

PHILADELPHIA, March 4.

STATE PAPER.

The following document was presented to the House of Representatives on Tuesday last, with an extensive appendix:

REPORT.

THE Secretary of State, in pursuance of an order of the House Representatives, of the 8th of May, 1796, on the memorial and petition of sundry citizens of the United States, residing in the city of Philadelphia, relative to the losses they have sustained by the capture of their property by the French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandize, to the officers of the colonial administrations of the French republic, having examined the same, together with accounts of similar losses sustained by American citizens from the French in the European seas, or in the ports of France, which, in the details were necessarily connected with the former;

Respectfully Reports,

That since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the department of State, and to the ministers of the United States in France, of injuries done to their commerce under the authority of the French republic, and by its agents. These injuries were

1st. Spoliations and mal-treatment of their vessels at sea; by French ships of war and privateers.

2d. A distressing and long continued embargo, laid upon their vessels at Bourdeaux, in the years 1793 and 1794.

3d. The non-payment of bills and other evidences of debts due, drawn by the colonial administration in the West-Indies.

4th. The seizure or forced sales of the cargoes of their vessels, and appropriating them to public use, without paying for them, or paying inadequately, or delaying payment for a length of time.

5th. The non performance of contracts made by the agents for the government supplies.

6th. The condemnation of their vessels and cargoes, under such of the marine ordinances of France, as are incompatible with the treaties subsisting between the two countries; and

7th. The captures sanctioned by a decree of the national convention, of the 9th of May, 1793, [A] which in violation of the treaty of amity and commerce, declared enemy's goods on board their vessels lawful prizes, and directed the French ships of war and privateers to bring into port neutral vessels laden with provisions, and bound to an enemy's port.

It may be proper to remark here, that this decree of the convention, directed the capture of neutrals laden with provisions, and destined for enemy's ports, preceded by one month the order of the British government for capturing "all vessels loaded with corn, flour, or meal, bound to any port in France."

Such was the nature of the claims of the citizens of the United States upon the French republic, previous to the departure of Mr. Munroe, as minister plenipotentiary to France, in the summer of 1794, and since his residence there. To him were entrusted the documents which had been collected to substantiate particular complaints; and he was instructed to press the French government to ascertain and pay what might be found justly due: from time to time; as additional cases rose, they were transmitted to him with a like view. In September of that year, he assigned to his secretary Mr. Skipwith (with the provisional appointment of consul at Paris) the charge of stating the cases, and placing them in the proper train of settlement; reserving to himself the duty of fixing general principles with the government, and patronizing and superintending his proceedings.

In conformity with the direction of the minister, Mr. Skipwith shortly afterwards made a general report on the injuries, difficulties and vexations to which the commerce of the United States was subjected by the regulation and restraints of the French government, or by the abuses practised by its agents: to which he added a number of particular cases. [A copy of the whole was annexed to the report marked B.] This report was laid before the French government; and added to the various representations of Mr. Munroe and his predecessor, it produced a decree of the joint committees of public safety, finance, commerce and supplies, dated 15th November, 1794. [A copy

of which was annexed, marked C.] This decree, apparently calculated to remedy many of the evils complained of, afforded but a very partial, in respect to compensations, comparatively small relief, while it continued in force the principles of the decree of the 9th of May, 1793, which rendered liable to seizure and confiscation the goods of enemies found on board neutral vessels. American vessels had been declared exempt from that part of the decree of the 9th of May, which authorized the seizure of vessels going to an enemy's port with provisions, by the decree of the national convention of the 28th July, 1793. On the appearance of the decree of the 9th of May, the American minister at Paris remonstrated against it as a violation of the treaty of commerce between France and the United States. In consequence thereof, the convention, by a decree of the 23d of the same month, declare, "that the vessels of the United States are not included in the regulation of the 9th of May." M. de Brun, the minister for foreign affairs, on the 28th of May, communicated this second decree to our minister, accompanying it with a few words: "You will there find a new confirmation of the principles from which the French people will never depart, with regard to their good friends and allies, the people of the United States of America." Yet two days only had elapsed before those principles were departed from; on the 28th of May, the convention repealed their decree of the 23d. The owners of a French privateer that had captured a very rich American ship, the Laurens, found means to effect the repeal to keep hold of their prize. They had even the apparent hardiness to say beforehand, that the decree of the 23d would be repealed.

The American minister again complained. So on the 1st of July, the convention passed a fourth decree, declaring, "that the vessels of the United States are not comprised in the regulations of the decree of the 9th May, conformably to the 16th [it should be called the 23d] article of this treaty, concluded the 6th of Feb. 1778." The new minister for foreign affairs, M. Desforgues, accompanies this new decree of July 1st, with the following expression; "I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to support, to the utmost of their power, the treaties subsisting between the two republics;" yet this decree proved as unstable as the former: on the 27th July it was repealed.

The next decree on this subject, was that of the joint committee, of the 15th of Nov. 1794, already mentioned. Then followed the decree of the committee of public safety of the 4th Jan. 1795, (14th Nivose, 3d year) repealing the 4th article in the decree of the 15th Nov. preceding, and in effect the articles in the original decree of the 9th May, 1793, by which the treaty with the United States had been infringed. It is not necessary for the secretary to add, that the decree of the 4th January, 1795, has been repealed by the executive directory of the 2d July, 1796, under colour of which are committed the shocking depredations on the commerce of the United States which are daily exhibited in the newspapers. The agents of the executive directory to the leeward islands (Le Blanc, Santionax and Raimond) on the 22th Nov 1796, passed a decree (marked CC) for capturing all American vessels bound to or from British ports. The secretary presumes that this is not an arbitrary, unauthorized act of their own, but that it is conformable to the intentions of the executive directory; the privateers of the French republic in Europe having captured some American vessels on the same pretence; and the consul of the republic at Cadiz having explicitly avowed his determination to confiscate American vessels on that ground, pleading the decree of the Directory for its authority.

The secretary has already intimated that the decree of the 15th November, 1794, was not followed by the extensive good effects expected from it. By a communication from Mr. Skipwith, of the 10th of last September, (the latest communication from him in answer to the secretary's request for information) it appears that the claims for detention of 103 American vessels by the embargo at Bourdeaux, remained undetermined; no funds having been appropriated by the legislature for the payment of them, and that none of the bills drawn by the colonial administration in the West Indies had been paid to him, the treasury having tendered

payment in assignats at their nominal value, and afterwards in another species of paper, called mandats, which had suffered a great depreciation, even before they were put into circulation; both which modes of payment were refused to be accepted. The progress made by Mr. Skipwith in the adjustment of other claims, so far as known to the secretary, will appear in the annexed printed statement, [D] copies of which were transmitted ten months ago to the officers of the principal collectors of the customs, from the department of State, for the information of our mercantile citizens.

That nothing might be left undone which could be accomplished by the executive, the attention of Gen. Pinckney, the present minister of the United States to France, was particularly directed to the subject of these claims, but the interval which has elapsed since his departure, has not admitted of any interesting communication from him on this business.

In connection with other spoliations by French armed vessels, the secretary intended to mention those committed under a decree dated 1st of August, 1796, issued by Victor Hugues and Lebas, the special agents of the Executive Directory to the windward islands, declaring all vessels loaded with contraband articles of any kind, liable to seizure and confiscation with their entire cargoes; without making any discrimination in favour of those which might be bound to neutral, or even to French ports. This decree has been enforced against the American trade without any regard to the established forms of legal proceedings, as will appear from the annexed deposition [E] of Jonas Hempstead, master of the brigantine Patty of Weathersfield; a copy of the decree marked [F] is also annexed.

The secretary has received a printed copy of another decree of the same special agents to the windward islands, dated the 13th Pluviose, 5th year, answering to Feb. 1st, 1797, authorizing the capture of all neutral vessels destined to any of the windward or leeward islands in America, which have been delivered up to the English, and occupied or defended by emigrants, naming Martinique, St. Lucia, Tobago, Demarara, Berbice, and Essequibo, and to leeward, Port au-Prince, St. Marc, L'Archaye and Jeremie; declaring such vessels and their cargoes to be good prize, as well as all vessels cleared out vaguely for the West-Indies, a copy of this last decree, will be added to this report as soon as it shall be translated. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, Feb. 27, 1797.

THE APPENDIX.

(A) Copy of a decree of the National Convention 9th May 1793.

(B) A letter and report of Mr. Skipwith, American Consul, on vessels captured.

(C) Extract from French decrees of 15th Nov. 1794.

(CC) Extract from the resolves of the French commission at Leeward Islands, of 27 Nov. 1796.

(D) A list of 170 claims, 40 of which were settled with the French Republic and the remainder pending.

A second list of claims on 103 vessels detained by embargo at Bourdeaux, these dated the 20th Nov. '95, and signed by Mr. Skipwith.

(E) An affidavit of the commander of the brigantine Patty.

(F) A placard of Victor Hugues, ordering the capture of horses contraband.

This follows the petition of the merchants of Philadelphia.

And a second letter from the Secretary of State enclosing a copy of a decree of Victor Hugues, published in our paper of Tuesday.

NEW-YORK, March 15.

Yesterday arrived here the schooner Little John, captain Henry King, from Port au-Prince, who informs us that by a vessel directly from Jeremie, advice was received there from Cuba, that a fleet of American vessels homeward bound, were all taken coming out of the Keys, by French privateers, and carried into that Island; that an American captain directly from Leogane, says that twenty-two sail of American vessels which have been detained some time in that port, were all condemned, and most of them sold; that four American captains had died in Leogane, and a considerable number of seamen; that it was computed, at a low calculation, that the property taken from the Americans in the Island Hispaniola, since July last, amounted to eight hundred thousand dollars.