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After these commotions had subsided, the first step of the triumphant party was to complete the constitution. The Convention, on the twenty-third of June, issued a declaration of the Rights of Man, as a preface to their new form of government, which is contained in thirty-five articles. It states, that the end of society is the general hap-

were formed in the most illegal manner. These committees created a central committee, composed of one member from the committee of each section. This central committee, after some private deliberation, suspended the constituted authorities, and assumed the title of the revolutionary council of the department of Paris, and also invested itself with a dictatorial power. An extraordinary committee had been formed in the bosom of the Convention, to denounce the illegal and arbitrary acts of the constituted authorities, and to cause all persons to be arrested who should be denounced as chiefs of conspiracies. On the twenty-seventh of May these revolutionary committees, with an armed force, demanded the suppression of the committee formed by the Convention. This request was decreed, but on the next day it was deferred till the committee should have made their report. The revolutionary council of Paris refused to attend the report. On the thirtieth of May they intimated to the Convention their order to suppress the extraordinary committee. Amidst armed petitioners, surrounded by cannon, under continual insults from the galleries, some members decreed the suppression of it. On the famous thirty-first of May the generale was again beaten, the tocsin sounded, and the alarm-guns fired. At these signals the citizens flew to arms, and were ordered to assemble round the Convention. Some deputations demanded a decree of accusation against thirty-five members of that body. The assembly referred this to the committee of public safety, enjoining them to deliver in their report within three days. On the first of June, at three in the afternoon, the revolutionary council of Paris marched at the head of an armed force to invest the national hall. At night they appeared at the bar, and demanded a decree of accusation against the denounced members. The Convention passed to the order of the day, and ordered the petitioners to exhibit to the committee of public safety the proofs of the crimes imputed to the accused members. On the second of June the revolutionary council demanded, for the last time, the decree of accusation against the obnoxious members, when the assembly again passed to the order of the day. The petitioners now gave a signal to the spectators to leave the hall, and rush to arms. About noon the generale was beaten, and the tocsin sounded; more than an hundred cannon surrounded the national hall, and furnaces were formed to heat balls; cannon were pointed towards all the avenues, the gates were shut, and the sentinels ordered to stop all the members of the Convention. Many of the deputies were insulted by the partizans of Marat. The battalions, which several days before should have marched against the royalists, suddenly arrived, and seized on the inner posts of the hall. Assignats and wine were distributed amongst them. In short, the representatives were imprisoned in their own hall. To avert the rage of the people, it was ordered that the committee of public safety should make their report. Barrere mounted the tribune, and proposed, that the denounced members, against whom no proof of the imputed crimes had been produced, should be invited to suspend themselves from their functions. Some of them submitted to this measure. At length an end was put to the sitting; the president walked out of the hall at the head of the Convention, and ordered the sentries to withdraw.

"The Convention reached the middle of the court without meeting any resistance; but being arrived there, the commander of the armed force ordered them to return. The president told him, the Convention was not to be dictated to; that it held its authority independent of any other power than the French people, and that they alone had a right to command it. The commander, Henriot, drew his sword, ranged his cavalry in order of battle, and ordered the cannoniers to point their cannon. His soldiers were ready to fire—The president turned back, the members followed him, and attempted every outlet in order to escape, but every passage was closed or defended by cannon. At length the assembly, unable to retire, resumed their sitting; and some deputies decreed, that the obnoxious members should be put under arrest at their own houses. On the proposal of Marat, Couthon demanded that Valaze and Louvet should be added to that number: some members gave their consent, for the greater part of them did not take any share in those humiliating deliberations. After the decree was signed, a deputation made its appearance, to testify its approbation of the decree, and offered an equal number of citizens as hostages for the arrested members."

piners—the rights of man are equal liberty, safety, and the protection of property—a free people know no other motive of preference in their election to offices than virtue and talents—the law is the protection of liberty, and justice its rule—all persons have a right to assemble peaceably for public worship, without any prohibition from particular sects—the law does not acknowledge servitude or slavery; the contract between master and servant is only an engagement of attention and gratitude between the man who labours and the man who employs him—every one has a right to dispose of his property, revenues, labour, and industry, according to his pleasure—society is obliged to provide for the subsistence of the unfortunate, either by procuring them work, or maintaining those who are unable to labour.—The concluding article states, that when the government violates the rights of the people, insurrection becomes the people's duty.

A few days after the publication of this declaration, the assembly announced the completion of the new constitution of France, which had been discussed article by article, and passed as the constitutional act, within the space of a fortnight. It is thus introduced: “The French republic honours loyalty, courage, age, filial piety, and misfortune. It puts the deposit of its constitution under the guard of all the virtues.” It consists of one hundred and twenty-four articles, arranged under general heads, of which the following are the most important:

The rights of a citizen are acquired, as to natives, by birth; foreigners acquire them by marrying a French woman, by being domiciliated in France for one year, by maintaining an aged person, or adopting a child:—The sovereignty of the people is next proclaimed:—The primary assemblies are composed of two hundred citizens at least, and six hundred at the most, of those who had been inhabitants for six months in each canton. The elections are made by ballot or open vote, at the option of each voter. The suffrages upon laws are given by Yes or No.—Of the national representation the population is the sole basis. There is one deputy for every forty thousand individuals. Each re-union of primary assemblies resulting from a population of from thirty-nine thousand to forty-one thousand souls, nominates directly one deputy. The French nation assembles every year on the first of May, for the election. The primary assemblies are formed upon extraordinary occasions, on the demand of a fifth from the citizens who have a right to vote in them; but the extraordinary assemblies only deliberate when more than half the citizens are present.—Electoral assemblies are formed by the citizens united in primary assemblies, who name one elector for every two hundred citizens, and so in proportion.—The legislative body holds its session for a year, and its first meeting is on the first of July. Its members cannot be tried for the opinions they have delivered in the National Assembly.—The functions of the legislative body are to propose laws, and pass decrees, superintend public instruction, the national domain, and make the declarations of war; to provide for the defence of the territory, and ratify treaties.—The formation of the law is as follows: The plan of a law is preceded by a report; and the discussion of it cannot take place till fifteen

fifteen days after the report is made. The plan is printed, and sent to all the communes of the republic, under this title, "Law proposed." Forty days after, the law proposed is sent to the departments; if in more than half of the departments the tenth of the primary assemblies of each have not made any objection to it, the plan is accepted, and it immediately becomes a law.—The executive council is composed of twenty-four members, for which the electoral assembly of each department nominates one candidate. The legislative body chooses the members of the council from the general list. One half of it is renewed by each legislature, in the last month of the session. It nominates, not of its own body, the agents in chief of the general administration of the republic. The legislative body determines the number and the functions of these agents.—Civil justice is administered by justices of the peace, elected by the citizens, in circuits determined by the law. They conciliate and judge without expence—their number and their competence are determinable by the legislature. The justices of the peace are elected every year.—In criminal cases no individual can be tried, but on an examination received by a jury, or decreed by the legislative body. The fact and the intention are declared by a jury of judgment. The punishment is applied by a criminal tribunal. The criminal judges are elected yearly by the electoral assemblies.—The general force of the republic is composed of the whole people. All the French are soldiers; they are all exercised in the use of arms. No armed body can deliberate. The public force, employed against enemies from without, acts under the orders of the executive council.—National Conventions may be appointed on extraordinary occasions. If, in a majority of the departments, the tenth of the primary assemblies of each, regularly formed, demands the revision of the constitutional act, the legislative body is bound to convoke all the primary assemblies of the republic, to know if there be ground for a National Convention.—The National Convention is formed in the same manner as the legislatures, and unites in itself their power.

Some objections of importance seem to strike us on an impartial review of this plan of government. The point to be first considered is, how far it is likely to answer the end of a *republican* system? In this view, we do not see upon what grounds the excellent mode of electing the legislature, through the medium of electoral assemblies, was laid aside. Surely no plan could be better devised, for the prevention of intrigue, venality, confusion, and tumult, than this arrangement. Again, as the legislative body is to be formed on the basis of population, it ought to be specified how and when that proportion should be ascertained; but we apprehend, that a still simpler mode would have been, to proceed in the elections according to districts, taking for a guide, as to the number of representatives, the present population; and allowing future legislatures to alter the number upon certain principles, in proportion as the population might be found to vary. The elections are too frequent; and, however visionary politicians may flatter themselves, nothing is more likely to establish an aristocratical interest in republican governments than frequent elections. The choice of representatives, then, from the frequent occur-

rence of the circumstance, becomes a mere matter of course; election dwindles to a kind of *congé d'élire*, and the appointment in time becomes hereditary. The referring every law for confirmation to the primary assemblies, is a preposterous measure. The tacit consent of the people is given to every law against which they do not expressly protest: for we think the people at large have a right in every government to protest against a law which they find grievous and oppressive; but to refer it directly to them for discussion is surely an absurdity. The appointment of the executive power is the great difficulty in all democratical systems. The mode adopted by the French appears too complex—It has, however, one excellence, viz. that ministers cannot now, as by the first constitution, be removed on the harangue of some demagogue in the assembly; and they will therefore be able to act with more energy in their general departments. On the whole, notwithstanding these defects, we think this constitution greatly preferable to that mass of metaphysical absurdities, which was presented to the Convention by Condorcet, under the name of a constitution.

Notwithstanding the promptitude of the Convention in satisfying the wishes of the people with respect to a constitution, still the revolution of the thirty-first of May appeared only to add to the distractions which at this fatal period afflicted the French republic; and seemed to prostrate the genius of the country at the feet of its enemies.

Immediately on the decree of accusation being passed, the contest between the two parties became general throughout the departments. Brissot, and some other of the deputies who had been decreed under arrest, escaped to the country, where they endeavoured to kindle the flame of civil war—They were not, however, in general successful. Commissioners from the opposite party were dispatched to the departments; most of the fugitive deputies were captured; and such was the activity of the Mountain, that congratulatory addresses were procured even from the most distant parts of the country. The southern departments only remained attached to the fallen party. The city of Lyons in particular had, from the commencement of the revolution, manifested a zeal for monarchy and aristocracy; and on the execution of the king an insurrection had nearly taken place. The revolution of the thirty-first of May was, therefore, no sooner announced in that city, than appearances were renewed of confirmed discontent. The opposition to the Convention was fomented by Biroteau, one of the deputies who had escaped; and in the beginning of July a congress of the department was convoked at Lyons, in which it was resolved to march a considerable force for the reduction of Paris; the Mountain party was declared to be outlawed, and the provisions destined for the armies were intercepted. The cities of Marseilles and Toulon followed the example of Lyons, and entered into that famous confederacy for dissolving the Convention, which has since been distinguished by the name of *Fæderalism*. The whole department of La Gironde also, whose deputies, Vergniaud, Gensonne, Grangeneuve, Fonfrede, and Guadet, might be considered as leaders of the extruded party, entered warmly into the dispute; and that of

Calvados

Calvados broke out into open revolt. On the twelfth of July the Marseillois issued a manifesto to the French nation, in which they declare that the present situation of Paris is equivalent to a declaration of war against the whole republic; they denounce Philip Egalité as the cause of all the evils that had afflicted and divided France, and exhort the people to join their standard, and assist in reducing the faction, which, they asserted, had usurped the powers of the republic. The Lyonese were more cautious than the Marseillois; and while they were levying troops, and preparing for a vigorous defence, they were still vehement in their professions of submission to the Convention, and in favour of the indivisibility of the French republic.

On the eighth of July the committee of public safety produced its report concerning the imprisoned members of the Convention. It charged Brissot, Petion, and some others, with having been the constant favourers of royalty. It alledged that some of them had prepared the throne for the son of Louis Capet, and others for the duke of York⁸². Petion, it was said, signed the order, on the tenth of August, to fire on the people from the Thuilleries. Manuel was accused of proposing the honours of royalty, to be conceded to the president of the Convention; and Roland, in general terms, with persecuting the republicans. The Mountain party, in this instrument, contrived to recriminate, and cast at least a considerable part of the odium of the massacres of the second of September upon their adversaries. Manuel and Petion, it was said, both of them in magisterial capacities, had been often urged to put a stop to these massacres, but refused, and manifested apprehensions lest they should expose their popularity; while Brissot was accused of having asked, in his gloomy curiosity, if the blood of his enemy, Morande, had not been shed.

It was further urged, that the Prussian general, Kalkreuth, at the period of the evacuation of Champagne, made proposals of peace to general Kellermann; that the latter transmitted these proposals to the diplomatic committee, and the council; but the imprisoned members were then at the head of affairs, the letters of Kellermann were buried in oblivion, and thus an opportunity was lost of relieving the republic from one of its most powerful enemies. Their connection with Dumourier was not forgotten, and Buzot's proposal for the banishment of the Bourbons was asserted to be a contrivance for placing them, and particularly the Orleans branch, out of the reach of danger. Valady was accused of being the author of a bill which was posted up, exhorting the citizens to expel the clubs of the sections. The whole faction was charged with exciting rebellion and federalism at Bourdeaux, Marseilles, Lyons, the North, and Corsica; and with establishing a new species of tyranny under the commission of twelve, who had even pro-

⁸² Previous to the revolution of the tenth of August, 1792, Carra had proposed in the Jacobin club to offer the crown of France to the duke of York.

ceeded to imprison Hebert, a man invested by the people with high magisterial authority. On these charges the Convention declared Buzot, Barbaroux, Gorsas, Lanjuinais, and all who fled from the decree of arrest, traitors to their country; and also that there was ground of accusation not only against the deputies above mentioned, but against Gen-sonne, Guadet, Vergniaud, and Biroteau, as accomplices in these conspiracies.

The spirit of party had now arrived at the most pernicious and deplorable excess, when the conduct of the people is no longer the result of reason and deliberation, but of a wild enthusiasm bordering upon phrenzy. The susceptible minds of women have ever been most obnoxious to these impressions, and they have ever been most violent in their attachment to party, in opposition to cool reason, and even in contempt of personal safety. A strong example of this was exhibited about the period of which we are treating. An enthusiastic female, of the name of Charlotte Cordé, in the beginning of July, proceeded from Caen in Normandy, in the department of Calvados, to devote her life to what she considered as the cause of liberty and of her country. It appeared, that she had been in habits of confidence with the fugitive deputies, and that she had brought letters of recommendation from Barbaroux to Duperret, Fauchet, and others of the Girondists. Inflamed, probably, by their declamations, she concerted the daring project of delivering her country from those whom in her opinion were its enemies and its tyrants. Among the Mountain party none had been more forward, or rendered themselves more obnoxious, than Marat. On the twelfth of July, therefore, she wrote to entreat an interview with that deputy, pretending that she had something to communicate of high importance to the state. As she did not however receive an immediate answer, she addressed a second billet—"Have you received my letter? If you have received it, I rest "on your politeness. It is enough that I am unfortunate to claim your attention."—On the evening of the thirteenth she waited upon him again; and being admitted she entered into conversation with him concerning the conspiracy which existed at Caen, and the conspirators (Barbaroux, &c.) who had fled thither. Marat answered, that the traitors would soon be discovered, and would one day lose their heads on a scaffold. He had scarcely uttered these words, when, fired with the expression, or observing a favourable opportunity, she plunged a dagger in his breast. She walked calmly out of the house; and when arrested, and informed that she would be brought to justice, she looked at the officers with a smile of contemptuous mockery. She had called in the morning at Legendre's house, but he refused to see her. She said she could not be guilty of two murders, and it was necessary to begin with Marat. This heroic, though mistaken, female, was brought almost immediately before the revolutionary tribunal, and suffered on the scaffold with Roman firmness.—Duperret and Fauchet were put under arrest.

The remains of Marat were, in the mean time, interred with much pomp, and the whole Convention attended his funeral. Of his character, at this period, it is difficult to form a just estimate. By his own party, he is extolled as the martyr of liberty and patriotism,

patriotism, as the steady and disinterested friend of the people; while, by his adversaries, almost every injurious epithet has been heaped upon his memory. By the latter he is represented as selfish, corrupt, ambitious, cruel, and ferocious in the extreme. That neither of these statements is correct may be readily conceived. Whatever might be the ambition of Marat, there is ample reason to conclude, that avarice was not his predominant vice, since he is universally believed to have died poor; consequently the charge of corruption appears to be unfounded. If this is the fact, Marat will appear in the character of an enthusiast; and it will probably be no unfair conclusion to add, that his enthusiasm approached to insanity. With respect to talents, Marat seems to have been rather a man of activity than of genius: rather quick than profound; and possessing much penetration, with but little judgment.

In the whole of the disastrous conflicts which have divided France since the Revolution, too little regard has been paid to human life; and the softer virtues have been totally uncultivated. We have often remarked, that to reject religion, is too commonly to throw off humanity. The gentle and amiable affections are admirably cherished and improved in the heart by pure christianity; and there is reason to think, that had the leading patriots been Christians, their cause would have been less sullied with human blood. Marat was among the most savage and inexorable of them; and it seems impossible to respect the memory of a man who appears in so many instances to have been callous to the dictates of humanity.

The assassination of Marat, and the rebellion in the department of Calvados, and in the South, gave occasion to fresh accusations against the Girondists. On the fifteenth of July, therefore, Billaud Varennes stated a number of new facts relative to the imprisoned deputies. Among these, Pétion was charged with having been the principal engine of the Orleans' faction; and Brissot with having been privy to the traitorous projects of Dumourier. Lanjuinais was accused of having corresponded with the emigrants; and all of them were successively charged with having favoured the revolt in the department of Finisterre, at Ilerc, Lyons, Eure, and Calvados.

No part of the territories of the republic had suffered equally with the West India islands, from the spirit of insurrection, since the commencement of the Revolution; but the accounts have in general been so obscure and confused, from the misrepresentations of contending factions, that it has been a task of no small difficulty to present any thing like a regular detail. As far as we have been able to collect, the island of Martinico, at the commencement of the year 1793, still continued in an unquiet and divided state. The majority of the white inhabitants were determined royalists, while the negroes and people of colour were furious republicans. To the island of Saint Domingo two commissioners were dispatched, while the Gironde party was in power, for the purpose of restoring peace and tranquillity. But these commissioners, Polverel and Santhonax, have

have rather appeared in the character of apostles of discord than of peace: they seem to have united with the people of colour; and a series of assassinations, pillage, and arbitrary imprisonment, have compelled the majority of the white colonists to take shelter in America, or in the English West India islands. Polverel and Santhonax were impeached by a decree of the Convention on the sixteenth of July.

The island of Tobago was taken by a British Squadron, under the command of Sir John Laforey, about the beginning of April; and, encouraged by the disputes which existed between the royalists and republicans in Martinico, admiral Gardner attempted a descent upon that island also, and disembarked about three thousand men. The attempt, however, proved fatal only to the royalists, as he found, on his arrival, the republican party too strong, and was obliged to reembark his troops, even before he could convey away from certain destruction the whole of the devoted party who had probably invited them to undertake the expedition.

In Europe the allied powers were chiefly employed, during the remainder of the campaign, in the blockade of Condé, Valenciennes, and Mentz. The town of Condé was invested, as we have already seen, early in the month of April, by a large body of the allied forces, and the works were completed by the twenty-seventh. The town was, however, not provided with a sufficient quantity of provisions to sustain a long siege; the governor (general Chancel) therefore, about this period, ordered the women and children to quit the place; but the prince of Wirtemberg compelled them again to take refuge in the fortress. In a few days after this unsuccessful attempt, the governor sent them out a second time; but it is confidently asserted that the Austrians, after killing many of these defenceless creatures, even in the act of supplicating for mercy, forced the governor, from motives of humanity, once more to receive them. From this period the garrison appears to have existed in a state of extreme distress (having been compelled to subsist chiefly upon horse-flesh), till the latter end of June, when they attempted to establish a redoubt upon the road from Condé to Lacoque, in order to dislodge the Austrians from the latter place. After an obstinate resistance, they were however forced back into the town, and the work was demolished. From this time to the first of July nothing of importance occurred. On that day a negotiation was opened for a capitulation; but the governor conceived it necessary to dispatch a messenger to the Convention, and another to general Custine, who at this time had assumed the command of the northern army; but the terms not proving acceptable, the negotiation was broken off. On the tenth of July the garrison, after enduring all the rigours of famine, were obliged to surrender prisoners of war. They had originally amounted to four thousand men, but at the time of the capture were reduced to about fifteen hundred fit for service.

The victory of Famars enabled the allied powers closely to invest the town of Valenciennes. On a summons being sent to general Ferrand, the governor, he returned a
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polite but spirited answer; and from the first commencement of the works, the besiegers experienced a heavy fire from the garrison. On the first of June general Custine arrived to take the command of the armies of the North and the Ardennes, then encamped at Bouchain; but he found himself unable to render any effectual relief to Valenciennes. Above fourteen thousand men of the besieging army were employed, for the greater part of the siege, in erecting works, and repairing the batteries. During the beginning of June a very brisk fire was kept up from the fortrefs; and on the fifth the French attacked the advanced posts, but were repulsed. In the course of the siege a difference of opinion existed between the English engineer, colonel Moncrief, and M. Ferraris, the chief engineer of the emperor. The British officer proposed batteries to be planted immediately under the walls of the city, instead of approaching it by regular parallels. M. Ferraris, contended, that the work of the great Vauban was not to be treated with so little respect, and his opinion was adopted by the council of war. On the morning of the fourteenth of June the trenches were opened. The British commander then summoned the garrison; but receiving an unsatisfactory answer, the artillery began to play upon the town with great vigour, and in the course of the night above five hundred red-hot balls were poured in upon it. Towards the beginning of July the besiegers were enabled to bring two hundred pieces of heavy artillery to play without intermission on the town, the greater part of which was reduced to ashes. The smallness of the garrison, compared with the extent of the fortifications to be defended, prevented general Ferrand, the commander, from attempting frequent sorties. In one which the garrison made on the fifth of July, however, they were very successful, killed several of the enemy, and spiked some cannon.

The most singular fact in the history of this siege is, that a considerable part of the war was carried on under ground; mines and counter-mines innumerable having been formed both by the besiegers and the besieged. The principal of these on the side of the former were one under the glacis, and one under the hornwork of the fortrefs; these mines were completed and charged on the twenty-fifth of July, and in the night, between nine and ten o'clock, were sprung, with the most complete success. The English and Austrians immediately embraced the opportunity to throw themselves into the covered way, of which they made themselves masters. The die was now cast, and, on the twenty-sixth, the duke of York again summoned the place, which surrendered on capitulation the succeeding day: the duke of York taking possession of it in the name of the emperor of Germany. During the whole of the siege general Custine was not able to make any attempt of moment for the relief of the place; and a few skirmishes only took place between the outposts.

An action of a more serious nature occurred in the duchy of Luxemburgh, on the ninth of June. The French, under general Laage, attacked the Austrians under general Schroeder, near Arlons, and obliged the latter to retreat with great loss to Luxemburgh.

The eminence on which the Austrians were encamped was defended by thirty pieces of cannon, arranged on batteries in the form of steps, and defended by eight thousand men. These the French successively carried with incredible intrepidity.

The king of Prussia had been from the beginning of April engaged in preparations for the siege of Mentz; and indeed from that time the place might be considered in a state of blockade, and the numerous garrison subsisted chiefly upon horse-flesh. That monarch was however too much engaged with his new acquisitions in Poland to form any serious attack till the beginning of May. On the fourth of that month his majesty arrived just at the commencement of an attack on the village of Costheim, from which, however, they were not able to dislodge the French. From this period to the beginning of June frequent and bloody skirmishes took place between the garrison and the besieging army, without any thing decisive. On the fourth of June the French made a desperate sortie upon the village of Marienborn, which they carried, and spiked some pieces of cannon; and on the ninth they attempted a general sortie on all sides, but were every where repulsed.

The combined army opened the trenches before Mentz on the nineteenth and twentieth of June. On the morning of the twenty-fourth the garrison made a sortie, and spiked four pieces of cannon. On the same day a large number of women and children were dismissed from the garrison; but they were fired upon, and great part of them destroyed by the Prussians: some of the women in despair threw themselves with their children into the Main. On the twenty-fifth another sortie was attempted by the garrison, but they were repulsed. On the seventh of July the strong works of the French at Costheim were carried by the allies, which cost them eight hundred men, and seven pieces of cannon. This success was followed on the fifteenth by the blowing up of the laboratory in Mentz, and the destruction of a magazine of hay and straw, by the fire of the besiegers. Cassel, which covered Mentz on the opposite side of the Rhine, was set on fire on the seventeenth, and several ammunition-waggons were blown up. On the eighteenth the French army of the Rhine made a grand attempt for the relief of Mentz. They endeavoured to force their way through, not far from Landau, and made their attack in three places at once. They were however repulsed in every part by general Wurmser. This last effort, therefore, proving unsuccessful, the garrison capitulated on the twenty-second, the principal condition imposed on them was, that they should not serve for the space of one year against the allies. On the eighth of August the French were driven from the strong position which they had taken behind the Scheldt, and which was known by the name of Cæsar's camp: as the French did not make much resistance on this occasion, the loss on both sides was inconsiderable.

With these achievements the successes of the allies may be said to have terminated. The protracted sieges of these fortresses had given the French time to recover from the
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consternation into which they had been thrown by the defection of Dumourier. After the reduction of Valenciennes, a grand council of war was held, in which a project of the British ministry for the separation of the army, and for an attack on French Flanders, was submitted to the allies. This proposal, it is said, was greatly disapproved by the experienced Austrian commanders; and two other plans were submitted to the council by those officers. The first of these was to penetrate to Paris by the assistance of the rivers which fall into the Seine, on which the heavy stores and artillery might be transported. The other, which was that of the prince of Cobourg and general Clairfait, was to take immediate advantage of the alarm which the surrender of Valenciennes had occasioned, and the disorder of the French armies from the denunciation of their generals, and with forty or fifty thousand light troops penetrate to Paris, while a debarkation might be made on the side of Brittany, to assist the royalists in that quarter. It is evident that both of these plans were inconsistent with true policy. Whatever number of troops had been detached to Paris would certainly have been surrounded and cut off; and as to assisting the royalists in Brittany, there is reason to believe, that the aid of foreign troops would not have added to the popularity of their cause; besides, that such a circumstance must have rendered their army stationary, and consequently exposed to the danger of a complete defeat; whereas, it was by occasionally dispersing, and assembling during the night at a moment's notice, and by taking advantage of the woods and covers, that they were enabled, for a length of time, to harass the republicans. That the project of attacking West Flanders was ill conceived, the event has sufficiently proved.

In consequence of the preponderating influence of the English ministry in the grand council of war, on the twelfth of August, the British, Hanoverians, and the Dutch, with some Hessians and Austrians, separated from the main army, and commenced their march for Dunkirk. It has been asserted, that in this expedition the duke of York did not entirely rely on the intrepidity of his troops, but that "he had also an expectation of being admitted into the town by a golden key. He had kept up a secret correspondence with the former governor, general Omeron (who has since been executed for treachery,) nor did he till his arrival know that the plan had been discovered, and that general Omeron was removed from his post⁸¹."

On the sixteenth of August the duke of York encamped at Turcoin, where a council of war was held on the succeeding day; and on the eighteenth the British marched to a camp, which had been marked out near Menin; and found the Dutch, under the hereditary prince of Orange, engaged in an attack on the French outposts, in which his highness was repulsed. The British troops almost immediately engaged in the action, and with great difficulty and loss carried the post of Lincelles; the works of which

⁸¹ Plowden's History of the Last Twenty Months, p. 330.

were destroyed, and the post left unoccupied. On the twenty-second the duke of York marched from Furnes to attack the French camp at Ghivelde, which was abandoned on his approach, and he was almost immediately enabled to take the ground which it was his intention to occupy during the siege. On the twenty-fourth he attacked the outposts of the French, who with some loss were driven into the town. In this action the famous Austrian general, Dalton, and some other officers of note, were killed. The succeeding day the siege might be said regularly to commence. A considerable naval armament from Great Britain was to have co-operated in the siege; but by some extraordinary neglect, admiral Macbride was not able to sail so early as was expected. In the mean time the hostile army was extremely harassed by the gun-boats of the French; a successful sortie was effected by the garrison on the sixth of September; on the same day the covering army of general Freytag was surprised and totally routed; and that general and prince Adolphus Frederick both taken prisoners, though they were afterwards rescued. The consequence of these disasters was, that as the French were known to be collecting in superior force, the siege was raised on the seventh, after several severe actions, in which the allied forces suffered very considerably. It is in general well understood, that if Houchard, who commanded the republican army on this occasion, had done his duty, he might have effectually cut off the retreat of the duke of York, and probably have captured almost the whole of the allied army. For this gross neglect the French general was afterwards denounced, and suffered by the sentence of the revolutionary tribunal.

The army of the allies which remained under the prince of Cobourg and general Clairfait, was not in the main more successful. On the eighth of August a detachment of this army attempted to form the siege of Cambray; but after remaining for some days before the town, the Austrian general was obliged to raise the siege. Bouchain was also invested, but was afterwards relieved. Quesnoy was the only point in which the allies at this period were victorious. That place surrendered on the eleventh of September to general Clairfait; a considerable detachment, which had been sent for its relief, having been previously repulsed by the prince of Cobourg.

On the side of the Rhine a number of petty actions took place, in which the French were generally successful, but no event of importance ensued. On the twenty-second of August general Landrement assumed the command at Weissembourg, and continued skirmishing with the enemy till the conclusion of the month. On the seventh of September he attacked the army of the allies in several points, and drove them back with great loss; at the post of Lauterbourg only he asserts that the allies lost fifteen hundred men. This success was followed, on the twelfth, by a general attack, in which the French are said to have killed two thousand Austrians and emigrants, dismounted a battery, and spiked several pieces of cannon.

The French army of the North, after raising the siege of Dunkirk, took a strong post on in the neighbourhood of Maubeuge, where they were immediately blockaded by the whole united force of the allies, collected under the prince of Cobourg. Upon the fifteenth and sixteenth of October, however, the prince was attacked by general Jourdain⁸⁴, who succeeded Houchard, with such vigour and effect, that he was compelled, after an immense loss, to abandon his position, and repass the Sambre. Elated by this success, the French immediately made inroads into Maritime Flanders. They attacked the allied forces in several places at once; took possession of Werwick, and obliged general Erbach to abandon Menin, and retreat to Courtray. On the twenty-second they advanced and took Furnes; they then proceeded to Nieuport, which they besieged and greatly damaged; but the place was saved by having recourse to inundation. It was some time before the allied forces were able to stop the progress of the republicans, and their generals even trembled for the fate of Ostend. A considerable armament from England, however, being at that time preparing for the West Indies, under Sir Charles Grey, their destination was altered; and by arriving at the fortunate moment at Ostend, they probably protracted the crisis when the Low Countries were to become once more subject to the dominion of France.

The forces of the Republic were still more eminently successful in repelling the attempts of the rebels in the department of La Vendée. General Biron repulsed the army of the insurgents from Luçon on the twenty-eighth of June; and nearly about the same time the city of Nantz was relieved from their incursions by general Beyffer. Chatillon was rescued from them on the third of July by general Westermann; but on the following day he was surprised by the rebels, and compelled to retreat to Parthenay. On Westermann's defeat he was summoned to Paris to answer for his conduct, but was honourably acquitted. The chief command after this circumstance (general Biron having also been ordered to Paris) devolved on general Beyffer, who in several skirmishes put the rebels to flight. In the beginning of August they were again defeated by general Rossignol; on the tenth of that month, however, while the citizens were celebrating the civic feast, general Charette, the commander in chief of the insurgents, vigorously assailed the city of Nantz, but was repulsed with loss.

In the mean time sundry violent enormities marked the progress of the royalists. Their ceremonies and their military discipline were a strange compound of superstition and cruelty; and they are even accused of having mingled the sacramental wine with the blood of their adversaries, and administered it to the people. We trust, however, such an act of sacrilege must have been a calumny. One of their standards, which was

⁸⁴ General Jourdain, it is said, had formerly served in the army, in what capacity we know not, but latterly he kept a petty shop of toys and haberdashery in an obscure village.

presented to the National Convention, was white on one side, and red on the other; on the red side was embroidered the figure of a bishop in his pontificals; and on the white, the virgin Mary, with the infant Jesus in her arms. In the latter end of August they gained a considerable advantage over the republicans at Parthenay.

On the seventh of September general Rossignol achieved a signal victory over the insurgents at Pont de Cé; and, in conjunction with Santerre, routed them again at Douay, Thouars, and Ervaux, on the succeeding days. In the latter end of September the garrison of Mentz was ordered to march into La Vendée, and on the sixth of October the advanced guard vanquished an army of five-and-twenty thousand rebels. It would be tedious to enter on a more minute detail of this obscure and petty war; suffice it to say, that the unfortunate insurgents made a most vigorous resistance to every effort of the Convention till the middle of October, 1793, when they were completely routed. After being driven from La Vendée, they divided into three bodies: the first threw themselves into the island of Noirmoutier, where they remained some time in a state of blockade, but were at length subdued. The second seem to have dispersed; and the third took the route to Anjou, Maine, and Brittany, where they carried on for a while a desultory warfare, but were, at length, gradually dispersed.

The disaffection of some of the other provinces, which immediately followed the revolution, as it is called, of the thirty-first of May, was productive of still more serious consequences to the new government. The department of Calvados was the first to arm, and a formidable force was collected about the latter end of June in the neighbourhood of Caen, under the command of general Felix Wimpfen, the hero of Thionville, and under the supposed direction of the fugitive deputies, Petion, Buzot, and Barbaroux. In the beginning of July this body of troops, which was called the Departmental army, had advanced as far as Evreux: but the people were evidently not hearty in the cause; for, on the approach of the republican army, under general Sepper, after a slight skirmish with the advanced guard, they retired again into Calvados; and, before the end of the month completely dispersed, and the department returned to its allegiance. Petion, Buzot, Barbaroux, Salles, Valady, Wimpfen, &c. &c. fled; but the majority of them were soon after taken, and delivered up to the revolutionary tribunal. Biroteau was executed at Bourdeaux.

The formidable union which took place under the name of *federate republicanism*, between the cities of Marseilles, Lyons, and Toulon, still however continued, and seemed to threaten almost the dissolution of all the existing authorities. A considerable force was dispatched against them under general Cartaux in the latter end of July; and in the beginning of August the Marseillois were driven from the department of Vaucluse, which they had previously occupied. On the twenty-fourth the republicans attacked and took the town of Aix; and immediately upon this success the Marseillois opened
their

their gates and submitted. But the people of Toulon, and the French vice-admiral Trugoff, entered into a negociation with the English admiral, lord Hood, who was then cruizing in the Mediterranean, and he took possession both of the town and of the shipping in the name of Louis the Seventeenth, and under the express and positive stipulation that he was to assist in restoring the constitution of 1789^{ss}.

In the mean time general Kellermann, who commanded the army of the Alps, was dispatched against Lyons. It contained an immense and mixed multitude of discontented citizens of every class; some royalists, some of the first emigrants, and a considerable number of the Gironde party. The city remained in a state of blockade from the eighth of August; but the first attack was resisted with great bravery. On the twenty-second and twenty-third of August the Lyonnese are computed to have lost not less than two thousand men, and a great part of the city was reduced to a heap of ruins. In the month of September, as it appeared that Kellermann had not been sufficiently active, general Doppet, a young officer, who had just exchanged the medicinal art for the science of arms, was appointed to the command; and on the eighth of October the city of Lyons surrendered to that general. The chiefs of the rebels had fled, but several of them were afterwards taken and executed. By a subsequent decree of the Convention, the walls and public buildings of Lyons were ordered to be destroyed, and the name of the city itself to be changed to that of *Ville Affranchie*.

In the beginning of August, the leaders of the Convention asserted that a plot of the English ministry had been discovered, the object of which was to corrupt and bribe all the constituted authorities in France. A series of decrees was passed, chiefly pointed against that nation: one of these decrees declared every Frenchman a traitor, who should place money in the English funds; and another ordered that all foreigners, and particularly the English, should be put under arrest. A subsequent decree, couched in indecent and bombastic terms, declared Pitt, the British minister, "*the enemy of the human species*." About the same period an outrage against the law of nations was committed by the Austrians, who arrested Maret and Semonville on a neutral territory, while on their progress as ambassadors to Naples and Constantinople.

In a session of the Convention on the sixteenth of August, the fertile genius of Barrere conceived the extraordinary but energetic project of exhorting the whole people of France to rise in a mass to expel all invaders from their territory. The plan was afterwards digested by the committee of public safety. By this decree, not only the valour of the French nation, but industry and the arts, were placed in a state of requisition; and to prevent the evils resulting from the undisciplined exertions of a mixed multitude,

^{ss} For lord Hood's summons and address to the people of Toulon, see the Appendix.

the new levies were organized with singular ability, and central points were established for their assembling. The following is the substance of the decree, which was passed on the twenty-third of August :

“ Art. 1. From this present moment till that when all enemies shall have been driven
 “ from the territory of the Republic, all Frenchmen shall be in permanent readiness for
 “ the service of the armies. The young men shall march to the combat, the married
 “ men shall forge arms, and transport the provisions: the women shall make tents and
 “ clothes, and wait in the hospitals: the children shall make lint of old linen: the old
 “ men shall cause themselves to be carried to the public squares, to excite the courage of
 “ the warriors, to preach hatred against the enemies of the republic.

“ 2. The national edifices shall be converted into store-houses; the ground of the
 “ cellars shall be washed with ley, to extract the saltpetre⁸⁶.

“ 3. The musquets and arms of calibre shall be immediately delivered to those who
 “ are to march against the enemy: the internal service of the Republic shall be per-
 “ formed with fowling-pieces.

“ 4. All saddle horses shall be given up, to complete the cavalry: the draught horses
 “ and others, except those employed for the purposes of agriculture, shall convey the
 “ artillery and provisions.

“ 5. The committee of public welfare is charged to take all necessary measures to es-
 “ tablish, without delay, an extraordinary manufacture of arms of all kinds, suitable to
 “ the efforts of the French nation. It is authorized, in consequence, to form all the es-
 “ tablishments, manufactories, and working-places, which shall be deemed necessary for
 “ the execution of those works; and to summon throughout the republic all the artists
 “ and workmen who can contribute to their success. The sum of thirty millions shall
 “ be at the disposal of the minister at war, to be taken out of the four hundred and
 “ twenty-eight millions of livres in assignats, which are in reserve in the chest with
 “ three keys. The central establishment of this extraordinary manufacture shall be
 “ at Paris.

“ 6. The representatives of the people sent into the departments to execute the pre-
 “ sent law, shall have the same authority, and shall concert measures with the commit-
 “ tee of public welfare; they are invested with the unlimited powers attributed to the
 “ representatives of the people with the armies.

“ 7. No Frenchman summoned to serve, shall be suffered to send a substitute. The
 “ public functionaries shall remain on their post.

“ 8. The rising or movement shall be general: the unmarried or widowed citizens,

⁸⁶ As the foreign commerce of the French was at this time much deranged, on account of their internal situa-
 tion, as well as their maritime enemies, the importation, from the East Indies, of this necessary article for warlike
 purposes was necessarily stopped: thus situated, they were compelled to supply the deficiency by attempting to ma-
 nufacture it at home, and by allowing great premiums to those who should be most successful.

“ from the age of eighteen to five-and-twenty, shall march first; they shall form, without delay, in the chief place of their district; and shall daily be exercised till the day of their departure.

“ 9. The representatives of the people shall regulate the calls and the marches, so that the armed citizens may not reach the place of rendezvous before the supplies and ammunition, and all the mechanical part of the army shall have been brought together in a competent proportion.

“ 10. The general points of rendezvous shall be determined by the circumstances, and pointed out by the representatives of the people sent out to enforce the execution of the present law, by advice of the generals, in concert with the committee of public welfare, and the provisional executive council.

“ 11. The battalion which shall be organized in every district, shall be ranged under a banner, with this inscription—*‘The French nation risen against tyrants.’*

“ 12. The battalions shall be organized according to the established laws, and their pay shall be the same as that of the battalions now on the frontiers.

“ 13. In order to collect a sufficient quantity of provisions, the farmers and stewards of the national lands shall send into the principal rendezvous of every district a sufficient quantity of corn, the produce of the said lands.

“ 14. The proprietors, farmers, and holders of corn, shall be obliged to pay their arrears of taxes in the produce of the fields, and also two-thirds of the taxes for 1793.

“ 15. The National Convention appoints citizens Chabot, Tallien, Carpentier, Renaud, Dartgoytte, Laplanche of Vievre, Mallarme, Legendre, Lanot, Roux-Fuzillac, Pagenel, Boisset, Tallifer, Baile, Pinet, Fayau, La Croix, and Ingrand, as adjuncts to the representatives of the people who are actually in the armies, and in the departments, in order to execute, in concert with them, the present decree.

“ 16. The commissioners of the primary assemblies are invited to repair, without delay, into the departments, to fulfil the civic mission intrusted to them by the decree of the fourteenth of August, and to receive the commissions which shall be assigned to them by the representatives of the people.

“ 17. The minister at war is charged to take all the measures necessary for the execution of the present decree. The sum of fifty millions shall be put at his disposal, to be taken out of the four hundred and fifty-eight millions of assignats in the chest with three keys.

“ 18. The present decree shall be sent into the departments by extraordinary couriers⁸⁷.”

On this forcible decree it is only necessary to remark, that; had it not been seconded by the enthusiasm of the people, it must have been nugatory, if not prejudicial. The

⁸⁶ Political State of Europe, vol. iv. p. 495, 497.

spirit of the people only can give effect to such daring projects, though the genius of the ruling power may certainly direct and regulate the energy on which success must ultimately depend.

Happy had it been for France, and for mankind, if the heroism of the people had been tempered by humanity; but the French have, in all instances, appeared too prodigal of blood. That the people experienced great provocations from the treachery of their commanders, and the intrigues of contending factions, candour must admit; but the rigour of their punishments certainly exceeded, in most cases, the measure of the offence; and the haste and rashness of their adjudications leave at least a doubt, in others, of the justice of the sentence. Among the victims of popular resentment which fell about this period, we cannot but lament the celebrated general Custine, whose former services (whatever might be his present demerits) should have secured him more lenient treatment. He was called to Paris from the command of the Northern army in the beginning of July, and on the eighteenth arrived in that capital—never to return. On the twenty-second he was committed by a decree of the Convention to the Abbey prison; and in the beginning of August was brought before the revolutionary tribunal. The charges against him were—That he had maintained a secret correspondence with the enemy—That he had left the garrison of Mentz unprovided with necessaries; in consequence of which many brave defenders of their country perished with hunger, and the whole suffered the extreme of famine and misery, and were at last compelled to capitulate—That there existed a letter signed “Custine,” in which he engaged d’Oyle, commandant of Mentz, to deliver up the place to the Prussians⁸⁸—That he had insulted the national representation, by disobeying its orders, and by asserting publicly in a letter to the minister, “That such decrees as he did not approve only served him for papillottes” (curl papers.)⁸⁹—That, finally, he had not exerted himself properly to prevent Valenciennes from falling into the hands of the enemy.—How far these charges were substantiated by evidence we cannot affirm, as we believe no copy of the trial has yet reached England. The unfortunate general, in the crisis of his adversity, lamented that he appeared forsaken by every friend; and the populace of Paris, accustomed to sights of horror, beheld the sacrifice of their former defender with calm indifference, or with blind exultation.

The trial and condemnation of the queen immediately followed that of general Custine. In the night between the first and second of August, in consequence of a decree of the preceding day, two municipal officers repaired to the Tower of the Temple, a little before midnight, to announce to the queen the decree of the Convention, respecting her removal to the prison of the Conciergerie. Her majesty was in bed—“Must I

⁸⁸ This, on his examination, Custine affirmed to be an entire falsehood.

“rise,



Jones Pinel

Marie Antoinette of Austria

Queen of France.

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"rise, then?" said she. The officers answered in the affirmative. She then begged them to withdraw, that she might dress herself; with which they complied. When the queen was dressed the officers searched her, and found five-and-twenty Louis d'ors, which they took from her, besides her pocket-book. Her majesty used a thousand entreaties to be permitted either to keep the pocket-book, or for them to seal it up, and take an inventory of its contents. After much altercation, the queen recognized one of the municipal officers to be the same who signified to her last year her separation from the princess de Lamballe, when the latter was removed from the Temple to the hotel de la Force. "Sir,"—said she—"the separation which you announced to me a twelvemonth ago was very painful; but I find the present not less melancholy." She begged to be suffered to take some bed-linen with her—"I could wish,"—said she—"not to be left in foul linen, as it happened to me last year, in the house of the Feuillans." She then made up a parcel, containing some shifts, a few caps, and a black silk jacket and coat.

The queen afterwards begged to have an interview with her daughter and madame Elizabeth. This was permitted, after some hesitation. Madame Elizabeth stepped first into the apartment, melting in tears, bordering on a state of despair, and almost deprived of her senses. They locked each other fast in their arms. When her daughter appeared, she said, "My dear daughter, thou knowest thy religion; thou oughtest to have recourse to its solace in every situation of life." The queen then desired to see her son; but this request was refused: the officers said to her, "Your son is innocent, and he will not be hurt."

Her majesty took the parcel containing her linen under her arm, descended the stairs, and found a fiacre, or hackney-coach, waiting for her in the court yard. When getting into the carriage, one of the officers offered to help her; but she gently pushed back his hand, telling him that she wanted no assistance. She was dressed in white lawn, and wore a black girdle: she was conducted to the prison through a narrow passage, very badly lighted, in which the sudden barking of two mastiffs threw her into convulsions. The officers were then obliged to carry her to the prison in their arms; and, being arrived there, she continued so very ill, that for the space of an hour her life was despaired off. She recovered, however, in the morning.

The cell allotted for her reception was half under ground, only feet eight long, and eight wide. Her couch consisted of a hard straw-bed, and very thin covering; her diet, soup and boiled meat! All the personal graces had deserted her countenance, which exhibited the picture of distress and declining life!—On the fifteenth of October she was brought before the revolutionary tribunal, and the following accusation presented against her:

"Antoine

“ Antoine Quentin Fouquier, public accuser of the criminal revolutionary tribunal, states: That, by a decree of the Convention of the first of August last, Marie Antoinette, widow of Louis Capet, has been brought before the revolutionary tribunal, as accused of conspiring against France; that, by another decree of the Convention, of the third of October, it was decreed, that the revolutionary tribunal should occupy itself without delay, and without interruption, on the trial; that the public accuser received the papers concerning the widow Capet on the nineteenth and twentieth of the first month of the second decade, commonly called the eleventh and twelfth of October of the present month; that one of the judges of the tribunal immediately proceeded to the interrogatories of the widow Capet; that an examination being made of all the pieces transmitted by the public accuser, it appears that, like Messaline, Brunehaut, Fredagonde, and Medicis, who were formerly decorated with the titles of queens of France, whose names have ever been odious, and will never be effaced from the page of history—

“ Marie Antoinette, widow of Louis Capet, has, since her abode in France, been the scourge and blood-sucker of the French; that even before the happy Revolution which gave the French people their sovereignty, she had political correspondence with a man called the king of Hungary and Bohemia; that this correspondence was contrary to the interests of France; and, not content with acting in concert with the brothers of Louis Capet, and the infamous and execrable Calonne, at that time minister of the finances; of having squandered the finances of France (the fruit of the sweat of the people) in a dreadful manner, to satisfy inordinate pleasures, and to pay the agents of her criminal intrigues, it is notorious that she has, at different times, transmitted millions to the emperor, which served him, and still supports him, to sustain a war against the Republic; and that it is by such excessive plunder that she has at length exhausted the national treasury.

“ That since the Revolution, the widow Capet has not for a moment withheld criminal intelligence and correspondence with foreign powers, and in the interior of the Republic, by agents devoted to her, whom she subsidized and caused to be paid out of the treasury of the *ci-devant* civil list; that, at various epochs, she has employed every manœuvre that she thought consistent with her perfidious views to bring about a counter-revolution: first, having, under pretext of a necessary re-union between the *ci-devant* gardes-du-corps and the officers and soldiers of the regiment of Flanders, contrived a repast between these two corps, on the first of October 1789, which degenerated at her desire into an absolute orgie: and, during the course of which, the agents of the widow Capet perfectly seconded her counter-revolutionary projects, brought the greater part of the guests, in the moment of inebriety, to sing songs expressive of their most entire devotion to the throne, and the most marked aversion for the people; of having excited them insensibly to wear the white cockade, and to tread the national cockade under foot; and of having authorized, by her presence, all these counter-revolutionary excesses, particularly in encouraging the women who accompanied
“ her,

“ her, to distribute these white cockades among the guests; and having, on the fourth of the same month, testified the most immoderate joy at what passed during these orgies.

“ Secondly, having, in concert with Louis Capet, directed to be distributed very plentifully throughout the kingdom publications of a counter-revolutionary nature, some of which were pretended to have been published by the conspirators on the other side of the Rhine; of having even carried her perfidy and dissimulation to such a height, as to have circulated writings, in which she herself is described in very unfavourable colours, in order to cloak the imposture; thereby to make it be believed by foreign powers that she was extremely ill treated by Frenchmen, to instigate them to go to war with France.

“ That, in order to carry on her counter-revolutionary designs with more efficacy, she, by means of agents, caused in Paris, towards the beginning of October, 1789, a famine, which occasioned a new insurrection; in consequence of which, an innumerable crowd of citizens set out for Versailles on the fifth of the said month; that this fact is proved beyond all contradiction, as the next day there was a plenty of every thing, even after the time that the widow Capet arrived with her family in Paris.

“ That, being scarcely arrived in Paris, the widow Capet, fertile in intrigues of every kind, formed committees, consisting of all the counter-revolutionists and intriguers of the constituent and legislative assemblies, which held their meetings in the dead of night; that plots were there formed how to destroy the Rights of Man, and the decrees already passed, which were to form the basis of the new constitution; that it was at these committees, or meetings, that the necessary measures were deliberated to obtain a revision of those decrees which were favourable to the people; that the flight of Louis Capet, his widow, and his whole family, was impeded, as they travelled under fictitious names, in the month of June, 1791; that the widow Capet confesses in her interrogatory, that it was she who opened and locked the door of the apartment, through which the fugitives passed; that, independent of the confession of the widow Capet in this respect, it is confirmed by the testimony of Louis Charles Capet, and by his sister, that de la Fayette favoured all the designs of the widow Capet, in the same manner as Bailly did while he was mayor of Paris; and that both were present when the fugitives escaped, and favoured their flight as much as lay in their power. That the widow Capet, after her return from Varennes, re-commenced her intriguing coteries, at which she herself presided; and that, aided by her favourite La Fayette, the gates of the Thuilleries were kept locked, which deprived the citizens of the power of passing backwards and forwards in the courts of the palace; that those only who had cards were permitted to pass. That this order was given out by La Fayette as a measure of punishment to the fugitives, though it served only as a trick to prevent the citizens from knowing what passed at these midnight orgies, and from discovering the plots against liberty carried on in this infamous abode. That it was at these meetings, that the horrible massacre which took place on the seventeenth of July, 1791, was planned, when so many zealous patriots were killed in the Champ de Mars; that

“ the massacre which had previously taken place at Nancy, as well as those which have
“ since happened in different parts of the Republic, were ordered and determined on in
“ these secret councils; that these insurrections, in which the blood of an immense
“ number of patriots has been spilt, were plotted in order the more expeditiously and
“ securely to obtain a revision of the decrees passed and founded on the Rights of Man,
“ which were so obnoxious to the ambitious and counter-revolutionary views of Louis
“ Capet and Marie Antoinette: that the constitution of 1791 being once accepted, the
“ widow Capet took every means in her power to destroy its energy by her manœuvres;
“ that she employed agents in different parts of the Republic to effect this object of an-
“ nihilating liberty, and to make the French once more fall beneath the tyrannic yoke
“ under which they had languished for so many years; that for this purpose, the widow
“ Capet ordered it to be discussed in these midnight meetings, which were truly called
“ the Austrian cabinet; how far it might be possible to counteract the laws passed in the
“ legislative assembly; that it was in consequence of these councils, and her advice,
“ that Louis Capet was persuaded to oppose his *veto* to the famous and salutary decrees
“ passed in the legislative assembly against the *ci-devant* princes, brothers of Louis
“ Capet, against the emigrants, and against that horde of refractory and fanatical priests
“ who had spread all through France; a *veto* which has proved one of the principal causes
“ of the evils which France has since experienced.

“ That it was the widow Capet who caused perverse ministers to be nominated, and
“ placed her creatures in the armies and public offices, men who were known by the
“ whole nation to be conspirators against liberty; that it was by her manœuvres, and
“ those of her agents, as able as they were perfidious, that she got a new guard formed
“ for Louis Capet, composed of ancient officers who had quitted their corps, and had re-
“ fused to take the constitutional oath; that she gave appointments to refractory priests
“ and strangers; and in short, to all those who were disliked by the nation, and who
“ were worthy of serving in the army of Coblenz, whither many of them fled after
“ their being cashiered.

“ That it was the widow Capet who, in conjunction with a scandalous faction, at
“ that time domineered over the legislative assembly, and for some time over the Con-
“ vention; who declared war against the king of Hungary and Bohemia, her own bro-
“ ther; that it was through her manœuvres and intrigues, at all times pernicious to
“ France, that the French were obliged to make their first retreat from Flanders.

“ That it is the widow Capet, who forwarded to the foreign courts the plans of the
“ campaign, and the attacks which were agreed upon in the council: so that, by means
“ of this double treason, the enemies of France were always informed before-hand of the
“ movements of the armies of the Republic; from whence it follows, that the widow
“ Capet is the authoress of all those reverses of fortune, which the armies of the Re-
“ public have experienced at different times.

“ That the widow Capet combined and plotted with her perfidious agents the horri-
“ ble conspiracy which broke out on the tenth of August; which failed only through
“ the

“ the courageous and incredible efforts of the patriots; that to this end she seduced into
 “ her dwelling of the Thuilleries, and even into the subterraneous passages under it,
 “ Swiss soldiers, who, at the expiration of a decree then passed, were no longer to be-
 “ long to the body guard of Louis Capet; that she kept them in a state of drunkenness
 “ from the ninth till the morning of the tenth, the day appointed for the execution of
 “ this horrible conspiracy; that for the same purpose she had re-united on the ninth a
 “ body of those beings known by the name of the *knights of the dagger*, who had fi-
 “ gured away with the same infamous designs, and in the same place, on the twenty-
 “ eighth of February, 1791, and again on the twenty-first of June, 1792.

“ That the widow Capet, fearing, no doubt, that this conspiracy might not have the
 “ promised effect, went on the evening of the ninth of August, at half after nine, into
 “ the room where the Swiss, and others in her interest, were busy making cartridges;
 “ that, in order to excite them the more, she took up the cartridges and bit them.

“ That the next day, the tenth of August, she pressed and solicited Louis Capet to go
 “ to the Thuilleries, at five in the morning, to review the *real* Swiss guards, and those
 “ who had assumed their uniform; and at his return she presented him with a pistol,
 “ saying—‘ *This is the moment TO SHEW YOURSELF;*’ and on his refusing, she called
 “ him a coward.

“ That, notwithstanding the widow Capet denies having given any orders to fire on
 “ the people, her conduct on the ninth—her deeds in the room of the Swiss guards—
 “ the councils she held all the night long—the article of the pistol, and her words to
 “ Louis Capet; their sudden retreat from the Thuilleries, and the firing on the people
 “ at the very moment he and she entered the room of the legislative assembly;—in one
 “ word, all these circumstances united, leave no doubt but that in her councils during the
 “ night, it was resolved that the people must be fired on, and that Louis Capet, and
 “ Marie Antoinette, the female director of that conspiracy, should themselves give the
 “ orders to fire.

“ That, to the perfidious intrigues and manœuvres of the widow Capet, in confederacy
 “ with that infamous faction of which we have just spoken, and with all the enemies of the
 “ Republic, France is indebted for the internal war which has distressed her so long;
 “ but the end of which is fortunately not much more distant than that of its authors.

“ That, at all times, the widow Capet, by the influence she had acquired over Louis
 “ Capet, insinuated into him that perfidious and dangerous art of dissimulation, to pro-
 “ mise, by public acts, the very contrary of what he intended to perform: and that they
 “ both, in their midnight councils, plotted the ruin of that liberty, so dear to French-
 “ men—and which they will take care to preserve—to recover the *plenitude* of the
 “ royal prerogatives.

“ That, finally, the widow Capet, in every respect immoral, and a *new Agrippina*, is
 “ so dissolute, and so familiar with all crimes, that forgetting her quality of mother, and
 “ the limits prescribed by the law of nature, has not hesitated to prostitute herself with
 “ Louis Charles Capet, her son: and according to the confession of the latter, she has

“ committed indecencies with him, the very idea and name of which strikes the soul
 “ with horror.”

According to this report, the public accuser brings the above accusations against Marie Antoinette, qualifying herself in her interrogatory by the title of Lorraine and Austria, widow of Louis Capet; and states—

“ 1. That in conjunction with the brothers of Louis Capet, and the infamous ex-
 “ minister Calonne, she squandered away, in a most horrid manner, the French finances:
 “ sent innumerable sums to the emperor, and drained the national treasury.

“ 2. That as well by herself, as by the aid of her counter-revolutionary agents, she
 “ kept up a correspondence with the enemies of the republic, and informed these ene-
 “ mies, or caused them to be informed, of all the plans of campaigns and attacks resolved
 “ and determined on in the council.

“ That through her intrigues and manœuvres, and those of her agents, she formed
 “ conspiracies and plots against the interior and exterior safety of France; and to that
 “ effect kindled a civil war in divers provinces of the Republic; armed one citizen
 “ against another, and by these means spilled the blood of an incalculable number of
 “ citizens, contrary to the sixth article of the first section of the penal code, and to the
 “ second article of the second section of the same code.

“ In consequence of all which charges, the public accuser requests, that an act of the
 “ present accusation be given him by the tribunal; that it be ordained, that on his requi-
 “ sition, and through the channel of a serjeant at arms, Marie Antoinette, qualifying
 “ herself by the title of Lorraine and Austria, widow of Louis Capet, actually con-
 “ fined in the prison called the Conciergerie of the palace, be entered on the registers of
 “ the said prison, there to remain, the same as in a house of justice, and that the sentence
 “ to be given shall be notified to the municipality of Paris, and to the accused.”

After the preceding act of accusation had been read (which is in effect similar to what is called an indictment, in England) the interrogatory of the queen began. Of this examination the following is a translation, signed by the accused, the accuser, and the clerk of the tribunal.

We, Armand Martial-Joseph Hamart, president of the revolutionary tribunal, established by the law of the tenth of March, 1793, ordered to be brought before us, from the prison of the Conciergerie, Marie Antoinette, widow Capet, whom we asked her names, age, profession, country, and place of abode.—She answered, that her name was Marie Antoinette, of Lorraine and Austria, thirty-eight years of age, widow of the king of France.

Q. Had you, previously to the Revolution, any political connexions with the king of Bohemia and Hungary; and were not those connexions contrary to the interests of France, which loaded you with benefits?—A. That the king of Bohemia and Hungary was her brother; that the connexions she had with him were only those of consanguinity,

sanguinity, but not of a political nature; those connexions could only have been to the advantage of France, to which she was attached by the family into which she married.

Q. It was remarked to her, that, not contented with dilapidating in a shocking manner the finances of France, the fruit of the sweats of the people, for the sake of her pleasures and intrigues, in concert with infamous ministers, she had sent to the emperor thousands of millions, to serve against the nation which fostered her.—A. Never; that she knows that this charge has frequently been made subservient against her; that she loved her husband too much to dilapidate the money of his country; that her brother did not want money from France; and that, from the principles which attached her to this country, she would not have given him any.

Q. Whether she did not employ some secret agent to correspond with the foreign powers, chiefly with her brothers; and if Delessart was not this principal agent?—A. Never in her life.

Q. Observed, that her answer does not appear exact to us; for it is notorious that there existed in the *ci-devant* palace of the Thuilleries secret and nocturnal petty councils, over which she herself presided, and in which were discussed, deliberated upon, and resolved, the answers to be made to the foreign powers, and those to the successive constituent and legislative assemblies.—A. That the preceding answer is very exact; for the rumour of those committees has constantly existed whenever it was intended to amuse and deceive the people; that she never knew such a committee; that it has not existed.

Q. Observed, that it appears however, that when there was a question to know if Louis Capet should sanction or affix his *veto* to the decree issued in the course of November, 1791, concerning his brothers, the emigrants, and the refractory and fanatical priests, she, in despite of the most urgent representations of Duranton, then minister of justice, had brought Louis Capet to the determination of affixing his *veto* to those decrees, the sanction of which would have prevented the ills which France has since suffered, and which evidently proves that she assisted at the councils and petty councils.—A. That in the month of November, Duranton was not minister; that in other respects her spouse did not require to be urged to do that which he believed to be his duty; that she was not of the council; and that only there affairs of that description were transacted and decided.

Q. Observed, that it was she who taught Louis Capet that art of profound dissimulation by which he had too long deceived the kind French nation, who did not suppose that perfidy and villany could be carried to such a degree.—A. Yes, the people have been deceived—cruelly deceived! but it was neither by her nor her husband.

Q. By whom, then, has the people been deceived?—A. By those who felt it their interest; that it had never been theirs to deceive them.

Q. Observed, that she was the principal instigatrix to the treason of Louis Capet: that it was by her advice, and perhaps by her repeated importunities, that he resolved to fly France, to put himself at the head of the furious men who wished to desolate his country.—A. That her husband did not wish to quit France; that she followed him

on.

on his journey ; that she would have followed him every where ; but that if she had known that he wanted to quit his country, she would have employed all possible means to dissuade him ; but that he had no such intention.

Q. What, then, was the proposed end of the journey, known by the name of Varennes?—A. To procure himself that liberty, which he could not enjoy here in the eyes of any person ; and to conciliate thence all parties, for the happiness and tranquillity of France.

Q. Why did you travel at that period by the borrowed title of a Russian baroness?—A. Because we could not get out of Paris without changing names.

Q. If, among other persons who favoured her escape, La Fayette, Bailly, and Renard the architect, were not of the number?—A. That the two former would have been the last they would have employed ; that the third person was then under their orders, but that they never employed him for that purpose.

Q. Represented, that her answer was contradictory to declarations of the persons who fled with her ; and that it resulted from them, that the carriage of La Fayette, at the moment when all the fugitives came down stairs through the apartment of a woman in her service, was in one of the court-yards ; and that La Fayette and Bailly were upon the watch, while Renard directed their route.—A. That she does not know what declarations might have been made by the persons who were with her ; that all she knows is, that she met, on the square of the Caroussel, the carriage of La Fayette ; but that she went on her way, and was far from stopping it ; that, with regard to Renard, she could assure us that he did not direct their march ; that she alone opened the door, and made every body go out.

Q. Observed, that from this confession of her having opened the door, and let out every body, there remains no doubt, that she directed Louis Capet in all his actions, and made him resolve to fly.—A. That she did not believe that the opening of a door could prove that a person directs the actions of another ; that her spouse desiring and thinking himself obliged to go out thence with his children, it was her duty to assent ; and that she was to do every thing to render his going out safe.

Q. Observed, that she never concealed for a moment her desire of destroying liberty ; that she wanted to reign at any rate, and re-ascend the throne upon the corpses of the patriots.—A. That they did not want to *re-ascend* the throne ; that they were then upon it ; that they never had any other desire but the happiness of France.—Be it happy ! —be it but happy ! they would always be contented.

Q. Represented, that if such had been her sentiments, she would have used her influence over the mind of her brother, to induce him to break the treaty of Pilnitz, concluded between him and William—a treaty, the sole end of which has been, and is, to associate with all the powers to annihilate that liberty, which the French shall have in despite of that coalition, and those treasons.—A. That she only knew of that treaty after it had been concluded ; that it had long been of no effect ; that it ought to be observed. that the foreign powers were not the first aggressors of France.

Q. You

Q. You have held a correspondence with the *ci-devant* French princes since their quitting France, and with the emigrants; you have conspired with them against the safety of the state.—A. She never held any correspondence with any Frenchman abroad; that, with respect to her brothers, she might possibly have written them one or two insignificant letters; but she does not believe she has, and recollects having often refused to do so.

Q. Does she recollect to have said, on the fourth of October, 1789, that she was enchanted with the day of the first of that month, a day remarkable for the orgies of the *gardes-du-corps* and the regiment of Flanders, who, in the moment of inebriety, expressed their attachment to their throne, and their aversion for the people, trod the national cockade under foot, and put on the white cockade.—A. She does not recollect saying any such thing; but that it is possible she may have said, that she was touched with the first sentiment that animated this festival; that, as to the rest of the question, drunkenness was not necessary to make the *gardes-du-corps* testify attachment and devotion to persons in whose service they were. With respect to the affair of the cockade, if it existed, it could only be the error of a few, who now disapprove it; but that it was improbable that persons so attached should tread under foot, and wish to change, an emblem which the king himself then wore.

Q. What interest did she take in the success of the armies of the Republic?—A. The happiness of France is what she desires above all things.

Q. Do you think that kings are necessary to the happiness of the people?—A. An individual could not positively decide such a matter.

Q. You regret, without doubt, that your son has lost a throne which he might have ascended, if the people, at length enlightened upon their true rights, had not themselves crushed that throne?—A. She shall never regret any thing for her son, so long as her country shall be happy.

Q. What is your opinion of the tenth of August, when the Swiss, by order of the master of the castle in the *Thuilleries*, dared to fire upon the people?—A. She was not in the castle when they began to fire; she only knows that no order was ever given to fire.

Q. Have you not, during your residence in the Temple, been exactly informed of political affairs; and have you not kept up a correspondence with the enemies of the Republic, by means of some municipal officers who were in your service, or by some person introduced by them into your habitation?—A. During the fourteen months she has been confined, she has had neither news nor knowledge of any political affairs, which it was impossible for her to receive; that, since the beginning of October, pen, paper, and pencil, had been taken from her; that she has never addressed any municipal officer, which there is reason to believe would have been ineffectual; and that she has seen none others than them.

Q. Your answer is contradictory to the declarations made by the persons who dwelt in the same place.—A. Not many persons lived in the Temple, and those who declare any thing of the kind dare not prove it.

Q. While she was at the *Conciergerie*, were not several persons introduced into her apartment?

apartment? Did not one of them drop a carnation, in which was a writing; and was it not she who took up this carnation, after repeated signs had been made to her by the same person?—*A.* Different persons entered her chamber, but always accompanied by the administrators of the police; she did not know them at all; there was one whom she thought she recollected: it is true a carnation was dropped, as she had before declared, but that she paid so little attention to the circumstances, that, but for the signs, she should not have taken it up; and that she did so, fearing only that the person who threw it down might be exposed if it were found.

Q. Did you not recollect this person as having been at the castle of the Thuilleries on the twentieth of June; and as having been one of those who remained with you on that day?—*A.* Yes.

Q. Did you not recollect this same person to have been at the Thuilleries on the tenth of August?—*A.* No.

Q. Do you know his name?—*A.* No, she does not recollect having ever known it.

Q. Observed, it is strange that you should not know his name, for the person said, that you had rendered him great services; which is seldom the case without knowing the person who is the object in a manner more or less particular.—*A.* It is possible, that those who have rendered services may forget them, and that those who have received them may recollect them.

Q. Has she replied to the billet found in the carnation?—*A.* She endeavoured with a pin; not with a view to answer it; but to engage him not to come there, in case he should again present himself.

Q. Did she make a particular motion at the time this person presented himself?—*A.* Not having seen any known face for thirteen months, she was a little startled at first, from the idea of danger incurred by coming into her chamber: afterwards she thought he might be employed somewhere, and then was easy.

Q. What do you mean by the two last expressions?—*A.* As several people whom she did not know came to her with the administrators, she thought that this person might be employed in some place at the sections, or elsewhere; and, in that case, did not run any danger.

Q. Did the administrators of the police often bring people with them?—*A.* They were almost always accompanied by one, two, or three unknown persons.

Q. Has she any thing to add upon these different answers—has she no counsel?—*A.* No: because she knows not any.

Q. Does she wish us to name her one or two counsellors?—*A.* She does.

After which two advocates belonging to the office were named: they are the citizens Troufon Ducoudray, and Chauveau Delagarde.

On the following day, October the fifteenth, the examination of witnesses commenced.

The first witness called was, *Laurent le Cointre*, formerly chief of the division of the national guard of Versailles, and at present a member of the National Convention. He related the occurrences of the fifth and sixth of October; and, from his relation, it appeared that the *ci-devant* gardes-du-corps, or life-guards, were the first aggressors. *Le Cointre* spoke also, though not as an ocular witness, of the nocturnal orgies of the first of October, at Versailles, by the late king's life-guards in the hall of the opera. "Marie Antoinette,"—said he—"repaired to that banquet; she applauded the conduct of the life-guards: she also visited the regiment of Nassau, and the chasseurs of Trois Evechés, who were quartered in the orangerie of the gardens of Versailles."—*Queen*. I repaired, I must own, with my husband and his children, to the hall of the opera-house; but I did not see that the national cockade was trod under foot. It is false that I ever spoke to the soldiers of the regiment of Nassau, or to the chasseurs of Trois Evechés.

President. What did you say to the life-guards when you appeared at that orgie?—

Queen. I applauded that banquet, because it was to have produced the union of the life-guards with the national guards.

Public Accuser. Have you not holden secret councils at the house of the *ci-devant* duchess of Polignac—councils at which the *ci-devant* French princes assisted, and in which, after having discussed the fate of the empire, you gave yourself up to the infamous pleasures of debauchery?—*Queen*. All state affairs were discussed in council, and no where else. I have no knowledge of the rest of this assertion.

Public Accuser. Were not Thouret, Barentin, and d'Espremenil, the authors of the articles of the declaration of the twenty-third of June?—*Queen*. The ministers in place alone composed the council at that time.

Judge. Did not your husband communicate his designs to you, when he invested the hall of the representatives of the people with troops?—*Queen*. My husband reposed his confidence in me; he communicated to me the speech which he was to have made on that occasion. He had, in other respects, no bad intentions.

Judge. Why did the troops of the line invest Paris and Versailles?—*Queen*. For the sake of general safety.

Judge. What use have you made of the immense sums which you have been intrusted with?—*Queen*. No immense sum has been intrusted to me; the accounts of my household will prove what use has been made of all I have received.

Judge. How did the family of the Polignacs, who were so poor at first, grow so rich?—*Queen*. That family held offices at court which were very lucrative.

Judge. The repast of the gardes-du-corps having taken place with the permission of the king, you must necessarily have known the cause?—*Queen*. It was stated that it was in order to effect a re-union with the national guard.

Jean Baptiste Lapierre, adjutant-general per interim of the fourth division, related the facts relative to what passed in the *ci-devant* chateau of the Thuilleries, on the night of

the twentieth of June, 1791, when the deponent was upon guard. He saw, during the night, a great number of persons whom he did not know, continually passing and re-passing through the courts of the palace.

President to the Queen. When you departed, was it on foot or in a carriage?—*A.* It was on foot.

Q. By what passage?—*A.* By the Caroussel.

Roussillod, surgeon and cannoneer, deposed, that, on the tenth of August, 1792, having entered the apartment of the accused, in the palace of the Thuilleries, which she had quitted a few hours before, he found under her bed a quantity of bottles, some full, others empty, which gave him reason to believe that she had given drink either to the Swiss officers, or to the knights of the poignard, who filled the palace.

President to the Queen. Have you any observation to make in opposition to the testimony of the witness?—*A.* I had quitted the palace, and do not know what passed there.

Q. Did you give money to supply the Swiss with drink?—*A.* No.

Q. Did not you, as you were going out, say to a Swiss officer, "Drink, my friend, I recommend myself to you?"—*A.* No.

Q. Where did you pass the night between the ninth and tenth of August, of which we now talk?—*A.* I passed it with my sister Elizabeth in my apartment, and did not go to bed.

Q. Why did you not go to bed?—*A.* Because, at midnight, we heard the tocsin sound from all quarters, and were informed that we were going to be attacked.

Q. Was it not in your apartment, that the *ci-devant* nobles and Swiss officers, who were at the chateau, assembled; and did they not form the determination to fire upon the people?—*A.* No person entered my apartment.

Q. Had you not been, during the night, in quest of the *ci-devant* king?—*A.* I remained in his apartment till one o'clock in the morning.

Q. You there saw all the knights of the poignard, and the *etat-major* of the Swiss, who were there?—*A.* I saw a great number of persons.

Q. Were you not present with the king at the review which he made in the garden?—*A.* No.

Q. Were you not during that time at your window?—*A.* No.

Q. Had you not a conversation with d'Affry, in which you demanded of him, whether he could depend upon the Swiss to fire on the people; and, when he answered in the negative, did not you employ, by turns, entreaties and menaces?—*A.* I do not think that I saw d'Affry on that day.

Q. Did you ask him whether the Swiss could be depended upon?—*A.* I never spoke to him on the subject.

Q. Do

Q. Do you deny, then, that you made use of menaces?—A. I never did make use of any.

The public accuser observed, that d'Affry, after the affair of the tenth of August, was arrested and brought before the tribunal on the seventeenth; and that he was set at liberty, because he had proved, that not having wished to take any share in what was going on at the palace, you had threatened him, which had compelled him to quit it.

Jacques-Rene Hebert, substitute of the procureur of the commune, deposed, that as a member of the commune of the tenth of August, he was charged with different important functions, which afforded him an opportunity to be convinced of the conspiracy of Antoinette, particularly one day in the Temple, he found a copy of the Ritual belonging to her, in which was one of the counter-revolutionary emblems, representing an inflamed heart pierced with an arrow, on which was written, "*Jesu, miserere nobis.*" Another time he found in the chamber of Elizabeth, a hat, which was known to have belonged to Louis Capet. This discovery left him no room to doubt that there were among his colleagues some men base enough to degrade themselves so far as to be the servants of tyranny. He recollected that Toulan had one day entered with his hat into the Temple, and had come out bare-headed, saying that he had lost it. He added, that Simon having apprised him that he had something important to communicate, he went to the Temple, accompanied by the mayor and procureur of the commune; they there received a declaration, on the part of young Capet, to this purport: That at the period of the flight of Louis Capet to Varennes, La Fayette was one of those who had most contributed to facilitate it; that they had with this view spent the night in the palace; that during their residence in the Temple, the prisoners had for a long time been informed of all public transactions; a correspondence was transmitted to them in clothes and shoes. Young Capet named thirteen persons as being concerned in carrying on this correspondence; that one of them having shut him up with his sister in a turret of the castle, he heard his mother say, "I will procure you the means of being informed of the news, by sending you every day to cry near the tower, *Le Journal du Soir.*"

To the Queen. What have you to answer to the deposition of the witness?—A. I have no knowledge of the facts of which Hebert speaks; I know only that the heart he mentions was given to my son by his sister; with respect to the hat, it was a present to my sister by her brother while alive.

Q. Did not citizen Michonis bring along with him into the prison an individual, who let drop a pink, in which was enclosed a billet?—A. The fact is true.

Q. Who was the man who delivered to you this billet?—Did you know him?—What is his name?—What were the contents of the billet?—Did you answer it?—A. His name I do not recollect.—The contents of this billet were, that he had been thrown into prison, but had found means to extricate himself; that he offered me money; and that he would return the Friday following.—I answered, by pricking upon a paper with a pin,

a pin, that my guards never suffered me to be out of their sight, so that I had no opportunity to write to, or communicate with, any person.

Q. Why were you startled at seeing this individual?—A. Because I was alarmed at the danger which he ran in getting into my prison.

The tribunal was going to proceed to hear another witness, when one of the jury requested the president to demand of the accused to answer with respect to the crimes, the proof of which rested on the declarations of young Capet.—A. I remained silent on that subject, because nature holds all such crimes in abhorrence!—Then turning with an animated air to the people, she added, “I appeal to all mothers who are present in this auditory, is such a crime possible?”

Abraham Silly, notary, deposed, that being on duty in the *ci-devant* palace of the Tuilleries, on the night of the twentieth of June, the accused came to him about six o'clock in the evening, and said that she wished to walk with her son; that he charged the Sieur La Roche to accompany her; that some time after, he saw La Fayette come five or six times to Gouvion; that the latter, about ten o'clock, gave orders to shut the gates, except that looking into the court called the “Court of the *ci-devant* princes;” that in the morning Gouvion entered the apartment where the deponent was, and said to him, rubbing his hands with an air of seeming satisfaction, “*They are gone*,” that he delivered to him a packet, which he carried to the constituent assembly, for which citizen Beauharnois, the president, gave him a receipt.

President. At what hour of the night did La Fayette quit the palace?—Witness. At midnight, within a few minutes.

President to the Queen. At what hour did you depart?—A. I have already said, at three-quarters past eleven.

Q. Did you depart along with Louis Capet?—A. No, he departed before me.

Q. How did he depart?—A. On foot, by the great gate.

Q. And your children?—A. They departed an hour before with their governess; they waited for us in the square of the Petit Caroussel.

Q. Who were the persons along with you?—A. The three *gardes-du-corps* who accompanied us, and who returned with us to Paris.

Q. How were they dressed?—A. In the same manner as at their return.

Q. And how were you dressed?—A. I wore the same robe as at my return.

Q. How many persons were there apprised of your departure?—A. There were only the three *gardes-du-corps*, at Paris, who were acquainted with it; but on the road Bouillé had placed troops to protect our departure.

Q. You said that your children departed an hour before you, and that the *ci-devant* king departed alone; who then accompanied you?—A. One of the *gardes-du-corps*.

Q. Did you not at your departure meet La Fayette?—A. I saw, as I was departing, his carriage passing along the Caroussel, but I took care not to speak to him.

Q. Why

Q. Why did you travel under the name of a Russian baroness?—A. Because it was impossible in any other way to get out of Paris.

Q. Who procured you the passport?—A. It was demanded by a foreign minister.

Q. Why did you quit Paris?—A. Because the king was desirous to go from it.

Pierre Joseph Terrasson, employed in the office of the minister of justice, deposed, that upon the return from Varennes, being upon the steps of the *ci-devant* palace of the Thuilleries, he saw the accused come out of the carriage and throw upon the national guards who escorted her, and likewise upon the other citizens who were in her way as she passed along, a most vindictive glance; which suggested to him, the deponent, the idea that she would certainly take an opportunity of revenge; some time after the scene of the Champ-de-Mars took place. He added, that Duranthon, who was minister of justice, with whom he had been intimately acquainted at Bourdeaux, as they had there exercised together the same profession, said to him that the accused opposed the king's giving his sanction to different decrees, but that he had represented to her that this affair was of more importance than she thought, and that it was even of the utmost urgency that these decrees should be speedily sanctioned; that this observation made an impression upon the accused, upon which the king gave his sanction.

President to the Queen. Have you any observations to make on the evidence of the deponent?—A. I have only to say, that I never assisted at the council.

Pierre Manuel, a man of letters, deposed, that he knew the accused, but never had any connexion with the family of Capet, except when he was procureur of the commune; that he went several times to the Temple, to carry into execution the decrees; as to the rest, he never had any particular conversation with the wife of the *ci-devant* king.

President to the Witnesses. You have been administrator of police?—*Witness.* Yes.

President. Have you any details to give with respect to the day of the twentieth of June?—*Witness.* On that day I did not quit my post, as the people might have been alarmed at not finding one of their principal magistrates. I spoke with different citizens, but discharged no municipal function.

President. Relate what came within your knowledge, with respect to what passed in the palace in the night between the ninth and tenth of August?—*Witness.* I did not chuse to quit the post where the people had placed me; I remained all night at the bar of the commune.

President. Do you know that the master of the palace had given orders to fire upon the people?—*Witness.* I knew it from the commandant of the post. I immediately issued orders to the commandant-general of the armed force, and expressly forbade him to fire upon the people.

President. How happens it that you, who have just declared, that in the night of the ninth of August you never quitted the post where the people had placed you, have since

abandoned the honourable function of a legislator, to which their confidence had called you?—*Witness.* When I saw disturbances excited in the bosom of the Convention, I retired; I thought that thus I should act better.

President to the Queen. What was the number of priests you had in the palace?—*Queen.* We had none about our persons but the priests who said mass.

President. Had they taken the oaths?—*Queen.* The law allowed the king to chuse whom he pleased.

Rene Millot, a servant maid, deposed, that having, in 1788, lived as servant on the Great Common at Versailles, she asked one day the *ci-devant* count Coigny, in a moment of good humour, “Will the emperor still continue to wage war against the “Turks? Surely that must ruin France, on account of the immense sums the queen “sends her brother for that purpose, which must at least amount to two hundred millions?”—“Thou art right enough,”—answered the count—“it has cost already “more than *two hundred millions*, and we are not at the end of it as yet.”—I know further, says the witness, that happening to be, after the twenty-third of June, 1789, in a place where some guards of Artois, and some officers of hussars, were present, I heard the former say, at the time the massacre of the French guards was in agitation, *every one must be at his post, and do his duty.* But that the French guards having been informed of the business intended against them, cried out, “*To arms!*” which defeated the project entirely. I have been informed by divers persons, that the prisoner had formed a plan to assassinate the duke of Orleans. The king being acquainted therewith, ordered her to be instantly searched, and *two pistols* were found on her. The king, in consequence, had her confined a prisoner in her own room during a fortnight.—*Queen.* It is possible I might have received an order from my husband to remain a fortnight in my apartment, but it was not for a case similar to the above.

Witness. I know, further, that, in the beginning of October, 1789, some ladies of the court distributed white cockades to divers private gentlemen at Versailles.—*Queen.* I remember having heard that, one or two days after the feast of the body guards, some women distributed these cockades; but neither I nor my husband were the authors of similar disorders.

President. What steps did you pursue to punish these women, after you were acquainted with this circumstance?—*Queen.* None at all.

Magdelaine Rosey, wife of Richard, *ci-devant* keeper of the house of arrest in the Conciergerie of the palace, deposes, that a gen d’arme, named Gilbert, had told her, that the prisoner had received a hint from a private gentleman, brought there by Michonis, administrator of police, which gentleman had given her a pink, in which a billet was concealed: that, considering that the said gentleman might bring her, the witness, into trouble,

trouble, she acquainted Michonis thereof, who answered, That he would not introduce any other persons to the widow Capet.

Marie Devaux, wife of Arell, deposes, that having been with the prisoner during forty-one days at the Conciergerie, and having neither heard nor seen any person, except a gentleman coming one day with Michonis, who gave the prisoner a billet folded up in a pink; that she saw the same gentleman call again in the course of that day.—*Queen*. He came twice in the space of a quarter of an hour.

Jean Gilbert deposed to the fact concerning the pink; and added, that the accused complained to them (the gens d'armes) of the victuals given to her, but that she would not complain to the administrators. That, on this account, she called Michonis, who was in the women's court with the person who brought the pink; that Michonis having again gone up stairs, he heard the accused say to him, "I shall not then see you any more." "O, pardon me,"—replied he—"I shall always be a municipal officer, and, in that quality, I shall have a right to see you."

Charles-Henri d'Estaing, formerly a naval and military officer in the service of France, declares, that he has known the accused ever since she came to France, and that he has even reason to complain of her; but that he will, nevertheless, tell the truth, which is, that he has nothing to say respecting the facts alledged in the act of accusation.

President. Did you know that Louis Capet and his family were to leave Versailles on the fifth of October?—*A*. No.

Q. Do you know, that the horses were put to, and taken away, several times?—*A*. Yes, according to the advice which the court received; but I must observe, that the national guard would not have suffered that departure.

Q. Did not you yourself cause horses to be taken out that day, in order that the royal family might escape?—*A*. No.

Q. Do you know that carriages were stopped at the gate de l'Orangerie?—*A*. Yes.

Q. Were you that day at the palace?—*A*. Yes; and I there heard the counsellors of the court tell the accused, that the people of Paris were coming to massacre her, and that it was necessary she should depart. Upon which she replied, with great firmness, "If the Parisians come hither to assassinate me, I shall fall at the feet of my husband, but I will not betake myself to flight."—*Queen*. That is true: they wished to prevail on me to depart alone, because, they said, I only was exposed to danger. I returned the answer mentioned by the witness.

Q. Have you any knowledge of the entertainments given to the *ci-devant* gardes-du-corps?—*A*. Yes.

Q. Do you know that they then cried out "*Vive le Roi!*" and "*Vive la Famille Royale!*"—*A*. Yes: I know also that the accused went round the table, leading her son in her hand.

To the Queen. Did you not give entertainments also to the national guards of Versailles on their return from Paris, where they had been to fetch muskets.—*A.* Yes.

To the Witnesses. Were you, on the fifth of October, in your quality of commandant-general, at the head of the national guard?—*A.* I was then at the municipality.

Q. Was it not to obtain an order to accompany Louis Capet in his retreat, and to bring him back afterwards, as you said, to Versailles?—*A.* When I saw the king resolved to gratify the wishes of the national guards at Paris, and that the accused appeared even in the balcony of the king's apartment with her son, to announce to the people that she was going to set out with the king and his family to Paris, I requested leave of the municipality to accompany them thither.—The queen acknowledged that she appeared at the balcony, to announce to the people that she was going to set out for Paris.

Antoine Simon, heretofore a shoe-maker, employed at present as the instructor of Charles Louis Capet, son of the accused, declares, that he has known Antoinette since the third of August last, when he first mounted guard at the Temple.

President. Have you any knowledge of the intrigues which took place at the Temple while the accused was there?—*A.* Yes.

Q. Who are the administrators who were in intelligence with her?—*A.* Little Capet declared to me, that Toulan, Petion, La Fayette, Le Pitre, Bouguot, Michonis, Vincent, Manuel, Le Beuf, Jobert, and Dange, were the persons for whom his mother had the greatest predilection; and that the latter had taken him in his arms, and said to him, in the presence of his mother, "I sincerely wish that you were in the place of your father."—*Queen.* I have seen my son play at quoits in the garden with Dange; but I never saw the latter take him in his arms.

Q. Do you know that little Capet was treated as a king, especially when at table?—*A.* I know his mother and aunt gave precedence to him at table.

To the Queen. Have you written to Polignac since your imprisonment?—*A.* No.

Q. Have you not signed orders for receiving money from the treasurer of the civil list?—*A.* No.

Francois Tiffet, merchant, rue de la Barillerie, employed on the tenth of August, 1792, in the committee of safety of the municipality, deposes, that, having been charged with a mission to the house of Septeuil, treasurer of the *ci-devant* civil list, he was accompanied by the armed force of the section de la Place Vendôme; that he could not seize the person of Septeuil, but that among Septeuil's papers were found two orders for the sum of eighty thousand livres, signed "Marie Antoinette," and a note for two millions, signed "Louis," and payable at the rate of one hundred and ten thousand livres per month, at the house of La Porte, of Hambourg; and that there were found also a great number of notes of several payments made to Favras and others; a receipt, signed "Bouillé," for the sum of nine hundred thousand livres, and another of two hundred thousand

thousand-livres; which papers were all deposited in the hands of the commission of twenty-four, which is at present dissolved.

Queen. I desire that the witness will mention the dates of the orders of which he speaks?—*Witness.* One of them was dated the tenth of August, 1792. The date of the other I do not recollect.—*Queen.* I never gave such orders, and how could I give any on the tenth of August, when we went at eight o'clock in the morning to the National Assembly?

President to the Queen. Did you not that day, when in the box of the Logographe, in the legislative assembly, receive money from those who were around you?—*A.* It was not in the box of the Logographe, but during the three days we remained at the Feuillans, that being without money, as we had not carried any with us, we accepted that which was offered to us.

Q. How much did you receive?—*A.* Twenty-five Louis d'ors, the same which were found in my pockets when I was conducted from the Temple to the Conciergerie: considering this debt as sacred, I kept them untouched, in order that I might return them to the person from whom I received them, in case I should see her.

Q. What is the name of that person?—*A.* Dame Auguel.

Jean-Frederic Latour du Pin, an officer, and ex-minister at war, deposes, that he knows the accused, but declares that he is acquainted with none of the facts set forth in the act of accusation.

President. Were you minister on the first of October, 1789?—*A.* Yes.

Q. Did you assist at the council of the *ci-devant* king on the fifth of October, 1789?—*A.* Yes.

Q. Do you know that on that day the royal family intended to set out for Rambouillet, in order to proceed afterwards to Metz?—*A.* I know that on that day it was debated in the council whether the king should set out or not.

Q. On what grounds did they defend that departure?—*A.* On the crowd of people who had come from Paris to Versailles; and those who were still expected, and who, it was said, wished to take away the life of the accused.

Q. What was the result of the deliberation?—*A.* That the royal family should remain.

Q. Where did they propose to go?—*A.* To Rambouillet.

Q. You say the court intended to go to Rambouillet; was it not rather to Metz?—*A.* No.

Q. In your quality of minister, did you not cause carriages to be prepared, and did you not order piquets of troops on the road to protect the departure of Louis Capet?—*A.* No.

Q. Was it by order of Antoinette that you sent your son to Nancy to direct the massacre of the brave soldiers who had incurred the hatred of the court, by shewing themselves patriots?—*A.* I sent my son to Nancy only to execute the decrees of the Na-

tional

tional Assembly. I did not act, therefore, by order of the court, but because it was then the will of the people.

Q. Was it by the orders of Antoinette that you left the army in that state in which it was found?—A. I certainly do not think myself liable to reproach on that subject, as the French army, at the time I quitted the ministry, was on a respectable footing.

Q. Did not the accused, at the time of your ministry, engage you to give her an exact state of the French army?—A. Yes,

Q. Did she tell you what use she meant to make of it?—A. No.

President to the Queen. When you asked of the witness a state of the French army, was it not in order to transmit it to the king of Hungary and Bohemia?—A. As the state of the French army was well known, I had no occasion to transmit an account of it to him, as he could be sufficiently informed of it from the public papers.

Q. For what reason then did you ask that state?—A. As it was reported that the Assembly wished to make changes in the army, I was desirous to know what regiments were to be disbanded.

Q. Did you not abuse the influence you had over your husband, to give orders for drawing on the public treasury?—A. Never.

Q. Where then did you receive that money with which you caused to be built and furnished Le Petit Trianon, where you gave entertainments, of which you were always the goddess?—A. From funds destined for that purpose.

Q. Was it not at Le Petit Trianon that you were first acquainted with the woman La Motte?—A. I never saw her?

Q. Was she not your victim, in the famous affair of the necklace?—A. She could not be so, because I did not know her.

Q. You persist, then, to deny that you knew her?—A. My plan is not to deny; I have told the truth, and will persist to tell it.

Q. Did not you appoint ministers, and persons to fill all places, both civil and military? Had you not a list of persons whom you wished to put into place? Did you not compel different ministers to admit into vacant places the persons whom you marked out? Did you not force the ministers of the finances to give you money, and did you not threaten those who refused you?—A. No, never.

Jean Baptiste Olivier Garnerin, ci-devant secretary of the commission of twenty-four, deposed, that having been to number and arrange the papers found at the house of Septeuil, he saw among them an order for about eighty thousand livres, signed "Antoinette," in favour of the *ci-devant* Polignac, with a note respecting Lazaille, and another paper which attested, that the accused had sold her diamonds, to transmit the produce of them to the French emigrants. The deponent observed, that, he then delivered all the said papers into the hands of Valazé, member of the commission charged to draw up the act of accusation against Louis Capet; but that the deponent learned, not without astonishment,

ment, that Valazé, in the report which he made to the National Convention, did not speak of the papers signed "Marie Antoinette."

President to the Queen. Have you any observations to make on the deposition of the witness?—*A.* I persist in saying that I never gave any such orders.

Q. Do you know the above-named Lazaille?—*A.* Yes, I know him to be an officer of the marine, and have seen him at court at Versailles, as I saw others.

The witness Tiffet requested the president to call upon citizen Garnerin, to declare, if he also did not recollect to have seen among the papers found at the house of Septeuil, invoices of purchases in sugar, coffee, corn, &c. &c. amounting to the sum of two millions, fifteen thousand livres of which had been already paid; and if he did not also know that their invoices, some days after, were not to be found — *Garnerin.* I have no knowledge of that fact; I, however, know, that throughout all France there were people charged with commissions to buy up large quantities of provisions by forestalling, in order to raise the price of them, that by these means the people might be disgusted with the revolution and liberty, and induced to call again for their chains.

To the Queen. Do you know any thing of immense purchases, by forestalling the most necessary articles of provision, made by order of the court to starve the people, and to force them to demand back the ancient order of things, so favourable to tyrants and their infamous agents, who have kept them under the yoke for fourteen centuries?—*Queen.* I do not know that there were any purchases by forestalling.

Charles Eleonore Dufriche Valazé, proprietor, *ci-devant* deputy to the National Convention, deposed, that among the papers found at the house of Septeuil, and which served with others for drawing up the act of accusation against Louis Capet, and in the framing of which he assisted as a member of the commission of twenty-one, he observed two which related to the accused. The first was an order, or rather receipt, signed by her for the sum of fifteen or twenty thousand livres, as far as he could recollect. The other was a letter, in which the minister requested the king to communicate to Marie Antoinette the plan of the campaign, which he had the honour to present to him.

To the Queen. What have you to answer to the deposition of the witness?—*Queen.* I know nothing of either the order or letter to which he alludes.

Public Accuser. It appears, you find, from the declaration of the witness, that ministers were so well acquainted with the influence which you had over Louis Capet, that one of them requested him to communicate to you the plan of the campaign presented to him some days before, from which it follows, that you took advantage of his weakness to cause him to execute bad measures.—*Queen.* I never knew in him that weakness of which you speak.

President. Do you equally persist in saying, that Bailly and La Fayette were not concerned in your flight, on the night of the twentieth and twenty-first of June, 1791?—*A.* Yes.

Q. I shall

Q. I shall observe to you, that in those facts you are contradicted by the declaration of your son?—*A.* It is easy to make a child, only eight years old, say any thing that one wishes. I deny the fact.

John Baptiste Michonis, keeper of a coffee-house, member of the commons of the tenth of August, 1792, and administrator of the police, deposes that he knows the prisoner, for having, in company with his colleagues, assisted in conveying her, on the second of August last, from the Temple to the Conciergerie.

President to the Witnesses. Did you not procure for somebody admission to the prisoner's chamber, since she has been in this prison?—*A.* Pardon me; I procured it for one Giroux, who keeps an academy in the suburbs, a painter, and to another of my friends.

Q. You have, no doubt, procured admission for other persons?—*A.* This is the fact, for I should tell here, and will tell, the whole truth: On Saint Peter's day, dining at the house of a Mr. Fontaine, where there was good company, particularly three or four members of the Convention; among others was madame Tilleul, who invited citizen Fontaine to dinner at her country-house at Vangirard, on Mary Magdalen's day, adding, "Citizen Michonis will not be one too many." Having asked her how she could know me, she replied she had seen me at the mansion-house, where business had carried her."—On the appointed day I went to Vangirard, and found a numerous party: after dinner, the conversation was on the subject of prisons; the Conciergerie was mentioned—some one said, "The widow Capet is there: it is said she is much changed; that her hair is become entirely white." I answered, That in fact her hair was getting grey, but that she was in good health. A citizen who was there expressed a desire to see her; I promised to gratify him in that respect, and did so; on the ensuing day, La Richard, the gaoler's wife, said to me, "Do you know the person whom you brought here yesterday?" Having answered, "That I did not know him any other way than having seen him at one of my acquaintance's." "Well,"—said she—"it is reported he was a knight of "Saint Louis," giving me at the same time a small slip of paper, written, or at least pricked, with the point of a pin: I then answered her, I swear to you, that I never shall in future bring any one here.

President to the Witnesses. Did you not inform the prisoner, that your functions were at an end at the commons of Paris?—*A.* Yes; I held that discourse.

Q. What did the prisoner answer you?—*A.* She said to me, "We shall then see "you no more." I answered, Madame, I remain a municipal officer, and can see you from time to time.

Q. What did he promise you, or give you, in order to have the satisfaction of seeing Antoinette?—*A.* I never received any reward.

Q. While he was in the prisoner's chamber, did you not see him make a sign?—*A.* No.

Dedier Jourdhueil, serjeant, deposed, that, in the month of September, 1792, he found a string of papers in the house of d'Affry, in which was a letter from Antoinette, that contained these words—"Can we trust the Swifs? Will they be firm when it may be necessary?"—*Queen*. I never wrote to d'Affry.

The *Public Accuser* observed, that last year, being director of the jury of accusation near the tribunal of the seventeenth of August, he was intrusted with the drawing up of the process against d'Affry and Cuzotte; that he perfectly well recollects having seen the letter of which the witness speaks.

President. On your marriage with Louis Capet, did you not conceive the project of re-uniting Lorraine to Austria?—*A*. No.

Q. After the affair of Nancy, did you not write to Bouillé, to congratulate him on his having massacred seven or eight thousand patriots in that town?—*A*. I never wrote to him.

Q. Did you not employ yourself in founding the opinion of the departments, districts, and municipalities?—*A*. No.

The public accuser observed to the prisoner, that there was found upon her secretary a paper, which attests that fact in the most precise manner, and in which were found inscribed the names of Vaublanc and Jancourt.—The said paper being read, the queen persisted in saying, that she did not recollect that she had ever written any thing of the kind.

Q. Why did you, who had promised to bring up your children in the principles of the revolution, teach them nothing but errors; in treating, for instance, your son with a respect which might make it believed that you thought of seeing him one day the successor of the *ci-devant* king, his father?—*A*. He was too young to speak to on that subject. I placed him at the head of the table, to give him myself what he wanted.

Q. Have you any thing to add to your defence?—*A*. Yesterday I did not know the witnesses: I knew not what they were to depose against me; and nobody has produced against me any positive fact. I conclude by observing, that I was only the wife of Louis the Sixteenth, and it was requisite in me to conform myself to his will.

The president announced, that the interrogatories were closed.

The public accuser now spoke: he reminded the jury of the flagitious conduct of the late French court—of its constant machinations against liberty, which it hated, and the destruction of which it sought to encompass at any rate; its efforts to kindle civil war, in order to turn the result to its own advantage, by appropriating to itself this Machiavelian maxim, *Divide to rule!* Its criminal and culpable connections with the foreign powers with whom the republic is at open war; its habits of intimacy with a villainous faction, which was devoted to it, and seconded its designs, by exciting in the bosom of the Convention animosities and dissention; by employing all possible means to ruin Paris, and arming the departments against that city; and by incessantly calumniating the generous inhabitants of the metropolis, the mother and preserver of liberty; the massacres perpetrated by the orders of that corrupted court in the principal towns of France, particu-

larly at Montauban, Nîmes, Arles, Nancy, in the Champ de Mars, &c. &c. He considered Marie Antoinette the avowed enemy of the French nation; as the principal instigatrix of the troubles which had taken place in France for these four years past, and in which thousands of Frenchmen fell victims.

Chauveau, and Troufon Ducoudray, officially appointed by the tribunal to defend Antoinette, acquitted themselves of that duty, and solicited the clemency of the jurors. They were heard with the most profound silence.—The queen was then taken out of the hall.

Herman, president of the tribunal, summed up the evidence in the following manner:—“Citizens of the jury, the French nation, by its organ, the public accuser, has accused before the national jury, Marie Antoinette of Austria, widow of Louis Capet, of having been the accomplice, or rather instigatrix, of most of the crimes of which the last tyrant of France was found guilty—of having herself kept up a secret understanding with powerful foreign nations, especially with the king of Bohemia and Hungary, her brother; with the *ci-devant* emigrant French princes, and traitorous generals; with having furnished the enemies of the republic with supplies of money, and of having conspired with them against the external and internal security of the state.

“This trial, citizens of the jury, is not one of those where a single fact, a single crime, is submitted to your conscience and your knowledge. You have to judge all the political life of the accused, ever since she came to sit by the side of the last king of the French; but you must, above all, fix your deliberation upon the manœuvres which she employed to destroy rising liberty, either from within the kingdom, by her close connexions with infamous ministers, perfidious generals, and faithless representatives of the people; or from without the kingdom, by causing the negotiation of that monstrous coalition of the despots of Europe, which history holds up to ridicule for impotence—in short, by her correspondence with the *ci-devant* emigrant French princes, and their *worthy* agents.

“The material proof rests in the papers seized in the abode of Louis Capet, enumerated in the report made to the National Convention, by Gohier, one of its members, in the collection of the justificatory pieces of the act of accusation passed against Louis Capet by the Convention; lastly and chiefly, citizens of the jury, in the political events of which you have all been witnesses and judges. If the satellites of Austrian despotism have broke in for a moment on our frontiers, and if they have there committed atrocities, of which the history of even barbarous nations does not furnish a parallel example—if our ports, our plains, and our cities, are sold or given up, is it not evidently the result of the manœuvres planned at the Thuilleries, and of which Marie Antoinette was at once the instigatrix and the moving principle? These, citi-
zens

“ zens jurors, are the public events which form the mass of proof that overwhelms
 “ Marie Antoinette.

“ All the other details, given either as a history of the Revolution, or in the pro-
 “ ceedings against certain notorious personages, and some treacherous public functiona-
 “ ries, vanish before the charge of high treason, which weighs heavily upon Antoinette
 “ of Austria, widow of the *ci-devant* king. There is one general observation to be at-
 “ tended to—namely, that the accused has owned that she had the confidence of Louis
 “ Capet. It is evident, too, from the declaration of Valazé, that Antoinette was con-
 “ sulted in political affairs, since the late king was desirous that she should be consulted
 “ upon some plan of which the witness could not tell the object. One of the wit-
 “ nesses, whose precision and ingenuity are remarkable, has informed you that the late
 “ duke of Coigny had told her, in 1788, that Antoinette had sent the emperor, her
 “ brother, two hundred millions, to enable him to carry on the war which he then waged
 “ against the Turks. Since the Revolution, a bill of between sixty and eighty thou-
 “ sand livres, signed “*Antoinette*,” and drawn upon Septeuil, has been given to the wo-
 “ man Polignac, then an emigrant; and a letter from La Porte recommended it to Sep-
 “ teuil, not to leave behind the least trace of that gift. After the tyrant’s death, An-
 “ toinette observed in the Temple, with regard to her son, all the etiquette of the
 “ ancient court. The son of Capet was treated as a king: in all domestic occurrences
 “ he had the precedence before his mother; at table he sat at the upper end, and was
 “ served first. I shall forbear, citizens of the jury, to mention here the interview of
 “ the chevalier de Saint Louis; of the carnation flower left in the apartment of the ac-
 “ cused; of the pricked paper given, or rather prepared, for an answer. This incident
 “ is a mere gaol intrigue.—I conclude by a general reflection, which I have already had
 “ an opportunity of presenting: it is the French nation which accuses Antoinette; all
 “ the political events prove evidence against her.

“ The questions which the tribunal has determined to submit to you are :—

- “ 1. Is it proved, that there existed machinations and private intelligences with power-
 “ ful foreign states, and other external enemies of the Republic; such machinations and
 “ intelligences tending to furnish succours in money, and to give them ingress into the
 “ French territory, for the purpose of facilitating the progress of their arms?
- “ 2. Is Marie Antoinette convicted of having co-operated with those machina-
 “ tions, and of having entertained those intelligences?
- “ 3. Is it proved that there existed a plot or conspiracy to light up a civil war in the
 “ heart of the Republic?
- “ 4. Is Marie Antoinette convicted of having had a share in that plot, and that
 “ conspiracy?”

The jury, after having deliberated about an hour, returned into the hall, and gave a verdict, *affirming all the charges submitted to them.*—The queen was again brought in.

President. “Antoinette, hear the sentence of the jury;” which was then read. “You have heard the questions of the public accuser.” Fouquier then demanded that the accused should be condemned to die, conformable to the first article of the second part of the penal code. The president then called upon the queen to declare, whether she had any objection to make to the sentence of the laws, demanded by the public accuser? Antoinette bowed her head in token of negative.

Upon the same demand being made of her defenders, Troufon said, “Citizen president, the declaration of the jury being precise, and the law formal in this respect, I announce that my professional duty with regard to the widow Capet is terminated⁸⁰.”

The president gathered the suffrages of his colleagues, and pronounced the following sentence:—“The tribunal, after the unanimous declaration of the jury, in conformity to the law, condemns the said Marie Antoinette, widow of Louis Capet, to the penalty of DEATH, her goods confiscated for the benefit of the Republic; and this sentence shall be executed in the Place de la Revolution.”

Marie Antoinette, throughout the whole of her trial, preserved a calm and steady countenance, during the first hours of which she moved her fingers upon the bar of the chair with an appearance of unconcern, as though she were playing on an instrument. When she heard her sentence read, she did not shew the smallest alteration in her countenance, and left the hall without saying a single word to the judges, or to the people; and at half past four o'clock in the morning of the sixteenth of October, was re-conducted to the prison of the Conciergerie.

At five o'clock, the generale was beaten: at seven, the whole armed force was on foot; cannon were planted upon the squares, and at the extremities of the bridges, from the palace to the Place de la Revolution. At ten o'clock, numerous patrols passed through the streets: at half past eleven o'clock, Marie Antoinette was brought out of the prison,

⁸⁰ It is necessary here to apprize the reader that the depositions of several of the witnesses on this important trial have been omitted, as totally irrelevant to the articles of indictment charged against the unfortunate and illustrious prisoner; but introduced there merely with a view of drawing from them some confessions whereon to found criminal charges against themselves. The event fully justified the idea that it was solely for that purpose that they were called, as, at the very time of the trial, several of these witnesses were in a state of arrest; and many of them did not long survive the ill-fated Marie Antoinette, their own evidence given on the trial being made to answer the purpose of more substantial proofs.—It is, indeed, but justice to remark, that to be arrested was but too frequently a certain road to the guillotine, the strict forms required for *legal* conviction being on those occasions very often dispensed with.

1793.] dressed in a white dishabille. She was conducted to the place of execution like a common malefactor; her hair from behind was entirely cut off, and her hands were tied behind her back; besides her dishabille, she wore a very small white cap; her back was turned towards the horse. On her right hand was seated the executioners; upon the left a constitutional priest, belonging to the metropolitan church of Notre Dame, dressed in a grey coat. She was escorted by numerous detachments of horse and foot: Henriot, Ronfin, and Boulanger, generals of the revolutionary army, preceded by the rest of their staff officers, rode in front.

An immense number of people crowded the streets, shouting "*Vive la Republique! A bas la tyrannie!*" She seldom cast her eyes upon the populace, and beheld with indifference the great armed force of thirty thousand men, which lined the streets in double ranks. The sufferings which she had sustained during her captivity had much altered her appearance, the hair on her forehead appearing as white as snow.

The queen addressed herself during the whole time of the cavalcade to the priest. Her spirits appeared neither elevated nor depressed, and quite insensible to the shouts of the populace. When she passed through the street called Saint Honoré, she sometimes looked attentively at the inscriptions of the words *Liberty* and *Equality* affixed to the outsides of the houses. Her behaviour was decent and composed, and, like her unfortunate husband, she found in the truths of religion a source of consolation of which the persecution of her enemies was unable to deprive her; a consolation which can effectually assuage all the evils of adversity, and can even alleviate the pangs of remorse. She ascended the scaffold with seeming haste and impatience; and then turned her eyes with great emotion towards the garden of the Thuilleries, the abode of her former greatness. At a quarter past twelve o'clock, the guillotine severed her head from her body. She died in the thirty-eighth year of her age. The executioner exhibited the bleeding head to the surrounding multitude from the four corners of the scaffold: this was followed by a repetition of the shout of "*Vive la Republique!*"

The corpse was immediately after buried in a grave filled with quick-lime, in the church-yard called De la Madeleine, where Louis the Sixteenth was buried in the same manner.

Amidst these serious and dreadful events, it is something curious to observe the National Convention amusing themselves with the formation of a new calendar. The year is, according to this, divided into twelve months of thirty days each, with five intercalary days, which are dedicated to national festivity, and called, on that account, *Sans-Culottides*. Each month is divided into decades, and the day of rest is appointed for every tenth day instead of the seventh⁷⁹.

⁷⁹ See Appendix.

On the twenty-second of October a decree was passed, ordering that all the *ci-devant* priests, who should be taken in arms against the Republic, should be punished with death; and that all the clergy who had not taken the constitutional oaths, and who were under sixty years of age, should be banished to French Guiana.

The trial of the unfortunate deputies of the Gironde party was deferred from time to time, till the complete overthrow of their adherents in the departments should give security to their prosecutors, and afford proper materials for their conviction. On the twenty-fourth of October the trial commenced before the revolutionary tribunal. The deputies accused were, Brissot, Vergniaud, Duperret, Carra, Gardien, Valazé, Duprat, Sillery, Fauchet, Boileau, Ducos, Fonfrede, La Source, Beauvais, Duchatel, Mainville, Lacaze, Lehardi, Antiboul, Vigée, Dufriche, and Boyer.

Brissot, who was always distinguished as a man of uncommon courage, appeared perfectly tranquil; Carra and Fauchet, in some emotion; Boileau and La Source were in dishabille; Ducos and Fonfrede, well dressed. When Boileau was asked if he had chosen an official defender, he said he had given notice to one, and if he should refuse he must make as good a defence for himself as he could. Antiboul, when asked of what profession he was, said, "A defender of the rights of the people, and a persecutor of tyrants." The act of accusation calls Sillery "the dishonoured confidant of a contemptible prince."—The substance of the act of accusation has been already detailed, in the recital of the two reports which had been presented to the Convention concerning them. It is remarkable, that among the crimes laid to their charge, are stated, the having caused war to be declared, first against Austria, and afterwards against England and Holland. The chiefs of the Mountain party had, indeed, protested against the latter measure; and if we consider the pains which the Girondists took to avoid it, it is only fair to conclude that a rupture with Great Britain was equally unpopular with both parties. The article, however, on which they were convicted was, having conspired against the unity and indivisibility of the Republic, by exciting a rebellion in the departments of the South, and in that of Calvados. On the thirtieth of October the following twenty-one viz. Brissot, Vergniaud, Genfonne, Duprat, Lehardi, Ducos, Fonfrede, Boileau, Gardien, Duchatel, Sillery, Fauchet, Dufriche, Duperret, La Source, Carra, Beauvais, Mainville, Antiboul, Vigée, and Lacaze, were conveyed from the prison to the Place de la Revolution, where they were executed.—Among these the reader will recognize several of those who were most forward in dethroning the king, and establishing a Republic. Valazé, who prepared the charges against the king, stabbed himself as soon as the sentence was pronounced. Fauchet was one of the constitutional bishops, and La Source a protestant clergyman.

Manuel, who had been so active in the dethroning of the king on the tenth of August, and afterwards evinced so much solicitude to preserve his life, was soon after brought to trial,



M. BRISSOT,
from an Original Drawing by
Anthony Pasquin Esq.

Engraved for C. Lowndes and J. Parson at 21, Paternoster Row Aug 25 92.

trial, and executed. The trial of general Houchard immediately succeeded that of Manuel; he was convicted of neglect of duty, in not endeavouring to cut off the retreat of the British forces from West Flanders. The veteran general Luckner soon after partook of the fate of Houchard; and the learned Bailly, the first mayor of Paris after the Revolution, was condemned by the same tribunal, apparently on an ill-founded charge, viz. that of having entered into a conspiracy with La Fayette to massacre the patriots in the Champ de Mars, in July 1791. The accomplished Barnave, and Rabaut de Saint Etienne, suffered also, with many others, before the conclusion of the year. Of the guilt or innocence of these persons it is impossible to determine, as their trials have never, to our knowledge, reached Great Britain. Of many, if not of most, we may venture to pronounce that their fate was at least severe, and the respectable characters of some of them will not permit us to suppose them guilty.

The condemnation of the first grand mover of the Revolution, and in some degree the cause of the sanguinary measures consequent on that event, the duke of Orleans, latterly known under the ludicrous title of Philippe Egalité, appears to have produced scarcely any sentiments of commiseration in any party, so completely does a profligate life excite the indignation of mankind. Egalité had, in some few instances, assumed the appearance of a friend of liberty; and, however contemptible his conduct in life, he met his fate with more fortitude than, from the general tenor of his actions, could have been expected. He was included in the general decree which removed the Bourbon family to Marseilles, and was brought to Paris in the beginning of November, to be tried before the revolutionary tribunal. He was accused and convicted of having aspired to the sovereignty from the commencement of the Revolution. He was conveyed in a cart, on the evening of the sixth of November, to the place of execution, and suffered amidst the insults and reproaches of the populace.

The celebrated madame Roland was brought to the scaffold two days after the execution of Egalité. Her great talents have been confessed by all, and the integrity of her character has perhaps only been disputed by the virulence of faction. Her attachment to the party of the Girondists was the only crime alledged against her, and in this attachment she gloried, both at the tribunal and on the scaffold.

On the twenty-fifth of November the Convention was occupied with a grave and solemn discussion, whether or not the remains of Mirabeau should be removed from the French Pantheon. Trifling as the object of investigation may seem, some facts were brought to light in the discussion, not unworthy the notice of the historian. From letters in the hand-writing of the late king, and in that of La Porte, the intendant of the civil list, it appeared, that Mirabeau had absolutely stipulated for a pension, to promote the designs of the court: that similar negotiations had been carried on between him and

M. Neckar, and that he had complained that the latter had twice deceived him. On these grounds, the remains of Mirabeau were ordered to be removed from the Pantheon.

About this period the phrenzy of impiety, which has ever been the curse of the French people, was carried to its highest degree of absurdity. On the seventh of November a most indecent scene was acted in the Convention: Gobet, the republican bishop of Paris, with his grand vicars, and other unworthy members of the ecclesiastical body, entered the hall with the constituted authorities, and solemnly resigned their functions, and the Christian religion. Several ecclesiastics, both Catholic and Protestant, who were members of the Convention, resigned at the same time; and the celebrated Gregoire was the only man who had the courage to profess himself a Christian, though the emoluments of his bishopric, he said, were ready to be devoted to the service of the Republic. By the tumultuous applauses of the Convention, a number of allegorical divinities, Liberty, Equality, &c. were consecrated as objects of worship. This execrable attempt to revive the absurdities of paganism, did not however succeed with the populace. The resentment of the whole people of Paris was strongly excited by an intolerant decree of the commune, ordering the churches to be shut up; and, on the first of December, they were obliged to reverse this order; while Barrere, by a report from the committee of public safety, once more proclaimed the freedom of religious worship. The party of Herbert and Fabre d'Eglantine, who were at the head of this execrable conspiracy against religion, are generally supposed to have precipitated their own disgrace by this proceeding; and the short-lived popularity which Robespierre obtained, is principally to be attributed to his taking part with the people in defence of religion.

For the folly and impiety of the seventh of November, the Convention made some amends on the fifteenth, by abolishing for ever that most disgraceful, most immoral, and pernicious institution, a lottery.

The campaign of this year terminated favourably for the French, though the discomfiture excited by the defeat of the allies was in some measure compensated to the English, by the intelligence that, in the beginning of October, the royalists of fort Jeremie, in Saint Domingo, had invited them to take possession of that part of the island, and that Cape Nicola Mole submitted in a few days after to the British arms. In the East Indies also Pondicherry, and the other French settlements on the coast of Coromandel, were taken by the English. But it was in Europe that the valour of the French nation displayed itself to the most advantage. The decree for rising in one body acted like an incantation, and seemed to produce an army as if by a miracle. It was however some time before their numerous forces could be brought into action; and in some cases the treachery of the commanders was supposed to favour the combined powers. Early in the month of September Landau had been invested by the allied armies; but while the French maintained the strong lines at Weissenbourg, and on the Lauter, there



Jones Sculp.

M. FABRE D'EGLANTINE.

Engraved for C. Lewis and J. Parsons, at Pall-mall Row September 27th 1794.

was but little prospect of success. On the thirteenth of October, therefore, the Austrian general, Wurmser, made a grand attack upon the lines of Lauter; and, if we may trust the French account, their generals permitted the Austrians, almost without resistance, to force the lines. The whole of the lines, with the town of Lauterburgh, were carried, which Wurmser himself confesses might have held out a siege of several days. The French lost also the whole of their artillery.

The town of Weissenbourg made a more formidable resistance, and it was not carried without the loss of between seven and eight hundred men. The French retreated towards Hagenau, from which they were dislodged on the eighteenth. The Austrian general lost no time in proceeding towards Strasburg, and on the twenty-fifth again routed the republicans, and was enabled to take possession of Wanzenau. On the twenty-seventh he was attacked by the French; but they were compelled to retreat with the supposed loss of three thousand men.

In the beginning of November the deputies Saint Just and Le Bas were sent to Strasburg, to re-organize the discomfited troops. They ordered immense reinforcements from the neighbouring departments; and to afford a salutary example of severity, general Irembert, who was convicted of treachery in the affair of the lines of Weissenbourg, was shot at the head of the army on the ninth. A conspiracy was also detected at Strasburg, for delivering up that place to the enemy, and the traitors were punished. These spirited proceedings were not sufficient however to save Fort Louis (or Fort Vauban), which fell into the hands of general Wurmser on the fourteenth of November, not without strong suspicions of treason on the part of the commandant. Here however the successes of Wurmser terminated; for on the twenty-first of November the Austrians were compelled to retreat, and the republican army penetrated to Vautruan, and almost to the gates of Hagenau. In the mean time the army of the Moselle advanced to co-operate with the grand army of the Rhine; and on the seventeenth of November the Prussians were defeated near Saarbruck with some loss. On the succeeding day the Prussian camp at Bliescastel was stormed and taken by the republicans; when they immediately, under the command of general Hoche—who it is said had formerly officiated in the humble capacity of a postilion—advanced to Deux Ponts. The post of Hornback, and the heights of Milleback, were carried with great bravery by the French, and the Prussians were immediately compelled to abandon Deux Ponts.

On the twenty-ninth and thirtieth of November the French were repulsed with considerable loss in two spirited attacks made on the duke of Brunswick's posts near Lautern; but these were more than compensated by the success of the republicans under general Pichegru, on the eighth of December, who carried with fixed bayonets all the redoubts of the allies which covered Hagenau; and on the twenty-second they were driven, with immense slaughter, from Bischollers, Dufenheim, and Hagenau, notwithstanding

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ing the almost continued works by which they had covered the line which joins the two posts. The entrenchments on the heights of Reishoffen, Jaudershoffen, and Freyewillers Radneith, are said to have been not less formidable than those of Jemappe, and formed three rows of redoubts, which were considered as impregnable. They were however stormed by the army of the Moselle under general Hoche, who had joined Pichegru, and carried sword in hand. On the twenty-third and twenty-fourth the French pursued the enemy to the heights of Wrotte, where they had also erected most formidable entrenchments. On the twenty-sixth general Pichegru prepared to attack these entrenchments in form; but, after a fruitless cannonade, the republican soldiers called out to sound the charge, and marched up to the very foot of the entrenchments. A desperate conflict ensued, which lasted from two o'clock in the afternoon till five. At half past six the French were masters of the heights, and at ten all the enemy's posts were abandoned. On the twenty-seventh the republican army entered Weissembourg in triumph; general Wurmser making good his retreat to the Rhine, and the duke of Brunswick hastily retreating to cover Mentz.

The prince of Hohenloe had summoned Landau on the fourteenth of December; but receiving an indignant reply from the commandant, general Laubadere, the Prussian general, Knobeldorf, attempted to establish an intercourse with the garrison, which was spiritedly rejected. In consequence of the retreat of the allies the siege was raised. In consequence of these successes, Keiserslautern, Guermerheim, and Spires, immediately submitted to the French.

In the north but little was performed on either side during the latter part of the campaign. On the nineteenth of November a trifling skirmish took place between a part of the garrison of Ypres, and a party of French who attempted to establish themselves at Poperinghue, from which they were dislodged with the loss of forty-five prisoners. On the twenty-eighth of the same month they attacked the out-posts of the duke of York at Nechin and Liers, but were repulsed with some loss: and on the thirtieth were again unsuccessful in an attack on the same posts.

The siege of Toulon was commenced immediately after the reduction of Marseilles. On the eighth of September general Cartaux arrived at the passes of Olioulles. The Spaniards and English occupied the heights on the right, and the French those on the left. As soon as the French general was perceived by the enemy, he was saluted by a general shout of "*Vive Louis XVII.!*" and by a discharge of musketry. At mid-day he ordered the attack, and by two o'clock the enemy were dispersed, one hundred and fifty being killed upon the spot, and a number of prisoners taken. On the first of October the republican troops carried the heights of Pharon, which the English had fortified; but after retaining it a few hours, reinforcements arriving, they were forced again to abandon the post. On the fourteenth an action took place between the garrison, who had march-

ed out to the defence of the redoubt of Malbousquet, and the army of general Cartaux, in which the English and the allies lost about forty men, and the French about thirty: no account was however given of the Toulonese who fell in this action. On the succeeding day Cape Brun was taken with great bravery by the republican troops; and at the same time a detachment from the garrison, sent to occupy the heights of Thouars, was dislodged, and obliged to retreat into the town. The loss of the allies in both actions being nearly an hundred men.

In the beginning of November general Cartaux was ordered to the command of the army in Italy, and general Dagobert to that of the besieging army at Toulon. About the same period general O'Hara arrived with reinforcements from Gibraltar at Toulon, having been appointed, by his Britannic majesty's commission, governor and commander in chief. On the thirtieth of November the garrison made a vigorous sortie, in order to destroy some batteries which the enemy were erecting upon certain heights, within cannon-shot of the city. The detachments sent for this purpose accomplished it with silence and success; and the French troops were surprised and put to flight. Elated, with the facility of the conquest, the allied troops rushed forward in pursuit of their flying foes, when they unexpectedly encountered a considerable force which was proceeding to cover the retreat of the fugitives. At this moment general O'Hara arrived upon the spot; and while he was exerting himself to bring off his troops with regularity, he received a wound in his arm, and was made prisoner. It is said that near a thousand of the British and allied forces were killed, wounded, or taken prisoners, on this occasion.

Soon after the capture of general O'Hara, the city of Toulon was evacuated by the allies. On the morning of the nineteenth of December the attack began before all the republican forces had time to come up. It was chiefly directed against an English redoubt (Fort Mulgrave) which commanded the forts of l'Eguillette and Ballaguer, defended by more than three thousand men, twenty pieces of cannon, and several mortars. This formidable post was not able to resist the ardour of the French army. It was attacked about five o'clock in the morning, and at six the republican flag was flying upon it. This success cost the French about two hundred men killed, and more than five hundred wounded. The allies lost the whole garrison, of which five hundred were prisoners, including eight officers, and a Neapolitan prince. The representatives of the people rushed among the several columns, rallied those who had given way, encouraged, and led them on to victory.

Disinayed by the success of their enemies, the allies evacuated the other forts, and began to take measures for removing their ships out of the reach of the shot and shells, which the French incessantly poured upon them. More than four hundred oxen, sheep, and hogs, with large quantities of forage and provisions of all sorts, and more than an hundred pieces of cannon, fell into the hands of the French. The town was bombard-

ed from noon till ten o'clock the same evening; when the allies, and part of the inhabitants, having set fire to the town and shipping, precipitated their flight: two chaloupes filled with the fugitives were sunk by the batteries. The precipitation with which the evacuation was effected, caused a great part of the ships and property to fall into the hands of the French, and was attended with the most melancholy consequence to the wretched inhabitants. As soon as they observed the preparation for flight, they crowded to the shore, and demanded the protection which had been promised them on the faith of the British crown. A scene of confusion, riot, and plunder ensued; and though great efforts were made to transport thousands of the people to the ships, many were left to the vengeance of their enraged countrymen. Numbers plunged into the sea, and made a vain effort to swim on board the ships; others were seen to shoot themselves on the beach to avoid the superior evil of falling into the hands of the republicans. During all this, the flames were spreading in every direction, and the ships that had been set on fire were threatening every instant to explode, and blow all around them into the air. This is but a faint description of the scene on shore, and it was scarcely less dreadful on board the ships. Loaded with the most heterogeneous mixture of all nations, with aged men and infants, as well as women; with the sick from all the hospitals, and with the mangled soldiers from the posts just deserted, their wounds still undrest; nothing could equal the horrors of the sight, except the still more appalling cries of distraction and agony that filled the ear, for husbands, fathers, and children, left on shore. To increase the distress, they were without sufficient provisions for this mixed and helpless multitude of human beings; and such as they had were almost unfit for use.

Of thirty-one ships of the line which the English found at Toulon, thirteen were left behind, nine burnt at Toulon, and one at Leghorn; and four lord Hood had previously sent away to the French ports, Brest and Rochfort, with five thousand republican seamen, whom his lordship did not think it prudent to detain. Great Britain therefore obtained only three ships of the line, and five frigates, which were all that lord Hood was able to carry away.

The war on the side of Spain was productive of nothing but petty skirmishes, not worth detailing; and, on the side of Savoy, the king of Sardinia appears to have made but a slow progress in recovering his possessions. On the twenty-seventh of September the Piedmontese were repulsed in attempting to penetrate between Mourienne and Briançonnais. The republicans saw them fall from the top of the mountains, and carried their redoubts with the bayonet. The city of Cluz was then in the hands of the French, and they were proceeding to Salons. In the mean time an English vessel, arrived at Nice with a flag of truce, and a proclamation to the inhabitants, exhorting them to accept the royal constitution of 1789; but the magistrates of Nice replied, that French republicans would never become slaves, and that no answer would be made to royalists except from the mouths of the cannon.

An expedition had been planned by the British government for the purpose of co-operating with the royalist army on the coast of Brittany, and the earl of Moira was appointed to the command; but by some unforeseen causes the expedition was delayed till the royalists were completely subdued; and when the fleet and transports appeared off the coast, they found the French so far prepared for their reception, that it would have been rashness in the extreme to have attempted a landing.

As this was the last transaction of any material consequence in the year 1793; and as we have already exceeded the bounds of our intended plan; we shall here close our history for the present; neither shall we trouble the reader with any comment, but leave a plain narration to have its own effect on his mind—only, premising, that we have never wilfully deviated from that part of our plan which had IMPARTIALITY for its aim. At the same time we think it necessary to inform him that from the great patronage bestowed on the present work, it is by no means improbable but that at some future, but not very distant, period, we may take the liberty of laying before the world an additional volume.

In the progress of this Work several diplomatic documents, illustrative of various parts of the Revolution, presented themselves; but as, from their length, they were deemed improper for insertion in the body of the text, at the passages to which they have reference, it was judged adviseable to collect and add them, in the form of an APPENDIX, at the end of the Volume; several of these paper shave, however, been inserted in the regular detail, being conceived to have so intimate a connection with the subject matter, as to be incapable of separation, without considerable detriment to the narrative. Care has, nevertheless, been taken to select such only as, from their relation to the history, could not with propriety be omitted, without material disappointment to the Reader.

A P P E N D I X.

No. I.

AN AUTHENTIC COPY OF THE FRENCH CONSTITUTION, REVISED AND AMENDED BY THE NATIONAL ASSEMBLY:

AND PRESENTED TO THE KING ON THE THIRD OF SEPTEMBER, 1791.

Declaration of the Rights of Man and of Citizens.

THE representatives of the French people, formed into a National Assembly, considering that ignorance, forgetfulness, or contempt of the Rights of Men, are the sole causes of public grievances, and of the corruption of government, have resolved to exhibit, in a solemn declaration, the natural, unalienable, and sacred Rights of Man, in order that this declaration, ever present to all the Members of the SOCIAL BODY, may incessantly remind them of their rights, and of their duties; to the end that the acts of the legislative power, and those of the executive power, being able to be every moment compared with the end of all political institutions, may acquire the more respect; in order also that the remonstrances of the citizens, founded henceforward on simple and incontestible principles, may ever tend to maintain the Constitution, and to promote the general good. For this reason, the National Assembly recognizes, and declares in the presence, and under the auspices, of the Supreme Being, the following Rights of Men and of citizens:

ART. I. All men are born, and remain, free and equal in rights: social distinction cannot be founded but on common utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; these rights are, liberty, property, security, and resistance against oppression.

III. The principle of sovereignty resides essentially in the nation: no body of men, no individual, can exercise an authority that does not emanate expressly from that source.

IV. Liberty consists in the power of doing every thing except that which is hurtful to another: hence, the exercise of the natural rights of every man, has no other bounds than those that are necessary to en-

sure to the other members of society the enjoyment of the same rights: those bounds to be determined by the law only.

V. The law has a right to forbid those actions alone, that are hurtful to society. Whatever is not forbidden by the law cannot be hindered; and no person can be constrained to do that which the law ordaineth not.

VI. The law is the expression of the general will: all the citizens have a right to concur personally, or by their representatives, to the formation of the law: it ought to be the same for all, whether it protect or whether it punish. All citizens being equal in the eye of the law, are equally admissible to public honours, places and offices, according to their capacity, and without any other distinction but that of their virtue, or their talents.

VII. No man can be accused, arrested, or detained, except in cases determined by the law, and according to the forms which the law hath prescribed. Those who solicit, dispatch, execute, or cause to be executed, arbitrary orders, ought to be punished; but every citizen that is summoned, or seized, in virtue of the law, ought to obey instantly; he becomes culpable by resistance.

VIII. The law ought to establish such punishments only as are strictly and evidently necessary; and no person can be punished, but in virtue of a law established and promulgated prior to the offence, and legally applied.

IX. Every man being presumed innocent till he has been declared guilty, if it shall be deemed absolutely necessary to arrest a man, every kind of rigour employed, not necessary to secure his person, ought to be severely punished by the law.

X. No person shall be molested for his opinions, even such as are religious, provided that the manifestation

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festation of those opinions does not disturb the public order established by the law.

XI. The free communication of thought, and of opinion, is one of the most precious rights of man. Every citizen, therefore, may freely speak, write, and publish his sentiments; subject, however, to answer for the abuse of that liberty, in cases determined by the law.

XII. The guarantee of the rights of men and citizens involves a necessity of *public force*. This force is then instituted for the advantage of all, and not for the particular utility of those to whom it is confided.

XIII. For the maintenance of the public force, and for the expences of administration, a common contribution is indispensably necessary: this contribution should be equally divided amongst all the citizens, in proportion to their abilities.

XIV. Every citizen has a right, by himself, or by his representatives, to decide concerning the necessity of the public contribution; to consent to it freely; to look after the employment of it; to determine the quantity, the distribution, the collection, and duration.

XV. Society has a right to demand from every public agent, an account of his administration.

XVI. That society in which the guarantee of rights is not assured, nor the separation of powers determined, has *no constitution*.

XVII. Property being a right inviolable and sacred, no person can be deprived of it, except when the public necessity, legally ascertained, shall evidently require it, and on condition of a just and previous indemnification.

THE NATIONAL ASSEMBLY, desirous of establishing the French Constitution on the principles which it has just now recognised and declared, abolishes, irrevocably, those institutions which are injurious to liberty and equality of rights.—There is no longer any *nobility*, nor *peerage*, nor *hereditary distinctions*, nor *difference of orders*, nor *feudal government*, nor *patrimonial jurisdiction*, nor any of the *titles*, *denominations* and *prerogatives* which are derived from them; nor any of the orders of *chivalry*, *corporations*, or *decorations*, for which proofs of nobility were required; nor any kind of superiority, but that of public functionaries in the exercise of their functions.—No public office is henceforth *hereditary* or *purchaseable*.—No part of the nation, nor any individual, can henceforth possess any *privilege* or *exception* from the common rights of all Frenchmen.—There are no more *wardenships* or *corporations* in professions, arts, or trades.—The law recognises no longer any *religious vows*, nor any other engagement which would be contrary to natural rights, or to the Constitution.

TITLE I. *Fundamental regulations guaranteed by the Constitution.*

THE Constitution guarantees, as natural and civil rights,

1. That all the citizens are admissible to places and employments, without any other distinction than that of *virtue* and *talents*.—2. That all taxes shall be equally divided amongst all the citizens, in proportion to their abilities.—3. That the same crimes shall be subject to the same punishments, without any distinction of persons.—The Constitution in like manner guarantees, as natural and civil rights, liberty to every man to go, stay, or depart, without being arrested, or detained, except according to the forms determined by the Constitution.—Liberty to every man to speak, write, print and publish his thoughts, without the writings being subjected to censure or inspection before their publication, and to exercise the religious worship to which he is attached.—Liberty to the citizens to assemble peaceably, and without arms, in complying with the laws of police.—Liberty to address to the constituted authorities petitions signed by individuals.—The Legislative Power can make no law which would attack or impede the exercise of the natural and civil rights expressed in the present title, and guaranteed by the Constitution; but as liberty consists only in the power of doing whatever neither injures the rights of another, nor the public safety, the law may establish penalties against acts, which, attacking either the rights of others, or the public safety, would be injurious to society.

The Constitution guarantees the inviolability of property, or a just and previous indemnity for that of which public necessity, legally proved, shall require the sacrifice.—Property, destined to the expence of worship, and to all services of public utility, belongs to the nation, and shall at all times be at its disposal.—The Constitution guarantees all the alienations which have been, or which shall be, made according to the forms established by the law.—The citizens have a right to elect or choose the ministers of their religions.—There shall be created and organised, a general establishment of *public aid* for the education of deserted children, to relieve the infirm poor, and to procure work for the healthy poor who have not been able to find it for themselves.—There shall be created and organised, *public instruction*, common to all citizens, gratuitous with regard to those parts of tuition indispensable for all men, and of which the establishments shall be gradually distributed, in a proportion combined with the division of the kingdom.—There shall be established, *national festivals*, to preserve the remembrance of the French Revolution, to keep up fraternal affection amongst the citizens, and attachment to the constitution, of the country, and the laws.—There shall be drawn up, a code of civil laws common to all the kingdom.

TITLE II. *Of the division of the Kingdom, and the State of the Citizens.*

I. THE KINGDOM is *one* and *indivisible*; its territory is divided into eighty-three departments; every

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every department into districts; each district into cantons.

II. Those are *French Citizens*, Who are born in France, of a French father; Who having been born in France of a foreign father, have fixed their residence in the kingdom; Who, having been born in a foreign country, of a French father, have returned to settle in France, and have taken the civic oath.—In fine, who having been born in a foreign country, being descended, in whatever degree, from a French man or French woman who had left their country from religious motives, come to reside in France, and take the civic oath.

III. Those who, having been born out of the kingdom, of foreign parents, but reside in France, become French Citizens, after five years of continued residence in the kingdom; if, besides, they have acquired immoveable property, or married a French woman, or formed an establishment of agriculture or commerce, and if they have taken the civic oath.

IV. The legislative power may, from important considerations, naturalize a foreigner, upon no other condition than that of residing in France, and taking the civic oath.

V. The civic oath is, *I swear to be faithful to the Nation, the Law, and the King; and to maintain, with all my power, the constitution of the kingdom decreed by the National Constituent Assembly in the years 1789, 1790, and 1791.*

VI. The quality of a French Citizen is lost: 1st, By naturalization in a foreign country; 2d, By being condemned to penalties which involve the civic degradation, provided the person condemned be not re-instated; 3d, By a sentence of contumacy, provided the sentence be not annulled; 4th, By an association with any foreign order of chivalry, or any foreign body, which shall suppose either proofs of nobility, or distinction of birth, or require religious vows.

VII. The law regards *marriage* solely as a *civil contract*. The legislative power shall establish for all the inhabitants, without distinction, the mode by which births, marriages, and deaths, shall be ascertained, and shall appoint the public officers, who shall receive and preserve the certificates of them.

VIII. French Citizens, considered with respect to those local relations which arise out of their association in cities, and in certain divisions of territory in the country, form the *communities*. The legislative power may fix the extent and boundary of each community.

IX. The citizens who compose each community, have a right of choosing, for a time, according to the forms prescribed by the law, those among them, who, under the name of *municipal officers*, are charged with the management of the particular affairs of the community. To the municipal officers may be delegated certain functions relative to the general interest of the state.

X. The rules which the municipal officers shall be bound to follow, in the exercise both of the municipal functions and of those which shall be delegated to them for the general interest, shall be fixed by the laws.

TITLE III. *Of the Public Powers.*

I. *THE sovereignty* is one, indivisible, inalienable, and imprescriptible; it belongs to the nation: no section of the people, nor any individual, can assume to itself the exercise of it.

II. The Nation, from which alone flow all the powers, cannot exercise them but by delegation. The French Constitution is *representative*; the representatives are the legislative body, and the king.

III. The legislative power is delegated to a National Assembly, composed of temporary representatives freely chosen by the people, to be exercised by this Assembly, with the sanction of the King, in manner afterwards determined.

IV. The government is monarchical; the executive power is delegated to the king, to be exercised under his authority, by ministers and other responsible agents, in manner afterwards determined.

V. The judicial power is delegated to judges chosen for a time by the people.

CHAP. I.

OF THE NATIONAL LEGISLATIVE ASSEMBLY.

I. The National Assembly, forming the legislative body, is permanent, and consists of one chamber only.

II. It shall be formed by new elections every two years. Each period of two years shall form one legislature.

III. The dispositions of the preceding articles shall not take place with respect to the ensuing legislative body, whose powers shall cease the last day of April, 1793.

IV. The renewal of the legislative body shall be matter of full right.

V. The legislative body cannot be dissolved by the king.

§ 1.—*Number of Representatives—Basis of Representation.*

I. The number of representatives to the legislative body is seven hundred and forty-five, on account of the eighty-three departments of which the kingdom is composed, and independent of those that may be granted to the colonies.

II. The representatives shall be distributed among the eighty-three departments, according to the three proportions of *territory*, of *population*, and of *direct contribution*.

III. Of the seven hundred and forty-five representatives, two hundred and forty-seven are attached to the territory. Of these each department shall nominate

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nominate three, except the department of Paris, which shall only nominate one.

IV. Two hundred and forty-nine representatives are attributed to the population. The total mass of the active population of the kingdom is divided into two hundred and forty-nine parts, and each department nominates as many deputies as it contains parts of the population.

V. Two hundred and forty-nine representatives are attached to the direct contribution. The sum total of the direct contribution of the kingdom is likewise divided into two hundred and forty-nine parts; and each department nominates as many deputies as it pays parts of the contribution.

§ 2.—*Primary Assemblies—Nomination of Electors.*

I. In order to form a National Legislative Assembly, the active citizens shall meet every two years, in primary assemblies, in the towns and cantons. The primary assemblies shall form themselves, of full right, the second Sunday of March, if they have not been convoked sooner by the public officers established by law.

II. To be an active citizen, it is necessary, To be born, or to have become a Frenchman; to be twenty-five years of age complete; to have resided in the city or canton during the time determined by the law; to pay, in any part of the kingdom, a direct contribution, at least equal to the value of three days labour, and to produce the acquittance; not to be in a menial capacity, namely, that of a servant receiving wages; to be inscribed in the municipality of the place of his residence, in the list of the national guards; to have taken the civic oath.

III. Every six years the legislative body shall fix the *minimum* and the *maximum* of the value of a day's labour, and the administrators of the departments shall determine the rate for every district.

IV. None shall exercise the rights of an active citizen in more than one place, nor employ another as his substitute.

V. Those shall be excluded from the rights of an active citizen, who are in a state of accusation;—Who, after having been constituted in a state of failure, or insolvency, proved by authentic documents, shall not produce a general discharge from their creditors.

VI. The primary assemblies shall name electors in proportion to the number of active citizens residing in the town or canton. There shall be named one elector for a hundred active citizens present, or not, in the Assembly. There shall be named two for one hundred and fifty-one to two hundred and fifty; and so on in this proportion.

VII. No man can be named elector, if to the conditions necessary in order to be an active citizen, he does not join the following:—In towns of more than six thousand inhabitants, that of being proprietor, or life-renter, of a property valued on the rolls of contribution, at a revenue equal to the local value of two hundred days labour; or of rent-

ing a house, valued on the same rolls, at a revenue equal to the value of one hundred and fifty days labour. In towns below six thousand inhabitants, that of being proprietor, or life-renter, of a property, valued, on the rolls of contribution, at a revenue equal to the local value of one hundred and fifty days labour; or of renting a house, valued on the same rolls, at a revenue equal to the value of one hundred days labour: and, in the country, that of being proprietor, or life-renter, of a property, valued, on the rolls of contribution, at a revenue equal to the local value of one hundred and fifty days labour; or of being a farmer of lands, valued on the same rolls, at the value of four hundred days labour. With respect to those who shall be at the same time, proprietors, or life-renters, on one hand, and tacksmen or farmers on the other, their powers on these different accounts shall be added together, to establish their eligibility.

§ 3.—*Electoral Assemblies—Nomination of Representatives.*

I. The electors named in each department shall convene in order to choose that number of representatives, whose nomination shall belong to their department, and a number of substitutes equal to the third of the representatives. The electoral assemblies shall form themselves, of full right, the last Sunday of March, if they have not been convoked sooner by the public officers appointed by law.

II. The representatives and substitutes shall be chosen by an absolute majority of votes, and cannot be chosen but from amongst the active citizens in the department.

III. All the active citizens, whatever be their condition, profession, or contribution, may be chosen representatives of the nation.

IV. Those, however, shall be obliged to decide between one or other situation—Ministers, and other agents of the executive power, removeable at pleasure; commissioners of the national treasury; collectors and receivers of direct contributions; superintendants of the collection or management of indirect contributions and national domains, and those who, under any denomination whatever, are attached to the employs of the military or civil household of the king. The administrators, sub-administrators, municipal officers, and commandants of the national guards, shall also be obliged to make a choice.

V. The exercise of judiciary functions shall be incompatible with those of a representative of the nation, during all the continuance of the legislature. The judges shall be replaced by their substitutes, and the king shall provide, by briefs of commission, for the replacing of his commissaries at the tribunals.

VI. The members of the legislative body may be re-elected to the next legislature; but not afterwards, till after an interval of one legislature.

VII. The representatives named in the departments shall not be representatives of a particular department,

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department, but of the whole nation, and no mandate can be given them.

§ 4.—*Session and Regulation of the Primary and Electoral Assemblies.*

I. The functions of the primary and electoral assemblies are limited to the right of electing; and as soon as the elections are over, they shall separate, and shall not form themselves anew, but when they shall be convoked; if it be not in the case of Sect. ii. Art. 1. and of Sect. iii. Art. 1. above.

II. No active citizen can enter or vote in an assembly, if he is armed.

III. Armed force cannot be introduced in the meeting, except at the express desire of the Assembly, unless in the case of actual violence, when the order of the president shall be sufficient to call in the aid of public force.

IV. Every two years, there shall be drawn up in each district, lists by cantons of the active citizens; and the list of each canton shall be published and posted up two months before the meeting of the primary assembly. The protests which shall be made either against the right of citizens named in the list, or on the part of those who shall affirm that they are unjustly omitted, shall be carried to the tribunals, to be there summarily decided upon.—The list shall serve to regulate the admission of citizens in the next primary assembly, in every point that shall not have been ascertained by a sentence pronounced before the sitting of the assembly.

V. The electoral assemblies have the right of verifying the qualifications and powers of those who shall present themselves there; and their decisions shall be provisionally executed, with a reserve for the sentence of the legislative body, at the time of the verification of the powers of deputies.

VI. In no case, and under no pretext, shall the king, or any agents named by him, interfere in questions relative to the regularity of the convocations, the sitting of assemblies, the form of elections, or the political rights of citizens—without prejudice, however, to the functions of the commissaries of the king, in the cases determined by law, where questions relative to the political rights of citizens ought to be carried to the tribunals.

§ 5.—*Meeting of the Representatives in the National Legislative Assembly.*

I. The representatives shall assemble on the first Monday of May, in the place of the meeting of the last legislature.

II. They shall form themselves, provisionally, into an assembly, under the presidency of the eldest, to verify the powers of the representatives present.

III. As soon as these shall be verified, to the number of three hundred and seventy-three members, they shall constitute themselves under the title of the *National Legislative Assembly*; they shall name a president, vice president, and secretaries, and enter upon the exercise of their functions.

IV. During the whole of the month of May, if the number of representatives present fall short of three hundred and seventy-three, the assembly shall not perform any legislative act. They may issue an arret, enjoining the absent members to attend to their functions within fifteen days at farthest, under a penalty of three thousand livres, if they do not produce an excuse which shall be deemed lawful by the legislative body.

V. On the last day of May, whatever be the number of members present, they shall constitute themselves a *National Legislative Assembly*.

VI. The representatives shall pronounce in a body, in the name of the French people the oath, "*to live free, or die.*"—They shall then individually take the oath, *to maintain, with all their power, the constitution, of the kingdom, decreed by the National Constituent Assembly during the years of 1789, 1790, 1791; to propose or assent to nothing in the course of the legislature, which may at all tend to infringe it; and to be, in every respect, faithful to the Nation, the Law, and the King.*

VII. The representatives of the nation are inviolable; they cannot be examined, accused, or judged at any time with respect to what they have said, written, or done, in the exercise of their functions of representatives.

VIII. They may for a crime be seized in the act, or in virtue of an order of arrest; but notice shall be given of it, without delay, to the legislative body; and the prosecution shall not be continued, till after the legislative body shall have decided that there is ground for accusation.

CHAP. II.

OF THE ROYALTY, THE REGENCY, AND THE MINISTERS.

§ 1.—*Of the Royalty and the King.*

I. THE royalty is indivisible, and delegated hereditarily to the race on the throne, from male to male, by order of primogeniture, to the perpetual exclusion of women and their descendants. Nothing is prejudged respecting the effect of renunciations in the race on the throne.

II. The person of the king is sacred and inviolable: his only title is *king of the French*.

III. There is no authority in France superior to the law. The king reigns only by it, and it is only in the name of it that he can require obedience.

IV. The king, on his accession to the throne, or at the period of his majority, shall take to the nation, in the presence of the legislative body, the oath, "*To be faithful to the Nation, and to the Law; to employ all the power delegated to him, to maintain the constitution decreed by the National Constituent Assembly, in the years 1789, 1790, and 1791; and to cause the laws to be executed.*" If the legislative body shall not be assembled, the king shall cause a proclamation to be issued, in which shall be expressed this oath, and a promise to repeat it as soon as the legislative body shall assemble.

V. If,

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V. If, one month after an invitation by the legislative body, the king has not taken this oath, or if, after taking it, he shall retract, he shall be deemed to have abdicated the royalty.

VI. If the king put himself at the head of an army, and direct the forces of it against the nation; or if he does not oppose, by a formal act, any such enterprise undertaken in his name, he shall be deemed to have abdicated.

VII. If the king, having gone out of the kingdom, do not return, on the invitation of the legislative body, and within the delay fixed by the proclamation, which cannot be less than two months, he shall be deemed to have abdicated. The delay shall commence from the day when the proclamation of the legislative body shall have been published in the place of its sitting; and the ministers shall be obliged, under their responsibility, to perform all the acts of the executive power, the exercise of which shall be suspended in the hands of the absent king.

VIII. After abdication, express or legal, the king shall be in the class of citizens, and may be accused and tried, like them, for acts posterior to his abdication.

IX. The particular effects which the king possesses at his accession to the throne, are irrevocably united to the domain of the nation; he has the disposition of those which he acquires on his own private account; if he has not disposed of them, they are in like manner united at the end of the reign.

X. The nation makes provision for the splendour of the throne by a civil list, of which the legislative body shall fix the sum at the commencement of each reign, for the whole duration of that reign.

XI. The king shall appoint an administrator of the civil list, who shall institute all suits for the king, and against whom all actions for debts of the king shall be carried on, and judgments given and executed. Sentences of condemnation, obtained by the creditors of the civil list, shall be executed against the administrator personally, and his private fortune.

XII. The king shall have, independent of the honorary guard which shall be furnished him by the citizens, national guards of the place of his residence, a guard paid from the funds of the civil list. It shall not exceed one thousand two hundred foot and six hundred horse. The degrees and rules of advancement shall be the same in it as amongst the troops of the line. But those who compose the king's guards shall pass through all the degrees exclusively amongst themselves, and cannot obtain any in the army of the line. The king cannot chuse his guards, but amongst those who are at present in active service in the troops of the line, or amongst the citizens who have served a year in the national guards, provided they are residents in the kingdom, and that they have previously taken the civic oath. The king's guards cannot be ordered or required for any other public service.

§ 2.—Of the Regency.

I. The king is a minor till the age of eighteen complete; and during his minority there shall be a regent of the kingdom.

II. The regency belongs to the relation of the king who is the next in degree according to the order of succession to the throne, and who has attained the age of twenty five, provided he be a Frenchman resident in the kingdom, and not presumptive heir to any other crown, and have taken the civic oath. Women are excluded from the regency.

III. If a minor king have no relations who unite the above qualities, the regent of the kingdom shall be elected as directed in the following articles.

IV. The legislative body shall not elect the regent.

V. The electors of each district shall assemble in the chief place of their district, after a proclamation, which shall be issued in the first week of the new reign, by the legislative body, if convened; and if separated, the minister of justice shall be bound to make that proclamation in the same week.

VI. The electors shall name in every district, by individual scrutiny, and absolute plurality of votes, a citizen eligible, and resident in the district, to whom they shall give, by the proces-verbal of the election, a special mandate, limited to the sole function of electing the citizen whom he shall judge in his heart and conscience the most worthy of being regent of the kingdom.

VII. The citizens having these mandates, elected in the district, shall be bound to assemble in the town where the legislative body holds his seat, the fortieth day at farthest, counting from that of the advancement of the minor king to the throne; and they shall form there the electoral assembly, who shall proceed to the nomination of the regent.

VIII. The election of the regent shall be made by individual scrutiny and absolute plurality of votes.

IX. The electoral assembly cannot employ itself, but relative to this election, and shall separate as soon as the election is finished.—Every other act which it shall attempt, is declared unconstitutional, and of no effect.

X. The electoral assembly shall make its president present the proces-verbal of the election to the legislative body, who, after having verified the regularity of the election, shall make it public over all the kingdom by a proclamation.

XI. The regent exercises, till the king's majority, all the functions of royalty, and is not personally responsible for the acts of his administration.

XII. The regent cannot begin the exercise of his functions, till after taking to the nation, in the presence of the legislative body, an oath, *To be faithful to the nation, the law, and the king; and to employ all the power delegated to the king, and of which the exercise is confided to him during the minority of the king, to maintain*

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maintain the constitution decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, and to cause the laws to be executed. If the legislative body is not assembled, the regent shall cause a proclamation to be issued, in which shall be expressed this oath, and a promise to repeat it as soon as the legislative body shall be met.

XIII. As long as the regent is not entered on the exercise of his functions, the sanction of the laws remain suspended; the ministers continue to perform, under their responsibility, all the acts of the executive power.

XIV. As soon as the regent shall take the oath, the legislative body shall fix his allowance, which shall not be altered during his regency.

XV. If on account of the minority of the relation called to the regency, it has devolved to a more distant relation, or been settled by election, the regent who shall have entered on the exercise of it shall continue his functions till the majority of the king.

XVI. The regency of the kingdom confers no right over the person of the minor king.

XVII. The care of the minor king shall be confided to his mother; and if he has no mother, or if she be married again at the time of her son's accession to the throne, or if she marry again during the minority, the care of him shall be delegated by the legislative body. Neither the regent, nor his descendants, nor a woman, can be chosen as guardian of the minor king.

XVIII. In case of the king's insanity, notoriously admitted, legally proved, and declared by the legislative body, after three successive deliberations held monthly, there shall be a regency as long as such incapacity continues.

§ 3.—Of the Royal Family.

I. The presumptive heir shall bear the name of *Prince Royal*. He cannot go out of the kingdom without a decree of the legislative body, and the king's consent. If he is gone out of it, and if, being arrived at eighteen years of age, he do not return to France, after being required by a proclamation of the legislative body, he is held to have abdicated the right of succession to the throne.

II. If the presumptive heir be a minor, the relation of full age, and next in order to the regency, is bound to reside within the kingdom. In case of his going out of it, and not returning on the requisition of the legislative body, he shall be held to have abdicated his right to the regency.

III. The mother of the minor king, having the care of him, or the guardian elected, if they go out of the kingdom, forfeit their charge. If the mother of the presumptive heir, a minor, go out of the kingdom, she cannot, even after her return, have the care of her minor son, become king, but by a decree of the legislative body.

IV. A law shall be made to regulate the education of the minor king, and that of the minor heir presumptive.

V. The members of the royal family called to the eventual succession to the throne enjoy the rights of an active citizen, but are not eligible to any places, employs, or functions, in the nomination of the people. Excepting the places of ministers, they are capable of offices and employs in the nomination of the king; however, they cannot be commanders in chief of any army or fleet, nor fulfil the functions of ambassadors, without the consent of the legislative body, granted on the proposition of the king.

VI. The members of the royal family, called to the eventual succession to the throne, shall add the denomination of *French Prince* to the name which shall have been given them in the civil act, stating their birth; and this name can neither be patronymic, nor formed of any of the qualifications abolished by the present constitution. The denomination of Prince cannot be given to any other individual, and shall convey no privilege, nor any exception, to the common rights of all Frenchmen.

VII. The acts by which shall be legally stated the births, marriages, and deaths of the French princes, shall be presented to the legislative body, who shall command the deposit of them in their archives.

VIII. No real appanage (in land) shall be granted to the members of the royal family. The younger sons of the king shall receive, at the age of twenty-five, or on their marriage, an annuity, the amount of which shall be fixed by the legislative body, and which shall terminate with the extinction of their male heirs.

§ 4.—Of Ministers.

I. To the king alone belongs the choice and revocation of ministers.

II. The members of the present National Assembly, and succeeding legislatures, the members of the tribunal of annulment, and those who shall serve in the high jury, cannot be advanced to the ministry, nor receive any offices, gifts, pensions, salaries, or commissions from the executive power, or its agents, during the continuance of their functions, nor during two years after having finished the exercise of them. The same shall be the case with respect to those who shall be only inscribed in the list of the high jury, during all the time that their inscription shall continue.

III. No one can enter upon the exercise of any employ, either in the bureaux of ministers, or in those of the administrations of public power, without having taken the civic oath, and having verified his having taken it.

IV. No order of the king can be executed, if it be not signed by him, and countersigned by the minister or comptroller of the department.

V. The ministers are responsible for all the offences committed by them against the national safety and the constitution; for every attack on individual property and liberty; for every waste of the money allotted for the expences of their department.

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VI. In no case can the written or verbal order of a king shelter a minister from responsibility.

VII. The ministers are bound to present every year to the legislative body, at the opening of the session, the state of the expences of their department; to give an account of the employment of the sums destined for that purpose, and to mention the abuses which may have crept into the different parts of the government.

VIII. No minister in or out of place can be criminally prosecuted for any transaction of his administration, without a decree of the legislative body.

C H A P. III.

OF THE EXERCISE OF THE LEGISLATIVE POWER.

§ 1.—*Powers and Functions of the National Legislative Assembly.*

I. THE constitution delegates exclusively to the legislative body, the powers and functions following:—1. To propose and decree laws: the king can only invite the legislative body to take an object into consideration.—2. To fix the public expences.—3. To establish the public contributions, to determine their nature, quantity, duration, and mode of collection.—4. To divide the direct contribution amongst the departments of the kingdom, to superintend the employ of all the public revenue, and to demand an account of it.—5. To decree the creation or suppression of public offices.—6. To determine the quality, weight, impression, and name of the coin.—7. To permit or prohibit the introduction of foreign troops into the French territories, and of foreign naval forces into the ports of the kingdom.—8. To fix annually, after the proposition of the king, the number of men and ships of which the land and naval armies shall be composed; the pay and number of individuals of each rank; the rules of admission and promotion; the forms of enrolment and discharge; the formation of naval equipments; the admission of foreign troops, or naval forces, into the service of France; and the pay of troops, in case of their being disbanded.—9. To regulate the administrative government, and the alienation of the national domains.—10. To prosecute before the high national court, the ministers and principal agents of the executive power, in what relates to their responsibility.—11. To accuse and prosecute before the same court, those who shall be charged with any attack or conspiracy against the general safety of the state, or against the constitution.—12. To establish the laws, according to which marks of honour or decoration, purely personal, shall be granted to those who have rendered services to the state.—13. The legislative body have the right to decree public honours to the memory of great men.

II. War cannot be determined on, but by a decree of the legislative body, passed on the formal and necessary proposition of the king, and sanctioned by him. In the case of imminent or commenced hos-

ilities, of an ally to be supported, or a right to be preserved by force of arms, the king shall notify the same without delay to the legislative body, and shall declare the reasons of it. If the legislative body be not sitting, the king shall assemble it immediately. If the legislative body decide that war ought not to be made, the king shall immediately take measures to stop or prevent all hostilities, the ministers being responsible for delays. If the legislative body find that the hostilities commenced are a palpable aggression on the part of ministers, or any other agent of the executive power, the author of the aggression shall be prosecuted criminally. During the whole course of war, the legislative body may require the king to negotiate peace, and the king is bound to yield to this requisition. On the immediate conclusion of war, the legislative body shall fix the time within which the troops levied above the peace establishment shall be discharged, and the army reduced to its ordinary state.

III. It belongs to the legislative body to ratify treaties of peace, alliance, and commerce; and no treaty shall have effect but by this ratification.

IV. The legislative body has the right of determining the place of its sittings, of continuing them as long as it shall think necessary, and of adjourning; at the commencement of each reign, if it be not sitting, it shall be bound to meet without delay. It has the right of police in the place of its sitting, and to such extent around it as shall be determined. It has the right of discipline over its members; but it can pronounce no heavier punishment than censure, arrest for eight days, or imprisonment for three. It has the right of disposing, for its safety, and the respect that is due to it, of the forces which shall be placed, by its consent, in the city where it shall hold its sittings.

V. The executive power cannot march, or quarter, or station any troops of the line within thirty thousand toises of the legislative body, except on its requisition, or by its authority.

§ 2.—*Holding of the Sittings, and Form of Deliberating.*

I. The deliberations of the legislative body shall be public, and the proceedings of its sittings shall be printed.

II. The legislative body may, however, on any occasion, form itself into a *general committee*. Fifty members shall have a right to demand this. During the continuance of the general committee, the assistants shall retire, the chair of the president shall be vacant, and order shall be maintained by the vice-president.

III. No legislative act can be debated and decreed, except in the following form:

IV. The plan of a decree shall be read thrice, at three intervals, the shortest of which cannot be less than eight days.

V. The discussion shall be open after every reading.

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ing; nevertheless, after the first or second reading, the legislative body may declare that there is reason for adjournment, or that there is no need for deliberation; in this last case, the plan of the decree may be introduced again in the same session. Every plan of a decree shall be printed and distributed before the second reading of it can be commenced.

VI. After the third reading, the president shall be bound to propose it for deliberation; and the legislative body shall decide, whether they are qualified to pass a definitive decree, or would rather choose to postpone their decision, in order to gather more ample information on the subject.

VII. The legislative body cannot deliberate, if the meeting do not consist of at least two hundred members; and no decree shall be made except by the absolute majority of votes.

VIII. No plan of a law, which, after having been submitted to discussion, shall have been rejected after the third reading, can again be introduced the same session.

IX. The preamble of every definitive decree shall announce, first the dates of those sittings at which the three readings of the plan of the decree were made; second, the decree by which it shall have been appointed, after the third reading, to decide definitively.

X. The king shall refuse his sanction to the decrees whose preamble shall not attest the observance of the above forms; if any of those decrees be sanctioned, the ministers shall neither put to it the seal, nor promulgate it, and their responsibility in this respect shall continue six years.

XI. Excepting from these regulations, decrees recognised, and declared urgent by a previous deliberation of the legislative body; but they may be modified, or revoked, in the course of the same session. The decree by which a matter shall have been declared urgent, shall announce the reasons of it, and there shall be mention made of this previous decree, in the preamble of the definitive decree.

§ 3.—Of the Royal Sanction.

I. The decrees of the legislative body are presented to the king, who may refuse his assent to them.

II. In the case of a refusal of the royal assent, that refusal is only *suspensive*. When the two legislatures which shall follow that in which the decree was presented, shall successively represent the same decree in the same terms in which it was originally conceived, the king shall be deemed to have given his sanction.

III. The assent of the king is expressed to each decree, by the following formula, signed by the king: "*The king consents, and will cause it to be executed.*" The suspensive refusal is thus expressed: "*The king will examine.*"

IV. The king is bound to express his assent or refusal, to each decree, within two months after it shall have been presented.

V. No decree to which the king has refused his assent, can be presented to him by the same legislature.

VI. The decrees sanctioned by the king, and those which have been presented to him by three successive legislatures, alone have the force of a law, and bear the name and title of *laws*.

VII. There shall be, however, executed as laws, without being subjected to sanction, those acts of the legislative body which relate to its constitution as a deliberating assembly; its interior police, and that which it may exercise in the external space, which it shall have determined; the verification of the powers of the members present; the injunctions to absent members; the convocation of the primary assemblies in case of delay; the exercise of constitutional superintendence over the administrators and municipal officers; questions of eligibility, or the validity of elections: Exempting likewise from sanction, acts relative to the responsibility of ministers, and all decrees importing that there is ground for accusation.

VIII. The decrees of the legislative body, concerning the establishment, prorogation, and collection of public contributions, shall bear the name and title of laws; they shall be promulgated and executed without being subject to sanction, except with respect to those dispositions which should establish other penalties than pecuniary fines and constraints. These decrees cannot be passed but after the observation of the formalities prescribed by the articles 4, 5, 6, 7, 8, and 9, of Sect. II. of the present chapter; and the legislative body shall not insert in them any dispositions foreign to their object.

§ 4.—Connection of the Legislative Body with the King.

I. When the legislative body is definitively constituted, it shall send a deputation to inform the king. The king may every year open the session, and propose the objects, which, during its continuance, he thinks ought to be taken into consideration: this form, however, is not to be considered as *necessary* to the activity of the legislative body.

II. When the legislative body wishes to adjourn longer than fifteen days, it is bound to inform the king, by a deputation, at least eight days previous.

III. A week, at least, before the end of each session, the legislative body shall send a deputation to the king, to announce to him the day on which it proposes to terminate its sittings. The king may come, in order to close the session.

IV. If the king find it of importance to the welfare of the state, that the session be continued, or that the adjournment be put off, or take place only for a shorter time, he may send a message to this effect, on which the legislative body is bound to deliberate.

V. The king shall convoke the legislative body, during the interval of its session, at all times when the interest of the state shall appear to him to require it, as well as in those cases which the legislative body

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body shall have foreseen and determined, previous to their adjournment.

VI. Whenever the king shall visit the place of meeting of the legislative body, he shall be received and conducted back by a deputation; he cannot be accompanied into the inner part of the hall by any except the prince royal and the ministers.

VII. The president can in no case form part of a deputation.

VIII. The legislative body shall cease to be a deliberating body whilst the king shall be present.

IX. The acts of correspondence of the king with the legislative body shall be always countersigned by a minister.

X. The ministers of the king shall have admission into the national legislative assembly; they shall have a place assigned to them; they shall be heard always when they demand it on objects relative to their administration, or when they shall be required to give information. They shall also be heard on objects foreign to their administration, when the national assembly shall grant them liberty to speak.

CHAP. IV.

OF THE EXERCISE OF THE EXECUTIVE POWER.

I. THE supreme executive power resides exclusively in the hands of the king. The king is the supreme head of the general administration of the kingdom: the care of watching over the maintenance of public order and tranquillity is entrusted to him. The king is the supreme head of the land and sea forces. To the king is delegated the care of watching over the exterior security of the kingdom, and of maintaining its rights and possessions.

II. The king names ambassadors, and the other agents of political negotiations. He bestows the command of armies and fleets, and the ranks of Marshal of France and Admiral. He names two-thirds of the rear admirals, one half of the lieutenant-generals, camp marshals, captains of ships, and colonels of the national gend'armie. He names a third of the colonels and lieutenant-colonels, and a sixth of the lieutenants of ships—the whole in conformity to the laws with respect to promotion. He appoints, in the civil administration of the marine, the directors, the comptrollers, the treasurers of the arsenals, the masters of the works, the under-masters of civil buildings, half of the masters of administration, and of the under-masters of construction. He appoints the commissaries of the tribunals. He appoints the chief superintendants of the administration of indirect contributions, and the administration of national domains. He superintends the coinage of money, and appoints the officers entrusted with this superintendence in the general commission, and the mints. The effigy of the king is struck on all the coinage of the kingdom.

III. The king orders letters-patent, brevets, and

commissions, to be delivered to all the public offices that ought to receive them.

IV. The king orders a list of pensions and gratifications to be made out, for the purpose of being presented to the legislative body each session, and decreed, if there is reason for it.

§ 1.—Of the Promulgation of Laws.

I. The executive power is charged with ordering the seal of state to be put to laws, and causing them to be promulgated. It is equally charged with causing to be promulgated and executed, those acts of the legislative body which have no need of the sanction of the king.

II. Two copies of each law shall be made, both signed by the king, countersigned by the minister of justice, and sealed with the seal of state. The one shall be deposited in the archives of the seal, and the other shall be sent to the archives of the legislative body.

III. The promulgation of laws shall be thus expressed:—“*N.* [the king's name] *by the grace of God, and the constitutional law of the state, king of the French, to all present and to come, greeting:—The National Assembly has decreed, and we will ordain, as follows:—*[Here a copy of the decree shall be inserted verbatim.] *We command and ordain to all administrative bodies and courts of justice, to cause these presents to be transcribed on their registers, read and published, and posted up in their departments and respective places of resort, and executed as a law of the realm; in witness of which we have signed these presents, to which we have caused the seal of the state to be affixed.*”

IV. If the king be a minor, laws, proclamations, and other acts proceeding from the royal authority during the regency, shall be conceived in these terms:—“*N.* [the name of the regent] *regent of the kingdom, in the name of N.* [the king's name] *by the grace of God, and the constitutional law of the state, king of the French, &c.*”

V. The executive power is bound to send the laws to the administrative bodies and courts of justice; to be certified that they are so sent, and to answer for it to the legislative body.

VI. The executive power cannot make any law, nor even provisional, but merely proclamations, conformable to the laws, to ordain or enforce the execution.

§ 2.—Of the Interior Administration.

I. There is in each department a superior administration, and in each district a subordinate administration.

II. The administrators have no character of representation. They are agents, chosen for a time by the people, to exercise, under the superintendence and the authority of the king, the administrative functions.

III. They can neither intermeddle in the exercise of the legislative power, nor suspend the execution of the

the laws, nor assume any authority over judicial proceedings, nor over military regulations or operations.

IV. The administrators are essentially charged with the reparation of the direct taxes, and with the superintendence of the funds arising from all the contributions and public revenues in their territory. It belongs to the legislative power to determine the rules and mode of their functions, both with respect to the objects above mentioned, as well as with respect to all the other parts of the interior administration.

V. The king has the right of annulling such acts of the administrators of department, as are contrary to the law, or the orders he has transmitted to them. He may, in case of obstinate disobedience, or of their endangering, by their acts, the safety or peace of the public, suspend them from their functions.

VI. The administrators of department have also the right of annulling the acts of the sub-administrators of district, contrary to the laws, or to the orders of administrators of department, or to the orders which the latter shall have given or transmitted. They may likewise, in case of an obstinate disobedience on the part of the sub-administrators, or if the latter endanger, by their acts, the public safety or tranquillity, suspend them from their functions, with the reserve of informing the king, who may remove or confirm the suspension.

VII. The king, if the administrators of department shall not use the power which is delegated to them in the article above, may directly annul the acts of sub-administrators, and suspend them in the same cases.

VIII. Whenever the king shall pronounce or confirm the suspension of administrators, or sub-administrators, he shall inform the legislative body. This body may either remove or confirm the suspension, or even dissolve the culpable administration; and, if there be ground, remit all the administrators, or some of them, to the criminal tribunal, to enforce against them the decree of accusation.

§ 3.—Of External Connections.

I. The king alone can keep up foreign political connections, conduct negotiations, make preparations of war proportioned to those of the neighbouring states; distribute the land and sea forces, as he shall judge most suitable, and regulate their direction in case of war.

II. Every declaration of war shall be made in these terms: "*By the king of the French, in the name of the Nation.*"

III. It belongs to the king to resolve and sign with all foreign powers, all treaties of peace, alliance, and commerce, and other conventions which he shall judge necessary for the welfare of the state, with a reserve for the ratification of the legislative body.

CHAP. V.

OF THE JUDICIAL POWER.

I. THE judicial power can in no case be exercised, either by the legislative body or the king.

II. Justice shall be gratuitously rendered, by judges chosen for a time by the people, instituted by letters-patent of the king, who cannot refuse to grant them. They cannot be deposed, but for forfeiture duly judged; nor suspended, but for an accusation admitted. The public accusers shall be named by the people.

III. The tribunals cannot either interfere in the exercise of the legislative power, or suspend the execution of the laws, or undertake the administrative functions, or cite before them the administrators, on account of their functions.

IV. The citizens cannot be withdrawn from the judges whom the law assigns to them by any commission, or by any other attributions or avocations than those which are determined by the laws.

V. The right of the citizens to terminate definitively their disputes by way of arbitration, shall receive no infringement from the acts of the legislative power.

VI. The ordinary courts of justice cannot receive any civil action, until it be certified to them that the parties have appeared, or that the pursuer has cited the opposite party to appear before mediators, to endeavour to bring about a reconciliation.

VII. There shall be one or more judges of peace in the canton and in the towns. The number of them shall be determined by the legislative power.

VIII. It belongs to the legislative power to regulate the number and extent of jurisdiction of the tribunals, and the number of judges of which each tribunal shall be composed.

IX. In criminal matters, no citizen can be tried, but on an accusation received by a jury, or decreed by the legislative body, in the cases where it belongs to it to pursue the accusation. After the admission of the accusation, the fact shall be recognised and declared by a jury.—The accused shall have a right to refuse, as far as twenty jurors, without assigning reasons.—The jury which declares the fact, must consist of twelve members. The application of the law shall be made by judges. The instruction of the process shall be public, and the assistance of counsel cannot be refused. No man acquitted by a lawful jury can be retaken or re-accused of the same offence.

X. No man can be seized, but in order to be conducted before an officer of police; and no man can be arrested or detained, but by virtue of a mandate of an officer of police; of an order for personal arrestation by a tribunal; of a decree of accusation of the legislative body, in cases where it belongs to it to pronounce; or of a sentence of imprisonment or detention for the sake of correction.

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XI. Every man seized and conducted before an officer of police, shall be examined immediately, or in twenty-four hours, at farthest. If it result from the examination, that there be no ground for blame against him, he shall be directly set at liberty; or if there be ground to send him to a house of arrest, he shall be conducted there with the least delay possible, and that in any case cannot exceed three days.

XII. No man arrested can be detained if he give sufficient bail, in all cases where the law permits a man to remain free under bail.

XIII. No man, in the cases when detention is authorised by the law, can be conducted or detained any where, but in those places legally and publicly marked out as houses of arrest, of justice, or prisons.

XIV. No guard nor jailor can receive or detain any man, but in virtue of a mandate, decree of accusation, or sentence, mentioned in the tenth article above, nor without transcribing them in his own register.

XV. Every guard or jailor is bound, and no order can release him from the obligation, to produce the person detained to the civil officer who superintends the police of the house of arrest, as often as it shall be required of him. The production of the person detained cannot, also be refused to his relations and friends, who bring an order from a civil officer, who shall be bound always to grant it, unless the guard or jailor produce an order from a judge, transcribed in his register, to keep the person arrested secret.

XVI. Every man, whatever be his place or occupation, except those to whom the law confides the right of arrestation, who shall give, sign, execute, or make to be executed, an order to arrest a citizen; or whoever, even in the cases of arrestation authorised by the law, shall conduct, receive, or retain a citizen, in a place of detention not publicly and legally marked out; and every guard or jailor who shall act in opposition to the disposition of the two foregoing articles; shall be culpable of the crime of arbitrary detention.

XVII. No man can be taken up, or prosecuted, on account of the writings which he has caused to be printed or published, whatever be their subject, if he has not *deliberately* provoked disobedience to the law, outrage to the established powers, and resistance to their acts, or any of the actions declared crimes or offences by the law. The censure of all the acts of the established powers is permitted; but voluntary calumnies against the probity of public officers, and against the rectitude of their intentions in the exercise of their functions, may be prosecuted by those who are the subject of them. Calumnies or injurious sayings against any kind of persons, relative to the actions of their private life, shall be punished by prosecution.

XVIII. No man can be judged, either civilly or criminally, for acts of writing, printing, or publishing, except it has been recognised and declared by a

jury, 1st, that there is an offence in the writing denounced; 2d, that the person prosecuted is guilty of it.

XIX. There shall be, for the whole kingdom, one only tribunal of annulment, established near the legislative body. Its functions shall be, to pronounce on demands for annulling judgments given in the last resort by the tribunals; on demands of being remitted from one tribunal to another, for lawful causes of suspicion; on regulations respecting judges, and suits against a whole tribunal.

XX. In questions of annulment, the tribunal of annulment shall never take cognizance of the affair itself; but, after having annulled the sentence which shall have been pronounced in a process, and in which the forms have been violated, or which shall be in express contradiction to the law, it shall remit the original affair to the tribunal which ought to decide on it.

XXI. When, after being twice annulled, a sentence pronounced by a third tribunal shall be attacked on the same grounds as at first, the question shall no more be judged by the tribunal of annulment, without having been submitted to the legislative body, who shall pass a decree declarative of the law, to which the tribunal of annulment shall be bound to conform.

XXII. Every year, the tribunal of annulment shall be bound to send to the bar of the legislative body a deputation of eight of its members, to present a state of the decisions passed; on the margin of each of which shall be placed a short account of the affair, and the text of the law which shall have determined the decision.

XXIII. A high national court, formed of the members of the tribunal of annulment, and of high jurors, shall take cognizance of offences committed by the ministers and principal agents of the executive power, and of those crimes which attack the general safety of the state, after the legislative body shall have passed a decree for accusation. It shall not be assembled but at the proclamation of the legislative body, and at the distance of thirty thousand toises at least from the place where the legislative body holds its meetings.

XXIV. The orders issued for executing the judgments of the tribunals shall be conceived in these terms:—"N. [the name of the king] by the grace of God, and by the constitutional law of the state, king of the French, to all present and to come, greeting. The tribunal of ——— has passed the following judgment:— [Here shall follow a copy of the judgment, in which shall be mentioned the names of the judges.]—We charge and enjoin all officers, upon the present demand, to put the said judgment into execution, our commissaries of the tribunals to enforce the same, and all the commanders and officers of the public force to be assisting with their force, when it shall be legally required: In witness of which, the present judgment has been signed by the president of the tribunal, and by the register."

XXV. The

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XXV. The functions of the king's commissaries in the tribunals shall be, to require the observance of the laws in the judgments to be given, and to cause them to be executed after they are passed. They shall not be public accusers; but they shall be heard on all accusations, and shall require, during process, regularity of forms, and, before judgment, application of the law.

XXVI. The king's commissaries in the tribunals shall denounce to the director of the jury, either officially, or according to orders given them by the king, offences against the individual liberty of citizens, against the free circulation of provisions and other objects of commerce, and against the collection of contributions; offences by which the execution of orders given by the king, in the exercise of the functions delegated to him, shall be disturbed or impeded; infringements on the laws of nations; opposition to the execution of judgments; and to all executive acts proceeding from established powers.

XXVII. The minister of justice shall denounce to the tribunal of appeal, by means of the king's commissary, and without prejudice to the rights of the parties interested, the acts in which the judges have exceeded the bounds of their power. The tribunal shall annul these acts; and if they give ground for forfeiture, the fact shall be represented to the legislative body, which shall pass the decree of accusation if there be ground, and refer the parties informed against to the high national court.

TITLE IV.—Of the Public Force.

I. The public force is instituted to defend the state against external enemies, and to maintain internal order and the execution of the laws.

II. It is composed of the land and sea armies; of the troops specially destined for home service; and, subsidiarily, of the active citizens, and their children of age to bear arms, registered in the roll of national guards.

III. The national guards do not form a military body, or an institution in the state; they are the citizens themselves, called to assist the public force.

IV. The citizens can never embody themselves, or act as national guards, but by virtue of a legal requisition or authority.

V. They are subject in this quality to an organization, to be determined by the law. They shall be distinguished in the whole kingdom by only one form of discipline, and one uniform. Distinctions of rank and subordination subsist only relatively to the service, and during its continuance.

VI. Officers are chosen for a time, and cannot again be chosen till after a certain interval of service as soldiers. None shall command the national guard of more than one district.

VII. All the parts of the public force employed for the safety of the state from foreign enemies, shall act under the command of the king.

VIII. No body or detachment of troops of the

line can act in the internal part of the kingdom without a legal order.

IX. No agent of the public force can enter the house of a citizen, if it be not on purpose to execute the orders of police and of justice, or in cases formally provided for by the law.

X. The requisition of the public force, in the internal part of the kingdom, belongs to the civil officers, according to the regulations provided by the legislative power.

XI. When any department is throughout in a state of commotion, the king shall issue, under the responsibility of ministers, the necessary orders for the execution of laws, and the re-establishment of order; but with the reserve of informing the legislative body, if it be assembled, and of convoking it if it be not sitting.

XII. The public force is essentially obedient; no armed body can deliberate.

XIII. The land and sea armies, and the troops destined to preserve internal security, are subjected to particular laws, both for the maintenance and discipline, and for the manner of judgments, and the nature of punishments, on occasion of military offences.

TITLE V.—Of Public Contributions.

I. Public contributions shall be debated and fixed every year by the legislative body, and cannot continue in force longer than the last day of the following session, if they are not expressly renewed.

II. The funds necessary to the discharge of the national debt, and the payment of the civil list, can, under no pretext, be refused or suspended. The salaries of the ministers of the Catholic religion, who are paid, preserved, elected, or named in virtue of the decrees of the National Constituent Assembly, form a part of the national debt. The legislative body cannot, in any case, charge the nation with the payment of the debts of any individual.

III. The accounts at full length of the ministerial department, signed and certified by the ministers or commissioners, shall be rendered public, by being printed at the commencement of the session of each legislature. So shall also the state of receipts of the different taxes, and all the public revenues. The state of receipt and expenditure shall be distinguished according to their nature, and shall express the sums received and disbursed, year by year, in each district. The private expences of each department, and those relative to the tribunals, the administrative bodies, and other establishments, shall also be rendered public.

IV. The administrators of department, and sub-administrators, can neither establish any public contribution, nor make any distribution beyond the time and the sums fixed by the legislative body; nor deliberate, or permit, without being authorized by it, any local loan to be charged to the citizens of the department.

V. The

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V. The executive power directs and superintends the collection and paying in of contributions, and gives all the necessary orders to this effect.

TITLE VI.—*Of the Connection of the French Nation with other Nations.*

I. The French nation renounces the undertaking of any war with a view to make conquests, and will never employ its forces against the liberty of any people. The constitution no longer admits the *Droit d'Aubaine*. Foreigners, whether settled in France or not, inherit the property of their parents, whether foreigners or Frenchmen.—They can contract, acquire, and receive property situated in France, and dispose of it, as well as any French citizen, in every mode authorized by the laws.—Foreigners in France are subject to the same criminal laws and regulations of police as French citizens, with a reserve for conventions agreed on with foreign powers. Their persons, effects, industry, and religion, are equally protected by the law.

TITLE VII.—*Of the Revision of Constitutional Decrees.*

I. The national constituent assembly declares, that the nation has an imprescriptible right to change its constitution; and, nevertheless, considering that it is most suitable to the national interest to make use only by means appointed by the constitution itself, of the right of reforming those articles which experience shall demonstrate the inconvenience of, decrees, that the assembly of revision shall proceed in the following manner:

II. When three following legislatures shall have declared an uniform wish for the change of any constitutional article, the revision demanded shall take place.

III. The ensuing legislature (that commencing in 1791) cannot propose the reform of any constitutional article.

IV. Of the three legislatures who shall successively propose any changes, the first two shall not occupy themselves relative to that object, but in the last two months of their last session, and the third at the end of its first annual session, or at the beginning of the second. Their deliberations on that matter shall be subjected to the same forms as the legislative acts; but the decrees by which they shall have expressed their desires, shall not be subjected to the sanction of the king.

V. The fourth legislature, augmented by two hundred and forty-nine members chosen in each department, by doubling the ordinary number which it furnishes for its population, shall constitute the assembly of revision. These two hundred and forty-nine members shall be elected after the nomination of representatives to the legislative body shall have been terminated, and there shall be formed a separate *procès-verbal* of it. The assembly of revision shall not be composed of more than one chamber.

VI. The members of the third legislature, who shall have demanded a change, cannot be elected in the assembly of revision.

VII. The members of the assembly of revision, after having pronounced all at once the oath, "*to live free or die*," shall individually swear, "*to confine themselves to decide on the objects which shall have been submitted to them by the unanimous wish of three preceding legislatures; and to maintain, in other respects, with all their power, the constitution of the kingdom decreed by the National Constituent Assembly in the years 1789, 1790, and 1791; and to be in all faithful to the Nation, to the Law, and to the King.*"

VIII. The assembly of revision shall be bound to occupy itself afterwards, and without delay, in the objects which shall have been submitted to its examination; and as soon as this task is finished, the two hundred and forty-nine new members, named over and above, shall retire, without taking a part in any case in the legislative acts.

The French colonies and possessions in Asia, Africa, and America, although they make a part of the French empire, are not included in the present constitution.

None of the powers instituted by the constitution have a right to change it in its whole, or in its parts, excepting the reforms which may be made in it by the mode of revision, conformably to the regulations of TITLE VII. above.

The National Constituent Assembly commits the deposit of it to the fidelity of the legislative body, of the king, and of the judges, to the vigilance of fathers of families, to wives, and to mothers, to the attachment of young citizens, to the courage of all Frenchmen.

The decrees passed by the National Assembly, which are not included in the act of constitution, shall be executed as laws; and those anterior laws which it has not altered, shall also be observed so long as they shall not be revoked or modified by the legislative power.

No. II.

NEW DECLARATION OF THE RIGHTS OF MAN.

AGREED TO BY THE CONVENTION, SUNDAY, JUNE 23, 1793.

THE French people, convinced that forgetfulness of, and contempt for, the natural rights of man, are the only causes of the crimes and misfortunes of the world, have resolved to expose, in a declaration, their sacred and unalienable rights, in order that all citizens, being able always to compare the acts of the government with the end of every social institution, may never suffer themselves to be oppressed and degraded by tyranny; and that the people may always have before their eyes the basis of their liberty and happiness; the magistrates the rule of their duty; and the legislature the object of their mission—They acknowledge, therefore, and proclaim, in the presence of the Supreme Being, the following

DECLARATION OF THE RIGHTS OF MAN, AND OF CITIZENS.

Article I. The end of society is common happiness. Government is instituted to secure to man the enjoyment of his natural and imprescriptible rights.

II. These rights are, Equality, Liberty, Safety, and Property.

III. All men are equal by Nature, and before the Law.

IV. The Law is the free and solemn expression of the general will. It ought to be the same for all, whether it protects or punishes. It cannot order but what is just and useful to society. It cannot forbid but what is hurtful.

V. All citizens are equally admissible to public employments. Free people avow no other motives of preference in their elections than virtue and talents.

VI. Liberty is that power which belongs to a man, of doing every thing that does not hurt the rights of another: its principle is nature: its rule justice: its protection the law: and its moral limits are defined by this maxim, "Do not to another what you would not wish done to yourself."

VII. The right of manifesting one's thoughts and opinions, either by the press, or in any other manner: the right of assembling peaceably, and the free exercise of religious worship, cannot be forbidden. The necessity of announcing these rights supposes either the presence or the recent remembrance of despotism.

VIII. Whatever is not forbidden by the law cannot be prevented. No one can be forced to do that which it does not order.

IX. Safety consists in the protection granted by society to each citizen for the preservation of his person, his rights, and his property.

X. The law avenges the abuses committed against public and individual liberty by those in power.

XI. No person can be accused, arrested, or confined, but in cases determined by the law, and according to the forms which it prescribes. Every citizen summoned or seized by the authority of the law, ought immediately to obey; he renders himself culpable by resistance.

XII. Every act exercised against a man to which the cases in the law do not apply, and in which its forms are not observed, is arbitrary and tyrannical. Respect for the law forbids him to submit to such acts; and if attempts are made to execute them by violence, he has a right to repel force by force.

XIII. Those who shall solicit, dispatch, sign, execute, or cause to be executed, arbitrary acts, are culpable, and ought to be punished.

XIV. Every man being supposed innocent until he has been declared guilty, if it is judged indispensable to arrest him, all severity not necessary to secure his person ought to be strictly repressed by the law.

XV. No one ought to be tried and punished until he has been legally summoned, and in virtue of a law published previous to the commission of the crime. A law which should punish crimes committed before it existed would be tyrannical. The retro active effect given to a law would be a crime.

XVI. The law ought not to decree any punishments but such as are strictly and evidently necessary: punishment ought to be proportioned to the crime, and useful to society.

XVII. The right of property is that right which belongs to every citizen to enjoy and dispose of, according to his pleasure, his property, revenues, labour, and industry.

XVIII. No kind of labour, culture, or commerce, can be forbidden to the industrious citizen.

XIX. Every man may engage his services and his time, but he cannot sell himself; his person is not alienable property. The law does not acknowledge servitude; there can exist only an engagement of care and gratitude between the man who labours and the man who employs him.

XX. No one can be deprived of the smallest portion of his property, without his consent, except when the public necessity, legally ascertained, evidently requires it, and on condition of a just and previous indemnification.

XXI. No contribution can be established but for general utility, and to relieve the public wants. Every citizen has a right to concur in the establishment of contributions, to watch over the use made of them, and to call for a statement of their expenditure.

XXII. Public aids are a sacred debt. The society is obliged to provide for the subsistence of the unfortunate.

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fortunate, either by procuring them employment, or by securing the means of existence to those who are unable to labour.

XXIII. Instruction is the want of all, and the society ought to favour, with all its power, the progress of public reason; and to place instruction within the reach of every citizen.

XXIV. The social guarantee consists in the actions of all, to secure to each the enjoyment and preservation of his rights. This guarantee rests on the National Sovereignty.

XXV. The social guarantee cannot exist if the limits of the public functions are not clearly determined by the law, and if the responsibility of all public functionaries is not secured.

XXVI. The sovereignty resides in the people: it is one and indivisible, imprescriptible, and unalienable.

XXVII. No portion of the people can exercise the power of the whole: but each section of the Sovereign assembled ought to enjoy the right of expressing its will in perfect liberty. Every individual who arrogates to himself the sovereignty, or who usurps the exercise of it, ought to be put to death by free men.

XXVIII. A people have always the right of revising, amending, and changing their constitution. One generation cannot subject to its laws future generations.

XXIX. Every citizen has an equal right of concurring in the formation of the law, and in the nomination of his mandatories or agents.

XXX. Public functions cannot be considered as distinctions or rewards, but as duties.

XXXI. Crimes committed by the mandatories of the people and their agents, ought never to remain unpunished. No one has a right to pretend to be more inviolable than other citizens.

XXXII. The right of presenting petitions to the depositories of public authority belongs to every individual. The exercise of this right cannot, in any case, be forbidden, suspended, or limited.

XXXIII. Resistance to oppression is the consequence of the other rights of man.

XXXIV. Oppression is exercised against the social body, when even one of its members is oppressed. Oppression is exercised against each member, when the social body is oppressed.

XXXV. When the government violates the rights of the people, insurrection becomes to the people, and to every portion of the people, the most sacred and the most indispensable of duties.

THE CONSTITUTIONAL ACT.

Of the Republic.

Art. 1. The French Republic is one and indivisible.

Of the Division of the People.

II. The French people are divided, for the exercise of the sovereignty, into primary assemblies of cantons.

III. For the administration of justice they are divided into departments, districts, and municipalities.

Of the State of Citizens.

IV. Every man born and resident in France, of the age of twenty-one years complete; every foreigner aged twenty-one years complete, who has resided a year in France, who has acquired property, married a French woman, adopted a child, or maintained an aged person; in short, every foreigner who shall be judged by the legislative body to have deserved well by his humanity, shall be admitted to exercise the rights of a French Citizen.

V. The exercise of the rights of Citizens shall be lost by being naturalized in a foreign country, by accepting functions or favours from a government not popular, and by condemnation to disgraceful or penal punishments.

VI. The exercise of the rights of citizens shall be suspended by a state of accusation; and by being declared contumacious, as long as the sentence is not reversed.

Of the Sovereignty of the People.

VII. The Sovereign People are the universality of the French citizens.

VIII. They shall immediately name the deputies.

IX. They shall delegate to electors the choice of administrators, public arbitrators, criminal judges, and judges of appeal.

X. They shall deliberate on laws.

Of Primary Assemblies.

XI. Primary assemblies shall be composed of citizens who have resided six months in each canton.

XII. They shall consist of two hundred citizens at least, or six hundred at most, called to vote.

XIII. They shall be constituted by the nomination of a president, secretaries, and scrutineers.

XIV. Their police shall belong to them.

XV. No person can appear there with arms.

XVI. The elections shall be made by scrutiny, or openly by the voice of each voter.

XVII. A primary assembly cannot in any case prescribe a uniform mode of voting.

XVIII. The scrutineers shall certify the votes of citizens who, not being able to write, prefer voting by scrutiny.

XIX. The suffrages on laws shall be given by *Yes* or *No*.

XX. The will of the primary assembly shall be proclaimed as follows: "*The Citizens united in the Primary Assembly of* to the number of *voters, vote [for or against]* by a majority of "

Of

APPENDIX, No. II.

Of the National Representation.

XXI. Population is the sole basis of the national representation.

XXII. There is one deputy for every forty thousand individuals.

XXIII. Each re-union of primary assemblies resulting from a population of from thirty-nine to forty-one thousand souls, nominates directly one deputy.

XXIV. The nomination is made by the absolute majority of suffrages.

XXV. Each assembly casts up the suffrages, and sends a commissioner for the general casting up to the place pointed out as the most central.

XXVI. If the casting up does not give an absolute majority, a second vote is proceeded to, and the votes are taken for the two citizens who had the most voices.

XXVII. In case of equality of voices, the eldest has the preference, either to be on the ballot, or elected. In case of equality of age, lot decides.

XXVIII. Every Frenchman, exercising the rights of citizen, is eligible through the extent of the Republic.

XXIX. Each deputy belongs to the whole nation.

XXX. In case of the non-acceptance, resignation, forfeiture, or death of a deputy, he is replaced by the primary assemblies who nominated him.

XXXI. A deputy who has given in his resignation cannot quit his post but after the admission of his successor.

XXXII. The French people assemble every year on the first day of May for elections.

XXXIII. It proceeds in them, whatever be the number of citizens present having a right to vote.

XXXIV. Primary assemblies are formed on extraordinary occasions, on the demand of a fifth of the citizens, who have a right to vote in them.

XXXV. The convocation is made, in this case, by the municipality of the ordinary place of meeting.

XXXVI. These extraordinary assemblies do not deliberate but when one more than the half of the citizens who have a right to vote in them are present.

Of the Electoral Assemblies.

XXXVII. The citizens met, in primary assemblies, nominate one elector for every two hundred citizens, present or not; two for from two hundred and one to four hundred; and three from four hundred and one to six hundred.

XXXVIII. The holding of the electoral assemblies, and the mode of elections, are the same as in the primary assemblies.

Of the Legislative Body.

XXXIX. The legislative body is one, indivisible, and permanent.

XL. Its session is for a year.

XLI. It meets the first of July.

XLII. The National Assembly cannot be constituted if it do not consist of one more than the half of the deputies.

XLIII. The deputies cannot be examined, accused, or tried, at any time, for the opinions they have delivered in the legislative body.

XLIV. They may, for a criminal act, be seized *en flagrant delit*; but a warrant of arrest, or a warrant summoning to appear, cannot be granted against them, unless authorized by the legislative body.

Holding of the Sitzings of the Legislative Body.

XLV. The sittings of the National Assembly are public.

XLVI. The minutes of its sittings are printed.

XLVII. It cannot deliberate, if it be not composed of two hundred members at the least.

XLVIII. It cannot refuse to hear its members speak in the order in which they have demanded to be heard.

XLIX. It deliberates by a majority of the members present.

L. Fifty members have a right to require the nominal appeal.

LI. It has the right of censure on the conduct of its members within itself.

LII. The police appertains to it in the place of its sittings, and in the external circuit which it has determined.

Of the Functions of the Legislative Body.

LIII. The legislative body proposes laws and passes decrees.

LIV. Under the general name of laws are comprehended the acts of the legislative body concerning the legislation civil and criminal; the general administration of the revenues, and of the ordinary expenses of the Republic; the national domains; the title, the weight, the impression, and the denomination of money; the nature, the amount, and the collection of contributions; the declaration of war; every new general distribution of the French territory; the public instruction; and the public honours to the memory of great men.

LV. Under the particular name of *decrees* are included the acts of the legislative body concerning the annual establishment of the land and sea forces; the permission or the prohibition of the passage of foreign troops through the French territory; the introduction of foreign naval forces into the ports of the Republic; the measures of general safety and tranquillity; the annual and occasional distribution of public succours and works; the orders for the fabrication of money of every kind; the unforeseen and extraordinary expenses; the measures local and particular to an administration, a commune, or any kind of public works; the defence of the territory; the ratification of treaties; the nomination and the removal of commanders in chief of armies; the prosecution of the responsibility of members of the council, and the public functionaries; the accusation of persons charged with plots against the general safety of the Republic; all change in the partial distribution

APPENDIX, No. II.

Distribution of the French territory; and national recompences.

Of the Formation of the Law.

LVI. The plans of a law are preceded by a report.

LVII. The discussion cannot be opened, and the law cannot be provisionally resolved upon, till fifteen days after the report.

LVIII. The plan is printed, and sent to all the communes of the Republic, under this title: "*Law proposed.*"

LIX. Forty days after the sending of the law proposed, if in more than one half of the departments, the tenth of the primary assemblies of each, regularly formed, have not objected to it, the plan is accepted, and becomes law.

LX. If there be an objection, the legislative body convokes the primary assemblies.

Of the Entitling of Laws and Decrees.

LXI. Laws, decrees, judgments, and all public acts are entitled: "*In the name of the French people, the year of the French Republic.*"

Of the Executive Council.

LXII. There is one executive council, composed of four-and-twenty members.

LXIII. The electoral assembly of each department nominates one candidate. The legislative body chooses the members of the council from the general list.

LXIV. One half of it is renewed by each legislature in the last month of the session.

LXV. The council is charged with the direction and superintendence of the general administration. It cannot act but in execution of the laws and decrees of the legislative body.

LXVI. It nominates, not of its own body, the agents in chief of the general administration of the Republic.

LXVII. The legislative body determines the number and the functions of these agents.

LXVIII. These agents do not form a council. They are separated, without any immediate correspondence between them; they exercise no personal authority.

LXIX. The council nominates, not of its own body, the external agents of the Republic.

LXX. It negotiates treaties.

LXXI. The members of council, in case of malversation, are accused by the legislative body.

LXXII. The council is responsible for the non-execution of laws and decrees, and for abuses which it does not denounce.

LXXIII. It recalls and replaces the agents in its nomination.

LXXIV. It is bound to denounce them, if there be occasion, before the judicial authorities.

Of the Connection of the Executive Council with the Legislative Body.

LXXV. The executive council resides near the legislative body. It has admittance and a separate seat in the place of sittings.

LXXVI. It is heard as often as it has an account to give.

LXXVII. The legislative body calls it into the place of its sittings, in whole or in part, when it thinks fit.

Of the Administrative and Municipal Bodies.

LXXVIII. There is a municipal administration in each commune of the Republic; in each district an intermediate administration; in each department a central administration.

LXXIX. The municipal officers are elected by the assemblies of the commune.

LXXX. The administrators are nominated by the electoral assemblies of department and district.

LXXXI. The municipalities and the administrators are renewed, one half every year.

LXXXII. The administrators and municipal officers have no character of representation; they cannot, in any case, modify the acts of the legislative body, or suspend the execution of them.

LXXXIII. The legislative body determines the functions of the municipal officers and administrators, the rules of their subordination, and the penalties they may incur.

LXXXIV. The sittings of municipalities and administrations are public.

Of Civil Justice.

LXXXV. The code of civil and criminal laws is uniform for all the Republic.

LXXXVI. No infringement can be made of the right which citizens have to cause their differences to be pronounced upon by the arbitrators of their choice.

LXXXVII. The decision of these arbitrators is final, if the citizens have not reserved the right of objecting to them.

LXXXVIII. There are justices of peace elected by the citizens in circuits determined by the law.

LXXXIX. They conciliate and judge without expence.

XC. Their number and their competence are regulated by the legislative body.

XCI. There are public arbitrators elected by the electoral assemblies.

XCII. Their number and their circuits are fixed by the legislative body.

XCIII. They take cognizance of disputes which have not been finally terminated by the private arbitrators or the justices of the peace.

XCIV. They deliberate in public; they give their opinions aloud; they pronounce, in the last resort, on verbal defences, or simple memorials, without procedures,

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procedures, and without expence; they assign the reasons of their decisions.

XCV. The justices of peace and the public arbitrators are elected every year.

Of Criminal Justice.

XCVI. In criminal cases, no citizen can be tried but on an accusation received by a jury, or decreed by the legislative body; the accused have counsel, chosen by themselves, or nominated officially: the process is public; the fact and the intention are declared by a jury of judgment; the punishment is applied by a criminal tribunal.

XCVII. The criminal judges are elected every year by the electoral assemblies.

the Tribunal of Appeal.

XCVIII. There is one tribunal of appeal for all the Republic.

XCIX. This tribunal does not take cognizance of the merits of the case; it pronounces on the violation of forms, and on express contravention of the law.

C. The members of this tribunal are nominated every year by the electoral assemblies.

Of Public Contributions.

CI. No citizen is exempted from the honourable obligation of contributing to the public charges.

Of the National Treasury.

CII. The national treasury is the central point of the receipts and expences of the Republic.

CIII. It is administered by accountable agents, nominated by the executive council.

CIV. These agents are superintended by commissioners, nominated by the legislative body, not of its own members, and responsible for abuses which they do not denounce.

Of Accountability.

CV. The accounts of the agents of the national treasury, and the administrators of the public money, are given in annually to responsible commissioners, nominated by the executive council.

CVI. These verifiers are superintended by commissioners in the nomination of the legislative body, not of its own members, and responsible for errors and abuses which they do not denounce. The legislative body passes the accounts.

Of the Forces of the Republic.

CVII. The general force of the Republic is composed of the whole people.

CVIII. The Republic maintains in its pay, even in time of peace, an armed force, by sea and land.

CIX. All the French are soldiers; they are all exercised in the use of arms.

CX. There is no generalissimo.

CXI. Difference of ranks, their distinctive marks and subordination, subsist only with relation to service, and during its continuance.

CXII. The public force employed for maintaining order and peace in the interior, does not act but on the requisition, in writing, of the constituted authorities.

* CXIII. The public force employed against enemies from without, acts under the orders of the executive council.

CXIV. No armed body can deliberate.

Of National Conventions.

CXV. If in one more than the half of the departments, the tenth of the primary assemblies of each, regularly formed, demand the revision of the constitutional act, or the change of some of its articles, the legislative body is bound to convoke all the primary assemblies of the Republic, to know if there be ground for a National Convention.

CXVI. The National Convention is formed in the same manner as the legislatures, and unites in itself their powers.

CXVII. It employs itself, with respect to the constitution, only on the objects which were the cause of its convocation.

Of the Correspondence of the French Republic with Foreign Nations.

CXVIII. The French people is the friend and natural ally of every free people.

CXIX. It does not interfere in the government of other nations. It does not suffer other nations to interfere in its own.

CXX. It gives an asylum to foreigners banished from their country for the cause of liberty; it refuses it to tyrants.

CXXI. It does not make peace with an enemy that occupies its territory.

Of the Guarantee of Rights.

CXXII. The constitution guarantees to all the French, equality, liberty, safety, property, the public debt, the free exercise of worship, a common instruction, public succours, the indefinite liberty of the press, the right of petition, the right of meeting in popular societies, the enjoyment of all the rights of man.

CXXIII. The French Republic honours loyalty, courage, age, filial piety, misfortune. It puts the deposit of its constitution under the guard of all the virtues.

CXXIV. The Declaration of Rights, and the Constitutional Act, are engraven on tables in the bosom of the legislative body, and in the public places.

No. III.

PROCLAMATION OF GENERAL DUMOURIER TO THE BATAVIANS.

BATAVIANS!

THE stadtholder, who, according to the principles of republicans, ought only to be your captain general, who ought not to exercise, but for your happiness, the powers with which you have invested him, subordinate to the will and decisions of the Republic, holds you in oppression and slavery.

You know perfectly well your rights, which, in 1787, you attempted to recover from the ambitious house of Orange. At that time you had recourse to the French nation; but as she herself then groaned under the despotism of a perfidious court, you were made the sport of the vile intriguers who then governed France.

A handful of Prussians, commanded by the very duke of Brunswick whom I have since driven from Champagne, were sufficient to subjugate you once more. Many of you have been the victims of the vengeance of your *****; many others were obliged to take refuge in France; and since that time, you lost all hopes of freedom; till a revolution, the most astonishing the history of the world offers, supported by the most glorious success, has given you, in Frenchmen, allies at once powerful, generous, and free, who will second your efforts to be free, or will learn to die with you.

Batavians! it is not against you that the French nation has declared war: friends to all nations, she has only for enemies all tyrants. The more enemies we have, the more will our principles be propagated: persuasion and victory will support the imprescriptible rights of man; and nations will be weary of exhausting their blood and treasures for a small number of individuals, who keep discord alive merely to deceive and enslave the people. We enter Holland as friends to the Dutch, and as irreconcilable enemies to the house of Orange. Its yoke appears too insupportable for your choice to be doubtful. Do not you see that this demi-despot, who tyrannises over you, sacrifices to his personal interests the best interests of your Republic? Did he not engage you, in 1782, to break, with a disgraceful perfidy, your treaty of alliance with us?

Has he not since constantly favoured the English commerce at the expence of your own? At this moment, does he not deliver up your most important settlements, the Cape of Good Hope and the island of Ceylon, and all your commerce in India, to the only nation whose incessant rivalry you have reason to fear? Do you believe that the English, insatiable after power and wealth, will ever restore to you these important possessions, which must secure them the empire of the Indies? No, Batavians! you will never rank among the first maritime powers until you

are free. Send back to Germany that ambitious house, which for an hundred years has sacrificed you to its pride. Send back the sister of Frederick William, who has at his command those ferocious Prussians, who will awe you as often as you may attempt to break your chains. This calling in of the Prussians is constantly an insult to your brave troops. The house of Orange justly fears lest the spirit of liberty should sway them. A republican army cannot long serve tyranny. Very soon the Dutch troops, soon the conquerors of the Dogger-bank, will join their colours and their fleets to those of France.

The first who shall range themselves under the standard of liberty, shall not only be assured of the continuance of such employments as they enjoy under the Republic, but of more consequential ones, and that at the expence of the slaves of the house of Orange.

I am about to visit you, surrounded by the generous martyrs to the revolution of 1787. Their perseverance, and the sacrifices they have made, merit your confidence and mine. They form a committee, which will encrease in number. This committee will be extremely useful in the first moments of your revolution; and all its members, who have no other ambition than to be the deliverers of their country, will re-enter into the different classes of social order, as soon as your National Convention shall be assembled.

I come into Holland at the head of sixty thousand free and victorious Frenchmen: sixty thousand more defend the Belgic provinces, and are ready to follow me, should I meet with any resistance. We are not the aggressors: the party attached to the house of Orange has long carried on against us a perfidious and secret war. All the plots against our liberty have been concerted at the Hague.

We will seek at the Hague the authors of our misfortunes: we have no anger and vengeance but against them; we will over-run your rich provinces as friends and brothers. You will see the difference between the conduct of freemen who stretch out to you their hands, and of tyrants who inundate and lay waste your country.

I promise to the peaceable cultivators, whose crops are sacrificed to the fury of tyrants, an indemnity, by the sale of the substance of those who shall have ordered these useless inundations. I promise also to deliver into their hands, and to their just vengeance, the persons of those wicked administrators, magistrates, or military commanders, who shall have ordered them. To avoid, however, all the desolations which they occasion, I exhort the inhabitants of the country, if they have sentiments of liberty, to oppose these

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These inundations; and I will follow my proclamation, closely enough to support the Batavians, and to punish the wicked.

Batavians! have confidence in a man whom you know; who has never failed to fulfil what he has promised; and who conducts to battle freemen, before whom have fled, and will flee, the Prussians, the satellites of your tyrants.

The Belgians call me their deliverer: I hope to be soon yours.

DUMOURIER,

Commander in chief of the army of the French Republic.

No. IV,

DUMOURIER'S LETTER TO THE FRENCH NATION.

SINCE the commencement of the Revolution, I have devoted myself to the maintenance of the liberty and honour of the nation.

The services I rendered in the year 1792 are the most memorable. Minister of foreign affairs during three months, I elevated and sustained the dignity of the French name throughout all Europe. I was calumniated by an odious cabal, by whom I was charged with having plundered six millions of livres destined for secret services. I have proved, that of this sum I did not expend half a million.

Having quitted the career of politics towards the close of the month of June, I commanded a small army in the department of the North. This department I was ordered to quit with my troops, at the very time the Austrians entered in force that part of the Republic: I disobeyed the order, saved the department, and an attempt was made to come on me by surprise, for the purpose of conveying me to the citadel of Metz, where I was to be condemned by a council of war to suffer death.

On the twenty-eighth of August I took upon me, in Champagne, the command of an army of twenty thousand men, weak, and without either discipline or organization. I arrested the progress of eighty thousand Prussians and Hessians, and forced them to retreat, after they had sacrificed the one half of their army. I was then the Saviour of France; and then it was that the most wicked of men, the opprobrium of Frenchmen—in a word, *Marat*, began to calumniate me without mercy. With a part of the victorious army of Champagne, and some other troops, I entered, on the fifth of November, the Belgic provinces, where I gained the for-ever-memorable battle of Jemappes; and after a succession of advantages, entered Liege and Aix-la-Chapelle towards the close of that month. From that moment my destruction was resolved on; and I have been accused of aspiring, now to the title of *Duke of Brabant*, now to the *Stadtholdership*, and again to the *Dictatorship*. To retard and crush my successes, the minister Pache, supported by the criminal faction to whom all our evils are to be ascribed, suffered the victorious army to want every thing, and succeeded in disbanding it by famine and nakedness. The consequence was, that more than fifteen thousand men were in the hospi-

tals, more than twenty-five thousand deserted through misery and disgust, and upwards of ten thousand horses died of hunger!!!

I transmitted to the National Convention very strenuous remonstrances, which I followed up, by repairing in person to Paris, to engage the legislators to apply a remedy to this evil: they did not even condescend to read the four memorials I delivered in. During the twenty-six hours I spent in Paris, I heard, almost every moment, bands of pretended federates demand my head: and calumnies of every description, as well as menaces and insults, followed me even into the country-house to which I retired.

Having delivered in my resignation, I was retained in the service of my country, because it was proposed to me to negotiate the suspension of the war against England and Holland, which I conceived as indispensable to the safety of the Netherlands. Whilst I negotiated, and that successfully, the National Convention itself hastened to declare war, without making any preparations, and without either power or means for its support.

I was not even advised of this declaration, and learned it only through the medium of the *Gazettes*. I hastened to form a small army of new troops, who had never fought; and with these troops, whom confidence rendered invincible, I made myself master of three strong places, and was ready to penetrate into the middle of Holland, when I learned the disaster of Aix-la-Chapelle, the raising of the siege of Maestricht, and the sad retreat of the army. By this army I was loudly summoned—I abandoned my conquests to fly to its succour; and considered that we could be extricated from our difficulties by a speedy success only. I led my companions in arms to the enemy. On the sixteenth of March I had a considerable advantage at Tirlemont. On the eighteenth, I brought the enemy to a general action; and the center and right wing, under my charge, were victorious. The left wing, after having attacked imprudently, fled. On the nineteenth, we retreated honourably, with the brave men that were left together; for a part of the army disbanded itself. On the twenty-first and twenty-second, we fought with the same courage; and to our firmness was owing the preservation of the remains of an army which breathes

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breathes solely for true liberty, for the reign of the laws, and for the extinction of anarchy.

It was then that the *Marats*, the *Robespierres*, and the criminal sects of Jacobins of Paris, plotted the fall of the generals, and more especially of mine. These villains, bribed with the gold of foreign powers, to complete the disorganization of the armies, caused almost all the generals to be arrested. They keep them in the jails of Paris, to *Septemberize* them; for thus it is that these monsters have coined a word, to hand down to posterity the remembrance of the horrid massacre of the first six days of September.

Whilst I was employed in re-composing the army, in which employment I laboured night and day, on the first of April (yesterday) four commissioners of the National Convention reached me, with a decree, purporting that I should be brought to the bar of the Convention itself. The war minister, Bournonville, my pupil, was weak enough to accompany them, to succeed me in my command. The persons who were in the suite of these perfidious emissaries, informed me themselves, that different groupes of assassins, either fugitives from, or driven out of, my army, were dispersed on the road, to kill me before I could reach Paris. I spent several hours in endeavouring to convince the commissioners of the imprudence of this arrest.—Nothing could shake their pride; and I therefore arrested the whole of them, to serve me as hostages against the crimes of Paris. I instantly arranged with the Imperialists a suspension of arms, and marched towards the capital, to extinguish, as speedily as possible, the lighted embers of civil war.

My dear countrymen! it is expedient that a true and brave man remove for you the veil which covers all our crimes and misfortunes. In 1789 we made great efforts to obtain liberty, equality, and the sovereignty of the people. Our principles were consecrated in the declaration of the Rights of Man; and there have resulted from the labours of our legislators, 1st, the declaration which says, that France is, and shall remain, a monarchy;—2^{dly}, a constitution to which we swore fealty in 1789, 1790, and 1791.

This constitution might, and indeed must, have been imperfect: but it ought and might have been believed, that with time and experience its errors would be rectified, and that the necessary strife between the legislative and executive powers would establish a wise *equilibrium*, which would prevent either of these powers from seizing the whole of the authority, and attaining despotism. If the despotism of a single individual is dangerous to liberty, how much more odious must that be of seven hundred men, many of whom are void of principles, without morality, and who have been able to reach that supremacy by cabals or crimes alone!

Licentiousness and excess soon rendered it impossible to support the yoke of a constitution that gave laws. The tribunes influenced the assembly of representatives, and were themselves awed by the dan-

gerous club of the Jacobins of Paris. The strife between the two powers became at length a deadly combat. Then was the *equilibrium* destroyed—France ceased to have a king; and the victory of the tenth of August was soiled by the atrocious crimes of the first days of September.

All the departments, but more especially the wretched city of Paris, were delivered up to pillage, to denunciations, proscriptions, and massacres. No Frenchman, the assassins and their accomplices excepted, had either his life or his property in security! The consternation of slavery was augmented by the clamorous *orgies* of villains: bands of pretended federates ran through and laid waste the departments; and of the seven hundred individuals who composed this despotic and anarchical body, four or five hundred groaned and decreed, and decreed and groaned, exposed to the exterminating sword of the *Marats* and *Robespierres*. It is thus that the unfortunate Louis the Sixteenth perished, without a judicial trial, and without a tribunal; and it is thus the decree of the nineteenth of November has provoked all nations, by holding out to them our aid, provided they will consent to disorganize themselves. It is thus that the unjust and impolitic decree of the fifteenth of December has alienated from us the hearts of the Belgians, has driven us from the Netherlands, and would have brought about the massacre of our whole army by this nation, provoked at our outrages and our crimes, if I had not saved that very army by my proclamations. It is thus that a decree established the tribunal which places the lives of the citizens at the mercy of a small number of iniquitous judges, without recourse or appeal to any other tribunal. It is thus that during the last month, all the decrees have been marked by the stamp of insatiable avarice, by the blindest pride, and more especially by the desire of maintaining power, by calling to the most important posts no other than daring, incapable, and criminal men, by driving away or murdering men enlightened and of a high character, and by supporting a phantom of a Republic, which their errors in administration and in policy, as well as their crimes, had rendered impracticable. These seven hundred individuals despise, detest, calumniate, and revile each other; and have already, and that frequently, thought of poniarding one another. At this moment their blind ambition has led them to coalesce afresh; and bold criminality allies itself to feeble virtue, to preserve a power as unjust as it is unsteady. In the mean time, their committees devour every thing; that of the national treasury absorbing the public funds, without being able to render any account of the expenditure.

What has this Convention done, to maintain the war it has provoked against all the powers of Europe? It has disorganized the armies, instead of reinforcing and recruiting the troops of the line, and the ancient battalions of national volunteers, which would have formed a respectable army. Instead of recom-

pening

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pening these brave warriors by promotion and praises, these legislators have left the battalions incomplete, naked, disarmed, and discontented. In the same way have they treated the excellent cavalry; and the brave French artillery is in the same manner exhausted, abandoned, and in want of every necessary. They notwithstanding create new corps, composed of the satellites of the second of September, and commanded by men who have never served, and who are in no other way to be dreaded, unless by the armies they surcharge and disorganize. The Convention sacrifices every thing to these satellites of tyranny, to these cowardly *head-lappers*. The choice of officers, and that of administrators, are in every particular the same; we see, throughout, the tyranny which flatters the wicked, because the wicked alone can support tyranny:—And, in its pride and its ignorance, this Convention orders the conquest and disorganization of the whole universe. It says to one of its generals, “Go, and take Rome;”—and to another, “Sally forth, and subdue Spain;”—to the end that despoiling commissioners, similar to those horrid Roman Proconsuls against whom Cicero declaimed, may be sent thither. In the worst season of the year, it lends the only fleet it possesses into the Mediterranean, to split and founder on the rocks of Sardinia; whilst it exposes the fleets of Brest to the fury of storms, by sending them in quest of an English fleet that has not yet left its port.

In the mean time, a civil war spreads through all the departments. Some of the insurgents are excited by fanaticism, the necessary effect of persecution; others, by an indignation at the tragical and fruitless end of Louis the Sixteenth; and others, finally, by the natural principle of resisting persecution.

Arms are every where taken up; murders every where committed; and every where are pecuniary supplies and provisions intercepted. The English foment these troubles; and will, by their succours, supply fuel to them at their pleasure. Soon will every one of our cruizers disappear on the ocean; soon will the Southern department cease to receive supplies of corn from Italy and Africa; and already have those from the North and from America been intercepted by the squadrons of the enemies. Famine will annex itself to all our scourges; and the ferocity of our cannibals will but increase with our calamities.

Frenchmen! we have a rallying-point, which can stifle the monster of anarchy: it is the constitution

we swore to maintain in 1789, 1790, and 1791: it is the work of a free people; and we shall remain free, and shall recover our glory, by resuming our constitution.

Let us display our virtues, more especially that of mildness: too much blood has already been spilled. If the monsters by whom we have been disorganized choose to fly, let us leave them to meet their punishment elsewhere, if they do not find it in their own corrupted hearts; but if they wish to support anarchy by new crimes, then shall the army punish them.

In the generosity of the enemies we have so grievously outraged, I have found the security of external peace. Not only do they treat humanely and attentively our wounded, sick, and prisoners, who fall into their hands—and all this in spite of the calumnies spread by our agitators to render us ferocious—but they engage to suspend their march, not to pass our frontiers, and to leave to our brave army the termination of all our internal dissensions.

Let the sacred torch of the love of our country awaken in us our virtue and our courage! At the bare name of the constitution, civil war will cease, or can no longer exist, unless against certain malevolent men, who will no longer be supported by foreign powers. These have no hatred to any others among us except our factious criminals, and desire nothing more fervently than to restore their esteem and friendship to a nation whose errors and anarchy disturb and trouble all Europe. Peace will be the fruit of this resolution; and the troops of the line, as well as the brave national volunteers, who, for the space of a year, have offered themselves as willing sacrifices to liberty, and who abhor anarchy, will repose in the bosom of their families, after having accomplished this noble work.

As to myself, I have already made an oath, and I repeat it before the whole nation, and in the presence of all Europe, that immediately after having effected the safety of my country by the re-establishment of the constitution, of peace, and good order, I shall abandon every public function, and shall seek in solitude the enjoyment of the happiness of my fellow-citizens.

The general in chief of the French army,

DUMOURIER.

Baths of St. Amand.

April 2, 1793.

APPENDIX, No. V.

No. V.

MEMORIAL PRESENTED TO THE STATES-GENERAL OF THE UNITED PROVINCES;

BY LORD AUCKLAND, AMBASSADOR-EXTRAORDINARY AND PLENIPOTENTIARY
FROM HIS BRITANNIC MAJESTY.

HIGH AND MIGHTY LORDS,

THE undersigned ambassador extraordinary and minister plenipotentiary of his Britannic majesty, in consequence of express orders which he received from the king, has the honour to lay before your high mightinesses copies of all the papers which have been exchanged from the twenty-seventh of December last to the twentieth of this month, between lord Grenville, secretary of state to his Britannic majesty, and M. Chauvelin.

High and mighty lords, the king is fully persuaded that the sentiments and principles expressed in the name of Great Britain, are perfectly the same with those which animate your republic, and that your high mightinesses are disposed to concur fully in the measures which the present important crisis calls for, and which are the necessary consequences of those sentiments and principles.

The circumstances which brought us to that crisis are too recent, and the conduct of the king too well known, to oblige the undersigned to enter into superfluous details.

Not four years ago, some wretches, assuming the title of philosophers, had the presumption to think themselves capable of establishing a new system of civil society. In order to realize that dream of their vanity, they found it necessary to overthrow and destroy all received notions of subordination, manners, and religion, which have hitherto founded all the fecundity, happiness, and consolation of the human race.—Their destructive projects have but too well succeeded. But the effects of the new system which they endeavoured to introduce, served only to shew the imbecility and villainy of its authors. The events which so rapidly followed each other since that epoch, surpass in atrocity all which had ever polluted the pages of history. Property, liberty, security, even life itself, have been deemed play-things in the hands of infamous men, who are the slaves of the most licentious passions of rapine, enmity, and ambition.

The annals of mankind present no epoch when, and in so short a time, so many crimes were committed, so many misfortunes caused, and so many tears shed; even at this moment these horrors seem to be at their very height.

During all that time, the king, surrounded by his people, who, by Divine Providence, enjoy an unexampled prosperity, could not look on the misfortunes of others but with a sentiment of indignation and pity;

but, faithful to his principles, his majesty never wished to interfere with the interior affairs of foreign nations; he never deviated from the path of neutrality which he had prescribed to himself. This conduct, which the king with pleasure saw observed likewise by your high mightinesses, and the good faith of which all Europe acknowledged, together with his peaceable disposition, which ought to have been respected on every ground, was not sufficient to secure his majesty, his loyal subjects, and this republic, from the most dangerous and criminal plots.

For several months past ambitious projects of aggrandizement, alarming to the tranquillity and safety of all Europe, were planned in the most public manner; endeavours were made to spread in the interior parts of England, and in this country, maxims detrimental to all social order: they were not even ashamed to call these horrible attempts "*revolutionary power*."

Ancient and solemn treaties, guaranteed by the king, were infringed; and the rights and territory of the republic have been violated. His majesty, therefore, in his wisdom, thought proper to make such warlike preparations as seemed to him proportioned to the circumstances of the times. The king has consulted his parliament, and the measures which his majesty thought fit to adopt, were approved by the spirited and unanimous consent of a people, who abhor anarchy and irreligion, and love their king and constitution.

Such are, high and mighty lords, the motives of a conduct, the wisdom and equity of which have, till now, insured to the king your concurrence and co-operation. His majesty has, in every respect, constantly kept a watchful eye on the support of the rights and safety of the United Provinces. The declaration which the undersigned had the honour to make to your high mightinesses, on the thirteenth of November last, and the arrival of a small squadron destined for the protection of the shores of the republic, during the time when its own naval forces were assembling, prove it incontestably. Your high mightinesses have acknowledged these dispositions of his majesty in what he has done already. You will not find them abated in the preparations that are now making. In consequence of which his majesty is persuaded that he will continue to experience, on the part of your high mightinesses, a perfect conformity of principles and conduct. That conformity can alone give to the united efforts of the two countries the necessary energy for their common defence, which

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which will also oppose a barrier to the evils with which Europe is threatened, and secure from every attempt the safety, tranquillity, and independence of a state, the happiness of which is ensured by your

high mightinesses, through the wisdom and energy of its government.

Done at the Hague,
Jan. 25, 1793.

(Signed) *AUCKLAND.*

No. VI.

OFFICIAL NOTE OF THE EXECUTIVE POWER OF FRANCE.

Paris, Jan. 4, 1793.

Second Year of the Republic.

THE provisional executive council of the French republic, before they reply more particularly to each of the points comprehended in the note remitted to them on the part of the minister of his Britannic majesty, will begin by repeating to that minister the most express assurances of their sincere desire to maintain peace and harmony between France and England. The sentiments of the French nation towards the English have been manifested during the whole course of the Revolution, in so constant, so unanimous a manner, that there cannot remain the smallest doubt of the esteem which it vows to them, and of its desire to have them for friends.

It is then with great reluctance, that the Republic would see itself forced to a rupture, much more contrary to its inclination than to its interest. Before it proceeds to such a disagreeable extremity, explanations are necessary; and the object of them is so highly important, that the executive council have not thought that they could entrust them to a secret agent, always to be disavowed. For this reason they have thought proper, under every point of view, to entrust them to citizen Chauvelin, though he is not accredited to his Britannic majesty but from the late king.

The opinion of the executive council on this occasion is justified by the manner in which our negotiations are at the same time carried on in Spain, where citizen Bourgoign was exactly in the same situation as citizen Chauvelin at London; which, however, has not prevented the minister of the Catholic king from treating with him on a convention of neutrality, the ratification of which is to be exchanged at Paris between the minister for foreign affairs and the *charges-des-affaires* of Spain. We will even add, that the principal minister of his Catholic majesty, when writing officially on this subject to citizen Bourgoign, did not forget to give him his title of minister plenipotentiary of France. The example of a power of the first rank, such as Spain, might have induced the executive council to hope that we should have found the same facility at London. The executive council, however, readily acknowledge that this negotiation has not been demanded according to diplomatic strictness, and that citizen Chauvelin is not formally enough authorized. To remove entirely this obstacle, and that they may not have to reproach

themselves with having stopped, by a simple defect in form, a negotiation, on the success of which depends the tranquillity of two great nations, they have sent to citizen Chauvelin credential letters, which will give him the means of treating according to all the severity of diplomatic forms.

To proceed now to the three points which can alone form an object of difficulty with the court of London, the executive council observe on the first, that is to say, the decree of the nineteenth of November, that we have been misunderstood by the ministers of his Britannic majesty, when they accuse us of having given an explanation, which announces to the *seditions of all nations*, what are the cases in which they may depend, before-hand, on the succour and support of France. Nothing can be more foreign to the sentiments of the National Convention, and to this explanation which we have given, than this reproach; and we did not think it was possible that the open design of favouring seditious persons could be imputed to us, at a moment even when we declared, that it would be doing an injury to the National Convention to ascribe to them the plan of protecting insurrections and seditious commotions, which might arise in any state; of associating with the authors of them; and thus of making the cause of a few individuals that of the French nation.

We have said, and we chuse to repeat it, that the decree of the nineteenth of November could not be applicable, but to the single case where the general will of a nation, clearly and unequivocally expressed, should call for the assistance and fraternity of the French nation. Sedition can certainly never exist, when there is an expression of the general will: these two ideas mutually exclude each other; for sedition is, and can only be, a commotion of a small number against the majority of a nation; and this commotion would cease to be seditious, if all the members of a society should arise at once, either to correct their government, to change its form entirely, or to accomplish any other object.

The Dutch were certainly not seditious when they formed the generous resolution of throwing off the Spanish yoke, and when the general will of that nation called on the assistance of France. It was not accounted a crime to Henry the Fourth nor to queen Elizabeth, that they listened to them. A knowledge of the general will is the only basis of transactions between nations; and we cannot treat with any go-

vernment.

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government but because that government is supposed to be the organ of the general will of the nation to which it belongs. When by this natural interpretation, therefore, the decree of the nineteenth of November is reduced to its real signification, it will be found that it announces nothing more than an act of the general will above all contest, and so founded in right, that it was not worth while to express it. For this reason, the executive council think that the evidence of this right might perhaps have rendered it unnecessary for the National Convention to make it the object of a particular decree; but with the preceding interpretation it cannot give offence to any nation.

It appears that the ministers of his Britannic majesty have made no objections under the declaration respecting Holland: since their only observation on this subject relates to the discussion concerning the Scheldt, it is on this last point, therefore, that we have to make ourselves understood.

We here repeat that this question itself is of little importance. The British ministers thence conclude, that it is therefore more evident that it has been brought forward only for the purpose of insulting the allies of England. We reply, with much less warmth and prejudice, that this question is absolutely indifferent to England, that it is little interesting to Holland, but that it is of the utmost importance to the Belgians. That it is indifferent to England, does not even require to be proved. It is little interesting to Holland, since the productions of the Belgic Netherlands can be conveyed through the canals which end at Ostend; but it is of great importance for the Belgians, on account of the numerous advantages which they may derive from the port of Antwerp. It is therefore on account of this importance, to restore to the Belgians the enjoyment of a valuable right, and not to offend any one, that France has declared that it is ready to support them in the exercise of so legal a right.

But is France authorized to break stipulations which oppose the opening of the Scheldt? If we consult the right of nature, and not of nations, not only France, but all the nations of Europe, are authorized to break them. No doubt can remain on this point.

If public right is consulted, we say that it ought never to be but the application of the principles of the general right of nations to the particular circumstances in which nations may be in respect to each other; so that every private treaty which might violate these principles, could never be considered but as a work of violence. We will next add, that in regard to the Scheldt, the treaty was concluded without the participation of the Belgians. The emperor, to secure the possession of the Netherlands, sacrificed, without scruple, the most inviolable of rights.

Being master of these beautiful provinces, he governed them, as Europe has seen, with a rod of absolute despotism, respected none of their privileges but those which were of importance for him to preserve, and continually attacked or destroyed the rest. France entering into a war with the house of Austria, expels it from the Low Countries, and restores liberty to those people whom the court of Vienna had devoted to slavery. Their chains are broken: they are restored to all those rights which the house of Austria had taken from them. How can that right which they had over the Scheldt be excepted, especially when it is of real importance only to those who were deprived of it? In short, France has too good a profession of political faith to make, to be afraid of avowing its principles. The executive council declares then, not that it may appear to yield to some expressions of threatening language, but only to render homage to truth, that the French republic does not mean to establish itself an universal arbiter of the treaties which bind nations together. It equally knows to respect other governments, and to take care that it may make its own respected. It does not wish to give law to any one, and it will never suffer any one to give laws to it. It has renounced, and still renounces, all conquest; and its occupying the Netherlands will continue no longer than the war, and during that time which may be necessary for the Belgians to secure and consolidate their liberty; after which, provided they be independent or happy, France will be sufficiently rewarded.

When that nation shall find itself in the full possession of its liberty, and when its general will may be declared legally and unfettered, then, if England and Holland still affix any importance to the opening of the Scheldt, the executive council will leave that affair to a direct negotiation with the Belgians. If the Belgians, through any motive whatever, shall consent to deprive themselves of the navigation of the Scheldt, France will not oppose it. It will respect their independence even in their errors.

After so free a declaration, which manifests the present designs of peace, the ministers of his Britannic majesty ought to entertain no doubt respecting the intentions of France. But if these explanations appear to them insufficient, and if we are still obliged to hear the language of haughtiness, and if hostile preparations are continued in the ports of England, after having done every thing in our power to maintain peace, we will prepare for war; conscious at least of the justice of our cause, and of the efforts we have made to avoid that extremity. We shall combat with regret the English, whom we esteem, but we shall combat them without fear.

(Signed) LE BRUN.

APPENDIX, Nos. VII. VIII.

No. VII.

PROCLAMATION BY ADMIRAL LORD HOOD,

TO THE INHABITANTS OF THE TOWNS AND PROVINCES IN THE SOUTH OF FRANCE.

Proclamation, by the Rt. Hon. Samuel Lord Hood, Vice Admiral of the Red, and commander in chief of his Britannic majesty's squadron in the Mediterranean, &c. &c.

To the inhabitants in the towns and provinces in the south of France.

DURING four years you have been involved in a revolution which has plunged you in anarchy, and rendered you a prey to factious leaders. After having destroyed your government, trampled under foot the laws, assassinated the virtuous, and authorized the commission of crimes, they have endeavoured to propagate throughout Europe their system, destructive of every social order. They have constantly held forth to you the idea of liberty; while they have been robbing you of it. Every where they have preached respect to persons and property, and every where in their name it has been violated; they have amused you with the sovereignty of the people, which they have constantly usurped; they have declaimed against the abuses of royalty, in order to establish their tyranny upon the fragments of a throne still reeking with the blood of your legitimate sovereign. Frenchmen! you groan under the pressure of want, and the privation of all specie; your commerce and your industry are annihilated, your agriculture is checked, and the want of provisions threatens you with a horrible famine. Behold, then, the faithful picture of your wretched condition; a situation so dreadful

sensibly afflicts the coalesced powers: they see no other remedy but the re-establishment of the French monarchy. It is for this, and the acts of aggression committed by the executive power of France, that we have armed in conjunction with other coalesced powers. After mature reflection upon these leading objects, I come to offer you the force with which I am entrusted by my sovereign, in order to spare the farther effusion of human blood, to crush with promptitude the factious, to re-establish a regular government in France, and thereby maintain peace and tranquillity in Europe.

Decide, therefore, definitively, and with precision. Trust your hopes to the generosity of a loyal and free nation. In its name I have just given an unequivocal testimony to the well-disposed inhabitants of Marseilles, by granting to the commissioners sent on board the fleet under my command, a passport for procuring a quantity of grain, of which this great town now stands so much in need. Be explicit, and I fly to your succour, in order to break the chain which surrounds you, and to be the instrument of making many years of happiness succeed to four years of misery and anarchy, in which your deluded country has been involved.

Given on board his Britannic majesty's ship Victory, off Toulon, the 23d day of August, 1793.
(Signed) H O O D.

By command of the Admiral,
(Signed) J. M'ARTHUR, Sec.

No. VIII.

PROCLAMATION BY ADMIRAL LORD HOOD,

ON TAKING POSSESSION OF TOULON.

Proclamation, by the Rt. Hon. Samuel Lord Hood, Vice Admiral of the Red, and commander in chief of his Britannic majesty's squadron in the Mediterranean, &c. &c.

WHEREAS the sections of Toulon have, by their commissioners to me, made a solemn declaration in favour of monarchy, have proclaimed Louis the Seventeenth, son of the late Louis the Sixteenth, their lawful king, and have sworn to acknowledge him, and no longer suffer the despotism of the tyrants, who at this time govern France, but will do their utmost to establish monarchy, as accepted by

their late sovereign, in 1789, and restore peace to their distracted and calamitous country.

I do hereby repeat, what I have already declared to the people in the south of France, that I take possession of Toulon, and hold it in trust only for Louis the Seventeenth, until peace shall be re-established in France, which I hope and trust will be soon.

Given on board his Britannic majesty's ship Victory, off Toulon, the 28th of August, 1793.
(Signed) H O O D.

By command of the Admiral,
(Signed) J. M'ARTHUR, Sec.

APPENDIX, No. IX.

No. IX.

THE NEW FRENCH CALENDAR;

COMMENCING SEPT. 22, 1793.

Names of Months.	English.	Term.
AUTUMN.		
VINDEMAIRE	— <i>Vintage Month</i> —	from Sept. 22 to Oct. 21
BRUMAIRE	— <i>Fog Month</i> —	Oct. 22 to Nov. 20
FRUMAIRE	— <i>Sleet Month</i> —	Nov. 21 to Dec. 20
WINTER.		
NIVOSE	— <i>Snow Month</i> —	Dec. 21 to Jan. 19
PLUVIOSE	— <i>Rain Month</i> —	Jan. 20 to Feb. 18
VENTOSE	— <i>Wind Month</i> —	Feb. 19 to March 20
SPRING.		
GERMINAL	— <i>Sprout Month</i> —	March 21 to April 19
FLOREAL	— <i>Flowers Month</i> —	April 20 to May 19
PRAIREAL	— <i>Pasture Month</i> —	May 20 to June 18
SUMMER.		
MESSIDOR	— <i>Harvest Month</i> —	June 19 to July 18
FERVIDOR	— <i>Hot Month</i> —	July 19 to Aug. 17
FRUCTIDOR	— <i>Fruit Month</i> —	Aug. 18 to Sept. 16

Sans Culottides, as Feasts dedicated to.

LES VIRTUS	—	<i>The Virtues</i>	—	Sept. 17
LE GENIE	—	<i>Genius</i>	—	Sept. 18
LE TRAVAIL	—	<i>Labour</i>	—	Sept. 19
L'OPINION	—	<i>Opinion</i>	—	Sept. 20
LES RECOMPENSES	—	<i>Rewards</i>	—	Sept. 21

The intercalary day of every fourth year is to be called *La Sans Culottide*; on which there is to be a national renovation of the oath, "To live free or die." The month is divided into three decades, the days of which are called, from the Latin numerals,

1. <i>Primidi.</i>	4. <i>Quartidi.</i>	7. <i>Septidi.</i>
2. <i>Duodi.</i>	5. <i>Quintidi.</i>	8. <i>Octodi.</i>
3. <i>Teridi.</i>	6. <i>Sextidi.</i>	9. <i>Nonodi.</i>
10. <i>Decadi</i> , which is to be the day of rest.		

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