NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

Vol. II. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. *No. CCXV.*

Five Dolls. per ann. WEDNESDAY, MARCH 24th, 1802. *Paid In Advance.*

National Intelligencer.

CONGRESS OF THE UNITED STATES.

House of Representatives.

MONDAY, March 15, 1802.

Mr. Randolph called for the order of the day on the bill for repealing the Internal taxes.

Mr. Griswold ſaid, that he hoped the reſolution which he had laid on the table for indemnifying for French ſpoliations would be firſt taken up. It was important before a deciſion was made on the repeal of the Internal taxes, that the extent of indemnities made by government would be known. He therefore moved a poſtponement of the bill on Internal taxes till to-morrow, that in the mean time his motion might be acted upon. He concluded by deſiring the yeas and nays.

The motion of Mr. Griswold, on

FRENCH SPOLIATIONS,

Is as follows:—"*Resolved*, That it is proper to make proviſion, by law, towards indemnifying the merchants of the United States, for loſſes ſuſtained by them from French Spoliations, the claims for which loſſes have been renounced by the final ratification of the Convention with France, as publiſhed by proclamation of the Preſident of the United States."

Mr. Lowndes obſerved that it was nearly two months ſince the committee was raiſed, to whom had been committed the petitions of merchants, praying indemnities: notwithſtanding this length of time, the committee had not yet met. He hoped this reſolution would induce the committee to meet.

Mr. S. Smith ſaid, that he had preſented the firſt petition on the ſubject of French ſpoliations; and that it had been immediately referred to a ſelect committee, who, though they had made progreſs in the buſineſs committed to them, had not conſidered it fair to decide until all the petitions expected on the ſubject had been received. One indeed had been preſented only this morning. Gen. Smith aſked if this mode was not perfectly juſt and fair. For himſelf on this ſubject he was precluded from voting, as he was deeply intereſted in the deciſion of the Houſe. He mentioned this circumſtance that the reaſon might be underſtood why particular gentlemen from different parts of the Union did not vote on this queſtion in its ſeveral ſtages.

Mr. Lowndes ſaid he did not conſider the right of deciding the principle delegated to the ſelect committee. That muſt be decided in the Houſe. It was the duty of the committee barely to make arrangements to protect the Houſe from impoſition on the ſcore of facts. If it ſhall be determined by the government, that it is improper to make compenſation—though he thought ſuch a deciſion ſcarcely poſſible—the ſelect committee may be diſcharged. If on the other hand, it is thought proper to compenſate, the committee may go in the inveſtigation of details.

The order of the day is called for on repealing the Internal taxes. But ought not the Houſe to underſtand the amount with which the government will ſtand charged on theſe indemnities, before thoſe taxes are repealed? Mr. Lowndes ſaid he was of opinion, the claims could not be rejected. They were too juſt to be diſregarded. It was the duty of the government to protect its citizens from the depredations of an enemy. Government, for a certain national good, had thought proper to abandon the claims of its citizens on the French government. Surely no man would ſay, the government poſſeſſed the right to ſeize the property of a certain deſcription of its citizens, and appropriate it to general purpoſes. He repeated, that theſe claims muſt be paid by the government. Was it not then proper to determine their extent before the Internal taxes were taken off?

Mr. John C. Smith ſubmitted it to the candor of the gentleman from Virginia, to wave his motion until that made by the gentleman from Connecticut reſpecting French ſpoliations, ſhould be referred to a committee of the whole.

Mr. Mitchill felt it an obligation, that the caſe of thoſe whom he had the honor to repreſent, and that of the other merchants in the United States, ſhould be taken up and receive from this Houſe the moſt deliberate and ſerious conſideration. He had before ſubmitted to the Houſe his ideas on the proper courſe to be purſued, which it was not neceſſary for him to repeat. He would, however, obſerve, that the reſolution now made was ſo broad as entirely to defeat its object. The firſt reference of this buſineſs was to a ſelect committee inſtructed to examine all the papers and documents in relation to it, with an inſtruction to report their opinion to the Houſe; on receiving which the Houſe might be able to come to a deciſion. On the other hand, the preſent propoſition goes to commit the Houſe on the whole extent of the ſubject without any examination whatever.

Dr. Mitchill ſaid, he would ſuggeſt a few reaſons, which ſatiſfied his mind that a deciſion ſhould not be too rapidly preſſed. The veſſels taken by the French admitted of various claſſifications. One claſs conſiſted of thoſe, that were captured before the diſſolution of our treaty with France; another claſs of thoſe which were captured after that event; another claſs of thoſe that were captured by pickeroons without commiſſions; and another claſs, where captures were made on account of contraband goods. All theſe claſſes involved diſtinct conſiderations; and when the ſubject was preſented to the Houſe in a form ſo complicated, was it proper precipitately to decide a principle, that might bind the government to make indemnity for all caſes whatever?

Dr. Mitchill ſaid he had no doubt but that ſuch property of the citizens of the United States as came fairly under the character of ſpoliated property, would be conſidered as a fit ſubject of indemnity. He was one of thoſe who thought that in ſuch caſes payment ought to be made. He conſidered the merchants as a very important claſs of citizens, and that their intereſts ought to be protected. This he thought the more neceſſary from the conſideration of the bill on the table, which, when paſſed, will render the government very dependant on mercantile credit.

Dr. M. was of opinion that the beſt way of accompliſhing the object of the merchants was not to precipitate the ſubject. On the other hand, he was of opinion that the beſt chance of ſucceſs would ariſe from an examination of the various claſſes of ſpoliations, from ſeparating them from each other, thereby enabling the houſe to act underſtandingly upon them. The reſolution of the gentleman from Connecticut was ſo vague as not to be ſuſceptible of any diſtinct meaning. He hoped, therefore, the ſubject would be ſuffered to undergo a full and deliberate inveſtigation in the ſelect committee, which he, as a member of that committee, aſſured the houſe was progreſſing as faſt as a ſenſe of juſtice and a regard to our merchants required.

Mr. Dana. The object of the preſent motion is to take up the reſolution of my colleague, and to take order upon it—not to decide definitively upon it. This being the true queſtion, I hope the gentleman from New-York will not think it improper in me to ſay that many of his remarks do not apply to it. As the queſtion is not whether we ſhall immediately decide the point; but only place it in a train for deciſion. It muſt be diſcuſſed either in a committee of the whole, or in a ſelect committee; and we aſk the houſe now to decide which, that it may be progreſſing towards a final deciſion.

The reſolution ſtates a general principle. If it is the fixed determination of the majority, without an enquiry, not to grant any relief whatever, there is an end of the buſineſs. But if you agree to grant any relief, the reſolution ought to be adopted. The principle is then eſtabliſhed of indemnifying; after which you may diſcriminate.

The principle on which the reſolution is founded is not that government has declined to inſiſt upon the claims of its citizens againſt the French; but that it has undertaken to abandon their claims, ſo that no citizen can now come forward with his claim either againſt the French government or any citizen of France. For this is the conſtruction of the treaty as finally ratified by the government. It is a complete ſurrender and renunciation of all demands. Among the firſt claims of our citizens are ſome of private right, which, were it not for the treaty, could be recovered in the courts of France, but which the treaty bars. This conſtitutes a claſs of claims which the government cannot refuſe to indemnify. There are other deſcriptions of claims, which might require diſcrimination; in ſome of which the degree of compenſation ſhould be varied, and others, in which there ſhould be no compenſation whatever. I think, therefore it is proper for the government to ſay the buſineſs ſhall be attended to; at ſome future time an enquiry may be made into the nature of the various claims. This is all we aſk.

Mr. Griswold ſaid that the gentleman from New-York had miſapprehended the order of proceeding in that houſe. He ſuppoſes the preſent reſolution ſo vaguely worded, as to be improper to be paſſed. But if taken up, that very gentleman may offer any amendment he pleaſes. I do, however, apprehend that it is ſo worded as to bring the ſubject fairly before the houſe. It is worded even with caution. Its ſole object is to bring the principle of indemnity before the houſe, unfettered, that its deciſion might not be embarraſſed by any details; ſuppoſing there would be an indiſpoſition in the houſe to pledge the nation to an unlimited extent, the words uſed are, "towards indemnifying." Gentlemen, therefore, who are diſpoſed to do any thing, can feel no objection to a reſolution ſo qualified. Other parts of the reſolution are worded with equal caution, ſo as to extend only to caſes where loſſes are renounced by treaty. Are gentlemen unwilling to indemnify for ſuch loſſes?

This is a principle proper for deciſion in committee of the whole. Why take it to a ſelect committee? It involves no details, it requires the illucidation of no facts. We know the loſſes of our merchants, and we know the treaty has renounced them. The houſe is, therefore, prepared to ſay whether it will or will not indemnify. When the principle is decided, it may be ſent to a ſelect committee to ſettle the details. I hope that it will be taken up, and an early day fixed for conſideration.

The gentleman ſays the committee are progreſſing. It may be ſo. Though I obſerve the gentleman from South-Carolina ſays the committee has not yet met. How progreſſing? Without meeting? I do not underſtand this new mode, though I will not ſay that it is not a very correct mode. The gentleman further ſays the committee have not progreſſed becauſe they wiſhed to have firſt all the petitions before them; but the principle to be ſettled is as much involved in one petition as in all.

Mr. Gregg ſaid he ſhould not have riſen but for the remarks of the gentleman from South Carolina, and after him thoſe of the gentleman from Connecticut, who had ſtated that the committee had not met. Being a member of the committee he would inform thoſe gentlemen, that the committee had met; that they had peruſed a number of the papers; and had determined that it was improper to proceed until they had received documents that would ſhew the extent of the claims.

As the buſineſs now ſtands, we find it referred to a ſelect committee, inſtructed to examine the papers, and report their opinion thereupon. This report will form the grounds of deciſion for the houſe. Now the gentleman would wreſt the buſineſs from the committee, and urge the houſe into a deciſion without any of the neceſſary information. The attempt was unprecedented. Mr. G. ſaid he never knew a ſimilar inſtance, where the ſelect committee had not been previouſly diſcharged.

Mr. Lowndes roſe to explain. He ſaid that when he informed the houſe that the committee had never been called together, he had been induced to ſay ſo, from never having been himſelf notified, though a member of the committee.

Mr. Bayard thought the motion ought to prevail for the reaſons aſſigned by the honorable gentleman from Connecticut. He has properly remarked that we are not now called on to decide the abſtract queſtion; but only to ſay what courſe of proceeding ſhall be purſued.—The point ought now to be decided whether the buſineſs ſhall be ſent to a ſelect committee, or to a committee of the whole. The gentleman from Pennſylvania ſays it is altogether unprecedented to take a ſubject out of the hands of a ſelect committee. But this will not be the effect of the reſolution; which will only facilitate the buſineſs before the committee, and ſhed additional light on the path they ought to purſue. We do not wiſh to interfere with the operations of the committee; but to decide a queſtion that will greatly facilitate their proceedings, and which queſtion ought to be ſettled in a committee of the whole.—It is peculiarly and ſtrikingly proper to poſtpone the queſtion of repealing the internal taxes until a deciſion ſhall have been made on theſe claims. Not that we are anxious to decide upon them immediately, but becauſe we are ſolicitous not to prejudge all claims to indemnity by repealing the very taxes on which the indemnity muſt depend. Do gentlemen mean to decide at once thus precipitately againſt all indemnity whatever. If they are not in favor of ſo deciding, ſurely they will not be for immediately deciding on the internal taxes.

Let the gentleman from New-York claſſify the claims as he pleaſes, can he tell the extent of the demands? May they not amount to five million or ten million of dollars? And if to either ſum can we with propriety diſpenſe with the internal taxes? It appears from the report of the Secretary of the Treaſury that the whole of the revenue for the year 1803 and 1804 will be wanted. If then theſe claims ſhall be allowed, and ſhall produce an increaſe of the public debt, the fund derived from the internal revenue will be required.

It is cruel to decide at once againſt the claims of our merchants. If it is predetermined not to give them relief, at leaſt allow them the conſolation of a hearing. Whoever votes for now taking up the queſtion of the repeal of the internal taxes votes, not only againſt indemnifying, but alſo againſt hearing the merchants; becauſe he votes away all means of indemnification. It is hard, peculiarly hard, that at the moment, when you are about to throw the whole burthens of the government upon the merchants, you ſhould deny them a hearing, an impartial hearing of their claims: Suppoſe there ſhould be a combination of theſe men, ſeeing the government act towards them with ſuch flagrant injuſtice, to refuſe all importations. I aſk, if you do not, by ſuch treatment, put the government entirely into their hands?

If gentlemen will agree to poſtpone the queſtion of the internal taxes, we will agree to poſtpone this queſtion, if they are not prepared to decide upon it. The ſubject of the internal taxes is the leaſt preſſing of all the ſubjects before the houſe. The bill, indeed, ought not to paſs until we know the appropriations that are neceſſary to be made for the preſent year. Have gentlemen ſhewn, can they ſhew that with propriety theſe taxes can be diſpenſed with from any retrenchments that can be made in our expenditures? I do not know any official document on this point, except that of the Secretary of War, who in his very correct report ſays there will be a ſaving in his department of a little more or leſs than 500,000 dollars, which report I confeſs I do not underſtand. The Committee of Ways and Means ſay there will be a retrenchment in the War Department of a ſum not exceeding 400,000 dollars, which mode of expreſſion I do not preciſely comprehend. Surely we ought to know with preciſion the ſums that will be required for the objects of the government, before we abandon our reſources.

Mr. Eustis thought the object of indemnity to our merchants very important both in its nature and in its conſequences. And firſt, as to its amount; it was known to be great. The conſequence of theſe applications will be a hearing, and procedure thereon. And the amount of the claims, as well as the nature of them, ought to have great influence on the deliberations of the houſe. And yet we talk of deciding the abſtract queſtion, when the very facts on which we are to decide are not before us. For it will be perceived by the public prints that the claims of the merchants of the ſtate of Maſſachuſetts are not yet brought forward. The neceſſary evidence is not before the houſe. I appeal to the gentlemen to know how we are to act underſtandingly, if the ſubject be taken up now. What is the abſtract queſtion? Will gentlemen ſay they will pay all demands, before they know any thing of their nature or amount?

The gentleman from Delaware had ſtated fairly that this is a queſtion whether the internal taxes ſhall be repealed or not. I know the internal taxes muſt be repealed. I conſider the converſations and proceedings which have already taken place here and elſewhere as having ſhaken that revenue to its centre; as having placed it in ſuch a ſituation as to prevent your officers from being able to collect it, its collection being peculiarly dependent upon the good faith of the community. My own opinion was that the repeal of theſe taxes ſhould have been the laſt act of the ſeſſion; but a different aſpect has been given to the ſubject; the people expect the taxes to be immediately taken off; and I therefore think it beſt to paſs the bill at an early day.

The claims of our merchants are very ſerious, and merit great conſideration.—But the revenue, which gentlemen are ſo anxious to retain, to them will be but as the light duſt in the balance. I preſume that the loſſes of the merchants of Maſſachuſetts alone are not leſs than five to ten millions of dollars. But to act underſtandingly upon them we muſt have evidence as well of their amount as their nature, both of which we at preſent want.

Mr. Rutledge. I am ſorry the reſolution of my honorable friend from Connecticut is not acceptable to the gentleman from New-York. It is not the leaſt indelicate to that committee.—On the contrary, were I a member of that committee, I ſhould feel infinitely gratified by it. I would aſk ſolicitouſly, whether it were probable that Congreſs would agree to this principle, before the details were gone into. We are now for giving that information to the committee.

The honorable gentleman ſays this reſolution conveys no light. But, I will ſay, that, if adopted, it will confer not only light but comfort to our merchants. It will ſolace their hopes, and animate them to meet the difficulties under which they are ſtaggering.

The gentleman from Maſſachuſetts ſays, there is no evidence of fact. What fact? Surely, he will not ſay, there is no evidence of the French having condemned our veſſels, and of their having committed vaſt ſpoliation. If this were ſo, how happens it that an American embaſſy had demanded compenſation; and that, on the ulterior negociations of the government, the government had ſaid we will abandon it, that we may releaſe ourſelves from guarantying to France her colonial poſſeſſions. Had this not been ſo, France might have called upon us to guarantee her Weſt India poſſeſſions, and to ſupply her with men and money. From this ſituation we have been kept by thoſe negociations which terminated in an abandonment of the juſt claims of your merchants on the French government or her citizens.—And this conſtitutes your good bargain.

If theſe are facts, we poſſeſs ſufficient evidence not only to juſtify, but to compel our paying the merchants, if under the influence of common honeſty. The amount is perfectly immaterial. Whatever it is, we muſt pay it. It is true that of the millions claimed, government may not in law or equity be compelled to pay more than a ſmall part. But if you eſtabliſh the principle that there ſhall be an indemnity made, you enable your committee to deviſe the mode of collecting evidences of and ſettling the validity of the claims.

The gentleman from Maſſachuſetts has obſerved that my honorable friend from Delaware has boldly avowed his object to be to refuſe to repeal the Internal taxes. We do avow it. For if we once repeal them, then we ſhall be told there is no money wherewith to pay theſe claims however juſt.

Before we repeal theſe taxes we ought clearly to underſtand the ſtate of our Naval Eſtabliſhment. We ought to ſee whether it is to be foſtered or ſtarved. I perceive that the naval committee call for 160,000 dollars; but where is it to come from?

But the gentleman from Maſſachuſetts ſays theſe taxes, right or wrong, muſt be repealed. For, he ſays, the public expectation has already decided the queſtion; and that indeed the public officers could not now collect them. But I hope, for the honor of the government, and of the American people, this opinion is not correct. I hope the government has ſtill energy enough to collect, and the people honeſty enough to pay them, without reſiſtance. In certain ſections of the Union the payment has been reſiſted. But thoſe who oppoſed were compelled to pay the tax. It is poſſible that in ſome quarters there may be further reſiſtance. But it will be partial. The people generally will pay; and I am ſorry any contrary ſuggeſtion has been made. I hope too the people will not be led aſtray either by executive communications or converſations.

Mr. Mitchill begged to be indulged in making a few obſervations on what had fallen from the gentleman from South-Carolina. I do not know that theſe obſervations will ſatisfy his mind, but they will at leaſt ſerve to juſtify my own character as a repreſentative of a portion of the union reſpectable for its mercantile opulence. I believe the ſubject of indemnities, in the contemplation of gentlemen, has ſwelled much beyond its real magnitude. I believe, that a large portion of loſſes were ſo covered by inſurance, that government will not be obligated to pay for them. I feel as ſincerely for the merchants as any gentleman; yet I do not wiſh to ſwell the ſubject to an improper magnitude. Suppoſe, as the gentlemen wiſh we ſay we will indemnify, does that pay the claims?

Beſides, it is not ſo evident, as ſome gentlemen aſſert, that our merchants have been deprived of valuable rights by the mode in which the French convention has been ratified. Let gentlemen recollect the maſs of depredation committed by Great Britain, and the en-