REPORT

OF

THE SECRETARY OF STATE,

IN COMPLIANCE WITH

A resolution of the Senate of the 17th ultimo, calling for certain papers and information relative to the claims of American citizens for spoliations committed by the French prior to 1800.

FEBRUARY 19, 1856.—Read, ordered to lie on the table, and be printed.

To the Senate of the United States:

The Secretary of State has received the resolution of the Senate of the 17th ultimo, directing him to lay before that body "a copy of the report of adjudications made by the Board of American Commissioners, at Paris, to liquidate and audit the claims of American citizens against the French government, being for 'debts' due to them, and for the satisfaction of which provision was made by the convention between the United States and France of April 30, 1803; also, to lay before the Senate any information to be obtained in the Department of State showing how far the government of the United States has made effectual its proffered aid to the American sufferers from French captures and other injuries, as set forth in the public notice by the Secretary of State, Mr. Jefferson, by order of President Washington, dated August 27, 1793; whether the said sufferers accepted said overture of aid, and complied with its invitation to submit to the government the evidence of their losses, and whether said overture was ever withdrawn or modified, and what has become of the evidence and proofs of loss so called for and received by the government;" and, by the President's permission, has the honor to represent that no report like that called for by the resolution can be found in this department, or any trace that such a report was ever made to or filed in the department. On the contrary, it is inferred from the letter of Mr. Fulwar Skipwith to Mr. Madison, a copy of which is hereunto annexed, that, in point of fact, there never was any report of the character referred to. It appears from the instructions of this department to the ministers of the United States at Paris, and from reports which have already been communicated to the Senate by my predecessors, that the proofs in the cases of claims on France were from time to time transmitted to those ministers. The efficacy or inefficacy of the aid alleged to have been proffered by this government for the recovery of the claims ad-
SPOLIATIONS PRIOR TO 1800.

Verted to is believed to be too much a matter of public notoriety to require either the expression of an opinion or the statement of a fact by this department on the subject. From the transmission above mentioned to the legation of the United States at Paris of the proofs in cases of claims, it may be presumed that the claimants accepted the overture which is referred to. No evidence of its withdrawal or modification can be found in this department, or any precise information as to where the proofs in the several cases of claims may now be lodged.

W. L. MARCY.

Department of State,
Washington, February 18, 1856.

Fulwor Skipwith, consul and agent for claims at Paris, to Mr. Madison, Secretary of State.

Paris, March 7, 1805.

Sir: I have lately had the honor of receiving your letter of the 10th of November last, on the subject of Mr. Barney's claim against this government for 156,559 livres. The explanations offered by that gentleman were not necessary for the information of any one of the late authorities acting under the convention of 1803, because the evidence accompanied the vouchers in support of that claim, of his having credited the French republic in his general account with the $31,000 received in the United States.

I do not now furnish your department with the general statement of the situation of American claims, promised in my last letter to you, of the 6th of October, and the reason is, that to the present hour the French council of liquidation, though solicited by our minister, as well as repeatedly by myself, have not afforded me a complete view of either their liquidations and rejections previous to the dissolution of the American board, or their various changes, retrenchments, and modifications since. Indeed, under present circumstances, I am not aware that such a statement will be expected from me, since the difficult and delicate task of terminating the transactions under the convention has devolved on our able and virtuous minister, General Armstrong, from whom I have withheld no information that I possess respecting those transactions, and to whom I shall always with pleasure render any account of my own agency, under the 10th article of that instrument, which he may be induced to ask.

The right of one foreigner suing another before the tribunals of this country has lately been decided in the negative by the court of appeals here, in the case of Mr. Mountflorence against myself. I consider it of sufficient importance to forward to you an extract from the judgment rendered by that tribunal, together with a copy of the pleadings of my lawyer in my defence. Convinced as I am of the illegality and injustice of Mr. Mountflorence's pretensions, and of their being ever set aside by any tribunal before whom he may hereafter attempt to
maintain them, I beg you to be persuaded that my plea of exception against the tribunals of this country has arisen from the single motive of propriety in my official character, and that because I know the French consuls in the United States are not amenable to our laws in their transactions with French citizens.

I remain, with great respect, sir, your most obedient servant,

FULWAR SKIPWITH.

James Madison, Esq.,
Secretary of State for the United States of America.

P. S. March 18.—I am induced to accompany the foregoing duplicate of my letter of the 7th instant with copies, in continuation of those forwarded to your department the 6th October last, of my letters to our late and present minister. Should you take the trouble of looking them over, you will discover the origin and causes of some of the difficulties and embarrassments which still operate in the way of terminating the transactions under the convention of 1803. I regret exceedingly that the result of this disagreeable business is still unsettled, but I am convinced that nothing will be neglected by General Armstrong to arrive at that desirable issue.

F. S.