterwards any changes in the treaty that might tend to render it more perfect and the peace more durable. But we, who are here at so great a distance from our constituents, have not the possibility of obtaining in a few days fresh instructions, as is the case with your negotiators, and are therefore obliged to insist on what is conformable to those we have, and at the same time appears to us just and reasonable. With great esteem and respect, I have the honor to be, sir,

*B. Franklin.* <sup>Ref. 008</sup>

#### **MCXXIV. TO ROBERT R. LIVINGSTON**

Passy, 7 November, 1782.

Sir:—

The Baron de Kermelin, a Swedish gentleman of distinction, recommended strongly to me by his Excellency, the ambassador of that nation to this court, as a person highly esteemed in his own, purposes a journey through

North America, to view its natural productions, acquaint himself with its commerce, and acquire such information as may be useful to his country, in the communication and connexion of interests that seem to be growing, and probably may soon become considerable, between the two nations. I therefore beg leave to introduce him to you, and request that you would present him to the President of Congress, and to such other persons as you shall think may be useful to him in his views; and I recommend him earnestly to those civilities which you have a pleasure in showing to strangers of merit. I have the honor to be, etc.,  
*B. Franklin.*

#### **MCXXV. TO COUNT DE VERGENNES**

Passy, 15 November, 1782.

Sir:—

I received the letter you did me the honor of writing to me the 13th inst., and I lose no time in forwarding to your Excellency the orders you desire for the four English vessels destined to pass between Dover and Calais; though I am persuaded the passports they are furnished with from his most Christian Majesty would have been sufficient protection to them against all vessels belonging to the United States. With great respect, I am, sir, your Excellency's most obedient and most humble servant,  
*B. Franklin.*

#### **MCXXVI. TO RICHARD OSWALD**

Passy, 26 November, 1782.

Sir:—

You may well remember that in the beginning of our conferences before the other commissioners arrived, on your mentioning to me a retribution for the Royalists, whose estates had been confiscated, I acquainted you that nothing of that kind could be stipulated by us, the confiscation being made by virtue of laws of particular States, which the Congress had no power to contravene or dispense with, and therefore could give us no such authority in our commission. And I gave it as my opinion and advice, honestly and cordially, that, if a reconciliation was intended, no mention should be made in our negotiations of those people; for, they having done infinite mischief to our properties by wantonly burning and destroying farm-houses, villages, towns, if compensation for their losses were insisted on, we should certainly exhibit again such an account of all the ravages they had committed, which would necessarily recall to view scenes of barbarity that must inflame, instead of conciliating, and tend to perpetuate an enmity that we all profess a desire of extinguishing. Understanding, however, from you that this was a point your ministry had at heart, I wrote concerning it to Congress, and I have lately received the following resolution, viz.:

*“By the United States, in Congress assembled*

10 September, 1782.

*“Resolved*, That the Secretary for Foreign Affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves and other property which have been carried off or destroyed in the course of the war

by the enemy, and to transmit the same to the ministers plenipotentiary for negotiating peace.

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

In consequence of these resolutions and circular-letters of the Secretary, the Assembly of Pennsylvania, then sitting, passed the following act, viz.:

*"State of Pennsylvania in Congress Assembled*

Wednesday, 18 September, 1782.

The bill, entitled, 'An act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents of the king of Great Britain during the present war,' was read a second time.

Ordered to be transcribed, and printed for public consideration.

Extract from the minutes.

*Peter Z. Lloyd,*

*Clerk of the General Assembly.*

Whereas, great damages of the most wanton nature have been committed by the armies of the king of Great Britain, or their adherents, within the territory of the United States of North America, unwarranted by the practice of civilized

nations, and only to be accounted for from the vindictive spirit of the said king and his officers; and, whereas, an accurate account and estimate of such damages, more especially the waste and destruction of property, may be very useful to the people of the United States of America, in forming a future treaty of peace, and in the meantime may serve to exhibit in a true light to the nations of Europe the conduct of the said king, his ministers, officers, and adherents; to the end, therefore, that proper measures be taken to ascertain the damages aforesaid, which have been done to the citizens and inhabitants of Pennsylvania, in the course of the present war within this State; Be it enacted by the House of Representatives of the freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, that in every county of this State, which has been invaded by the armies, soldiers, or adherents of the king of Great Britain, the commissioners of every such county shall immediately meet together, each within their county, and issue directions to the assessors of the respective townships, districts, and places within such county, to call upon the inhabitants of every township and place to furnish accounts and estimates of the damages, waste, spoil, and destruction which have been done and committed as aforesaid, upon the property, real or personal, within the same township or place, since the first day of ———, which was in the year of our Lord 177-, and the same accounts and estimates to be transmitted to the commissioners without delay. And, if any person or persons shall refuse or neglect to make out such accounts and estimates, the said assessors of the township or place shall, from their own knowledge and by any other reasonable and lawful method, take and render such an account and estimate of all damage done or committed, as aforesaid; Provided, always, that all such accounts and estimates, to be made out and transmitted as aforesaid, shall contain a narrative of the time and circumstances;



and, if in the power of the person aggrieved, the names of the general or other officers or adherents of the enemy by whom the damage in any case was done, or under whose orders the army, detachment, party, or persons committing the same, acted at that time; and also the name and condition of the person or persons whose property was so damaged or destroyed; and that all such accounts and estimates be made in current money, upon oath or affirmation of the sufferer, or of others having knowledge concerning the same; and that in every case it be set forth whether the party injured hath received any satisfaction for his loss, and by whom the same was given.

And be it further enacted by the authority aforesaid, that the said commissioners, having obtained the said accounts and estimates from the assessor of the several townships and places, shall proceed to inspect and register the same in a book, to be provided for that purpose, distinguishing the districts and townships, and entering those of each place together; and if any account and estimate be imperfect, or not sufficiently verified and established, the said commissioners shall have power, and they, or any two of them, are hereby authorized to summon and compel persons, whose evidence they shall think necessary, to appear before them at a day and place appointed, to be summoned upon oath or affirmation concerning any damage or injury as aforesaid; and the said commissioners shall, upon the call and demand of the President or Vice-President of the Supreme Executive Council, deliver or send to the Secretary of the said Council all or any of the original accounts and estimates aforesaid, and shall also deliver or send to the said secretary, copies of the book aforesaid, or any part or parts thereof, upon reasonable notice. And be it further enacted by the authority aforesaid, that all losses of negro or mulatto slaves and servants, who have been deluded and carried away by the enemies of the United States, and have not been recovered or

recompensed, shall be comprehended within the accounts and estimates aforesaid; and that the commissioners and assessors of any county which had not been invaded as aforesaid, shall nevertheless inquire after and procure accounts and estimates of any damages suffered by the loss of such servants and slaves as is hereinbefore directed as to other property.

And be it further enacted by the authority aforesaid, that the charges and expenses of executing this act as to the pay of the said commissioners and assessors, shall be as in other cases; and that witnesses shall be rewarded for their loss of time and trouble as witnesses, summoned to appear in the courts of quarter sessions of the peace; and the said charges and expenses shall be defrayed by the commonwealth, but paid in the first instance out of the hands of the treasurer of the county, for county rates, and levies upon orders drawn by the commissioners of the proper county."

We have not yet had time to hear what has been done by the other Assemblies; but I have no doubt that similar acts will be made use of by all of them, and that the mass of evidence produced by the execution of those acts, not only of the enormities committed by those people, under the direction of the British generals, but of those committed by the British troops themselves, will form a record that must render the British name odious in America to the latest generations. In that authentic record will be found the burning of the fine towns of Charlestown, near Boston; of Falmouth, just before winter, when the sick, the aged, the women, and children, were driven to seek shelter where they could hardly find it; of Norfolk, in the midst of winter; of New London, of Fairfield, of Esopus, etc., besides near a hundred and fifty miles of well settled country laid waste; every house and barn burnt, and many hundreds of farmers, with their wives and children, butchered and scalped.

The present British ministers, when they reflect a little, will certainly be too equitable to suppose that their nation has a right to make an unjust war (which they have always allowed this against us to be), and do all sorts of unnecessary mischief, unjustifiable by the practice of any individual people, which those they make war with are to suffer without claiming any satisfaction; but that if Britons or their adherents are in return deprived of any property, it is to be restored to them, or they are to be indemnified. The British troops can never excuse their barbarities. They were unprovoked. The loyalists may say in excuse of theirs that they were exasperated by the loss of their estates, and it was revenge. They have then had their revenge. *Is it right they should have both?*

Some of those people may have merit in their regard for Britain, and who espoused her cause from affection; these it may become you to reward. But there are many of them who were waverers, and were only determined to engage in it by some occasional circumstance or appearances; these have not much of either merit or demerit; and there are others who have abundance of demerit respecting your country, having by their falsehoods and misrepresentations brought on and encouraged the continuance of the war—these, instead of being recompensed, should be punished.

It is usual among Christian people at war to profess always a desire of peace; but if the ministers of one of the parties choose to insist particularly on a certain article, which they have known the others are not and cannot be empowered to agree to, what credit can they expect should be given to such professions?

Your ministers require that we should receive again into our bosom those who have been our bitterest enemies, and restore their properties who have destroyed ours, and this while the wounds they have given us are still bleeding! It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your

resentment against them may by this time be abated; yet if we should propose it, and insist on it as an article of our treaty with you, that that family should be recalled and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?

I must repeat my opinion, that it is best for you to drop all mention of the refugees. We have proposed, indeed, nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an article in which you may provide that they shall exhibit accounts of their losses to the commissioners, hereafter to be appointed, who should examine the same, together with the accounts now preparing in America of the damages done by them, and state the account; and that if a balance appears in their favor, it shall be paid by us to you, and by you divided among them as you shall think proper; and if the balance is found due to us, it shall be paid by you.

Give me leave, however, to advise you to prevent the necessity of so dreadful a discussion by dropping the article, that we may write to America and stop the inquiry. I have the honor to be, etc.,

*B. Franklin.*

## **MCXXVII. FROM BENJAMIN VAUGHAN**

Passy, 27 November, 1782.

My Dearest Sir:—

I am so agitated with the present crisis that I cannot help writing to you, to beseech you again and again to meditate upon some mild expedient about the refugees, or to give a favorable ear and helping hand to such as may turn up.

Both sides agree that the matter of expense is nothing, and the matter of honor in my opinion is least to *that* side

which has most sense and most justice on its side. It seems to me that the matter of present *peace* and that of *future happiness* are the only points of true concern to either.

If I can judge of favorable moments, the present is of all others most favorable to our views of *reconciliation*. We have liberal American commissioners at Paris, a liberal English commissioner, and a liberal first minister for England. All these circumstances may vanish to-morrow, if this treaty blows over.

If you wanted to break off your treaty, I am perfectly sensible that you could not do it on grounds in which America would more join with you than this of the refugees. On the other hand, if England wanted to break, she could not wish for better ground on *her* side. You do not break; and therefore I conclude you *both* sincere. But in this way I see the treaty is likely of *itself* to break. I pray then, my dearest, dearest sir, that you would a little take this matter to heart.

If the refugees are not silenced, you must be sensible what constant prompters to evil measures you leave us; what perpetual sources of bad information. If the minister is able, on the other hand, to hold up his head on this one point, you must see how much easier it will be for you both to carry on the great work of reunion, as far as relates to prince and people. We are not well informed about the deeds of the refugees in England; and we can only now be well informed by publications that would do irreparable mischief.

Besides you are the most magnanimous nation, and can excuse things to your people which *we* can less excuse to *ours*. Not to mention that when Congress sent you their last resolutions they were not aware that you would be so near a settlement as you are at present. To judge which is the hardest task, yours or England's, put yourself in Lord Shelburne's place. The only marks of confidence shown him at Paris are such as he *dares not name*; and the only marks

promised him are *future* national ones. England has given much ground of confidence to America. In my opinion England will do *her* business in the way of reconciliation, very much in proportion as you do *your* business generously at the present peace. England is to be won, as well as America is to be won; and I beg you would think with yourself and your colleagues about the means. Excuse this freedom, my dearest sir; it is the result of a very warm heart, that thinks a little property *nothing* to much happiness. I do not, however, ask you to do a dishonorable thing, but simply to save England, and to give our English ministry the means of saying, on the 5th of December, we have done *more* than the last ministry have done. I hope you will not think this zeal persecution; for I shall not mention this subject to you again of my own accord.

I know you have justice on your side; I know you may talk of precedents; but there is such a thing as forgiveness, as generosity, and as a manly policy, that can share a small *loss*, rather than miss a greater *good*. I am, etc.,

*B. Vaughan.*

## **MCXXVIII. TO COUNT DE VERGENNES**

Passy, 29 November, 1782.

Sir:—

I have the honor to acquaint your Excellency that the commissioners of the United States have agreed with Mr. Oswald on the preliminary articles of the peace between those States and Great Britain. To-morrow I hope we shall be able to communicate to your Excellency a copy of them. With great respect, I have the honor to be, sir, etc.,

*B. Franklin.*