

MESSAGE  
From the president of the U.S., transmitting a memorial of the French minister, on the subject of the claim of Amelie Eugenie de Beaumarchais, her legal representative of the late Baron de Beaumarchais, Feb. 1837, read, and referred to the committee of claims.

[CONCLUDED.]

OBJECTION.

"It is urged in behalf of the claimant, that it is now in proof that the money was advanced for secret services of a political nature. That argument could not by the officers of the treasury, be taken into consideration, because they were bound to require positive proof of the application of the money in order to credit M. Beaumarchais for the expenditure."

ANSWER.

When the treasury debited the account of M. de Beaumarchais with the said million, it had not the declaration of the government of France, that the said million had been employed in a political secret service, and had not been given on account of supplies. Now it is circumstance is known, it may balance the account. It can be no more disputed, that the king, who gave the nine millions, had the power of employing one of them towards the views and to the advantage of the cause which he supported, than his ministers can be required to disclose the object of the service in which it was employed; because it is a secret which they ought to keep, and which M. de Vergennes declared it convenient to communicate even 10 years afterwards.

The secretary of the treasury is so well persuaded of it, that he says in his report, "it must be observed that the declaration of the French government should be taken in its strictly literal sense."

After an opinion thus expressed, & which manifests the respect and attention we owe to the declarations of a government it is easily believed that he would not have hesitated to strike the balance of Mr. de Beaumarchais account, without comprising in it the said million, if he had not found himself bound by the premature opinion of his predecessors, and by the limitation of his powers.

OBJECTION.

"Nor would it be extraordinary that advances made in 1776, in order to enable an individual to furnish warlike supplies to the United States, should have been considered by the French government as an expense for a secret political service."

ANSWER.

Did the government of France keep it as secret from the United States, that it had given permission to M. Beaumarchais to obtain cannon, muskets, &c. from the king? No. Why, therefore, would it have made a secret of this million, if it had been given for the same articles?

Can it be supposed that the king gave a million to pay himself?

It will not be disputed, that at the epoch of the treaty of 1778, which united the two powers, there remained no longer any secret about M. de Beaumarchais having before this time furnished cannon, muskets, &c. taken from the magazines of the king. The arms of France engraved upon these pieces published the secret.

The convention of 1783, openly avowed, that three millions gratuitously given by the king, had been given before the treaty of 1778.

Thus the destination of the million given on the 10th of June, 1776, must be looked upon as very extraordinary, and as a secret, and it cannot with justice be debited to M. Beaumarchais, on account of his supplies.

OBJECTION.

"It is further objected, that M. de Beaumarchais, having fairly accounted to his own government, and to their satisfaction, for the application of that million, must be considered as discharged from any accountability to the United States."

ANSWER.

Is it correct to say, that an accountability is not due to a third party not named in the 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 me, I have approved it, and I have given him a discharge.

The transcript of this 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 Mr. 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."

"At Paris, the 10th June, 1776."

(Signed)

CARON DE BEAUMARCHAIS."

From whom did Mr. de Beaumarchais receive a million, according to this receipt?

From M. de Vergennes, by the hands of Mr. Vergier.

To whom did his own receipt, and the will of him who gave him the million, impose upon him the obligation of accounting?

To Mr. de Vergennes.

Who received this account?

M. de Vergennes.

Who approved of the account, and gave M. de Beaumarchais a discharge?

The king himself, who gave the said million, and who ordered the destination of it.

The candor and the justice of the secretary of the treasury equally oppose, after this exposition of the said receipt the demand of an account of the said million from M. de Beaumarchais; for if even the account had not been rendered to the government of France, no power, no person (unless he was delegated to its rights by a special power) could demand it; for M. de Beaumarchais, by his billet, is made a debtor of the government of France; and if it had been otherwise, he might as well have been the debtor of any other power, or of any other person, as of the United States.

If M. de Beaumarchais were paid by the United States, does the secretary of the treasury think, that, possessed of his original receipt, he could prosecute him before any court of justice, and hope to recover the amount contained in the said receipt?

If his opinion should be in the affirmative, what risk would the United States run in paying the Beaumarchais family—because they would be certain of recovering what they paid.

To start a doubt, and yet draw from this doubt a conclusion in your favor, is contrary to justice; and by removing the doubt, we remove the consequences.

M. de Beaumarchais, by his obligation, is accountable only to the government of France. The above observations prove it to a demonstration.

OBJECTION.

"It is evident that if he was rightfully charged by the United States for that sum, it is to them and not to the French government that he is accountable. The solemn declaration that the million was a gratuitous gift to the United States, seems inconsistent with the supposition that it was not applied as an aid and subsidy, but given without their knowledge to an individual, responsible for its application, not to the government who had received, but to that who gave the subsidy."

ANSWER.

He has rendered this account. The king has approved it, and he has been discharged from it. The million was given for a political secret service. Why would not the secretary of the treasury wish to look upon the destination given by the king, to that one of the nine millions which is missing, as an aid and subsidy, because this destination (which is a secret and will always remain one) can have no other object than to favor the views and to assure advantages to the United States, and may be denominated aid and subsidy.

The present government of France has made all possible research, in order to enlighten its equity and its justice in an affair which interests a family, whose head employed all the fortune which he ought to have left it, to the support of the American cause; and it is after the most intimate conviction, that this sum is due to M. de Beaumarchais, that it has charged its minister plenipotentiary, to declare anew, that the million given on the 10th June, 1776, to M. de Beaumarchais, was employed in a secret service, that an account of it has been rendered to the king, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States.

(Signed) TURREAU.

Washington, January 14, 1807.

Faithfully translated,

JACOB WAGNER,

Chief clerk, dep. state.

MESSAGE.

To the Senate and house of Representatives of the United States.

In execution of an act of the last session of congress, entitled "An act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio, appointed Thomas Moore, of Maryland, Joseph Kerr, of Ohio, and Eli Williams of Maryland, commissioners to lay out the said road and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last session will appear in their report now communicated to congress. On the receipt of it I took measures to obtain consent for making the road, of the states of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the legislatures of Maryland, and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought safest neither to accept nor reject finally, the partial report of the commissioners. Some matters suggested in the report belong exclusively to the legislature.

TH. JEFFERSON.

REPORT.

The commissioners acting by appointment under the law of congress, intitled "An act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio," beg leave to report to the president of the United States, & to premise that the duties imposed by the law became a work of greater magnitude, and a task much more arduous than was conceived before entering upon it, from which circumstance the commissioners did not allow themselves sufficient time for the performance of it, before the severity of the weather obliged them to retire from it; which was the case in the first week of the present month December. That not having fully accomplished their work, they are unable fully to report a discharge of the duties enjoined by law, but as the most material and principle part has been performed, and as a communication of the progress already made may be useful and proper during the present session of congress and of the legislatures of those states through which the route passes; that at a very early period it was conceived that the maps of the country were not sufficiently accurate to afford a minute knowledge of the true courses between the extreme points on the rivers, by which the researches of the commissioners were to be governed. A survey for that purpose became indispensable, and considerations of public economy suggested the propriety of making this survey precede the personal attendance of the commissioners.

Josias Thompson, a surveyor of professional skill, was taken into service, and authorized to employ two chain carriers and

a marker, as well as one vane man and pack-horse-man and horse, on public account; the latter being indispensable and really beneficial in accelerating the work. The surveyor's instructions are contained in the document No. 1, accompanying this report.

Calculating on a reasonable time for the performance of the instructions to the surveyor, the commissioners by correspondence fixed on the first day of September last, for the meeting at Cumberland, to proceed in the work. Neither of them, however, reached that place until the 3d of that month, on which day they all met.

The surveyor having under his instructions laid down a plat of this work, shewing the meanders of the Potomac and Ohio rivers, within the limits prescribed for the commissioners, as also the road between those rivers which is commonly travelled from Cumberland to Charlestown, in part called Braddock's road, and from the same being produced to the commissioners, where by straight lines and their true courses were shewn between the extreme points on each river, and the boundaries which limit the powers of the commissioners being thereby ascertained, serving as a basis whereon to proceed in the examination of the grounds said face of the country; the commissioners thus prepared, commenced the business of exploring, and in this it was considered that a faithful discharge of the discretionary powers vested by law, made it necessary to view the whole, to be able to judge of a preference due to any part of the grounds;—which imposed a task of examining a space comprehending upwards of 2000 square miles, a task rendered still more incumbent by the solicitude and importunities of the inhabitants of every part of the district, who severally conceived their grounds entitled to a preference.

It becoming necessary in the interim to run various lines of experiment for ascertaining the geographical positions of several points entitled to attention, and the service suffering great delay for want of another surveyor, it was thought consistent with the public interest to employ in that capacity Arthur Rider, the vaneman who had been chosen with qualifications to meet such an emergency, and whose services as vaneman could then be dispensed with. He commenced as surveyor on the 22d day of September, and continued so, at field work, until the 1st day of December, when he was retained as a necessary assistant to the principle surveyor, in copying field notes and hastening the draft of the work to be reported. The proceedings of the commissioners are specially detailed in their general journal, compiled from the daily journal of each commissioner, to which they beg leave to refer under mark No. 2.

After a careful and critical examination of all the grounds within the limits prescribed, as well as the grounds and ways out from the Ohio westwardly, at several points, and examining the shoal parts of the Ohio river, as detailed in the table of soundings, stated in their journal; and after gaining all the information, geographical, general and special, possible and necessary towards a judicious discharge of the duties assigned them, the commissioners repaired to Cumberland, to examine & compare their notes and journals, and determine upon the direction and location of the route.

In this consultation the governing objects were,

- 1st. Shortness of distance between navigable points on the eastern and western waters.
- 2d. A point on the Monongahela, best calculated to equalize advantages of this portage in the country within reach of it.
- 3d. A point on the Ohio river most capable of combining certainty of navigation with road accommodation, embracing in this estimate remote points westwardly, as well as present and probable population on the north and south.
- 4th. Best mode of diffusing benefits with least distance of road.

In contemplating these objects due attention was paid as well to the comparative merits of towns, establishments and settlements already made, as to the capacity of the country, with the present and probable population.

In the course of arrangement, and in its order, the first point located for the route was determined and fixed at Cumberland, a decision founded on propriety and in some measure on necessity, for the circumstance of a high and difficult mountain, called Nobley laying and confining the east margin of the Potomac, so as to render it impossible of access, on that side without immense expense, at any point between Cumberland and where the road from Winchester to Gwynn's crosses; and even there the Nobley mountain is crossed with much difficulty and hazard, and this upper point was taxed with another formidable objection; it was found that a high range of mountains called Dans, stretching across from Gwynn's to Potomac above this point, precluded the opportunity of extending a route from this point in a proper direction, and left no alternative but passing by Gwynn's. The distance from Cumberland to Gwynn's being upwards of a mile less than from the upper point, which lies ten miles by water above Cumberland, the commissioners were not permitted to hesitate in preferring a point which shortens the portage as well as the Potomac navigation.

The point on the Potomac being viewed as a great repository of produce which a good road will bring from the west of Laurel Hill, and the advantages which Cumberland as a town has in that respect over an unimproved place, are additional considerations operating forcibly in favor of the place preferred.

In extending the route from Cumberland, a triple range of mountains stretching across from Jennings' run in measure with Gwynn's, left only the alternative of laying the road up Will's creek for three miles,

nearly at right angles with the true course, and then by way of Jennings' run, or extending it over a break in the smallest mountain, on a better course by Gwynn's to the top of Savage mountain. The latter was adopted, being the shortest, and will be less expensive in hill-side digging, over a sloped route than the former, requiring one bridge over Will's creek, and several over Jennings' run, both very wide and considerable streams in high water. And a more weighty reason for preferring the route by Gwynn's is the great accommodation it will afford travellers from Winchester by the upper point, who could not reach the route by Jennings' short of the top of Savage, which would withhold from them the benefit of an easy way up the mountain. It is, however, supposed that those who travel from Winchester by way of the upper point, to Gwynn's, are in that respect, more the dupes of common prejudice, than judges of their own ease, as it is believed the way will be as short and on much better ground to cross Potomac below the confluence of the north and south branches (thereby crossing these two as well as Patterson's creek in one stream, equally fordable in the same season) than to pass through Cumberland to Gwynn's. Of these grounds, however, the commissioners do not speak from actual view, but consider it a subject well worthy of future investigation.

Having gained the top of Allegany mountain, or rather the top of that part called Savage by way of Gwynn's, the general route as it respects the most important points, was determined as follows, viz.

From a stone at the corner of lot No. 1, in Cumberland, near the confluence of Will's creek and the north branch of Potomac river, thence extending along the street westwardly to cross the hill lying between Cumberland and Gwynn's, at the gap where Braddock's road passes it; thence near Gwynn's and Jesse Tomlinson's to cross the big Youghiogana near the mouth of Roger's run between the crossing of Braddock's road and the confluence of the streams which form the Turkey foot, thence to cross Laurel hill near the forks of Danbar's run to the west foot of that hill at a point near where Braddock's old road reached it near Gues's old place, now col. Isaac Meason's; thence through Brownsville and Bridgeport, to cross the Monongahela river below Josias Crawford's ferry, and thence on as straight a course as the country will admit to the Ohio, at a point between the mouth of Wheelen creek and the lower point of Wheelen Island.

In this direction of the route it will lie about 24 1-2 miles in Maryland, 75 1-2 miles in Pennsylvania, and 12 miles in Virginia, distances which will be in a small degree increased by meanders which the bed of the road must necessarily make between the points mentioned in the location; and this route it is believed, comprehends more important advantages than could be afforded in any other, inasmuch as it has a capacity at least equal to any other in extending advantages of a highway, and at the same time establishes the shortest portage between the points already navigated, and on the way accommodates other and nearer points to which navigation may be extended and still shorten the portage.

It intersects big Youghiogana at the nearest point from Cumberland, then lies nearly parallel with that river, for the distance of twenty miles, and at the west foot of Laurel hill, lays within five miles of Connelville, from which the Youghiogana is navigated; and in the same direction the route intersects at Brownsville, the nearest point on the Monongahela river, within the district. The improvement of the Youghiogana navigation, is a subject of too much importance to remain long neglected; and the capacity of that river as high up as the falls (twelve miles above Connesville) is said to be equal, with a small expense, with the parts already navigated below. The obstructions at the falls, and a rocky rapid near Turkey-foot, constitute the principal impediments in that river, to the intersections of the route, & as much higher as the stream has a capacity for navigation, and these difficulties will doubtless be removed, when the intercourse shall warrant the measure. Under these circumstances the portage may be thus stated:

Miles.	
66 1-2	From Cumberland to Monongahela
51 1-2	From Cumberland to a point in measure with Connelville on the Youghiogana river
43	From Cumberland to a point in measure with the lower end of the falls of Youghiogana, which will lie two miles north of the public road
34	From Cumberland to the intersection of the route with the Youghiogana river

[To be continued.]

Anne-Arundel County Court.

September term, 1806.  
RULED by the court, that all suits transmitted from the general court to this court, under the act of assembly, entitled an act to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice, and continued last court, under the rule to employ new counsel, shall not continue longer than to the end of the next court, under the said rule, and the suitors interested therein, are hereby required to appear to the same in person or by counsel, on or before the second day of next term, or the same will be tried or discontinued, as the case may be, during the said term.  
Ordered by the court, that the said rule be published in the Maryland Gazette, of Annapolis, and the Federal Gazette of the city of Baltimore, once a fortnight for six months.  
By order,  
NICHOLAS HARWOOD, Clerk.  
October 24. 22W12

BY THIS DAY'S MAILS.

NEW-YORK, Feb. 14.  
LATE FROM ENGLAND.

To the politeness of captain Leslie, and the passengers in the ship Kingston, the editors of the New-York Gazette are indebted for London papers and Lloyd's list to the 30th December, inclusive. They furnish much interesting matter, which will be found in this day's Gazette. The news from the seat of war on the continent is no later than by the *Bucline*. It will afford our readers much pleasure to hear, that our affairs with Great-Britain are in a very favorable state. Mr. Bruce, a passenger, brings dispatches for government from our ministers at London.

HOUSE OF LORDS, Friday, Dec. 19.

The House met at 8 o'clock, & after hearing prayers, was occupied until 4 o'clock in swearing in peers; among whom we noticed their royal highnesses the prince of Wales, dukes of York, Clarence, Cumberland and Cambridge, his highness the duke of Gloucester, duke of Portland, earl of Lauderdale, &c. &c.

At 4 o'clock, a message was sent to the commons by Mr. Quarme, deputy usher of the black rod, requiring their attendance at the bar to hear his majesty's speech read.

The speaker soon after appeared, attended by lord Howick, Mr. Sherburn, Mr. Alderman Sharr, & several other members, when the following most gracious speech, which the lords commissioners (the archbishop of Canterbury, the lord Chancellor, earls Winchester and Spencer) were authorized to deliver in his majesty's name, was read by the lord chancellor.

"My lords and gentlemen,  
His majesty has commanded us to assure you, that in the difficult and arduous circumstances under which you are now assembled, it is a great satisfaction to him, to recur to the firmness and wisdom of his parliament, after so recent an opportunity of collecting the sense of his people.

"His majesty has ordered the papers which have been exchanged in the course of the late negotiation with France to be laid before you.

"His majesty has employed every effort for the restoration of general tranquillity on terms consistent with the interests and honor of his people, and with that inviolable good faith towards his allies, by which the conduct of this country has always been distinguished.

"The ambition and injustice of the enemy disappointed these endeavors, and in the same moment kindled a fresh war in Europe the progress of which has been attended with the most calamitous events.

"After witnessing the subversion of the ancient constitution of Germany, and the subjugation of a large proportion of its most considerable states, Prussia found herself still more nearly threatened by that danger which she had vainly hoped to avert by so many sacrifices. She was, therefore, at length, compelled to adopt the resolution of openly resisting this unprovoked system of aggrandizement and conquest. But neither this determination, nor the succeeding measures, were previously concerted with his majesty; nor had any disposition been shewn to offer any adequate satisfaction for those aggressions which had placed the two countries in a state of mutual hostility.

"Yet in this situation his majesty did not hesitate to adopt without delay, such measures as were best calculated to unite their councils and interests against the common enemy.

"The rapid course of the calamities which ensued, opposed insurmountable difficulties to the execution of this purpose.

"In the midst of these disastrous events, and under the most trying circumstances, the good faith of his majesty's allies has remained unshaken. The conduct of the king of Sweden has been distinguished by the most honorable firmness. Between his majesty and the emperor of Russia the happiest union subsists; it has been cemented by reciprocal proofs of good faith and confidence; and his majesty doubts not that you will participate in his anxiety to cultivate and confirm an alliance which affords the best remaining hope of safety for the continent of Europe.

"GENTLEMEN OF THE HOUSE OF COMMONS,

"His majesty looks with confidence to your assistance in those exertions which the honor and independence of your country demand. The necessity of adding to the public burthens will be painful to your feelings, and is deeply distressing to his majesty. In considering the estimates for the various branches of the public service, you will best consult his majesty's wishes by combining all practicable economy with those efforts which it is necessary to make against the formidable and increasing power of the enemy.

"My LORDS AND GENTLEMEN,  
The long series of misfortune which has afflicted the continent of Europe, could not fail to affect, in some degree, many important interests of this country.

"But under every successive difficulty, his majesty has had the satisfaction of witnessing an increasing energy and firmness on the part of his people, whose uniform and determined resistance has been no less advantageous than honorable to themselves, and has exhibited the most striking example to the surrounding nations. The unconquerable valor and discipline of his majesty's fleets and armies continue to be displayed with undiminished lustre; the great sources of our prosperity and strength are unimpaired; nor has the British nation been at any time more united in sentiment and action, or more determined to maintain inviolate the independence of the empire and the dignity of the national character.

"With these advantages, and with an humble reliance on the protection of the Divine Providence, his majesty is prepared to meet the exigencies of this great crisis, assured of receiving the fullest support from the wisdom of your deliberations, and from the tried affection, loyalty and public spirit of his brave people."