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HISTORY

OF THE

Last Session of Congress.

[Continued]

State Balances.

On the 4th of February, Mr. Thomas submitted a resolution for the appointment of a committee to enquire into the expediency of extinguishing the claims of the United States for certain balances, which, by the commissioners appointed to settle the accounts between the United States and individual states, were reported to be due from several of the states to the United States.

On the 13th of February Mr. Thomas called up the above resolution as follows.

Resolved, That a committee be appointed to enquire into the expediency of extinguishing the claims of the United States, for certain balances, which, by the commissioners appointed to settle the accounts between the United States and the individual states, were reported to be due from several of the states to the United States, and that the said committee have leave to report by bill or otherwise.

After a debate of considerable length, in which Messrs. Thomas, Smilie, Hill, Holland, R. Williams, T. Morris, Macon, S. Smith, and Bayard supported, and Messrs. Lowndes, Rutledge, Dana, Dennis, Bacon and Griswold oppos'd the motion, it prevailed by a majority of five, and a committee was accordingly appointed.

On the 5th of March, Mr. Thomas, in the name of this committee made a report in favour of extinguishing the balances, with an accompanying bill to that effect, which on the 12th of March, was considered in a committee of the whole.

On the principle of the bill a debate ensued, in which the extinction of the balances was supported by Messrs. Thomas, Randolph, Van Rensselaer, Hill, Van Ness, Gregg, Bayard, Smilie, Bacon, S. Smith, Claiborne and Holland —and opposed by Mess's. Elmer, Bacon Eustis, Hastings and Butler.

In this debate the usual field of argument, which has been so frequently displayed, was gone into. It were useless to take a detailed notice of the arguments on either side, as every intelligent reader is probably already possessed of them.

It may be proper, however, to state the new ground taken by Mr. Thomas, who contended that the rule on which the debts of the several states had been apportioned was an unjust one. He stated that under the confederation the basis of contribution was land; and that it would have been just that the apportionment of debts incurred during the war should have been in the ratio of the then existing numbers in each state, and not in the ratio of the numbers of the states subsequent thereto.—That according to the numbers in the states in the year 1784, at the close of the war, a result, very different from that arising from the rule established by the commissioners, viz —the numbers existing in 1791, would have been formed. He particularised the varying results derived from the relative numbers of the states in the year 1784, and 1791; and stated that according to the former, New-York, instead of being debtor for 2 millions, would be a creditor state for 900,000 dollars.

The question was then taken on the committee rising, and reporting the bill without amendment, and carried.

Ayes 47—Nays 33.

A motion was then made that the bill be engrossed for a third reading on Tuesday and carried—Yeas 47—Nays 35.

On the 16th the bill was read a third time, when Mr. Davis moved its postponement until the fourth Monday in November, on which a debate ensued, in which the postponement was urged by Messrs. Davis, Bacon, Elmer and Goddard; and opposed by Messrs. Bayard, T. Morris, Randolph and Nicholson; when the question of postponement, which was a virtual rejection of the bill, was carried by a majority of six.

Thus terminated for the session, in correspondence with the frequent fate before experienced, a discussion which, if we may judge from the pertinacity with which it has heretofore been sustained, will, in all probability, continue to embarrass the future deliberations of the legislature. Whatever may be the justice of the claim of the United States which, notwithstanding the subtile arguments enforced against it, can scarcely be questioned by an unprejudiced mind it would appear to be the dictate of sound policy to abandon an object, which can never be rigidly enforced without a prostration of state sovereignty, and which, while it remains unsettled, will be the constant source of altercation and recrimination. Nor should the time which the discussion consumes be disregarded in an estimate of pecuniary gain or loss, into which the question is ultimately resoluble. If there is no prospect of gain to the Union, if there is a certainty of loss from the time exhausted, and if the harmony of the respective states is perpetually disturbed, can there exist a doubt that the mere pageant of justice should be sacrificed on the altar of federal harmony? While, however, a sentiment of generosity, cherished on one side, offered the sacrifice, it is to be regretted that the debtor states did not meet the discussion with a reciprocal spirit of conciliation, which dictated a repression on their side of those lofty declamations, which demanded as of right, what many of the creditor states deemed a favor, & which at best was equivocal.

Berceau.

On the 5th of April, Mr. Griswold offered a resolution that the secretary of state be directed to report whether the sum of 32,839 dollars and 54 cents, expended in the repairs put upon the corvette Berceau, before the delivery to the French Republic, was made to equip her for the service of the United States, or for the purpose of delivering her in good condition to the French Republic, in conformity to the stipulations of the convention with France.

As the measures of the executive on this subject have been variously represented, it may be proper concisely to state them.

On the 30th of Sept. 1800, a convention was entered into at Paris by the commissioners of the United States and France restoring true and sincere friendship between the two nations, the third article of which directed that the public ships which had been taken on one part and the other, or which might be taken before the exchange of ratifications, should be restored. In the month of the ensuing February the senate advised a ratification of the convention under certain terms, which it was not believed would be objected to by France. Previously to the signing of this instrument, on the 12th of October, 1800, the Berceau, a French national ship, had been captured by an American frigate, and condemned as legal prize on the 17th of November. On the 19th of December 1800, Mr. Stoddert, the secretary of the navy, directed his agent at Boston to cause her to be purchased for the United States, and afterwards to have her placed where she would be secure, with just as many men on board as should be necessary to take care of her; but to make no repairs. In obedience to these instructions she was dismantled on the 30th of December; and on the 15th of January, she was bought in by the navy agent for 13,349 dollars. In March, the French commercial agent represented to the secretary of state the destitute state of the French prisoners taken on board the Berceau, no funds having been provided by France for their relief, and requested advances, reimbursable by France. In consequence whereof the secretary of the navy instructed his agent to furnish each person, before his delivery, with such cheap clothing as should be sufficient, with what he had, to make him comfortable —and to pay each officer, to enable the re-payment of contracted debts, two dollars a week for the whole time he had lived at his own expence.

On the 19th of March, the French Charge des Affaires, Mr. Pichon, addressed a letter to the secretary of state, stating that the First Consul, desirous of removing the remembrance of all differences, had not waited for information whether the government of the United States would ratify the convention, before he performed those stipulations which were to have effect from the date of its signature; and that, reposing entire confidence in the United States, he had given instructions calculated not only to secure full justice for the past, in a manner consonant to the obligations of the convention, but also to prevent in future, unauthorised measures towards the commerce and navigation of the United States, either on the part of the administration, or of individuals. Mr. Pichon expresses a strong assurance that the modifications of the convention will be accepted by the First Consul, and concludes by attracting the attention of the secretary to that part of it, which relates to the restitution of national ships, among which he notices the Insurgente, a French captured frigate, intimating the probability of her being lost, and expressing his impression that it would appear reasonable to the President, to replace her, or an equivalent to the Republic.

On the 20th of March, the executive, animated by the same sentiments expressed by the French government, came to a determination to restore the Berceau; and accordingly on that day the secretary of the navy gave the following directions to his agent.—

"The French national ship the Berceau, captured by captain Little, is to be restored under the treaty.

"You will please to cause her to be delivered, with all her guns, ammunition, apparel and every thing belonging to her, to the order of Mr. Pichon, commissary general and charge des affaires, from the French government to the government of the United States, whenever such orders shall appear.

"This business should be done as if no reluctance accompanied the restoration. We are now at peace with France, and we should act as if we returned to a state of amity with pleasure. Let there be no cause of complaint against the government or its agents."

On the 1st of April, further instructions were given by the secretary. He says:

"I have to request that you will be pleased to ascertain without delay the state the French national ship Le Berceau was in at the time of her capture, as to her armament, stores and provisions, and to cause her to be put in the same condition before she is delivered up to the French government."

On the 24th of June the navy agent addressed the following letter to the secretary:

"On Monday the 22d, the corvette Le Berceau was delivered to the commissary of the French government, and the captain at the same time took charge of her. At the request of the commissary and captain, and from the necessity of the case, I have furnished some articles which may not have been on board at the time of the capture, such as hammocks, blankets; and if then on board they were retained wholly or in part by the crew. The captain now wishes to be furnished with silver-spoons, plated-ware, china, &c. for his cabbin. These I cannot provide without your special directions, as I do not suppose they were on board at the time of the capture. The commissary is willing on the part of his government, to engage to pay for all articles supplied, that probably were not then on board the corvette."

Subsequent letters from the agent state the repairs made to have amounted to 32,639 dollars 54 cents; in one of which he says:

"I have presumed it was the meaning of the instructions, though not fully expressed, that the corvette should be restored, in all respects, to the condition she was in immediately anterior to the commencement of the action with the Boston. I have therefore endeavoured, in directing the repairs and furnishing the supplies, to be governed as far as possible by this principle, which I made known to such of the principal workmen employed in the repairs as appeared to be expedient. But an adherence to the rule, with a few exceptions, was soon found impracticable, but every departure produced an expence to the United States; for example, the stays, shrouds, and all the cordage were unavoidably replaced with the new for old. The rule of course was violated, as the old was not worth more than two thirds the price of new. The corvette was in this respect therefore placed in a better condition than she was at the commencement of the action; but the United States lost by it the difference in the value of the new and old cordage. This was also the case with her sails, with her masts, spars, tops and caps; with the carpenters work, with the iron work, and with many other supplies too numerous to be detailed here. Her stores, &c. thus furnished may, I presume, be estimated to be worth on an average thirty per cent. more than the stores they have replaced."

The motion of Mr. Griswold gave rise to an animated debate, and was supported by Messrs. Griswold, Bayard and Dana, and opposed by Messrs. S. Smith, Giles, Randolph, Bacon, Smilie and Nicholson.

Those who advocated the motion contended that official knowledge of the *facts* called for by the resolution was important, in order to enable the house to ascertain whether the sum expended by the executive was warranted by any legal appropriation.

Those who opposed the motion contended that while the house had a right to all the information respecting facts in the possession of the executive, which the discharge of the public service required, they had not a right to call upon executive officers for their *motives* of action, as in the present instance; that as to facts they were all before the house already.

The debate continued to a late hour, when the house adjourned without coming to a decision. On the next day Mr. Griswold submitted a modification of his motion, directing the secretary of state to report whether the sum was expended, *after it was determined to deliver* up the Berceau to the French government.

On this amendment the debate was resumed; and it was contended, that the original objection remained unshaken, as the term *determination* still implicated *motives*, with which the legislature had no concern. In order to liberate the resolution from this objection, Mr. Giles moved to amend the resolution so as to make it read.

"That the President of the United States be requested to direct the proper officer to lay before this House, copies of all papers and documents which relate to the sale, purchase and repairs of the corvette Berceau, and also a statement of the sums paid to the respective officers and men of that vessel, specifying the period for which the payments were made; together with copies of all communications between the government of the United States and any authorised agents of the French nation, relative thereto."

This amendment was carried by a majority of twelve, when the resolution, so amended, passed unanimously; and the President, in a few days thereafter, communicated at great length whatever related to the subject, which was referred to a select committee.

In this discussion, two points were made by the opponents of the administration; the one that the executive had, so far as related to the delivering of the Berceau, carried into effect the convention before it was finally ratified, and of consequence before it was a law of the land; the other that the sum, laid out in her repair, was expended without any legal appropriation. The first point was not disputed. The friends of the administration, however, contended that the President had not only in motive but in act thereby substantially promoted the interests of the nation; and that as a disposition had been evinced on the part of the French government to give the earliest effect to the provisions of the convention, it became the President to reciprocate a similar sentiment. This explanation was considered satisfactory by the opposition, who declared their approbation of the policy of the measure.

The second point gave rise to great warmth of animadversion. Some individuals alleged the repairs to have been extravagant, while others denied the existence of any appropriation for them, and insisted, even allowing them to have been proper, on the necessity of making an appropriation by law to cover them.—They contended that they had been made with a view to the delivery of the Berceau to the French, for which event no provision had been made by law. These ideas were repelled by the friends of the administration, who stated that the purchase of the ship had been made, by the past administration, under the act which authorised the purchase and equipping ships of war for the American Navy.—By the same administration she had been dismantled. That the repairs made were paid for under the provisions of this act. That it was evident, that whether the Berceau had been retained as a part of the navy, or delivered to the French, certain repairs would in either case have been required, and the legislature, having nothing to do with the motives of the executive, could only enquire into his acts; which were perfectly regular, as it would appear that the payment for repairs had been made under the appropriations of the above act.

The warmth which was exhibited in this discussion can only be ascribed to the subject, to which it related, having been made, previous to the meeting of Congress, the frequent theme of party declamation. As the circumstances attending it were not known, and as before the final exchange of ratifications there was a delicacy in divulging them, tales of detraction had been circulated with great diligence through the eastern states. The repairs and delivery were represented as evidences of Gallic attachment, and as intended to humiliate the correct pride of our countrymen. It was entirely unknown that for the little we gave, much had been received in return. These calumnies were exposed on a disclosure of facts, and with such disclosure should have expired. But the topic was too fruitful a one, when addressed to national prejudice, to be dismissed unimproved. It was felt that the delivery of an armed vessel to a foreign nation, under whatever circumstances, is always unpopular; and it was reckoned upon, that though the convention, directing the delivery, was formed under the administration of Mr. Adams, yet the act of delivery, with its necessary expences, being made under that of his successor, could not fail to excite some irritation in the public mind.

On the 23d of April, on the motion of Mr. Griswold, the committee to whom had been referred the Message of the President on this subject were instructed to enquire whether any further appropriations were necessary to cover the expences which had arisen for the purchase and repairing the Berceau for the French government, and for advancing to her officers their monthly pay. No report was, however, made.

Redemption of National Debt.

On the 19th of April, Mr. Randolph, from the committee of Ways and Means, made a report respecting the public debt, with an accompanying bill making provision for its entire redemption. The following is the report:

"The propriety of pursuing efficient measures for the final extinguishment of the public debt is a position too obviously true, in the opinion of your committee, to require any illustration from them. The unexampled prosperity of our country, the flourishing state of our finances, and the restoration of peace among the European powers, all contribute to render the present period peculiarly auspicious to this important undertaking. Should, however, the United States neglect to avail themselves of a peace which promises to be of no short duration, if the length and destructive effects of the preceding war form any criterion by which to estimate the time necessary to reinvigorate the exhausted belligerent parties, should a season of great & increasing financial prosperity be suffered to pass away without a vigorous exertion to exonerate the Union from its present incumbrances, every hope may be abandoned that a nation shall ever be found to discharge the principal of a debt which she has once funded: and the United States must rest content, to encounter with embarrassed resources, any emergency which may hereafter arise. A just confidence is, however, entertained that every description of persons, as well those who advocate extensive warlike establishments, as those who are desirous of lessening the public contribution, will unite in support of a measure, which, by liberating the revenues of the Union from their present heavy incumbrances, can alone enable its government to launch into expensive naval preparations, or to reduce the duties on imports.

"That no effectual provision for the final redemption of the whole present debt of the United States does at this time exist, a recurrence to the letter of the Secretary of the Treasury, hereunto annexed, will readily demonstrate. To the measures which have already been adopted in relation to this subject, their complexity forms an objection inferior only to their inefficiency. To establish a plan as simple as the nature of the existing system, on which it is necessarily engrafted, will permit, and altogether adequate in its operation, has been the design of the committee. To appropriate, permanently, so much of the annual revenues as may be requisite, appeared the only measure calculated to effect this last and principal purpose. This sum does not exceed the probable excess of the annual receipts beyond the current expenditure of the government. In making the necessary appropriation to the sinking fund, instead of leaving to it only such surplus as the government might not choose to employ on any other object, an adherence to economy is secured, whilst the resources of the country to meet any extraordinary emergency remain unimpaired. Nothing less than the regular operation of a permanent system can insure the rational expectation that the debt will ever be extinguished. Care, at the same time, has been taken, that such portion of the sum appropriated as the commissioners may be unable annually to apply to the redemption of the debt shall be returned into the public treasury."

To the report was subjoined a letter from the Secretary of the Treasury, exhibiting, with great perspicuity, the existing provisions for the redemption of the debt, viz. The funds appropriated, the manner of applying them, and the operation of the provisions.

By the report it appears that 5,228,000 dollars are at present paid in the shape of interest, and that an appropriation of 7,300,000 dollars would leave about 2,100,000 applicable to a discharge of the principal.

In a previous communication of the