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## REMARKS,

On Mr Wolcott's Address to the People of the United States.

NO. V.

IN stating the result of their examination into the expenditures "incident to the intercourse between the United States and foreign nations," the committee observe, "the accounts of Mr. Pickering are not yet finally settled. He remains charged with a sum of 3,383 dollars and 25 cents, erroneously paid him, for the freight of a vessel, supposed to have been employed by the Consul at Tripoli; and with another sum of 3,289 dollars and 50 cents, being the balance of an advance made to Samuel Hodgdon, for the purpose of being remitted to Mr. Humphreys at Madrid, in part of his salary which Mr. Humphreys did not receive—Both these sums, it is believed, may, and will be recovered from the persons to whom they were respectively advanced." With respect to these suspended and disputed items, concerning which, such a positive opinion is advanced by the committee, Mr. Wolcott remarks, that "it appears clearly, that the officers of the Treasury have formed no definitive opinion upon these claims," that "it is certain, that they relate directly to two of the most abstract, litigated and artificial principles of law; in any event, they involve no question of reputation." Why, therefore, he continues, "was it mentioned, that Col. Pickering remains charged, with these sums? Why was it emphatically represented, that he conducted erroneously?" Especially, if the opinion is considered correct, that both these sums "may and will be recovered from the persons to whom they were respectively advanced?" The answer results from the whole tenor of the report: Because, in no other way could they fix a stain upon a great and meritorious public officer; one of the chief pillars of the past administration. By no other means could the majority of the committee fulfil the great design, for which they were selected, to give to atrocious slanders, the countenance of the national legislature; to afford such fuel, as they could collect to all the zealous and malignant passions, which they and their partisans, had, for years, been inflaming. For such purposes, in disputed cases, these positive opinions are advanced; concerning an abstract and litigated point, the conduct of Col. Pickering is declared erroneous; in a controversy, not yet decided and in which the national interest is at stake, the weight of the opinion of a committee of Congress is thrown into the scale in opposition to the rights of the United States, and contrary to the opinion of the officer entrusted with the decision of the question in its behalf, for the purpose of stigmatizing that officer with error and misconduct, and representing him still answerable to the United States for a considerable amount. Such are the absurd and mischievous consequences which always result when the national interests are made secondary, by the spirit of party, to the interests of the prevailing sect, and which the national authority in its hands is converted into an instrument for gratifying personal rancour and private ambition; to which, candor, truth and justice, then never fail to be sacrificed.

The Committee proceed to remark on the accounts of Col. Pickering, that "the principal reason, which appears to have prevented an ultimate settlement with him, arises from the circumstance of his not having applied the whole of the money drawn by him from the Treasury to the specific

objects for which it was appropriated by law. For the extent and result of this misapplication, the Committee refer to the statement marked (C) accompanying the communication of the Secretary of the Treasury" and annexed to the printed report. By this it appears, that Col. Pickering drew from the Treasury "an aggregate of seventy-eight thousand five hundred and eighty-eight dollars and eleven cents," under appropriations made for defraying various specific expenses more than he applied to the various objects of those expenses. The Committee proceed, "the same statement (C) will shew, that the whole of the sum was expended by him, on objects of a public nature (as far as the committee can ascertain the fact) but this expenditure having been made from appropriations, designed for other objects by law, the misapplication of the money has prevented the Comptroller of the Treasury from settling his accounts."

In order rightly to understand the temper with which this report was drawn up, and the cool and settled design of misleading the public which is in every point of view its prominent feature, it is necessary to compare the observations of Mr. Gallatin upon Mr. Pickering's accounts. Those who would attain a complete knowledge of the important differences which exist between their respective representations we must recommend, to resort to the publication of Mr. Wolcott, as our limits allow us only to notice the most material.

The accounts of Mr. Pickering, says Mr. Gallatin in his letter annexed to the report, "have been rendered, and his general account has been stated by the auditor. By this it appears, that with the exception of two items, suspended for want of vouchers, or disputed by the parties, he has accounted for all the public monies received by him, so far as to show, that the whole has been applied to public purposes." It is however evident from the account itself, and from a sketch, dated by Mr. Kimball, late clerk in his department, that although he drew monies from the Treasury under distinct appropriations, he did not sufficiently attend to these in the application of the money, but has, in many instances, applied the sums, drawn under one head to another head of expenditures; and has therefore, in some cases, spent less and in others more, than was authorized by law. The statement (C) shews the excess, which it appears, has been thus expended, so far as the same can be ascertained. The greater part of the sums, thus expended for certain objects, is covered by appropriations made principally after the expenditure had taken place, and in order to enable the comptroller to pass the whole of the accounts, some further appropriations are still necessary." By the statement (C) referred to by Mr. Gallatin, it appears, that the sum "expended by Mr. Pickering beyond the sums drawn by him, under the appropriation to which they refer," is the above aggregate, stated by the Committee, of seventy-eight thousand five hundred and eighty-three dollars and eleven cents."

Mr. Gallatin proceeds to remark: "It is believed that the Secretary of the Treasury may, with the consent of the Secretary of State, draw warrants in favor of T. Pickering to be paid out of the unexpended balances of appropriations, which will cover the whole of the above expenditures, the following sums excepted, for which new appropriations will be wanted, viz.

Prize causes,	8,231 82
Spanish Treaty,	1,020 63
General La Fayette,	5,509 57

Dolls. 14,762 02

Upon the above statements Mr. Wolcott makes the following remarks:

"I desire any candid man to peruse the report of the committee, and the letter of Mr. Gallatin, and pronounce, which presents the most intelligible, as well as favorable, representation of the transactions of Mr. Pickering.

"Mr. Gallatin expressly admits that Mr. Pickering's accounts have been rendered and stated by the Auditor, and that, with the exception of two items, (suspended for want of vouchers, or disputed by the parties) he has accounted for all the public monies received by him, so far as to shew that the whole has been applied for public purposes.

With the exception of Mr. Madison's accounts, of which I have no knowledge, I can assert, that no Secretary of State has ever accounted in any other manner. Unless in relation to expenditures for objects within the United States, neither Mr. Jefferson, Mr. Randolph, or Mr. Marshall, could, at the time their accounts were settled, do more than exhibit vouchers for monies paid by them to accountable agents of the public.

The ultimate account, which is to exhibit the application of the money to the destined object, must from the necessity of the case, be exhibited by the Ministers, Consuls, agents and Bankers of the United States, in foreign countries: on this point, the accounts of Mr. Pickering stand on equal ground with those of either of the Secretaries.

"In vain do we seek in the Report of the committee, for the important facts, that the accounts of Mr. Pickering have been stated by the Auditor, and that subsequent appropriations, by law, have sanctioned the principal part of the sum of 78,583 Dollars and 11 cents, which they represent as a misapplication of money, which prevents the Comptroller from settling the accounts."

Upon the charge of "misapplication of public monies," which is the burden of the report, Mr. Wolcott observes:

"The Committee have repeatedly represented, that there has been a "misapplication" of the public money, and that this "misapplication" has prevented the settlement of the accounts. Without inquiring whether it has intended that this word, of doubtful import, should or should not be understood by the community in an odious sense or the propriety of applying it to this subject in any sense it may be confidently asserted, that the amount so applied, has been greatly exaggerated by the Committee. The sum stated by the Committee is 78,583 dollars and 11 cents, and tho' it appears, from the statement annexed to Mr. Gallatin's letter, that there exist nominal balances to this amount, yet it also appears, that without the actual receipt or payment of one dollar, by the mere form of issuing warrants, and which transacted the laws authorized when the report was made, these balances may be reduced to 14,782 dollars and 2 cents. The system of specific appropriations requires, that until these warrants are issued, the accounts should remain in their present situation; no act on the part of Mr. Pickering can be effectual, it remains to be performed by the present Administration, whenever it may suit their convenience.

"The amount of the misapplication, if such it must be called, is thus at once reduced in fact to 14,262 dollars and 2 cents, being less than two hundred dollars above the sum gained to the public, by Col. Pickering, on the purchase of Bills of Exchange for the use of the Government, as appears by the report of the Committee.

This sum is composed of advances, for defraying the expenses, of Prize Causes in England, and remitted to the Bankers of the United States in London

8,231 82

Advances for expenses of running the Line between Florida and the United States, in pursuance of the Treaty with Spain

1,020 63

Advances to the family of Gen. La Fayette, by Mr. Munroe, and supposed to have been made in the year 1795

5,509 57

Total, Dolls 14,762 02

Concerning the respective sums which constitute the above aggregate, Mr. Wolcott, having made some remarks to prove the perplexity, which the new science of specific appropriations must necessarily occasion in conducting the Department of the State and the Treasury proceeds:

"This science has, hitherto, been in a state of progressive improvement, yet even upon principles, conceded in the report of the Committee comprising the latest refinements, the transactions of Mr. Pickering, appear to be susceptible of a defence.

"The report contains the following clause: "Although the Committee will not say, that there are no cases, in which a public officer would be justified in applying monies, appropriated to one object, to expenditures on another, yet they are of opinion, that, in every deviation, the necessity for the application ought to be for some obvious benefit to the United States; and in every such case a disclosure thereof to Congress, ought to be made at the next session, which should immediately thereafter ensue."

It is certain that when Executive Officers, in consequence of some urgent necessity, venture to adopt measures, not authorized by law, they cannot too soon apply to the legislative body, for acts of indemnity. Such applications must, however, in all cases, be preceded by a consciousness that legal boundaries have, in fact, been extended. The equitable principle of the committee, when applied to specific appropriation, may hereafter prove a convenient shield for the present administration; although not equally calculated to protect the measures of the former administration.

"It has, however, happened, (for I will not pretend it was the result of design, founded on a conviction that the laws had been violated) that estimates were exhibited by Mr. Pickering, and his immediate successor, Mr. Marshall, & that specific appropriations were made by Congress, more than sufficient to cover the advances, under the heads of Prize Causes and the Spanish Treaty by Mr. Pickering. That warrants cannot now be issued, to cover these expenditures, in the manner which it is admitted may be done, in respect to the other nominal balances, before mentioned is solely owing to the circumstance that the funds have been otherwise applied by his successors."

Mr. Wolcott then proceeds to enumerate the various specific appropriations which were made by Congress, and ought to have been applied by Mr. Pickering's successors to the two first of the above objects viz. defraying the expenses of prize-causes in England, and to the running the line between Florida, and the United States.

"To prove an "obvious benefit to the United States, arising from the advances made by Mr. Pickering, and to bring them therefore within the rule of the committee, it is only necessary to observe, that the records of the Department of State will prove that in respect to the expenses of prize causes, a debt was actually due, and

*Mr. Gallatin*