

IN SENATE OF THE UNITED STATES.

MARCH 23, 1840.

Submitted, and ordered to be printed.

Mr. MOUTON submitted the following

REPORT:

[To accompany Senate bill No. 285.]

The Committee on Commerce, to whom was referred the memorial of Aaron Vail, report :

The memorialist states that his late father, Aaron Vail, of New York, was for a long time, and up to the date of his decease in 1813, consul of the United States for the port of l'Orient, in France ; that, between the years 1806 and 1812, he incurred heavy disbursements on public account, in the maintenance of destitute American seamen ; that, to reimburse himself for his advances, he drew bills upon the United States legation in Paris, transmitting to it at the same time the accounts and vouchers necessary to justify the payment of said bills ; that, in the settlement of the accounts of the legation, the amount of those bills was entered to his debit, while, owing to the absence of the necessary vouchers, no credit was given him for the amount of his disbursements ; in consequence of which, he now stands as a public defaulter on the books of the Treasury.

Though the necessary vouchers cannot be produced to show that the amount of the bills drawn by Mr. Vail was to reimburse him for disbursements made for the Government, yet there is a strong presumption that such was the fact ; for, by an examination of the documents accompanying this memorial, it will be seen that as early as the 12th of November, 1807, the rule established at the legation at Paris was, that no consular drafts or bills were paid unless accompanied by an account of the disbursements, supported by the original voucher. And again, on the 15th of June, 1810, our minister at Paris writes to the Secretary of State thus :

"The demands of our consuls for the supply of distressed seamen have become so repeated and enormous, that I have refused to pay several of them until I shall have received your orders for so doing. In some cases, however, the distress is no doubt real, and must be relieved. The distinction, therefore, which I have taken is, to pay the advances of consuls not having old accounts to settle with the United States, and who offer sufficient evidence of the supply alleged to be furnished, and of the destitute condition of the people supplied." Taking into consideration the course pursued by our legation in relation to consular drafts, together with the circumstance (well established by the documents) that the crews of several American vessels had been collected at l'Orient for the purpose of sending them home,

Blair & Rives, printers.

to put an end to the expense of supporting them, it is a fair conclusion to suppose that the expenses incurred by our consul at that port, for the support of those distressed seamen, were equal to the amount of his bills on the legation at Paris; and that the original vouchers showing that fact must have been forwarded with said bills, and have been lost or mislaid.

REPORT

The memorialist states that his late father, Aaron Vail of New York, was for a long time up to the date of his decease in 1813, consul of the United States for the port of Lyons in France; that between the years 1806 and 1812 he incurred heavy disbursements on public account in the maintenance of distressed American seamen; that in 1812 he sent for his address, he drew bills upon the United States Legation at Paris, transmitting to it at the same time the accounts and vouchers necessary to justify the payment of said bills; that in the settlement of the accounts of the Legation, the amount of these bills was entered to his debit, and owing to the necessity vouchers, no credit was given him for the amount of his disbursements; in consequence of which he has retained a public defaulter on the books of the Treasury.

Though the necessary vouchers cannot be produced to show that the amount of the bills drawn by Mr. Vail was to reimburse him the disbursements made for the Government, yet there is a strong presumption that such was the fact; for, by an examination of the documents accompanying this memorial, it will be seen that as early as the 13th of November, 1811, the same established at Lyons in France was that no consular bills or bills were paid unless accompanied by an account of the disbursements supported by the original voucher. And again on the 10th of June, 1811, our minister at Paris writes to the Secretary of State thus:

"The demands of our consuls for the supply of distressed seamen have become so repeated and enormous that I have refused to pay several of them until I shall have received your orders for so doing. In some cases, however, the illness is no doubt real, and must be relieved. The distress, therefore, which I have been at to pay the ministers of consuls not having all recourse to settle with the United States and who often submit evidence of the sums they are obliged to be furnished, and of the distress condition of the people, I am obliged to consider the consuls entitled by our laws to be relieved in relation to consular bills together with the evidence (well established) that the crews of several American vessels had been collected at Lyons for the purpose of sending them home."