

THE CLAIM OF BEAUMARCHAIS
AND HOW IT WAS SETTLED

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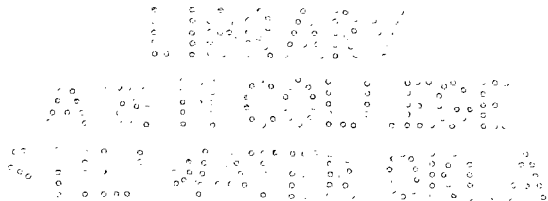
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THE CLAIM OF BEAUMARCHAIS
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I. Early Attempts of the Colonies
to Secure Aid

The episode of Beaumarchais was a survival of the secret diplomacy of Louis XV, for a short time exercising an extraordinary influence in the first period of the reign of Louis XVI. Louis XVI on reaching the throne found the machinery of secret diplomacy, so ingeniously constructed by his predecessor, in full operation. It was under these conditions that Pierre Auguste Caron, known in literary and political circles as Beaumarchais, was appointed secret diplomatist to England by the French government.¹

Beaumarchais went to London in August, 1775, with two distinct missions. One was to complete negotiations with d'Eon, who had some valuable papers that the Minister of France desired; the other was to renew an old friendship with Lord Rochford, British Foreign Secretary.² The man he replaced in London was the Count of Guines, a person of ordinary capacity, whose information inspired very little confidence. As the French government looked for other

¹ Francis E. Wharton, Revolutionary Diplomatic Correspondence of the United States, Government Printing Office, (Washington, 1905) I, 368, 369.

² B. J. Hendrix, "America's First Ambassador," Atlantic Monthly, (August, 1935) CLV, 142.

sources of information, Beaumarchais put himself forward and received the appointment.³

Beaumarchais during his stay in London came in touch with all classes. It was Lord Rochford, whom he had known personally at Madrid, who introduced him at the court of St. James, and it was d'Enon who brought him into touch with Wilkes, then Lord Mayor of London. It was through Lord Rochford that Vergennes hoped to turn harmonious association to state account; therefore he had encouraged Beaumarchais to resume this friendship with Rochford.⁴

Beaumarchais succeeded in reestablishing relations with Rochford, who lost his position in a short time but still exercised a considerable amount of power in England's political affairs.⁵ It was after establishing relations with Rochford that Beaumarchais wrote a letter to the King of France in which he described the situation in England as being at a point of revolt. This would aid the cause of the colonies. According to Beaumarchais there were thirty-eight thousand armed and determined men besieging Boston, and forty thousand more left to defend the rest of the country.⁶ Three months afterward Beaumarchais wrote to the king in a very different spirit. It was a stronger,

³ Louis de Lomenie, Beaumarchais and His Times, Harper Brothers, (New York, 1857) p. 267.

⁴ Hendrix, op. cit., p. 142.

⁵ Ibid., p. 142.

⁶ de Lomenie, op. cit., pp. 262, 263.

almost an impudent communication, for Beaumarchais was at that time almost an outcast.⁷ In this letter addressed to the king the first sentence disclosed a philosophic insight:

The famous quarrel between America and England, soon to divide the world and change the European system, makes it necessary for France to examine carefully in what way this event of separation can affect her and either be an advantage or a destructive influence.⁸

What was the position of France in relation to England at the period when war broke out between the American colonies and the mother country? The situation was deplorable, for the Seven Years' War had been of benefit to England alone. During these seven years' hostilities much damage had been done to both France and England, and England alone had gained, at the expense of France. By the treaty of 1763, France had to give up Canada, Granada, St. Vincent, Dominica, Tobago, and Senegal. The tone of English diplomacy was that of a conqueror. It was harsh and bore the stamp of the policy of Lord Chatham.⁹ It was impossible in such a situation for France not to look upon the quarrel between England and the colonies with a certain interest, and the method adopted in 1774 by the English against Boston changed the attitude of America from mere

⁷ Hendrix, op. cit., p. 143.

⁸ Elizabeth S. Kite, Beaumarchais and the War of American Independence, Gorham Press, (Boston, 1918) II, 156.

⁹ Richard Hildreth, The History of the United States, Harper, (New York, 1880) III, 177.

opposition to contest.¹⁰ The argument of Beaumarchais was that they would need assistance, and France, not being in a state for war, should make this assistance in secret.¹¹

Around the table of Wilkes, Lord Mayor of London, Beaumarchais came into contact with a young representative of America, Arthur Lee.¹²

Lee, ardent and intelligent, captivated Beaumarchais. In fact, it was through Lee that Beaumarchais came in touch with the pulse of American life, and from him he acquired sympathy with the colonies of the New World. Lee, a Virginian, was ready enough to threaten and assume a high tone.¹³ He was at that time without authority from Congress to negotiate with anyone, but the Committee of Correspondence of that body had made him an agent to collect information as to the disposition of foreign powers toward the colonies.¹⁴

On February 29, Beaumarchais sent a paper to the king in which he gave an account of a conversation with Arthur Lee. He stated that Lee was quite discouraged by the efforts he had made to obtain assistance in the form of munitions. He quoted Lee as saying:

¹⁰ de Lomenie, op. cit., p. 259.

¹¹ Ibid., p. 262.

¹² Kite, op. cit., II, 56.

¹³ Ibid., VI, 897.

¹⁴ Journals of the Continental Congress, Government Printing Office, (Washington, 1906) II, 26.

For the last time, is France absolutely decided to refuse to us all assistance, and to become the victim of England and the fable of Europe through this incredible apathy?¹⁵

Lee went further to say that in return for assistance, the colonies would offer a secret treaty of commerce which would give France for a number of years after peace all the advantages that England had had for the past century.¹⁶ The ministers of Louis XVI were not inclined to enter into a treaty, however secret, with the yet unborn republic of the United States. They were willing, however, to do something for the insurgent colonists of Britain.¹⁷ The important document of February 29, 1776, was one of the great state papers in history. It was the presentation that drew the Bourbon family into the American cause.¹⁸

At an early period of the Revolution the Continental Congress was aware of the possibility of securing aid from foreign powers. What the colonies needed was a supply of arms, especially powder for cannon, so the armies could be placed on the field in an efficient state.¹⁹ France had certain things that the insurgent colonies needed. The ordinary materials of war were so scarce in Washington's

¹⁵ de Lomenie, op. cit., p. 268.

¹⁶ Ibid., p. 268.

¹⁷ Ibid., p. 272.

¹⁸ Hendrix, op. cit., p. 143.

¹⁹ Charles J. Stille, Beaumarchais and "The Lost Million," C. J. Stille, (Philadelphia, 1917) p. 12.

army that Franklin advised "that the soldiers be armed with bows and arrows." Before the Continental Congress, John Adams pointed out the part that France could play: "No political connection, no military expedition: but salt petre, cannon, stands of Arms."²⁰

The colonies were not only lacking in arms, but they had a very limited amount of clothing for the soldiers. In looking forward to a long war the authorities were puzzled as to how these things could be supplied.²¹ On November 29, 1775, the secret committee, consisting of Doctor Franklin, Mr. Johnson, Mr. Harrison, Mr. Dickinson, and Mr. Jay, was appointed and directed to correspond with persons of influence in Europe known to have a friendly attitude toward the American cause.²²

The colonies, fully aware of the jealousy of the European nations toward England, hoped to secure some form of assistance to aid their cause.²³

Doctor Franklin, cognizant of this irritability of national feeling, began writing to a friend of his, Doctor Dubourg, a Frenchman residing in Holland, whom he knew to be a friend of the colonies. In this letter he hinted that some European nation might find it in its favor to

²⁰ Hendrix, op. cit., p. 144.

²¹ Stille, op. cit., p. 12.

²² Journals of the Continental Congress, II, 412.

²³ Stille, op. cit., p. 13.

enter into an alliance with the colonies for the benefit that might come from commerce.²⁴

On March 2, 1776, the secret committee appointed Silas Deane, then a member of Congress from Connecticut, the commercial and political agent of the United States to the European continent.

On your arrival to France, you will for some time be engaged in the business of providing goods for Indian trade. This will give good countenance to your appearing in the character of a merchant, which we wish you continually to retain among the French, in general, it being probable that the Court of France may not like it should be shown publicly, that any agent from the Colonies in that country.

With the assistance of Dubourg, who understands English, you will be able to make immediate application to Monsieur de Vergennes, either personally or by letter, if M. Dubourg adopts that method, acquaint him that you are in France upon business of the American Congress, in the character of a merchant, having something to communicate to him that may be mutually beneficial to France and the North American Colonies.

At this audience if agreed to it may be well to show him your letter of credence, and then acquaint him that the Congress, finding that in common course of commerce, it was not practicable to furnish the continent of America with the quantity of arms and ammunition necessary for its defense, you had been dispatched by authority to apply to some European power for a supply.²⁵

He was furnished with letters to Doctor Franklin's

²⁴ Ibid., p. 13.

²⁵ Jared Sparks, The Diplomatic Correspondence of the American Revolution, N. Hale and Gray and Brown, (Boston, 1829) I, 5, 6.

friends, M. Le Ray de Chaumont and Doctor Dubourg.²⁶ Deane was to find out from Vergennes, the foreign minister, about a loan for the colonies.²⁷ Deane was received kindly by Vergennes, but was told that alliance and recognition were subjects not to be discussed at the time.²⁸ Vergennes refused to give the aid asked but in the conversation led Deane to understand that an agent would take the matter in charge. This confidential agent was none other than Beaumarchais.²⁹

In his connections with Beaumarchais, Arthur Lee, charmed to find an opportunity for assuming a position of importance, wrote to the secret committee of Congress that:

in consequence of his active endeavors with the ambassador of France in London, Vergennes had sent to him, Arthur Lee, a secret agent, to inform him the court of France could not think of making war against England, but was ready to send arms and ammunition to the value of five million livres to Cape Francis, to be forwarded to the United States.³⁰

This information was false. Vergennes had sent no agent to Arthur Lee to make promises of this kind. Lee,

²⁶ Stille, op. cit., p. 14.

²⁷ Justin Windsor, Narrative and Critical History of America, Houghton, Mifflin and Company, (Boston and New York, 1888) VII, 27.

²⁸ Stille, op. cit., p. 14.

²⁹ Kite, op. cit., p. 84.

³⁰ de Lomenie, op. cit., p. 277.

to give himself importance, had completely changed the nature of the conversation. The strange exaggerations of Lee made an impression on the secret committee of Congress. It was the first news of a favorable kind which had arrived in America; hence, it was concluded that Arthur Lee was a clever negotiator.³¹ Just before the news was received, however, the committee had sent an agent, Silas Deane, to France, to ask for the assistance which Lee said had been promised.³²

When Beaumarchais left London, Lee seemed to consider that a plan for assisting the colonies gratuitously had been set up. In the correspondence that was carried on between the two, Lee, for the purpose of secrecy, used the name of Marie Johnson³³ and received from Beaumarchais, June 12, 1776, the following note:

The difficulties I have met with in my negotiations with the ministry have made me decide to form a company, which will send the ammunition and powder to your friend as soon as possible, in consideration of tobacco being sent in return to the French cape.³⁴

Silas Deane, the American agent sent to France by the Continental Congress, had power to treat in its name. As he alone was furnished with power to treat with other

³¹ Ibid., p. 278.

³² Journals of the Continental Congress, II, 414.

³³ American State Papers, Claims, Gales and Seaton, (Washington, 1834) p. 564.

³⁴ Sparks, op. cit., I, 22.

countries, Beaumarchais made his agreements with him, and no further correspondence took place between him and Lee. Lee, on hearing of Deane's meddling in his affairs, tried to bring about a quarrel between him and Beaumarchais.³⁵

To secure revenge on Deane and Beaumarchais, Lee wrote without their knowledge to the secret committee of Congress that the two had agreed to deceive the government of the United States and France by changing what the ministry thought to be a gratuitous gift to a commercial transaction.³⁶

When Silas Deane arrived in Paris in July, 1776, Beaumarchais was not the only advocate the insurgents had with Vergennes. Doctor Dubourg, who had formerly been friendly with Franklin, was also very active in the cause of the colonies.³⁷

Beaumarchais and Dubourg were rivals in their zeal to aid the American colonies, and the latter tried to replace the former in the confidence of Vergennes. He wrote a letter to the minister, stating that Beaumarchais was a man who liked splendor and that there were no merchants nor manufacturers who would not hesitate to transact business with him. Doctor Dubourg stated that he was sur-

³⁵ Samuel Flagg Bemis, The Diplomacy of the American Revolution, D. Appleton-Century Company, (New York, 1935) pp. 36, 37.

³⁶ Kite, op. cit., II, 88.

³⁷ Sparks, op. cit., I, 18.

prised to learn that Vergennes had concentrated in Beaumarchais

the entire and particular direction of all the commerce, exports as well as imports, either of munitions of war, or of the usual products of France to the United Colonies and of the Colonies to France; the direction of all business, the arrangement of prices, the conclusion of all treaties, the making of all engagements.³⁸

This letter proved that Vergennes' intentions were not secret, and that in granting aid to the commercial company formed by Beaumarchais, Vergennes did not intend that the house have only a fictitious character. Vergennes showed the letter to Beaumarchais. Dubourg was jealous of Beaumarchais because of the preference Vergennes had shown him. He also tried to influence Silas Deane against associating with Beaumarchais.³⁹

The position of the colonies at this time was very critical. They were in need of arms and ammunition, and England had just sent General Howe to America with reinforcements. Congress itself was at the point of being driven away from Philadelphia. This was July 17, 1776.

The next day Beaumarchais wrote to Deane:

I do not know, sir, if you have anybody with you whom you may trust for translating the French letters which treat on important affairs. On my part, I shall not be able to treat with security in English till after the return of a person whom I expect at this moment from London, and who will be an interpreter between us; meanwhile, I have

³⁸ de Lomenie, op. cit., p. 281.

³⁹ Bemis, op. cit., p. 34.

the honor to inform you that I had for some time past the desire of helping the brave Americans to shake off the English yoke.⁴⁰

Beaumarchais had shown by this letter definite intention of helping the American colonies.⁴¹

⁴⁰ American State Papers, Claims, p. 72.

⁴¹ Ibid., p. 72.

II. Operations of the House of Roderigue
Hortalez and Company

In his plans for helping the American colonies Beaumarchais wrote to the Secret Committee of Correspondence:

The respectful esteem that I bear toward that brave people who so well defend their liberty under your conduct has induced me to form a plan concurring in this great work, by establishing an extensive commercial house, solely for the purpose of serving you, in Europe; there to supply you with necessaries of every sort; to furnish you expeditiously and certainly with all articles, clothes, linens, powder, ammunition, muskets, cannon, or even gold for the payment of your troops; and, in general, everything that can be useful for the honorable war in which you are engaged.¹

The name of this extensive commercial concern was Roderigue Hortalez and Company. The Hotel de Holland was selected as the office of the firm.² It had been erected by the Dutch Republic in one of the intervals of pacification with Louis XIV as the residence of their minister at the French court. For many years it remained untenanted. In August, 1776, it displayed the name of Roderigue Hortalez and Company. The clerks and servants who worked there declared that their employer, Hortalez, was a Spanish banker. In the counting room, however, it was easy to find Beaumarchais whenever a confidential inquiry was made or

¹ Peter Force, American Archives, Fifth Series, M. St. Clair and Peter Force, (Washington, 1843) I, 1022.

² W. G. Leland, "Beaumarchais as the First Gun-Runner for American Liberty," Literary Digest, (May 28, 1927) XCIII, 58, 59.

any directions given.³

The Roderigue Hortalez scheme, so far as sanctioned by the French government, was a mercantile house for the purpose of selling supplies to the colonies which the government could not, without an open breach of neutrality, furnish in her own name.⁴

To encourage this enterprise Vergennes communicated with Grimaldi, Prime Minister of Spain, to find out if the colonies had received aid from that country. He learned that they had not, but that Spain was willing to aid them, and the minister of that country was willing to leave the details of such aid to the French.⁵ Vergennes' letter was due primarily to a letter received by Beaumarchais from Arthur Lee that two emissaries had been sent by Congress to the Spanish court.⁶

Grimaldi's letter showed that the first definite commitment of secret aid to the colonies came from the Spanish court and not from the French.⁷ Vergennes needed little persuasion, because for months he had been a convert

³ Francis Wharton, op. cit., I, 370.

⁴ Ibid., p. 370.

⁵ George Bancroft, History of the United States of America, D. Appleton and Company, (New York, 1892) V, 138.

⁶ Hendrix, op. cit., p. 146.

⁷ American State Papers, Foreign Relations, Gales and Seaton, (Washington, 1859) VI, 1357.

to aiding the cause of the American colonies.⁸

Events now began to move rapidly. On May 2, 1776, Vergennes wrote his famous letter to Louis XVI, which was for the purpose of securing authorization to furnish a million livres to the English colonies:

I have the honor of submitting to your Majesty the paper which is to authorize me to furnish a million of livres for the use of the English colonies, if you should deign to ratify it with your signature. I add to this, sire, the draught of the reply which I mean to make to Mr. Beaumarchais; if your Majesty should approve of it I beg that it may be returned to me without delay.⁹

The transaction was secret, and the name of Vergennes fifteen-year-old son was used. The details were sent to Grimaldi of Spain with a proposition for him to likewise furnish a million. Before the Spanish million reached the hands of Beaumarchais, it had to make a circuit. The Spanish ambassador paid it into the public treasury of France, and received a receipt from the cashier; he sent this acknowledgement to Vergennes, and the latter gave it to Beaumarchais in exchange for a receipt in which the latter promised to give a full account of expenditure to Vergennes.¹⁰

Vergennes instructed the royal treasury to set aside

⁸ de Lomenie, op. cit., p. 272.

⁹ American State Papers, Claims, p. 563. (Taken from the General History of French Diplomacy) Translation, letter of Vergennes to Louis XVI, dated May 2, 1776.

¹⁰ de Lomenie, op. cit., p. 272.

the sum of one million livres.

M. de Harvelay will hold, subject to my orders, one million of livres, the which he shall not suffer to be taken out of his hands but on the receipt of the particular which I shall send in relation to it. The aforesaid million is for matters pertaining to the King's Government.¹¹

France and Spain each gave to the mercantile house one million livres and the house was to be permitted to purchase on unlimited credit military stores to be forwarded to Congress.¹²

It was conceded by the French government that for it to furnish money and arms to Congress, then waging a war of insurrection against Great Britain, would be a violation of the law of nations.¹³ On the other hand, according to the rules of international law then prevalent, French subjects were at liberty to supply the insurgents with money and munitions of war without involving France in a breach of neutrality. Such supplies, however, were contraband and liable to confiscation if seized by Great Britain.¹⁴

The operation of the house of Hortalez and Company must essentially in the eyes of the English and even in the

¹¹ Annals of Congress, 15 Cong., 1 sess., Gales and Seaton, (Washington, 1854) p. 2408.

¹² Samuel Flagg Bemis, American Secretaries of State and Their Diplomacy, Alfred A. Knopf Inc., (New York, 1927) I, 9.

¹³ Wharton, op. cit., I, 372.

¹⁴ Ibid., p. 453.

eyes of the Americans have had the appearance of an individual speculation.¹⁵ France was full of English spies, and precautions were taken by the government to avoid open infraction of the law which prohibited the sending of supplies to America.¹⁶

Any time Vergennes showed scruples about the violation of neutrality the answer of Beaumarchais was that governments were not bound by rules of morality applicable to private persons.¹⁷

Beaumarchais was vigorously carrying forward his operations toward helping the colonies. These operations were difficult. They could receive the aid of the French government only on condition that they were hidden carefully. It was under these conditions that Beaumarchais had to take from the arsenals of France 25,000 guns, 100 tons of powder, 200 pieces of cannon, mortars, bombs, and bullets, and to manufacture the equipment needed for 25,000 men, to collect all of the above-mentioned and to send them to the colonies without arousing suspicion of the English ambassador in France.¹⁸

From the beginning of the transactions between Beaumarchais and Silas Deane, the agent of Congress, there was no ambiguity. It was as difficult for a merchant to

¹⁵ Ibid., p. 453.

¹⁶ Stille, op. cit., p. 29.

¹⁷ Allan Johnson, Chronicles of America, Yale University Press, (New Haven, 1921) XI, 184.

¹⁸ Leland, op. cit., p. 59.

fulfill the obligations placed on Beaumarchais, as it was not difficult for Deane to see that he was upheld by the ministry.¹⁹

It was almost impossible that suspicions should not be aroused, because too many were eager to aid the colonies in their struggle. Especially was Doctor Dubourg constantly bringing things near exposure by his meddling in affairs.²⁰

Within a few months Beaumarchais had collected the supplies mentioned and had had them stored at Havre and Nantes.²¹

Deane had promised to provide American ships for conveying the stores, but these ships did not arrive, and it was important that the supplies reach America in time for the campaign of 1777. Owing to a letter from Arthur Lee, Deane asked that some engineers and artillery officers be enrolled and sent to the colonies.²² Beaumarchais enlisted forty or fifty officers who were to go to Havre to embark for America. Out of this list of officers were such men as the Marquis de La Rouerie, the Count of Conway, the Polish General Pulawski, and Baron Von Steuben.²³

It was not single adventurers who offered their

¹⁹ de Lomenie, op. cit., p. 285.

²⁰ Ibid., p. 290.

²¹ Ibid., p. 290.

²² American State Papers, Foreign Relations, V, 1357.

²³ Sparks, op. cit., VI, 15.

services, but as Deane wrote,

I have been offered troops from Germany on the following general terms, viz:- officers to recruit as for the service of France, and embark from St. Domingo from Dunkirk, and by altering their route land in America. The same had been proposed with Switzerland to the American states, to which I could give no encouragement, but submit it to your consideration in Congress.²⁴

At this time the French government had decided to change the old form of munitions for a new type. Du Coudray, a French officer of rank and genius stationed at Metz, helped in removing the old arms in the royal arsenal and replacing them with new. It was these old arms that the French government was willing to let Hortalez and Company have at a very reasonable rate. In this transaction du Coudray had fascinated Deane and Beaumarchais, and thus he succeeded in becoming one of the chief staff officers, and was to be in command of the *Amphitrite*.²⁵

The purpose of the expedition had aroused suspicion, and to avoid any quarrel with England, it had been decided among the ministers that the vessels should be sent first to the French colonies. There were a few irregularities: merchant vessels were used instead of government vessels, the officers had been indiscreet, and the presence of Beaumarchais at Havre caused the English ambassador great anxiety. Beaumarchais had gone to Havre under the assumed

²⁴ Ibid., I, 71.

²⁵ Kite, op. cit., II, 107.

name of Durand, but while there one of his comedies was played at a theatre, and he revealed himself by hearing the actors go over their parts.²⁶

To avert war with England a counter order was sent to Havre and Nantes, forbidding embarkation. It arrived late, however, and the *Amphitrite* had already sailed. The two others were detained. At last Beaumarchais obtained leave to send the other ships. Just as they were about to sail, news came that the *Amphitrite*, instead of following her prescribed course, stopped at Nantes and Lorient. Vergennes withdrew the revocation of the counter order. In spite of all the trouble, the ships started. They arrived at Portsmouth at the time of the beginning of the campaign of 1777.²⁷

Before the ships sailed a contract had been made between Monthieu, Roderigue Hortalez and Company, and Silas Deane. An agreement was made whereby de Monthieu agreed to furnish vessels to carry all ammunition designated to the colonies. Monthieu was to hold the vessels at the disposal of Hortalez and Company. Hortalez had agreed to pay Monthieu 550 livres for every soldier, 250 livres for every servant, and 150 livres for every sailor who went as a passenger. It was agreed among the three that

All risks at sea, either in said vessels being

²⁶ Stille, op. cit., p. 30.

²⁷ de Lomenie, op. cit., p. 291.

chased, run on shore or taken shall be on the account of the Congress of the United States, and shall be paid agreeably to the estimation which may be made on each vessel, agreeably to the bills of sale of each, which I promise to deliver to Hortalez and Co. before the departure of any of the said vessels from any of the ports of France mentioned above.²⁸

It was further agreed

that if the Americans detain these vessels longer than two months in their ports, without shipping on board them the returns they are to carry to France, all demurrage, wages, or expenses on them from the day of their arrival to that of their departure (these two months excepted) shall be at their charge, and paid by them or by Messrs. Hortalez & Co. in our own name, as answerable for the Congress of the United Colonies.²⁹

Beaumarchais expected to receive thanks as well as tobacco from Congress. He received neither. He sent two more ships with cargoes, but no news came from Congress.

Silas Deane was very much confused. He wrote to Congress saying that the failure of Congress to write was almost a mortal blow to his proceedings.³⁰

I must again urge that you hasten your remittances. Tobacco, rice, indigo, wheat and flour are in great demand. Flour is always 20 to 23 livres per cwt. and rising. I have engaged a sale for 20,000 hogsheads of tobacco, the amount of which will establish the credit of the Congress with the mercantile interest in France and Holland -

Let me urge your attention to these articles, though I must say your silence ever since the 5th of

²⁸ American State Papers, Claims, p. 569; Sparks, op. cit., VI, 51.

²⁹ American State Papers, Claims, p. 570; Sparks, op. cit., VI, 52.

³⁰ Ibid., I, 60.

last June discourages me at times. Indeed it well
high distracts me.³¹

In the meantime Benjamin Franklin had arrived in
Paris in December, 1776, and Arthur Lee, who had been
appointed with Franklin to the American deputation in
France, arrived at the end of December, 1776.³²

A short time after his arrival Arthur Lee wrote the
secret committee, informing them of the changes in the
mode of transmission which had taken place.³³ It was Lee
who said Beaumarchais came to him in London as an agent of
the French court and wanted to communicate a message to
Congress, which was notice of an intended gratuity of
200,000 pounds from France to the colonies.³⁴ When
Beaumarchais left London, Mr. Lee seemed to consider the
gratuitous plan complete. He gave notice of the plan to
the Committee of Secret Correspondence.³⁵

The accuracy of Lee's memory in this respect may be
questioned for the following reasons:

1. The improbability that Beaumarchais would
have made such a statement which he was without
authority to make.

2. The improbability that Lee would have held
such a communication from Congress so long.

³¹ Ibid., I, 60. (Letter from Silas Deane to the
Committee of Secret Correspondence, October 25, 1776.)

³² American State Papers, Foreign Relations, VI, 1410.

³³ American State Papers, Claims, p. 570.

³⁴ Wharton, op. cit., V, 522.

³⁵ American State Papers, Claims, p. 564.

3. Lee made no such report to his colleagues.

4. He made no reference to the statement in his subsequent immediate correspondence with Deane.

5. The fact that he joined the other commissioners in telling Congress the supplies were not gratuitous, but were to be paid for in produce.³⁶

Benjamin Franklin and Deane insisted that the supplies furnished by Roderigue Hortalez and Company were sold by Beaumarchais on his own account, as any private merchant would have done.³⁷ Aside from the authority of Lee there was something in the character of Beaumarchais and in his papers that he sent to Congress, which may have excused the members from suspecting the transaction was of a business type.³⁸

However much Congress may have been mystified by the Hortalez letters, it understood from Deane that for the supplies received, there were to be payments made, and often there was dispatched to France tobacco, as well as other products.³⁹

In September, 1777, Beaumarchais had sent to Congress cargoes to the amount of five million livres, and had not received an answer to the letters sent. Congress persisted in regarding Beaumarchais as a fictitious person, and in

³⁶ Wharton, op. cit., I, 522.

³⁷ Ibid., p. 522.

³⁸ Annals of Congress, 15 Cong., 1 sess., Gales and Seaton, (Washington, 1854) II, 2412, 2413.

³⁹ Ibid., p. 2415.

vain he wrote to them in the late part of 1777, explaining his deplorable condition. Had not the French government aided him to the amount of 1,074,000 livres, he would have gone bankrupt.⁴⁰

The consignments from France to America were occasionally intercepted by the British as their blockade tightened, and after a short period of time the whole machinery of exchange was almost broken up.⁴¹

Beaumarchais sent Thevenau de Francey to America as a business agent to insist on remittances and to determine what was preventing the United States from fulfilling the engagements of Deane.⁴²

⁴⁰ de Lomenie, op. cit., p. 227.

⁴¹ Wharton, op. cit., I, 374.

⁴² Journals of Continental Congress, X, 320, 321.

III. Attempts to Settle the Claim of Beaumarchais
during His Lifetime

Theveneau de Francey, the agent sent to America to act in the name of Beaumarchais, was given instructions to inform Congress that his patron would not send any more supplies unless Congress acknowledged his previous claims and guaranteed them by a formal contract.¹

A contract to this effect was signed on April 6, 1779, by the members of the Congressional committee and Francey. The contract contained several important items: the cost of previous cargoes to be stated fairly at current prices; freight charges to be made according to the previous agreement made with Beaumarchais, Deane, and Monthieu in 1776; all orders to be executed and shipped with all possible speed; moderate prices to be charged for sending goods back to France from America; agents appointed by Congress to have the liberty to inspect cargoes; bills on the house of Roderigue Hortalez and Company for 24,000,000 livres to be honored and paid, and remittances to be made by exports of American produce; all cargoes shipped by the colonies to France and appropriated toward the discharge of the debt to be addressed to the firm of Roderigue Hortalez and Company for sale; an interest of six per cent to be allowed on the debt; and remittances to

¹ Journals of Continental Congress, X, 316.

be made when safest and most convenient for the colonies. The final provision was that the seventh article respecting the annual supply of 24,000,000 livres should not be binding on either until ratified by both Roderigue Hortalez and Company and the Commissioners of the United States at Paris, Mr. Franklin, Mr. Lee, and Mr. Deane.²

By its terms this contract was not to be ratified until the French Minister of Foreign Affairs gave an answer to the question of whether Beaumarchais or the French government was the creditor of Congress to the amount of 5,000,000 livres already sent, or whether these supplies were gratuitously sent by France.³

Having obtained a contract signed by a committee chosen from Congress, Francey thought his greatest difficulty had been overcome, and Beaumarchais set about with more vigor in collecting and dispatching supplies.⁴ The Americans, however, found reasons for delay in fulfilling the contract, but Francey did succeed in getting tobacco to fill the Fier Roderigue in its return to France.⁵

To the inquiry as to whether the supplies were a gift

² Journals of Continental Congress, X, 317, 318.
(This contract was signed in the United States by William Ellery, James Forbes, William Henry Dayton, William Duer, and de Francey. Charles Thomson was Secretary of Congress.)

³ Wharton, op. cit., I, 374.

⁴ Kite, op. cit., II, 166.

⁵ Ibid., p. 166.

Vergennes replied in a note addressed to Gerard, the French minister to the United States, who was ordered to transmit it to Congress:⁶

Dr. Franklin and his colleagues wished to know the articles which have been furnished by the King, and those furnished by M. de Beaumarchais on his own account; and they intimate that Congress are persuaded that all, or at least a great part of what has been sent forward, is on account of His Majesty. In reply, I have informed them that the King has furnished nothing; that he simply permitted M. de Beaumarchais to provide himself from his arsenals, on condition of replacing the articles; and, further, that I would with pleasure interpose to prevent them from being pressed for the reimbursement of the articles of a military nature.⁷

The commissioners of the United States in France had the power to ratify or reject the contract. This contract was never signed by the American commissioners.⁸

The treaty of alliance between the United States and France had been signed February 6, 1778,⁹ and a short time after that Silas Deane, who was the first American commissioner to arrive at Paris, was to have been recalled to render an account of his actions.¹⁰ Arthur Lee had been writing Congress accusing Deane of putting into effect a fraudulent agreement with Beaumarchais, which transformed

⁶ Journals of Continental Congress, XI, 688.

⁷ American State Papers, Claims, p. 577.

⁸ Ibid., p. 577.

⁹ Samuel Flagg Bemis, Diplomacy of the American Revolution, p. 61.

¹⁰ Journals of Continental Congress, XI, 826.

a gift to a commercial operation.¹¹ This assertion offered the Americans the advantage of dispensing with all gratitude and payment to Beaumarchais. Congress naturally was somewhat disposed to adopt it, although puzzled in deciding which of the stories was true, that of Lee, who told them that no payment was expected, or that of Deane, who said that he had bought the articles from the mercantile firm of Roderigue Hortelez and Company, and they were to be paid for by the American government.¹²

Debates arose concerning the engagements contracted by Deane with Beaumarchais and the employment of funds supplied to the American agents by the court of France. A strong party in Congress accused him of having employed money given to him by the king for his own personal transactions.¹³ Deane was supposed to have had a considerable amount of business patronage, which to Arthur Lee gave too much of an opportunity for speculation.¹⁴ Lee himself desired control of the business of the mission, and it was the work of Lee's malign influence that brought about the division and feuds, which continued for a long time in Congress, with respect to foreign affairs.¹⁵

¹¹ Annals of Congress, 15 Cong., 1 sess., II, 2424, 2425.

¹² Stille, op. cit., p. 31.

¹³ Ibid., p. 32.

¹⁴ Ibid., p. 33.

¹⁵ Francis Wharton, op. cit., I, 450.

Lee poisoned the minds of the Congressmen so much that a resolution was passed December 1, 1777, recalling Deane,¹⁶ and had it not been for John Jay, who defended Deane, the result would have been censure. Jay objected to a servant's being condemned without a hearing. When the news of the recall reached Deane in Paris, he became angry and communicated with Beaumarchais, saying that he had no intentions of coming to America until the charges against him were explained. Beaumarchais urged him to do as Congress asked.¹⁷ The ministry of France put on an appearance of dejection and were to remain so until Lee was acquitted. A fleet was sent under the command of the popular Comte d'Estaing to bear Deane safely to America, and with him, Gerard,¹⁸ the first ambassador of France to America.¹⁹

Even though Deane was supported by Louis XVI and by Gerard, he obtained little consideration. He was cleared, however, of every accusation, and was allowed 500 pounds a year for the time he was in France, but no mention was made of the invaluable service he had rendered.²⁰ It was decided that he should return to France to arrange his

¹⁶ Journals of Continental Congress, XI, 799.

¹⁷ de Lomenie, op. cit., p. 32.

¹⁸ Kite, op. cit., II, 189.

¹⁹ Journals of Continental Congress, XI, 688.

²⁰ de Lomenie, op. cit., p. 321.

affairs, but no official title was given to him.²¹

Congress had little confidence in the reports of Lee. It was divided between a desire not to pay for the supplies already received and a wish to receive more supplies. At that instant de Francey declared that there would be no more supplies from Roderigue Hortalez and Company until the previous claims were acknowledged and a contract made guaranteeing him no more difficulty in the future.²²

Congress resolved that the Commissioners to France, Franklin, Lee (who had not yet been recalled), and John Adams, who had been sent to replace Deane, were to determine and settle with Roderigue Hortalez and Company. Congress did not know who composed this company, nor on what terms the ministers received the supplies. Vergennes informed Gerard that Beaumarchais acted independently. In the presence of this formal declaration, it was Congress' duty to acknowledge that Beaumarchais was the genuine creditor of the United States.²³

At this time a memorial respecting Beaumarchais' affairs was read to Congress, accompanied by a letter from de Francey, and was referred to a committee. This committee brought in a report which ordered that the original

²¹ Bemis, Diplomacy of the American Revolution, p. 59.

²² Sparks, op. cit., I, pp. 437, 438.

²³ Ibid., I, 438.

invoices to support the claim be brought in to be used as vouchers.²⁴ The committee reported further that they had talked with de Francey, and he had delivered to them various invoices of cargoes shipped in France by Beaumarchais:

That he delivered to the Committee divers invoices of cargoes shipped from France by Mr. Beaumarchais, viz. Cargo by the Amphitrite, and interests to 31 March, 1779; 782,827 livres; Seine, 687,515; Mecure, 700,594; Amelie, 230,174; Therese, 985,317; Mere Bobie, 66,750; Marie Catherine, 148,075; Flamand, 545,416. Also a general account of disbursements by Mons. Carabasse, at Cape Francois, for purchasing Bermudian boats to take the cargoes of the Amelie and Therese, 115,000; demurrage paid Mr. Monthieu, on the Therese, Flamand, and Amphitrite, agreeable to the Contract with Mr. Beaumarchais, 141,400, and of sums advanced to Silas Deane, esq. and paid by his orders, together with interest, 144,525, making 4,547,593 livres: on which no commission is yet charged, nor premiums of insurance. If insurance was made. The articles of Commissions and insurance as well as Mr. Beaumarchais's accounts in general, is committed for adjustment to the Commissioners of these states at the Court of Versailles.²⁵

In reduction of the above-mentioned de Francey admitted about 300,000 livres, and one hundred fifteen and one-half hogsheads of tobacco exported in the Fier Roderigue, the net proceeds of which remained unsettled. De Francey admitted that there might be a few errors, but he said they could be fixed later. On May 24, 1770, de Francey wrote a letter to the committee, saying that

²⁴ Journals of Continental Congress, XIV, 569.

²⁵ Ibid., p. 690.

Beaumarchais' claim amounted to about 200,000 pounds, not including commissions and charges, and these were to be determined as stated, and that he was sure that the entire amount would be above 200,000 pounds. In order to discharge a part directly, de Francey proposed to have bills drawn by Congress upon the ministers of the United States at Paris to the order of Beaumarchais, payable at the end of three years at six per cent interest. He proposed further that cargoes in partial payment be sent to France.²⁶

The committee from all accounts rendered reported to Congress that

Mr. Beaumarchais has a just claim against Congress, but it was not in their power, with any degree of exactness, to ascertain the amount.²⁷

They went further to say that the committee be directed to deliver to de Francey all the merchantable tobacco belonging to the states of Virginia, Maryland, and North Carolina then stored up, and to consign the ship, Chase, and her cargo of tobacco to Beaumarchais. The Committee of Commerce was to be directed further to buy 2,000 hogsheads of tobacco to be stored in order to be ready for ships expected by de Francey.²⁸

June 19, 1779, the Committee of Treasury reported

²⁶ Ibid., p. 691.

²⁷ Ibid., p. 691.

²⁸ Ibid., p. 691.

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that they had prepared bills on the Minister Plenipotentiary of the United States at the court of France in favor of de Beaumarchais, dated June 15, amounting to 2,400,000 livres and payable three years later. There were also six sets of bills drawn on the minister in favor of Beaumarchais for the interest at six per cent yearly, the total being 432,000 livres, and the principal and interest amounting to 2,832,000 livres. The Committee of the Treasury said that these bills should be signed by the president and delivered to de Francey, as agent of Beaumarchais, who should give a receipt for the same. The committee resolved further that the United States be pledged to make good the contracts entered into by our ministers.²⁹

It was learned in July, 1779, that the king approved overtures made by our ministers respecting the affairs of Beaumarchais. Since the king had approved, Congress said that a line ought to be drawn between the stores Beaumarchais took from the royal magazine, for which he made himself debtor to France, and between those which he bought in the way of common trade. The French minister said that

From the bills and accounts with which Congress has been furnished by M. de Beaumarchais, Congress will be enabled to distinguish those articles which were drawn from the royal magazines, and those supplied in the way of trade. For the last, Congress will without doubt make remittances to M. de Beaumarchais in their own way, to enable him to

²⁹ Ibid., p. 692.

perform the contracts he has entered into as a merchant. That for the former articles, the King his Master taking upon himself to be creditor to the United States would wait till Congress should find it convenient to make compensation.³⁰

The Superintendent of Finance in 1782 wrote to Congress, enclosing a letter from Benjamin Franklin, a copy of a letter from Vergennes to Franklin, and a statement of the money obtained in Europe for Congress, with Beaumarchais' claim of 2,544,000 livres payable June 22, 1783, included.³¹ It was in November, 1782, that the Committee of Commerce of Congress learned from the Journals of April 7, 1778, that Roderigue Hortalez and Company had shipped considerable quantities of stores for the use of the United States, and some cargoes of American produce had been shipped to the firm in part payment. It appeared further from the Journals that Beaumarchais' agent stated the whole sum against the United States to be 4,547,793 livres, and he acknowledged having received 300,000 livres and one hundred fifteen and one-half hogsheads of tobacco. Bills on the Commissioners in France were ordered to be given to him to the amount of 2,400,000 livres, together with tobacco from Virginia, Maryland, and North Carolina.³²

The receipt of these bills was acknowledged by

³⁰ Ibid., p. 831.

³¹ Journals of Continental Congress, XXII, pp. 291, 292.

³² Journals of Continental Congress, XXIII, 743.

Franklin, and it appeared by the estimate of the Superintendent of Finance that 2,540,000 livres had been reserved in Franklin's hands for payment of them. Notwithstanding this fact, Franklin wrote in the same letter to the president of Congress that neither the Commissioners nor himself had ever been able to obtain sight of Beaumarchais' accounts, as had been promised. It appeared further to the Committee that when a demand was made on Carabasse, agent for Beaumarchais at the Cape, for a part of the supplies which made up the claim, and which were said to have been deposited with Carabasse for the United States, his answer was that "he could not deliver anything without the express order of Beaumarchais." It seemed that part of the articles charged to the United States had been sold for the benefit of Roderigue Hortalez, and part withheld from the United States by order of Beaumarchais, and that he had not given an account for the property of the United States shipped to him.³³

The Committee of Commerce resolved

That the Superintendent of Finance be directed to take effective measures for preventing any further payment being made to M. de Beaumarchais or Roderigue Hortalez and Company 'till he shall have made a full and fair settlement of his account with the Commissioner or Commissioners which shall be appointed by Congress for the final settlement of their accounts in Europe.³⁴

The man appointed to settle the claim was Thomas

³³ Ibid., p. 742.

³⁴ Ibid., p. 744.

Barclay. He was instructed by the Superintendent of Finance, Robert Morris, that the accounts of Beaumarchais should be closely observed. Barclay's commission entitled him to aid and protection in the execution of his duties.³⁵ A primary object was to find what sums had been paid to the United States. Barclay was to form first a general account, under the title of loans and subsidies obtained in Europe. The debit side could be left blank, but the credit side should be filled in with sums paid to the use of the United States and the persons by whom they were paid. Morris said he had already observed that the final appropriation of money must be traced to articles purchased and services rendered, but a general distinction would not be enough. Therefore, Barclay would place the final appropriation under one of the following general heads:

1. Salaries and expenses of Publick Ministers, Commissioners and agents.
2. Clothier Generals Department.
3. Commissary or Military, Stores Department.
4. Quartermaster General's Department.
5. Marine Department.
6. Hospital Department.
7. Merchandise General.
8. Transport Service.

³⁵ J. C. Rives, Diplomatic Correspondence of the United States, Blair and Rives, (Washington, 1837) I, 331, 332.

9. Contingent Service.
10. Prisoners and Americans in Europe.
11. Foreign officers.
12. Interest on Debts.
13. Bills of Exchange.³⁶

Barclay was to examine carefully reports pertaining to armed vessels in which individuals appeared to have an interest fitted in Europe to be sent to the United States.³⁷ Barclay was cognizant of the fact that the task was a difficult one, and he chose Mr. Ridley to help him. The principal inquiries for Barclay to make were those of insurance and the reasonableness of the price of goods, and the commissions charged.³⁸

While Barclay was making the investigation, M. Le Vaigneur wrote to the President of Congress enclosing a letter from Beaumarchais which he wanted read before Congress. De Francey was supposed to have been the bearer of it, but he had died just as he was about to sail, and Vaigneur had sailed in his place. In his letter he summed up the demands of Beaumarchais. First, Beaumarchais wanted to abide by the settlement of his accounts as made by Silas Deane, because they had been closed since April, 1781. Deane had been the one who effected

³⁶ Ibid., pp. 335, 336.

³⁷ Ibid., pp. 336, 337.

³⁸ Ibid., p. 338.

the purchases, and he alone knew the nature and could ascertain the value of Beaumarchais' operation. Beaumarchais had never dealt with anybody except Deane, and he had treated on faith with Deane. He had the most powerful motive for abiding by the account approved by Deane, and he asked Congress to acknowledge the same. Second, whatever the opinion and determination of Congress, it was an incontestible truth that the United States was still indebted to Beaumarchais for a considerable sum. No remittances had been made since 1780, and the ship of Comte d'Estaing which he had sent to the colonies for supplies had returned empty.³⁹ La Vaigneur submitted also a letter from Beaumarchais to Congress in which Beaumarchais said that Barclay and Ridley had asked him to lay his accounts before Congress. He stated that he told Barclay that his accounts had been regulated by Silas Deane in 1781, but Barclay said that according to his instructions he must regulate anew all his accounts. Beaumarchais in this letter reviewed the things that had been done and the hardships he had gone through in helping the colonies, impressing on their minds that it was he who had aided when the Colonies most needed aid.⁴⁰

Although the United States had received a large

³⁹ Ibid., p. 340.

⁴⁰ Ibid., pp. 341-350. (Letter from Beaumarchais to Congress, translation.)

amount of money from France, in 1783 a request was made for another loan of six million livres. The United States representatives said that after this loan they would determine the financial position with France. In going over the financial conditions, under the head of sums lent successively, eighteen million livres was put down, next a loan of ten million livres from Holland, backed by France and the interest paid by the King of France, and finally the six million about to be loaned. All of this amounted to a sum of thirty-four million livres which the United States agreed to pay at different times. The generosity of the king had caused to be placed in the list a second set of sums which he declared to be a present to the United States. In this class were aids and subsidies furnished to the Congress of the United States under the head of gratuitous assistance from the generosity of the king. Three million of this amount had been granted before 1778 and six million given in 1781. All the aids and subsidies amounted to nine million livres, and, as was stated in the contract of 1783, "His Majesty here confirms in the case of need, the gratuitous gift to the Congress of the said Thirteen United States."⁴¹ By the contract of 1783 there was a receipt of a three million-livre gratuity before 1778, although Franklin's account showed a receipt of only two millions. When Franklin

⁴¹ Wharton, op. cit., I, 376.

returned to Philadelphia, it became necessary for the settlement of his accounts, also those of Beaumarchais, and, in order to discover in what way the third million reached the United States, correspondence took place between Franklin and Grand, the banker of the United States, in Paris.⁴²

Franklin discovered in 1786 that his accounts showed only the two million livres he had received from the government, but he had received from the Farmers General of France in 1777 a million livres. Franklin wrote to Grand:

It is possible that the million furnished ostensibly by the Farmers General was in fact a gift of the Crown, in which case, as Mr. Thomson observes, they owe us for the two shiploads of tobacco which they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.⁴³

Franklin always looked on the million the colonies received from the Farmers General as distinct from that received from the Crown.⁴⁴

The banker of the United States, M. Grand, was commissioned to find out from Vergennes, if, among the three million which the king had granted, the million advanced by the Farmers General was included.⁴⁵ M. Durival answered

⁴² Ibid., p. 376.

⁴³ Ibid., p. 377.

⁴⁴ Ibid., p. 377.

⁴⁵ de Lomenie, op. cit., p. 326.

in the name of Vergennes, saying, "The King had nothing to do with the advance made by the Farmers General," but that the sum in question was a "million delivered from the royal treasury June 10, 1776."⁴⁶

In a letter from Mr. Durival to Mr. Grand, Durival said he had no knowledge of an advance made by the Farmers General to the United States. He said that to his knowledge the king by the contract of 1783 confirmed the gratuity of three millions. Mr. Durival laid Franklin's letter before Vergennes, who said the gift had nothing to do with the million that Congress may have received from the Farmers General.⁴⁷

Mr. Grand communicated with Franklin, saying that a receipt for the million could not be found in his accounts. He said that two million could be accounted for, and that Mr. Durival informed him that there was a million paid by the royal treasury June 10, 1776, and that he was not accountable for it because he was not charged with the business of Congress until January, 1777. Mr. Grand then requested of Mr. Durival a copy of the receipt of the million.⁴⁸ Mr. Durival informed him that Vergennes was persistent in the opinion that the million had no relation to the business which Grand was interested in on the be-

⁴⁶ Ibid., p. 326.

⁴⁷ Wharton, op. cit., I, 377.

⁴⁸ Sparks, op. cit., II, 526.

half of Congress.⁴⁹

Franklin was very eager that the business be straightened up, and in a letter to Mr. Charles Thomson, he enclosed a copy of his letter to Grand, which stated:

You will see by this letter that the million in question was delivered to somebody on the 10th of June, 1776, but it does not appear to whom. It is clear, however, it could not be to Mr. Grand nor to the Commissioners from Congress, for we did not meet in France till the end of December, 1776, or the beginning of January, 1777, and that banker was not charged before with our affairs.⁵⁰

By Vergennes' refusing a copy of the receipt Franklin came to believe that the money must have been advanced to Beaumarchais for the use of the colonies, and it should be inquired into further. Franklin did not remember whether Deane had arrived in France by June 10 but he said by his need of money when they first met, he was sure it could not have been paid to him.⁵¹

In 1783 it was estimated by the committee that the debt of the United States to Beaumarchais was three million livres.⁵²

In 1784 the letter of Vaigneur and Beaumarchais was referred to a committee consisting of Arthur Lee, Thomas Stone, and Francis Dana. They resolved that Mr. Vaigneur

⁴⁹ Wharton, op. cit., I, 378.

⁵⁰ Ibid., p. 379.

⁵¹ Sparks, op. cit., I, 528.

⁵² Journals of Continental Congress, XXV, 954.

be informed that Silas Deane was not given authority by Congress to settle the claim of Beaumarchais, and that Congress saw no reason at that time for changing their instructions to Barclay; consequently, Beaumarchais must settle with the committee. They resolved further that no payment be made until his accounts were settled by Mr. Barclay, and that the Superintendent of Finance send Mr. Barclay a copy of the refusal of Carabasse, styling himself as agent of Roderigue Hortalez and Company, to deliver to the agent of the United States certain goods charged to said estates by Beaumarchais.⁵³

On April 21, 1786, Congress received sundry letters and papers from Barclay, from Beaumarchais, and from his agent, Mr. Chevallie, regarding the accounts of the former.⁵⁴ These papers were transmitted to the president. They contained a complaint by Chevallie with respect to the accounts of Beaumarchais, so the Board of Treasury, to whom the accounts were referred, carefully examined the documents and submitted to Congress in September, 1788, the following observations: that the accounts of Beaumarchais certified by Silas Deane, April 6, 1781, amounted to 5,106,599 livres; that the balance claimed by Beaumarchais on this account on July 1, 1783, was 3,309,491 livres, with an interest of six per cent amounting to

⁵³ Journals of Continental Congress, XXVII, 566.

⁵⁴ Ibid., XXX, 204.

almost 1,000,000 livres, and the total was about \$900,000; that the amount debited against the United States had no other voucher to support it than a copy of a certificate said to have been signed by Silas Deane on April 6, 1781;⁵⁵ that Mr. Beaumarchais' claim against the United States had arisen from eight cargoes shipped to the United States in consequence of a verbal agreement with Deane, and from commissions, freights, and insurance; that four of the cargoes came to the use of the United States through the hands of John Langdon at Portsmouth; that two arrived at Martinica and were received by William Bingham, and the other two had arrived at Cape Francois, and were delivered to Mr. Carabasse; that there was no evidence to show that the last two cargoes ever came to the use of the United States, and Mr. Carabasse had refused to deliver the cargoes until he had orders from Beaumarchais.

That Dr. Franklin, Mr. Lee and Mr. Adams in their letters to the Count de Vergennes stated that they had always understood, and that Congress had been informed, that the supplies sent out from Mr. Beaumarchais, were only made through him, as a private agent of the Court, and that in confirmation of this, we find that the United States are charged with a million of livres said to have been advanced for the service of the United States on the 10th of June, 1776, before Mr. Deane, the first agent, could have arrived at Paris.⁵⁶

In confirmation of this, they found that the United States was charged with one million livres, said to have

⁵⁵ Journals of Continental Congress, XXXIV, 542.

⁵⁶ Ibid., p. 543.

been advanced for the United States on June 10, 1776; the commissioners at the court of Versailles were instructed to settle Beaumarchais' accounts, and he refused to settle with them. The Board of Treasury further added that Deane, with whom these shipments were said to have begun, was one of five contractors who undertook on February 10, 1787, to import articles for the Indians. Deane also received instructions from the secret committee directing him to appear as a merchant from Bermuda and procure clothing for 25,000 men. Deane had arrived in Bordeaux on June 6, 1776, and had gone to Paris later. At Paris he had communicated with Vergennes. He contracted with Beaumarchais and wrote the committee that although Beaumarchais furnished the supplies, they really came from a higher source.⁵⁷ The Board of Treasury went further to say they could not tell by what authority Deane undertook in 1781 to settle the accounts of Beaumarchais, and that on October 7, 1777, Deane had signed a letter in which Congress was informed that the court of France had given them (Deane, Franklin and Lee) assurance that no repayment of what had already been given in either money or military stores was expected.⁵⁸ The Board of Treasury also deducted the cargoes sent to Cape Francois, and from the cargoes of the Amphitrite, the Mecure, the Flanands, the Mere

⁵⁷ Ibid., p. 544.

⁵⁸ Ibid., p. 544.

Bobie, the Seine, and the Flamand they deducted insurance, which they said was too much. They also deducted the ship Seine, which was lost. The value of the six cargoes was placed at 2,470,484 livres. From Beaumarchais' claim there was deducted the payments made to Francey, also the value of the cargoes of various vessels sent to France. This amounted to 3,213,898 livres. Beaumarchais' claim as stated was 2,470,484 livres. This left a balance due the United States of 742,413 livres, besides the million received by Beaumarchais from the court of France, which made a total of 1,174,413 livres due the United States from Beaumarchais.⁵⁹ The board resolved to Congress that the United States was not accountable for the claim of Beaumarchais as stated by Silas Deane, and that the accounts be settled at the treasury of the United States, and further that Beaumarchais be required to transmit the same together with the necessary vouchers in support, in order that a speedy adjustment be made. Members of this committee were Samuel Osgood and Arthur Lee.⁶⁰ As a result of this report Congress resolved, October 11, 1778, that the claim of Beaumarchais as settled by Deane should not be deemed binding.⁶¹

The absurdity of this settlement could not fail to

⁵⁹ Ibid., p. 544.

⁶⁰ Ibid., p. 549.

⁶¹ Ibid., p. 573.

have appeared to Congress, and after four years of constant protests, it was decided to send Alexander Hamilton to investigate the debt. After an examination, Hamilton established the sum owing to Beaumarchais at 2,280,000 livres.⁶² At the same time, however, Hamilton proposed payment should not be made until further investigation was made regarding the million for which a receipt could not be found.⁶³

In the meantime the revolution was advancing in France; the royalist government had fallen. Gouverneur Morris, the American minister to France, with the use of a little flattery, induced Buchot, then French minister of foreign relations, to search in the archives for the receipt of June 10, 1776. The following receipt was shortly produced by Buchot, and a copy was given to Mr. Morris.

I have received from Monsieur du Vergier, agreeably to the orders transmitted to him by Monsieur the Count de Vergennes, dated the 5th current, the sum of one million, for which I will account to the Count de Vergennes.

Caron de Beaumarchais

Paris, June 10, 1776

"Good for one million livres tournois"⁶⁴

This receipt removed the last doubt about the person to whom the money had been paid, and from this time the debt underwent a new series of difficulties. Congress

⁶² Kite, op. cit., II, 204.

⁶³ Wharton, op. cit., I, 381.

⁶⁴ American State Papers, Claims, p. 336.

said to Beaumarchais that in the contract of 1783 the government declared there was a gratuity of 9,000,000 and they had received but 8,000,000. It was now up to him to prove that it was not destined for the United States; otherwise, it would be deducted from his debt. Beaumarchais was at this time in no position to defend himself, for the revolution had ruined his fortune, and, to escape, he had taken refuge in Hamburg. He saw for his daughter no other future than this American debt; therefore, he clung to it with the energy of despair. He wrote to Congress and even to the entire American nation, saying that he had served them with unwearied zeal and received nothing but bitterness.⁶⁵ Congress remained deaf to his claims and allowed him to die without settling his debt.⁶⁶

⁶⁵ de Lomenie, op. cit., pp. 331, 332.

⁶⁶ Kite, op. cit., II, 205.

IV. Final Settlement of the Claim

Beaumarchais died in 1799. The next year the French government took up his claim and asked for its payment. Talleyrand was foreign minister at that time and had been under obligation to Beaumarchais. To understand this, it is necessary to go back to the disgraceful proceedings that took place in the French directory in 1796, when the commissioners of the United States tried to make a treaty with France. The commissioners were given to understand that no treaty would be made unless the members of the directory were paid 50,000 pounds, or 12,500 pounds apiece. Talleyrand was a member of the directory. Our commissioners refused to pay. Beaumarchais, who seemed always to have been connected with men of power, affected the belief that the real obstacle of the commissioners in giving this bribe was lack of money. He proposed that if the State of Virginia, against whom he had a claim of 145,000 pounds, would pay him immediately, he would set aside 50,000 pounds of that sum for the purpose of concluding the treaty. This attempt of Beaumarchais to intervene, by which he hoped to help the United States, to help Talleyrand, and to fill his own pockets, did not make a favorable impression in the United States.¹

Under circumstances such as these Talleyrand gave

¹ Stille, op. cit., pp. 34, 35.

orders in 1801 to M. Finchon, the French Minister in the United States, to urge payment. He said that there was a distinction between a political agent and a commercial agent, and that the million was paid to Beaumarchais as a political agent.²

In 1805 Jefferson sent a message to Congress relative to the claim in which he asked the consideration of Congress.

The Government of France, having examined into the claim of Mr. de Beaumarchais against the United States, and considering it just and legal, has instructed its minister here to make representations on the subject to the Government of the United States. I now lay his memoir thereon before the legislature, the only authority competent to a final decision on the same.³

The comptroller of the treasury in 1805 had set the claim at \$41,119.75, and late in that year there was presented to Congress a petition from Amelie Eugenie Beaumarchais, heir and representative of Caron de Beaumarchais, by her attorney, J. A. Chevallie. In this petition a protest was made against the settlement of the comptroller in which large and unjust deductions had been made.⁴ The petition was read before the House and referred to the Committee of Claims.

The Committee of Claims reported in 1806 that the

² Ibid., p. 36.

³ James D. Richardson, Messages and Papers of the Presidents, Bureau of National Literature and Art, (Washington, 1919) I, 418.

⁴ Annals of Congress, 9 Cong., 1 sess., p. 305.

accounts of the late Beaumarchais had undergone a long investigation by the Treasury, and a settlement had been made, but after the petition of Chevallie the evidence had been carefully considered, and there was brought out a letter from Mr. Pinchon, the agent of the French government, that in 1779 Congress had been officially notified that the United States must account with Beaumarchais for the supplies.⁵ The accounts had been examined and stated by the auditor of the treasury in 1791, leaving a balance in favor of Beaumarchais, but leaving 1,000,000 livres in question. The statement was made that the French government furnished 9,000,000 livres. Of this sum, 3,000,000 livres was furnished before 1779, and 6,000,000 livres in 1791, all of which was gratuitous. Of the 3,000,000 livres, 2,000,000 was paid to M. Grand, and the other was paid by the French government on June 10, 1776, to some person for use of the United States, not Mr. Grand nor any agent of the United States. The payment of the last million and the date were known to Vergennes although he did not think it proper to disclose the name of the person. Further, that June 10, 1776, was the same day on which the million was probably through Vergennes' department furnished by the French government for the use of the United States. One

⁵ Annals of Congress, 3 Cong., 2 sess., p. 947.

⁶ American State Papers, Claims, p. 314.

million livres was by the order of Vergennes paid to Beaumarchais for which sum he was to be held accountable to the minister, and when the American government applied for the name of the person to whom the million had been paid, the French government furnished a copy of the receipt of Beaumarchais. On the part of Beaumarchais the receipt of the million was acknowledged, but a declaration made that he had already accounted for it to the French government. No official statement to that effect, however, had been made.⁷

J. C. Smith, as chairman, went on to state that in 1783 the minister had announced an existence of a gift, and in 1793 his successor informed Congress that it was paid to Beaumarchais. The committee said they knew the French government did not want them to pay a sum which by agreement had been declared a gratuitous subsidy.

But if, on 10th June, 1776, another million besides that paid to Beaumarchais, was advanced to any person for the use of the United States, either by the Royal Treasury, by the Minister of Foreign Affairs, or by any other Department of the Government of France, it is only in the records of that Government, that the evidence of that fact can be found; and, if it shall be produced, we shall not hesitate to discharge Mr. Beaumarchais, and to debit the proper person.⁸

In 1806 the French minister Turreau wrote with reference to the report made by Pinchon that a search was

⁷ Ibid., p. 315.

⁸ Ibid., p. 315.

made which resulted in finding in a file entitled "United States" a receipt dated June 10, 1776, for one million signed by Beaumarchais, which sum was given to him by order of the king for an object of secret political service, of which he reserved the knowledge to himself. An account was also rendered by Vergennes to the king of the application of that sum according to his intentions, and several letters were found soliciting Vergennes to give an account of how the money was applied. He refused and even caused it to be declared in 1786 that it would be inconvenient to grant the request, and he further declared that the French government had never been connected with any transaction of Beaumarchais, and that the million was applied according to the king's request.⁹

The Committee of Claims said that the claim had been fixed in 1791 and, adding interest to 1806, made a sum of 2,700,000 livres. The receipt also for the million by Beaumarchais and correspondence by Vergennes were under the same name in the files, and the million had been declared gratuitous by the contract of 1783. Therefore, the million was justly chargeable to Beaumarchais, and they recommended that the petitioner withdraw her petition.¹⁰ That same year on January 27 Albert Gallatin, Secretary of the Treasury, offered to re-investigate the original

⁹ American State Papers, Claims, p. 316.

¹⁰ Annals of Congress, 9 Cong., 1 sess., pp. 953, 954.

claim and report his findings.¹¹

In 1807, the message of Jefferson and the papers from the French minister as referred to the Committee of Claims were read before the House.¹² In a letter from Turreau to the Secretary of State, the claim was presented differently.

The heirs of Mr. de Beaumarchais now confide their interest to the protection of the French Government, as well as to the justice of the Federal Government; and the undersigned, in declaring to the Secretary of State, that this affair, on being examined in France with the most scrupulous attention, has presented to the judgment of the most enlightened men nothing but an incontestable conclusion in favor of the heirs of Mr. de Beaumarchais, will add, that it is no longer to Mr. Chevallie, it is no longer to a mere attorney in fact, that the said heirs have recourse to obtain justice too long refused, but to the French Government itself, which calls with confidence, and through the organ of its minister plenipotentiary, the attention of the Secretary of State to interests no less sacred than the cause which produced them.¹³

Turreau pointed out the objections that the treasury of the United States offered as reasons not to pay. One was that only 2,000,000 of the 3,000,000 livres had been received, and the payment of 1,000,000 livres by the French government on June 10, 1776, for the United States and the million paid to Beaumarchais was one and the same transaction. Turreau's answer was:

1st. That the French Government has always remained a stranger to all the mercantile transactions of M. de Beaumarchais with the United States.

¹¹ American State Papers, Claims, p. 319.

¹² Annals of Congress, 9 Cong., 2 sess., pp. 961, 962.

¹³ Ibid., p. 962.

2d. That the million given on 10th of June, 1776, to the said Sieur de Beaumarchais was for a secret political service, of which the King reserved to himself the knowledge.

3d. That the account of the employment of the said million was presented at the close of 1776 to the King and approved by him.

4th. That M. de Beaumarchais has been discharged from it by His Majesty himself.

5th and lastly, that the said million was not given on account of supplies.¹⁴

Another objection was that there must be positive proof of the application of the money in order to pay it. The answer was that the king was not required to disclose his secrets nor was his minister. The treasury also said that the buying of supplies could be deemed secret political services. The answer was that the French government did not keep its aid secret, so why should it have kept this a secret, that the supplies sent from the magazine of the king had the "Arms of France" engraved on the pieces. The treasury also objected about Beaumarchais' being discharged from any accountability to the United States. Turreau said:

Is it correct to say, that an accountability is not due a third party not named in deed or obligation?

If this principle cannot be brought into doubt, M. de Beaumarchais, or rather the Government of France, says, M. de Beaumarchais has received from me a million, for which he is to account to me; he has rendered this account to

¹⁴ Annals of Congress, 9 Cong., 2 sess., pp. 963-965.

me, I have approved it, and I have given him a discharge.¹⁵

The transcript of the receipt will demonstrate to conviction the truth as well as the justice of what has been advanced.

Copy of the receipt.

I have received from M. Du. Vergier, agreeably to the orders which have been given to him by the Count de Vergennes, on the 5th current, the sum of a million, of which I will render an account to my said Sieur de Vergennes.

Caron de Beaumarchais
At Paris, the 10th June, 1776.¹⁶

In February, 1807, Mr. Holmes, chairman of the Committee of Claims, recommended that the claim of Amelie Eugenie Beaumarchais be referred to the secretary of state and he be directed to report on it at the next session of Congress.¹⁷

When the tenth Congress met in December, 1807, the speaker of the House laid Madison's report before Congress. It was referred to the Committee of Claims.¹⁸ In his letter to the committee, Madison gave a report of the attorney general regarding the claim. The attorney general, C. A. Rodney, pointed out that the United States had received the full value of the million in question in arms and stores. This was confirmed by Mr. Harrison, the

¹⁵ American State Papers, Claims, p. 336.

¹⁶ Ibid., p. 337.

¹⁷ Annals of Congress, 9 Cong., 2 sess., p. 626.

¹⁸ Annals of Congress, 10 Cong., 1 sess., I, 1172.

auditor, in 1793 and also shown in 1805. In 1786 Doctor Franklin, to keep his character clean, solicited Le Grand to apply to Vergennes regarding the money. This application was not made by the United States government, and therefore Vergennes refused.¹⁹ In regard to the contract with Franklin in 1783, Rodney gave the opinion,

In a strictly legal sense, an instrument between third persons made without Beaumarchais' knowledge, participation or consent, and a single line of which he could not alter, ought not affect his rights.²⁰

In 1808 Mr. Holmes, chairman of the committee, asked to be discharged. This was agreed to by Congress.²¹

When the eleventh Congress met, a resolution was made that the claim of the heirs of Beaumarchais be referred to the Committee of Claims.²²

Mr. Basset made a motion on the claim, which had been been before Congress for a period of twenty-four years. If the claim was just, it ought to be paid, if not, it ought to be rejected, and he moved that the Committee of Claims refer the claim to some court as a case. This was rejected, because it would throw the independence of this country at the feet of the judiciary. But it was decided that the Committee of Claims ought to come to a decision.²³

¹⁹ Ibid., II, 2802-2804.

²⁰ American State Papers, Claims, p. 345.

²¹ Annals of Congress, 10 Cong., 1 sess., II, 2275.

²² Annals of Congress, 11 Cong., 3 sess., p. 684.

²³ Annals of Congress, 12 Cong., 1 sess., I, 610, 611.

In March, 1812, the Committee of Claims made an unfavorable report on the claims. It was then referred to the Committee of the Whole.²⁴ Again, in December, it was referred to the Committee of Claims.²⁵

In February, 1814, the petition was referred to the Committee of Revolutionary Claims.²⁶ This committee was discharged from the petition, and it was referred to Messrs. Lowndes, Bruwell, Grundy, Taylor, Stockton, Gaston, and Oakley.²⁷ This committee reported that the circumstances under which the goods were shipped made it difficult to settle the account. They adopted the report made in 1802 as a part of their report, which was favorable to the claim.²⁸ This Committee of Claims asked for William Pinckney, the attorney general, to give his opinion as to the legality of the claim. Pinckney reported that the deductions made by Congress could not be established in a court.²⁹

President Madison sent to Congress a message regarding the claim in January, 1817.

The envoy extraordinary and minister plenipotentiary of His Most Christian Majesty having

²⁴ Ibid., II, 1231.

²⁵ Ibid., III, 430.

²⁶ Annals of Congress, 13 Cong., 1 sess., I, 1201.

²⁷ Ibid., p. 1477.

²⁸ American State Papers, Claims, pp. 433, 434.

²⁹ Annals of Congress, 13 Cong., 1 sess., I, 1873.

renewed under special instructions from his Government, the claim of the representatives of Caron de Beaumarchais for one million of livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject addressed by the said envoy to the Secretary of State.

Considering that the sum, of which the million of livres in question made a part, was a gratuitous grant from the French Government to the United States, and the declaration of that Government that that part of the grant was put in the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering, also, the concurring opinions of two Attorneys General of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.³⁰

The following year President Monroe sent a message to Congress, transmitting a new representation of the claim.

The claim of the representatives of the late Caron de Beaumarchais having been recommended to the favorable consideration of the Legislature by my predecessor, in his message to Congress of the 21st of January last, and concurring in sentiments therein expressed, I now transmit copies of a new representation relative to it, received by the Secretary of State from the Minister of France, and of correspondence on the subject between the minister of the United States at Paris and the Duke of Richelieu, enclosed with that representation.³¹

The message was read and referred to the Committee of Ways and Means.³² This committee was discharged from further consideration, and it was referred to the Committee

³⁰ Richardson, op. cit., I, 583.

³¹ Ibid., II, 22, 25.

³² Annals of Congress, 15 Cong., 1 sess., II, 782.

of Claims.³³

The Committee of Claims was discharged, and it was referred to a select committee consisting of Messrs. Bassett, Baldwin, Spencer, Ingham, and Ervin.³⁴ In their report there was a letter from Richelieu, who was interested in seeing the claim settled.

There is no member of the Government who can be ignorant of the services rendered by the head of that family to your cause, and the influence produced on its early successes by his ardent zeal, extensive connexions, and liberal employment of his whole fortune.³⁵

This committee in their report went over the case in its entirety, bringing all the evidence to light. They presented letters and extracts from letters of Count de Vergennes to Louis XVI of May 2, 1776, from the letters of Talleyrand to Citizen Beaumarchais De la Rue, also from letters to the secretary of state from Hyde de Neuville, in 1817.³⁶ After due consideration the committee reported in favor of the claim.

We admit the receipt of the supplies; they were of infinite importance; payment has never been made by the United States, and is now resisted on no other ground than that they were intended as presents. Such intention is solemnly contradicted, and no proof offered that it existed. Congress has already repeatedly decided on the statements produced, and the committee think that their decision cannot be disturbed consistently with good faith.

³³ Ibid., p. 792.

³⁴ Ibid., p. 792.

³⁵ Annals of Congress, 15 Cong., 1 sess., I, 2397.

³⁶ Ibid., pp. 2390-2447.

They fully agree with our great revolutionary financier (Robert Morris), "that, if anything is due Mr. Beaumarchais, the reputation of the country will be compromised until it is paid; that the payment of debts may be expensive, but that it is infinitely more expensive to withhold the payment. The former is an expense of money, when money may be commanded to defray it; but the latter involves the destruction of that source from which money can be derived when all other sources fail. That source, abundant, nay, almost inexhaustible, is public credit. The country in which it may with greatest ease be established and preserved is America, and America is the country which most stands in need of it." In conclusion, the committee will remark that, in every point in which the case can be viewed by them, they are fully of the opinion that the heirs of Mr. Beaumarchais are creditors of the United States, and beg leave to report a bill for their relief.³⁷

On November 26, 1818, the House resolved itself into a Committee of the Whole. Mr. John Cotton Smith presided, and a report was read that Mr. Bassett's report be given liberal consideration. A suggestion was made that the claim be considered later.³⁸ In December of the same year the House again resolved itself into a Committee of the Whole on the claim, and speeches were made for and against the claim. A motion was made for another reading of Mr. Bassett's report, but the motion was rejected.

The President of the United States sent a message to Congress on March 29, 1822, furnishing further information on the claim:

³⁷ Annals of Congress, 15 Cong., 1 sess., II, 2406, 2407.

³⁸ Ibid., p. 322.

I transmit to Congress the translation of two letters from the minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith enclosed, recommending them to the favorable consideration of Congress.³⁹

In the letter Neuville disclosed that the French government had never ceased supporting the claim. He also reviewed the messages of Madison and Monroe, Gallatin's letter of 1816, and the letter of Richelieu to Gallatin, in which it was asserted that the million in question was not applied to the purchase of supplies sent to the United States at that period by Beaumarchais. The letter of Richelieu contained a statement from Morris, "that if anything is due M. de Beaumarchais, the reputation of the country will be compromised until it is paid."⁴⁰ Neuville transmitted the proceedings of 1818, which included a statement from the heirs of Beaumarchais, to Congress:

We are ruined, because our father rendered services to the Republic, and our right is forgotten. Be pleased to read very attentively, and your justice will proclaim our right.⁴¹

Congress ordered the message and documents to be laid on the table, where they remained until April 2, 1822, when they were referred to a select committee, consisting of Messrs. Stevenson, Cambreling, Francis Johnson, Dwight,

³⁹ Richardson, op. cit., II, 127.

⁴⁰ Annals of Congress, 17 Cong., 1 sess., II, 1445, 1446.

⁴¹ Ibid., 1446.

and Baldwin.⁴² This committee did not report, and it was referred to another select committee of five members, Stevenson, Chambreling, Francis Johnson, Dwight, and Holcombe.⁴³

Andrew Stevenson, from the select committee, reported that the claim had been so long and so many times debated that minute details were not necessary. The claim was for \$118,185.18, besides interest. In 1805, the government deducted one million livres without cause. This committee reported that the claim should be paid with interest.⁴⁴

In 1823 attention was called to the claim of the heirs of Beaumarchais, and a motion was made to refer it to a select committee. There was an intention of referring it to the Committee of Claims, but the chairman expressed an unwillingness toward taking it. In accordance with the motion, the select committee was appointed, consisting of Messrs. Tucker, Livingston, Buck Tyson, and Rives.⁴⁵ This committee reported in 1824, stating that this claim was the only unsettled item of large amounts pertaining to military supplies furnished during the first years of the war of independence.⁴⁶ Complete details of the claim were

⁴² Ibid., p. 1455.

⁴³ Annals of Congress, 17 Cong., 2 sess., I, 334.

⁴⁴ Ibid., pp. 719-721.

⁴⁵ Annals of Congress, 18 Cong., 1 sess., I, 880.

⁴⁶ Ibid., p. 1530.

given by the committee, and they resolved that

The Claim of the Petitioner Eugenie Amelie Beaumarchais De la Rue be referred to the chief Executive of the United States to be adjusted in impending negotiations between the United States and France on such terms as the President thought just.⁴⁷

On May 10, 1824, the House went into Committee of the Whole; Mr. Tucker, who was the chairman of the select committee gave a detailed report, and he said he would vote for an appropriation to cover the claim. During this session Henry Clay made a short speech in favor of paying the claim, Livingston spoke in favor of the claim, and Randolph of Virginia spoke against it. The report of the committee was to lie on the table.⁴⁸

On May 26, 1824, a very peculiar resolution was put before Congress. Mr. McDuffe stated,

Resolved, that the President of the United States, be requested to avail himself of all the means in his power, to ascertain whether any further evidence can be obtained in relation to the claim of the heirs of Caron de Beaumarchais; and that, if any such evidence shall be obtained that he communicate the same to this House, at an early period in the next session.⁴⁹

The reason given for this resolution was to show the French government that the United States wanted to do justice to the heirs.

⁴⁷ Ibid., p. 1540.

⁴⁸ Annals of Congress, 18 Cong., 1 sess., II, 2588-2598.

⁴⁹ Annals of Congress, 18 Cong., 1 sess., II, 2762.

Mr. Livermore observed

. . . that this would be the first instance of the Chief Executive Magistrate of a Country's being called on to search for evidence in support of the claim of a private foreign citizen against his own government. He hoped the resolution would not prevail.⁵⁰

The resolution was rejected by the House.

In 1826, a statement was made in Congress, that the claim had been liquidated at the treasury department. The balance was paid because the officers believed it had been paid in France out of funds given by France to the United States. The United States minister in France was authorized to adjust claims of French subjects on the United States.⁵¹

In 1828 the bill was reported again, and in 1831 a move was made that the House go into a committee on the bill, but it was rejected.⁵²

Thus the dispute remained until 1835. In that year the French government paid up the five million dollars which by the treaty of 1831 it had agreed to pay for spoliation of our commerce subsequent to the year 1800.⁵³

In conclusion we would say that Congress, despite a

⁵⁰ Ibid., p. 2762.

⁵¹ Annals of Congress, Register of Debates, Gales and Seaton, (Washington, 1831) II, 103.

⁵² Ibid., VII, 759.

⁵³ Hunter Miller, Treaties and Other International Acts of the United States of America, Government Printing Office, (Washington, D. C., 1931) III, 642.

contract for purchase from Beaumarchais of materials furnished by him, refused to pay him or his heirs, on the ground that this receipt by him of money from the French king was proof that Louis XVI's government had really intended all the time that what came from Beaumarchais should be regarded as also furnished free through the generosity of the French monarch. There is no evidence to show that Beaumarchais was not entitled to sell, rather than give, to Congress the supplies he furnished, and that the money received by him from the king of France was nothing more than what was required to set the business in motion and provide for the overhead expense and loss of cargoes and ships by British capture.⁵⁴

Beaumarchais was never fully paid. In 1835 the claim of his heirs based on his contract with Congress amounted to 4,689,241 francs. The heirs were offered the choice of taking 810,000 francs and consider the affair closed, or let it continue as before. The heirs took the 810,000 francs, and the United States was released from a claim that had been pending for a period of fifty-nine years.⁵⁵

⁵⁴ Samuel Flagg Bemis, "Payment of the French Loans to the United States," Current History, (March, 1928) XXIII, 827.

⁵⁵ de Lomenie, op. cit., p. 355.

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