

THE  
TRIAL  
AT LARGE  
OF  
LOUIS XVI.

Late KING of FRANCE;

CONTAINING

The ACCUSATION—TRIAL—DEFENCE  
SENTENCE—EXECUTION, &c.

*OF THAT UNFORTUNATE MONARCH.*

TO WHICH IS ADDED,

HIS MAJESTY'S LAST WILL.

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## THE TRIAL, &c.

**O**N Tuesday, December 11, 1792 (the day fixed upon for the commencement of scenes unparalleled in the annals of France) the sitting of the national convention began by reading the act of accusation against the unfortunate Louis. It contained the principal charges against him; and each charge was followed by a list of the pieces on which the proofs were founded.

Previously to the entrance of the accused, Barrere, the president, thus addressed the members: 'Representatives, you are going to exercise the right of national justice. You are responsible to all the citizens of the republic for your conduct on this occasion. Europe observes you; history will collect your thoughts and actions; *an incorruptible posterity will judge with inflexible severity*: act therefore consistently with the new functions you are to fill; let silence prevail, and let the dignity of your session evince the majesty of the French people. It is about to give, by you, their organ, an awful lesson to kings, and an example for the enfranchisement of nations.'

He then addressed the galleries thus: 'The national convention confide in your absolute devotion to your country, and in your respect for the representation of the people. Remember the awful silence which prevailed on the return of Louis from Varennes.'

Louis afterwards entered the bar, followed by the mayor, two municipal officers, and generals Santerre and Wirtenkot. The guard remained without. A profound silence reigned, when the president thus ad-

dressed him : ‘ Louis, the French nation accuses you: the national convention decreed, on the 3d of December, that you should be judged by it; on the 6th of December it decreed that you should be brought to this bar. The act will now be read which enumerates the charges exhibited against you.—You may be seated.’

The act was then read again by one of the secretaries : after which the president took it, and read from it a series of charges, at the end of each of which he asked the accused, ‘ What have you to answer ?’

The first charge was as follows : “ Louis, the French people accuse you of having committed a number of crimes, to establish your tyranny on the ruins of their liberty. On the 20th of June, 1789, you made an attempt on the sovereignty of the people, by suspending the assembly of its representatives, and violently expelling them from the place of their session. On the 23d of June, you attempted to force laws on the nation; you surrounded its representatives with troops; you presented to them two royal declarations subversive of all liberty, and ordered them to separate. We have your declarations, and the verbal process of the assembly, as proofs.—What have you to answer ?’

*Louis.* There existed then no laws to restrain my actions in that respect.

*President.* In July 1789, you ordered the regiment of Flanders to march to Versailles, with a considerable body of other troops, by which measure the lives of several citizens were lost—which army you did not remove till the Bastile was taken, and a general insurrection had ensued.

*Louis.* At that period I possessed the right of marching the troops, where I deemed necessity to require—but I had no design, with, or intention of shedding blood.

*President.* After this event you persevered in your plans against the national liberty, by delaying to sanction

tion the Rights of Man, and the Decrees for abolishing Personal Servitude, Feudal Rights, and Tithes.

*Louis.* I acted in these instances according as prudence and justice appeared to me to demand.

*President.* At the festival at Versailles you excited your guards, while the orgies were celebrated in your sight, to insult the nation, by allowing the national cockade to be trampled under foot, and did yourself wear the white cockade.

*Louis.* What passed at the festival was unknown to me, but by relation afterwards—and the charges respecting the cockade are false.

*President.* At the fœderation of the 14th. of July 1790, you took an oath, which you afterwards violated, by endeavouring to corrupt the public mind, thro' the agency of Talon in Paris, and of Mirabeau (who was to publish a memorial against the Revolution) in the provinces.

*Louis.* It is impossible for me to call accurately to my remembrance, what passed at that distance of time; but be it what it may, it was previous to my acceptance of the Constitution.

*President.* To further this corruption of the public, you distributed at that interval, large sums of money among the populace, whilst riding through the Faux-burgh St. Antoine, for the insidious ends of gaining popularity, and enslaving the people.

[*Here the unfortunate Monarch, for the first and only time, appeared strongly affected—the tears of sensibility stole down his cheek—he wiped them away, and gave the following dignified answer:*]

*Louis.* To give assistance to those, who appeared to be in want, ever afforded me heartfelt satisfaction. I had no view but their relief in so doing, and no insidious object.

*President.* Still more to further your plans against public liberty, you meditated an escape, by proposing

to go, as on the 28th of July, 1790, from Versailles to St. Cloud.

*Louis.* This charge is absurd on the very face of it.

*President.* A plan of Counter-Revolution was presented you in the month of February, 1791.—You then assembled a number of Nobility to favour your escape, and while you amused the Representatives of the People by your Declarations to Foreign Powers, you were meditating that flight, which you afterwards effected on the 21st of June following, and in which Bouille was ordered by you to assist with an armed force.

*Louis.* I have no recollection of the contents of the Memorial alledged to have been presented to me in February. As to my journey to Varennes, I refer to the answers I at that time made to the Commissioners, appointed by the Constituent Assembly.

#### DECLARATION OF THE KING

*Relative to his flight from Paris, to the Commissioners appointed by the Constituent Assembly to examine him, respecting his escape.*

“ I think it necessary, respecting the mission with which you are charged, to observe to you, that I do not understand *submitting to interrogatories*; but I will willingly, since the National Assembly requires it, make public the motives which induced me to quit Paris:—They were, the threats and the outrages committed against my family and myself, and which have been circulated in different publications; and all these insults have remained unpunished. I thence thought that it was neither safe nor proper for me to remain any longer in Paris; but, in quitting the capital, I never had an intention of going out of the kingdom. I never made, on this subject any agreement, either with the neighbouring powers, with my family, or with the French malcontents in foreign countries. My plan was, to retire to Montmidi; for which purpose I had, previously, ordered apartments to be prepared for me there.

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As that town is well fortified, I thought I could not choose a better place for the safety of my family. Being near the frontiers, I should have been more at hand to oppose every invasion of France which might be attempted. I should besides have been able to go, with more facility, to those places where my presence might be necessary. Another powerful motive for my retreat was, to put an end to the assertion of my not being at liberty. If my intention had been to go into a foreign country, I should not have published my Memorial before my departure—I would have done it after I passed the frontiers. Besides, should a knowledge of our intentions be desired in that particular, let the same memorial be consulted; at the end of which will be seen with how much pleasure I promise to the Parisians to join them again: As a further corroboration of this, I had in my carriage only 13,200 livres in gold, and 560,000 livres in assignats. I declare solemnly that I was not advised to this step by any one, and that I alone projected and executed it. I informed Monsieur of it only on the evening of my departure; and it was agreed between us, that we should not pursue the same route. I gave orders to the three persons who were found with me to follow me; the same evening one of them received my orders. The passport which I had with me was necessary to facilitate my journey, and the route for Frankfort was not even kept. I have made no other protestation than the Memorial which I left behind me, and which has been published, in which there is no attack against the principles of the Constitution but only against the form—the decrees not having been passed together, I could not so well judge of their propriety. I experienced in my journey, that the public opinion was decidedly in favour of the Constitution. I did not believe that I could with a certainty come at a knowledge of this fact at Paris. Convinced how much it was necessary to give force to the established powers, as soon as I knew the general will, I did not hesitate to  
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make those sacrifices, which the welfare of the people, always the object of my wishes, required of me.

(Signed)

“ LOUIS.”

### DECLARATION OF THE QUEEN.

“ I declare, that the King being desirous of quitting Paris with his children, nothing in nature could have dissuaded me from following him ; for, that I never will consent to quit him, my whole conduct for these two years past has given sufficient proofs. I was confirmed in my determination to follow him, from the confidence and persuasion which I had that he would never quit the kingdom. Had he been so inclined, all my influence would have been exerted to prevent him. The governess of my daughter, who had been indisposed for five weeks, did not receive orders for departure till the evening preceding—She had not even taken any clothes with her—I was obliged to lend her some—She was absolutely ignorant of her destination. The three couriers neither knew the destination nor the object of the journey—they were supplied, from time to time, with money upon the road, and received our orders as we proceeded. The two *femmes de chambre* did not receive orders till the moment of our departure—one of them, whose husband was in the palace, had not an opportunity of seeing him. Monsieur and Madame separated from us, and took the road to Mons, only to avoid embarrassment, and to prevent delay from the want of horses upon the road—they were to join us in France. We went out of the palace by passing through the apartment of M. Villequier ; and, that we might not be perceived, we went separately, and at some distance of time from each other.

(Signed)

“ MARIE ANTOINETTE.”

*President.* You afterwards conspired with La Fayette and Mirabeau, for the purpose of overturning the Constitution,

Constitution, in consequence of which several citizens lives were lost on the 17th of July, in the Champ de Mars.

*Louis.* I have no knowledge of any such conspiracy—and what happened on the 17th of July cannot possibly regard me.

*President.* You paid large sums about the same interval, for libels, pamphlets, and journals, written with a design to pervert the public opinion, to discredit the assignats, and support the cause of the emigrants.

*Louis.* I have no knowledge of any such circumstances.

*President.* You affected to accept the Constitution on the 14th of September, 1791—Your speech pronounced that you meant to maintain it; yet you laboured its overthrow before it was completed.

*Louis.* No specification is made, how I attempted to overturn the Constitution I had accepted—I cannot answer a nullity.

*President.* Though a convention took place at Pillnitz, on the 24th of July, between Leopold of Austria, and Frederic-William of Brandenburg, for the express purpose of re-establishing in France the throne of absolute monarchy, you concealed it from the National Assembly till it was known to all Europe.

*Louis.* I acquainted the Legislative Body with that event the instant I was apprised of it; though all affairs, respecting the Constitution, more immediately concerned my Ministers.

*President.* Arles raised the standard of revolt—you favoured it by sending Commissioners; not to check, but to encourage the attempts, by justifying them.

*Louis.* The Commissioners' instructions will sufficiently evince the nature of the orders with which they were entrusted, and I knew none of the Commissioners when the Ministers proposed them to me.

*President.* Avignon and Comptat Venasin had been re-united to France; but you did not execute the decree



cree till a month after ; and during that delay, a civil war desolated the country—and the Commissioners you sent completed the devastation.

*Louis.* I do not recollect what delay attended the execution of the decree—but the charge cannot affect me personally—they who were sent, and those who sent them, are alone responsible.

*President.* Nimes, Montauban, Mendes and Jales, had experienced violent commotions in the commencement of liberty—You did nothing to check these seeds of counter-revolution, till the moment when the conspiracy of Saillant broke out.

*Louis.* I gave only those orders which were proposed to me by my Ministers.

*President.* You sent two battalions against the Marseilles, who were marching to reduce the counter-revolutionists of Arles.

*Louis.* I must have the proper papers before I can answer this charge.

*President.* You gave the command of the south to Wigenstein, who wrote to you, on the 21st of April, after he had been recalled, in these terms—“ a few moments more, and I will rally round your Majesty's throne millions of Frenchmen, become once more worthy of the wishes, which you form for their happiness.”

*Louis.* This letter, even by the statement of the charge, is posterior to his recall—but I remember no such letter—and Wigenstein has not been employed since his recall.

*President.* You paid your ci-devant body guards at Coblenz, in 1791 and 1792, and remitted considerable sums to Bonille, La Vauguyon, Choiseul, Beaupre D'Hamilton, and the woman Polignac.

*Louis.* The moment I received intelligence that my former body guards had assembled in the neighbourhood of the Rhine, I ordered their pay to be stopped. I remember nothing respecting the rest.

*President.*

*President.* Your brothers, enemies to the state, rallied emigrants around their standards; they raised regiments; made loans and contracted alliances in your name; you did not disavow them till the moment when you was very certain you could not injure their plans. Your correspondence with them is proved by a note in the hand-writing of Louis-Stanislaus-Xavier, signed by both your brothers, as follows :

“ I have written to you, but it was by post, and I  
 “ could say nothing. We are here two who make  
 “ only one: the same sentiments, the same principles,  
 “ the same ardour to serve you, we observe silence;  
 “ by breaking it too soon we should expose ourselves;  
 “ but we shall speak out when we are sure of general  
 “ support, and that moment is near. If they speak  
 “ to us on the part of those people we will not listen.  
 “ If it is on yours we will listen; but we will go  
 “ straight on our way. If they wish, therefore, that  
 “ you should make us do something, be under no re-  
 “ straint. Be easy respecting your safety, we exist  
 “ only to serve you; we will exert ourselves for that  
 “ purpose with ardour, and every thing will go well.  
 “ Even our enemies have too much interest in your  
 “ preservation to commit an useless crime, which  
 “ would complete their ruin. Adieu!

L. S. XAVIER.

CHARLES PHILLIPPE.”

*Louis.* I disavowed all the proceedings of my brothers, according to the injunctions of the Constitution, the moment I had any knowledge of them—of the note stated, I have no knowledge whatever.

*President.* You neglected to raise the army to the usual war establishment, and opposed the levying 20,000, as decreed by the Legislative Assembly.

*Louis.* I gave positive orders to the Ministers to augment the army to the war-establishment—likewise ordered a list of it to be laid before the Assembly. If  
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my Ministers either were deceived or deceived themselves, I am not to blame.

*President.* You gave orders to the commanders of the troops to disorganize the armies, to excite whole regiments to desert, and to pass the Rhine, in order that they might join your brothers, and Leopold of Austria. This fact is proved by a letter from Toulangeon.

*Louis.* There is not a word of truth in this accusation.

*President.* You charged your brothers and other agents to strengthen the Peace between Turkey and Austria, that the latter, by withdrawing her troops from the Turkish frontiers, might be enabled to direct a greater force against France, as is proved by a letter from M. Choiseul Gouffier, Ambassador at Constantinople.

*Louis.* M. Gouffier has not spoken the truth—No such measure ever existed.

*President.* You did not inform the Legislative Body of the hostile intentions of Prussia, till the 10th of July, 1792, when you announced that 50,000 of her troops were marching against France.

*Louis.* I had no knowledge of the fact before that period. All the diplomatic correspondence passed thro' the channel of the Ministers.

*President.* You placed Dabancourt, the nephew of Calonne, at the head of the War Department—and by ordering the frontier towns to be dismantled, Longwy and Verdun were immediately delivered up to the enemy.

*Louis.* I was ignorant that Dabancourt was the nephew of Calonne—it was not I who left those places in a defenceless state.—If such was their situation, I knew nothing of it.

*President.* You have destroyed the Navy, by continually suffering Bertrand to give so many passports, as not to leave sufficient officers for port duty—and when  
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the Legislative Body represented to you, on the 8th of March, his culpable conduct, you did not dismiss him.

*Louis.* I endeavoured to retain the officers by every measure in my power; and as the Assembly produced no specific charge against Bertrand, that appeared to me of a criminal nature, I did not deem it just to dismiss him.

*President.* You sent agents to the Colonies to effect a Counter-revolution there, at the same time it was to have taken place at home.

*Louis.* If any persons have said they were my agents in the Colonies, they have not spoken the truth—I had no share whatever in what you now state.

*President.* The interior parts of the country were agitated by fanatics—you declared yourself their protector, by manifesting an evident intention of recovering through them your former power.

*Louis.* The charge merits no answer—I had neither intention nor knowledge of any such project.

*President.* The legislative body passed a decree against refractory priests, but you suspended the execution of it by your veto.

*Louis.* The constitution invested me with free and full powers to reject or sanction decrees.

*President.* The fermentation increased, and the minister declared, that he knew no existing laws by which the guilty could be punished. The legislative body passed a new decree, and you suspended the execution of that also.

*Louis.* The same reply.

*President.* You continued the pay of your guards, after they had been disbanded for their incivism—and wrote moreover a letter of thanks to them.

*Louis.* I continued their pay only until they should form a new establishment, according as the decree required. Their former services merited a letter of thanks.

*President.* You retained your Swiss guards about  
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your person, in express contradiction to the constitution.

*Louis.* I fulfilled every decree on that subject.

*President.* You authorized Gilles and D'Angremont secretly to maintain private companies in Paris, for the purpose of exciting commotions favourable to your plans of a counter-revolution. The receipts of Gilles, who was ordered to organise a company of sixty men, will be presented to you.

*Louis.* I am utterly ignorant of these schemes, attributed to me and those men. An idea of a counter-revolution never entered my head.

*President.* You endeavoured, by considerable sums, to bribe several members of the Constituent and Legislative Assemblies, who presented you with plans for a counter-revolution.

*Louis.* Many persons presented me with such plans, but I uniformly rejected them all.

*President.* Who were the persons that presented such plans?

*Louis.* The plans themselves were so absurd and vague, that I do not at this time recollect.

*President.* To whom did you promise or give money for such plans?

*Louis.* No one.

*President.* By neglecting to require reparation for insults offered to French Patriots in several Courts of Europe, particularly in Germany, Italy, and Spain, you have suffered a degradation of the national character.

*Louis.* The diplomatic correspondence will shew the reverse—besides, that business more immediately concerned the ministers.

*President.* On the 10th of August last, you reviewed, at five o'clock in the morning, the Swiss guards from your palace.

*Louis.* I that day reviewed all the troops that were assembled near me—the Mayor—the Municipality—and

and all the Constituent Authorities were with me—I had even requested a deputation might be sent me from the National Assembly, that I might concert with them the necessary measures—and I afterwards repaired to the Assembly with my family.

*President.* Why did you assemble so large a body of troops at the palace?

*Louis.* All the constituent authorities knew that the palace was threatened—and as I was one of the constituted authorities, I had a right to defend myself.

*President.* Why did you cause the blood of the French to be spilled?

*Louis.* Sir, it was not my act.

*President.* Why did you authorise Septeuil to monopolise sugar, grain, and other articles at Hamburgh?

*Louis.* I have no knowledge of any such circumstances.

*President.* Why did you put a veto on the decree ordering a camp of 20,000 men to be formed round Paris?

*Louis.* The constitution gave me full powers to sanction decrees or not—and even at that time I ordered a camp to be at Soissons.

During this interrogation not a person spoke but the president and Louis. When the former had finished, he informed the convention, that the questions were all put, and then asked Louis if he had any thing to add. Louis answered, that he wished for a copy of the charges, and of the pieces annexed to them, and the liberty to choose a counsel for his defence. The president desired him to retire into the hall of conference, and the convention would take his request into consideration. Louis accordingly retired. A long debate ensued, at the conclusion of which the substance of the request was decreed almost unanimously.

The next day, the convention sent two of their members to inform Louis, that his request was granted. The deputies, on their return, informed the conven-

sion, that the accused had made choice of M. Target, and M. Tronchet, for his counsel, and that he insisted upon being allowed paper, pens, and ink, which the commons of Paris had refused him. This was instantly decreed.

M. Target having refused to be counsel for Louis, on account of his great age, and his republicanism, M. Malesherbes was chosen as the colleague of M. Tronchet; and, at their request, M. Deseze was added as a third counsel. On Saturday, December 15, the convention adopted some regulations relative to the communication of certain papers to the counsel of Louis. At the same time, he was permitted to have the company of his children; who were not to be allowed, however, to see their mother and aunt, till after the trial. Two other discussions took place in the convention on the 20th and 23d; the result of which was, that Louis should be finally heard on Wednesday the 26th.

At ten in the morning of that day, Louis again appeared at the bar, with the same firm and collected air as on his examination. He was attended by his three counsel, the mayor of Paris, generals Santerre and Berruyer, and some municipal officers.

Fermond, the president, said, 'The national convention has decreed that you shall be finally heard this day, to present your defence. Be seated.'

Louis answered, 'My counsel is going to speak for me, pointed to Deseze, and sat down.'

Deseze then addressed the Convention to this effect:

'Citizens, Representatives of the Nation,

'The moment is at length arrived, when Louis, accused in the name of the French people, and attended by counsel, granted to him by humanity and the law, is to enter on his defence! The silence which prevails, gives me reason to think that the day of justice has succeeded the days of prejudice. Unfortunate kings are entitled to more pity and respect than

than the unfortunate in other ranks of life ; and he, who was once the most powerful monarch in the world, must excite a still greater degree of interest. You have ordered him to appear before you : he has obeyed with calmness and dignity, emboldened by his innocence, and supported by the testimony of his whole life. In discussing without preparation, and without mature examination, charges which he did not foresee, and obliged to make an extempore defence, it was impossible for Louis not to declare his innocence. This I shall demonstrate : I shall produce the proofs ; and I sincerely wish that this hall could be instantly enlarged, that the multitude, who have received the most fatal impressions against Louis, might come hither to receive impressions of a contrary nature.

Had I to address judges only, I should be satisfied with telling them, that since the nation has abolished royalty, no farther sentence can be pronounced against Louis ; but I address the people ; I must examine the question under two points of view ; that in which Louis was placed before he accepted the constitution, and that in which he stood after he had accepted it.

In examining this affair, I first find the decree which enacts that Louis shall be tried by the convention. Those who framed that decree undoubtedly said, that Louis could not shelter himself under his inviolability. What then have you done by that decree ? You have constituted yourselves judges of that accusation which you yourselves made. You have decreed also that Louis should be heard. If he ought then to be heard, he has a right to defend himself ; the judge must not circumscribe the means ; the convention will examine them according to their just value when produced. If Louis deceives himself, you must refute his errors.

Nations are sovereign : they have a right to give themselves



themselves whatever form of government they think proper. I shall not contest this principle, and it is not yet forgotten, that the efforts of one of the counsel of Louis contributed to its being inserted in the constitution. But the nation itself cannot *exercise* its sovereignty. It must, therefore, *delegate* the exercise of it. In 1789, the nation chose a monarchical government: a monarchical government required inviolability in the chief; it was necessary he should command that respect which enforces the obedience required by the law. The nature of this inviolability has been fully discussed. It has been pretended, that it was not a reciprocal contract: but the delegation of the sovereignty was a contract as long as it was not revoked. It was a *mandamus* if you choose; but a mandatory could not submit to other conditions, or other punishments, than those mentioned in the *mandamus*.

On opening the second chapter of royalty, I find that the person of the king is inviolable. There is no exception, no modification whatever; but there are certain circumstances in which the chief might lose that character of inviolability. The first case is as follows: "Art. V. section 1. chap. 2. of the third title, If the king has not taken the oath, or if, after taking it, he retract, he shall be considered as having abdicated the throne."—The nation here imposes on the king the duty of taking the oath. To retract this oath is a crime against the nation. The nation guarded against this crime, and appointed a punishment for it. I express myself incorrectly—it was not a punishment, it was not a *forfeiture*, the word is not once mentioned; it is only a supposition that the king should be considered as having abdicated the throne. You see that the constitution establishes no tribunal, that it speaks not of a trial, and that it does not pronounce the word *forfeiture*.

The king, however, without retracting his oath, might betray it: he might favour criminal and hostile enterprizes

enterprizes against the state. The constitution provided also against this case: "Article VI. If the king shall put himself at the head of an army, and direct its force against the nation, or if he do not oppose, by a formal act, such an enterprize, which may be undertaken in his name, he shall be considered as having abdicated the throne."

"Weigh well, I beseech you, the nature of the crime, provided against by this article: none more criminal can exist. It supposes all the perfidies, all the horrors and calamities of a bloody intestine war; and yet, what does the constitution pronounce? A presumption of the king having abdicated the throne."

"Art. VII. If the king quit the kingdom and do not return, after having been invited to do so by the legislative body."—"What does the constitution declare in that case? A presumption that he has abdicated the throne."

"Art. VIII. states, that after an express or legal abdication, the king shall be tried, like other citizens, for all crimes posterior to his abdication. It results, then, that the king had a particular existence, absolutely different from that of other citizens; and whence arose this privileged existence, but from the law, which conferred upon him that character of inviolability, which he could not lose but by an express and legal abdication? Is it after having been guilty of the most atrocious crimes a king can commit against the nation, that it supposes him to have entered the class of citizens? In short, the law here is perfectly equal with regard to the legislative body and the king. The legislative body might also betray the nation. It might invade the national sovereignty. The nation had a right to establish a punishment for the deputies; and yet this has not been the case.

• Louis is accused of various crimes. These crimes are either provided against by the constitutional act, and then the punishment there established is to be applied

applied to them, or they are not provided against; and, in that case, there exists no punishment which can be applied to them.

‘ I will go farther: I say, they have been provided for. The most atrocious of all, that of a criminal war against the nation, has been provided for. In whatever manner that article may be understood, the crimes are there—they are all there; but the law only declares, the presumption of the throne being abdicated. I am well aware, that as the nation have at present abolished royalty, the punishment cannot be applied; but could it change the condition of Louis? Has he not a right to say, I was the prisoner of the nation, why did you not bring me to trial? You have abolished royalty. I do not dispute your right, but what—because you have abolished royalty, do you wish to punish me; and, because you know no law applicable to me, do you wish to create one for me—for me alone? You are doubtless invested with every power; but there is one which you have not—that of being unjust.

‘ It has been said, that Louis ought to have been tried as an enemy. But is he not a very cruel enemy who could put himself at the head of an army against the nation? It has been said, that he was inviolable only in regard to every citizen individually. According to this principle, would not the representatives of the people be more inviolable, in regard to the people, for whatever they might have done, said, or written during a session? I shall here quote a passage from Rousseau: ‘ Where I see neither the law which prosecutes, nor the law which condemns, I will not refer to the general will, for the general will cannot pronounce, as the general will, either against any man or any fact.’

‘ But if you take from Louis the right of being inviolable, you cannot take from him the right of being tried as a citizen; and, in the latter case, I would

ask

ask you, where are the protecting forms; where are the juries, which are, as it were, hostages for the lives and honour of citizens? I would ask you, where is that proportion of suffrages which the law has so wisely established? Where is that silent ballot which incloses in the same urn the conscience and the opinion of the judge? I speak to you with the openness of a son of freedom. I wish to find among you judges, and I see only accusers. You wish to pass sentence on Louis; and you have been his accusers; you wish to pass sentence on Louis, and you have already expressed your sentiments on his case. You wish to pass sentence upon Louis, and your opinions are known all over Europe.

I now proceed to the act of accusation. You go back to June 1789. I shall go back to the same period; but how could you accuse Louis of having then attempted to dissolve the assembly? Do you forget that it was he who convoked it? Do you forget that, for above a century and a half, princes, more jealous of their authority than he, constantly refused such a convocation? Do you forget, that had it not been for Louis, and the numberless sacrifices to which he consented, you would not have been here deliberating on the interests of the state? He is accused of having surrounded Paris with troops; but I can say, that these troops were destined only to protect Paris from those who wished to disturb the public tranquillity. I had occasion to see the orders given to them, when I undertook the defence of the commandant, whom the nation, without any hesitation, acquitted.

I shall not here take notice of the memoir in which Talon is mentioned as acting a part in a plan formed for a counter-revolution, nor of the papers subjoined to that memoir. Had I to defend a person of ordinary rank, I would observe, that a citizen cannot be condemned from papers procured by attacking his habitation, unless they have been previously sealed up, and an inventory taken of them. The

The habitation of Louis was attacked, and his drawers were broke open. None of them were sealed up; no inventories were taken; and papers which might have been opposed to others may have been concealed. The letters of a deceased person are quoted; but can the letters of a person deceased be adduced as proofs? These letters, it is said, mention money distributed; but even supposing that this fact, which they do not clear up, were true; and supposing it true, that greater or smaller sums had been extorted from the beneficence and sensibility of Louis; do you not know with what unhappy facility kings may be surprized and deceived? The plan of a letter to La Fayette and Mirabeau is mentioned; but this letter was never sent. Mirabeau and La Fayette were at that time the two most popular characters: they both loved the constitution; and nothing was meant in that letter but the good of the state. Louis is accused also of having written a letter to Bouille; in regard to this he had no occasion to justify himself; the national assembly had before voted thanks to Bouille for his good conduct.

You accuse him of the assemblage on the 28th of February; but popular rumours had attracted, at that time, a number of violent persons around the palace; and Louis ordered them to lay aside their arms. You accuse him of the massacres in the Champ-de-Mars; but do you forget that this unhappy prince was then suspended from his powers, and watched as a prisoner? The nation has decreed that it shall be a republic; but this was not the form of government which it wished for then. Did not the legislative assembly declare against a republic in the month of July last? Had Louis betrayed the interests of the nation at that period, or had he abused its confidence, you might have pitied him; you might have bewailed the fate of kings; but he could not have been tried. I have not yet pronounced the word which would have made that

chair-

chain of accusations fall. I have not said, that since all these facts, Louis accepted the constitution—the constitution was the contract of alliance between the people and the king—there was no longer any doubt—the past was forgotten. Let us now examine what Louis has done since his acceptance: the act of accusation contains facts for which Louis was not bound to answer personally, and facts for which he was personally responsible. By the constitution, the king was not responsible for what might be done by his agents. On the contrary, it made his ministers responsible. The king and his ministers could not both be arraigned for the same acts.

Louis is accused of having left the national assembly ignorant of the convention of Pilnitz. But this convention was a secret treaty between the Emperor and the King of Prussia. There was no reason of state that could make it a rule for ministers to communicate to an assembly whose deliberations were public, an act which was not public. You have accused Louis of retarding the transmission of the decrees relative to Avignon. That, citizens, was one of the charges against the minister Delessart, who had declared, that his defence, which he was preparing in his prison, would leave no doubt of his innocence. And can you, after his death, prefer the same charge against the king? You have charged him with the troubles of Nîmes and of Jales: Was the king responsible for all the troubles inseparable from so great a revolution?

Louis is accused of the account given by Narbonne. I shall answer but a word. When Narbonne quitted the ministry, the legislative assembly decreed, that he carried with him the confidence and regret of the nation. The surrender of Longwy is made a charge against him, but the inhabitants alone were guilty. The surrender of Verdun, is made a charge against him: Who then but Louis appointed the commandant, so celebrated for his heroism, who preferred death to surrendering? 'Ho

He is accused of having retained the Swiss guards, although the constitution forbade it. Mark the facts: A decree said that the king should be requested to present a new formation of his regiment of Swiss guards; and, in the mean time, the assembly had directed, that it should be kept up provisionally till the period of this formation. On the 3d of July, the assembly ordered the departure of the three battalions of this regiment. On the 17th, the letter of D'Afry was received, remonstrating against the decree, and appealing to the capitulations. A new decree ordering the departure of two battalions. D'Afry hesitating between the decree and the capitulations, addressed new remonstrances to the assembly. The assembly passed to the order of the day; and the battalions left Paris. It was an error of D'Afry to come now to the facts that may be considered as concerning Louis personally. He is first attacked for not having sanctioned the decree respecting the projects, and that respecting the camp at Paris. It might be said, that the constitution gave him the free and absolute power of sanction; and that if he erred, his error would not be imputed to him as a crime. But if a great number of citizens seemed to support the latter decree, a still greater number seemed to oppose it. He thought it prudent to refuse his sanction, but, at the same time, he directed the formation of the camp at Soissons; and this camp was more useful to our armies than that at Paris could have been. His letter to the bishop of Clermont is objected to him: but that letter contains only an opinion purely unreligious, and was prior to his acceptance of the constitution. When he accepted the constitution, he did not think it free from blemishes; for, in the very act of accepting it, he speaks of legal reforms. He is accused of having paid his guard: but the assembly, in decreeing its discharge, had said that it should be organized anew. It was therefore incumbent on his justice

justice and humanity to pay it till its new formation. He is accused of having given aid to the emigrants, and of having protected, by his ambassadors, the coalition of foreign powers. He is accused of his influence at the court of Vienna. I answer, that Louis constantly opposed the efforts of the emigrants. Respecting this I will cite a fact. He was informed, by his resident, of an attempt of the emigrants to obtain arms and ammunition at Frankfort, and of the refusal of the magistrates of Frankfort. He directed his resident to thank the magistrates, and to invite them to persevere in their refusal.

There is not a single emigrant that received aid from him. He provided for the maintenance of his nephews; the eldest fourteen, the youngest eleven years of age. There was no law that fixed the age at which emigration was a crime—the convention has made one. The nephews of Louis were without resources: must he rattle the sentiments of humanity? Must he, for being a king, cease to be a kinsman? He gave money to the governess of his children; but she was the governess of his children, and had left France since 1789. Choiseul Beaupe had been in Italy since 1789, and had never borne arms against France. He gave aid to Rochfort; but Rochfort was not an emigrant. He is accused of having remitted money to Bouille. Bouille's letter says, "Pay to Monsieur, the king's brother, by his order." The truth is, that he never remitted pecuniary aid to Monsieur, and the order in question was the order of Monsieur, not of the king. All that he did was to give security for his other brother for a sum of 400,000 livres; but this was in 1789, and he was induced to it by motives of humanity.

He is accused of the manœuvres of Dumoustier at the court of Berlin; but Dumoustier was not the agent of Louis, but of the princes, his brothers.

A letter of Choiseul Gouffier, the late ambassador



at Constantinople; is objected to him. It is supposed, that because he was the ambassador of Louis, to Louis must his projects be imputed; but the very letter of this ambassador proves, that it was three days after his recal, and on account of that recal, that he formed an intrigue against the national ambassador sent to replace him. It was Choiseul who wrote, who acted, who spoke of his services to the princes, the king's brothers. The billet proves that Louis had no connection with him.

I come now to the charges of the subornation of several members of the legislative assembly. This plan reduced the liquidation of offices ten millions; he eased the national treasury to that amount, and charged the civil list with the interest. We understand the corruption that turns to the profit of personal interest; but a corruption that leaves us all the shame, and gives to another all the profit, we cannot easily comprehend. The fact is, as it appears from the papers communicated to Louis, that it was he alone who prevented the decree from being proposed in the assembly, and that he expressed displeasure and indignation at it.

A charge is brought against him, which has excited the indignation of the people, and which could not but appear a very heavy one. He is accused of having paid his body guards at Coblenz. This charge, I own, struck me with grief: I was led to suspect the good faith of Louis: the proofs appeared to be clear. I come this day to make the reparation in the eyes of Europe, which I feel that I owe to him. All the papers refer to the month of October, 1791. Mark what the administrators of the civil list wrote to the treasurer in November — "The intention of his majesty is to continue the pay of his body-guards till they be replaced; but his majesty means that the amount of this pay shall not be delivered in total to the etat-major, but to each individual at the pay-office of the civil list, on his particular receipt, and certificate of residence within the kingdom." All the papers have been made as public as possible.

Louis

Louis has been accused to France, to all Europe. All the articles of accusation have been ordered to be printed; and the only paper that refutes these charges is the only one that has remained unknown. This paper must have been among the rest. By what strange fatality is it not to be found among them? At last Louis, after much pains, obtained from the offices an authentic copy of this paper. He has produced it to the eyes of all Europe.

I come, at last, to the disastrous day the 10th of August. Had we believed that Louis committed the crimes of which he is accused, you would not see us at this bar to give him the aid of our courageous veracity. All your successes since that day have given you the power of being generous: we ask you only to be just. He dreaded the invasion of his palace; he maintained a more exact correspondence with the popular authorities. In fine, the people came thither. The procurator syndic reads, with regret no doubt, the sixth article of the law, which directs to repel force by force. The cannoneers, for answer, fired their cannon before him. Then the procurator syndic invites Louis to go to the assembly: he goes thither. One hour after, our misfortunes commence. How began the action? I know not—history perhaps will know no more than I. He is accused of having reviewed the troops—Granted—Accuse the mayor also of having visited the posts. Was not Louis a constituted authority? Was not his authority a deposit in his hands, of which the law forbade him the least infringement? I know it has been said, that Louis excited the insurrection to effect the execution of his projects: but who is now ignorant that this insurrection was combined; that it was matured; that it had its agents, its counsel, its directors. Who is ignorant that acts, that treaties on the subject, had been signed?

In this hall, men have contended for the glory of the 10th of August. I come not to dispute that

glory; but since it has been proved that that day was premeditated, how can it be imputed as a crime to Louis? And you accuse him; and you would give judgment against him; against him who has never given a sanguinary order; against him who, at Varennes, preferred returning a captive to exposing the life of a single man; against him who, on the 20th of June, refused every kind of aid, and preferred remaining alone in the midst of the people! Hear history speak: Louis mounted the throne at the age of twenty; he exhibited an example of morals, of justice, of economy: he abolished servitude in his domains, the people desired liberty, he gave it. [*murmurs.*] We cannot deny to Louis the glory of having always anticipated the wishes of his people. I do not conclude; I appeal to history; Recollect, that history will judge your judgment.

The president then asked Louis, if he had any thing to add to the defence made by his counsel.

Louis rose, and with mixed sensibility and firmness said, 'Citizens, my defence is laid before you. I shall not repeat it. In speaking to you, perhaps, for the last time, I declare that my conscience makes me no reproach, and that my defender has told you nothing but the truth. I have never dreaded the public examination of my conduct: but my heart is rent to find in the act of accusation, the imputation of having wished to shed the blood of the people; and, above all, that the misfortunes of the 10th of August are attributed to me. I own, that the many proofs I have given upon all occasions of my love for the people, and the manner in which I have ever conducted myself, appeared to me sufficient to prove, that I did not fear to expose my own person to spare their blood, and to exempt me from such an imputation.'

He then retired with the same calmness that has attended him since he was first brought to the bar. But on going out, a sudden flush overspread his countenance, and a few tears fell, A.

A decree was immediately passed, that he should be reconducted to the Temple; a second, that the defence of his counsel should be signed by them and by him, and laid on the table; and a third, that the words, 'the people desired Liberty, he gave it,' which had excited murmurs in the convention, and which the counsel had struck out of his notes, should be restored.

It was also decreed, on the application of the counsel, that they should assist in correcting the printed proofs of the defence, copies of which were ordered to be sent to the eighty-four departments.

Manuel, who had moved the printing and sending to the departments, moved, that copies should be distributed to the deputies within twenty-four hours, and that the discussion should be adjourned for three days.

Duham moved, that justice should be instantly done, and that the members should answer individually to this question—'Shall Louis Capet undergo the punishment of death, or not?'

Lanjuinais opposed this ferocious motion, which tended to disgrace not only the convention, but all France. He was interrupted by cries from the violent party, commonly called the Mountain, among whom Mr. Egalite was seated; but when he added, that the convention ought to take care not to give the enemies of liberty an opportunity of saying, that Louis was tried by men, who were themselves great conspirators, the tumult was redoubled. At length he was suffered to proceed, and concluded, that they ought not to pronounce on the fate of Louis but as a matter of general safety, and that the best mode would be, to refer it to the sovereign judgment of the primary assemblies.

The president put the adjournment of the discussion to the vote; and declared it carried by a great majority. But the Mountain exclaimed against this decision, and surrounded the president and secretaries with menaces and reproaches. The majority kept their seats, and with the president, endeavoured to bring the disorderly to a sense of their duty, by firmness and silence.

Allen seized the opportunity of inveighing against the president and the aristocrats, as wishing to dissolve the republic. He desired that the president might be turned out of the chair, as unworthy of the confidence with which his colleagues had honoured him, and charged him with having held private conferences with Maleherbes, one of the king's counsel.

The president repelled the invective with becoming dignity, and challenged any man to prove that he had conversed with Maleherbes, but for the purpose of settling the mode of receiving the counsel at the bar.

Thurrot, who, but two days before, had said at the Jacobin club, that rather than Louis escape, he would blow out his brains with his own hand, moved that the assembly should continue to sit till judgment was pronounced.

Couthon moved, that the discussion should be opened immediately, and continued, in preference to all other matters, till judgment was given.

Many members conceiving that this prevented referring the whole to the primary assemblies, wished to substitute for judgment given, pronouncing on the fate of the king.

Petion rose to explain Couthon's proposition, and to shew that it did not prejudice the question.

The Mountain, seconded by the clamours of the galleries, which had been on their side during the whole debate, endeavoured to prevent his being heard. The majority, at last, lost their temper, and forgot their dignity. They advanced with menacing gestures to meet their antagonists; and a brawl ensued, in which blows were exchanged. But the president putting on his hat, and declaring that he would instantly exert the utmost rigour of his authority, order was restored.

Petion was then heard: he spoke with grief of the scandalous scene that had just passed; of the facility with which the purest motives were calumniated; of the

the atrocity of forcing the consciences of men, and compelling them to decide without discussing. 'The friends of liberty and justice,' said he, 'are not those who show themselves the most eager for blood; but those who wish to judge only upon entire conviction.' He concluded with an explanation of Couthon's motion, and sat down amid the plaudits of the members, but without one motion of applause from the galleries, to him whose every word was formerly applauded. After this explanation, Couthon's proposition was decreed. — But how dissimilar was this tumultuous scene to the solemn dignity recommended to the convention on the first day of the trial!

As the unfortunate prince himself had intimated, this was the last time that he appeared at the bar of the convention. Several debates took place on some subsequent days, concerning the competency of the convention, to decide the grand question of the guilt or innocence of the ci-devant king, and the necessity of referring it to the people in their primary assemblies.

Of the various opinions on this important subject, four or five deserve particular attention. Rabaut de St. Etienne (a protestant minister, a wise and moderate man, who has written a History of the French Revolution) denied that the nation had sent judges to try Louis. He founded his argument upon the impossibility of the nation ever forgetting this principle, that a legislator is not a judge. 'The people,' said he, 'treat you as mandatories, as representatives; and as legislators, but never as judges. They sent you to delegate powers, and never to exercise them.' He complained of the great precipitancy which the convention had shown in this business; he said, he foresaw a number of evils ready to fall upon France, and declared that an appeal to the people was, in his opinion, the only mode which could be adopted. — Two days after, the section of Grassijers petitioned for the death of Louis XVI. The widows, orphans, and wounded

of the 10th of August, presented a similar petition. To heighten the interest of the scene, one of the wounded was carried on a bier. — But this extraordinary interference did not prevent Verginaud, the next day, from deprecating the condemnation of Louis by the convention. What security have we, said he, that those who now ascribe all the calamities of the nation to Louis, will not, after his death, impute them all to the convention? What security have we, that they will not tell the people, that they have only changed one tyrant for another; that the calamities of war, increased by the accession of England and of Spain, are imputable to the convention, who, to gratify their desire of revenge, condemned Louis to death; that the indigence of the people, and the want of energy in the government, are all imputable to the convention? What security have we, that these clamours of turbulence and anarchy, may not effect an union of the aristocracy, thirsting for vengeance, of misery, eager for change, of pity, which the fate of Louis will inspire? What security have we that, from among the judges of the 2d of September, will not appear the chief so much desired? This chief, citizens, — ah! let him appear, it will be but to fall beneath a thousand wounds. But what will become of Paris amid these new tempests — of Paris, whose courage against kings posterity will admire, and will not believe that this city has suffered a horde of banditti in its bosom, to agitate and rend it to pieces by convulsive movements? And you, industrious citizens! who have effected the revolution; you, whose sacrifices are every day multiplied by the necessities of your country, what will become of you? He concluded, that every act of the convention, not directly or tacitly ratified by the people, was an act of tyranny; that the people had promised inviolability to Louis, and alone had the right to strip him of it; and that, to them, in the primary assemblies, his fate ought to be submitted.

At

At last, on Monday, Jan. 14, after various modes of proceeding had been proposed, the convention decreed, that each member, being called by name in the alphabetical order of his department, should answer, yes, or no, to the following questions:

I. Is Louis guilty of conspiracy against the liberty of the nation, and of attempts against the general safety of the state?

II. Shall recourse be had to the appeal to the people before inflicting punishment?

III. What punishment shall he suffer?

Accordingly, the next day, the first question was put to the vote. When all the votes had been collected, Vergineaux, the president, said, "Of 735 votes, 26 have been absent by leave; five by illness; one for cause unknown; 26 have made various declarations, and 693 have voted for the affirmative. I do declare, in the name of the convention, That Louis Capet is guilty of conspiracy against the liberty of the nation, and of attempts against the general safety of the state."

After this, the second question was put, and the votes being collected, it appeared, that twenty members were absent by leave; ten did not vote; three were indisposed; three were absent without known cause; 424 voted for the negative, and 283 for the affirmative. Then the president declared, "The national convention decrees, that the judgment which it shall pronounce upon Louis Capet shall not be subjected to an appeal to the people."

On Wednesday the 16th, the convention decreed, that they would sit without intermission, till they had determined the fate of Louis. Several members then observed, that as the convention wished to exercise the functions of judges, they ought to adopt the form generally used, of not condemning an accused person but by a majority of two-thirds of the votes. To this it was answered, that as the convention represented the people, they ought, like them, to decide every thing

by



by an absolute majority. And, accordingly, the convention determined, that the majority should be simple, that is, that one should be a majority.

At a quarter past seven in the evening, the third question was put; and as each member assigned reasons for his opinion, the sitting continued the whole night. Among the voters it was observed, that while Thomas Paine, the professed enemy of all kings, voted only for the provisional imprisonment of the unhappy Louis, and his expulsion after the war; Philippe Egalite, heretofore Duke of Orleans, and first prince of the blood royal of France, voted for the death of his relation!

The appeal nominal (for so the mode of voting is called) being finished, one of the secretaries offered to read two letters, one from the counsel of Louis, and the other from the envoy of the king of Spain. This produced a long discussion; the result of which was, that the convention determined not to permit the interference of any foreign power, and passed on to the order of the day: but, with respect to that from Louis, it was agreed to be heard, after the result of the appeal nominal was declared.

The president then stated the result of the appeal nominal, namely, that the punishment of death was voted by a majority of five. Then, amid the most awful silence, he thus pronounced the sentence:—‘ I declare, in the name of the convention, that the punishment which it pronounces against Louis Capet is—Death !’

The three defenders of Louis Capet were then admitted to the bar. Desfeze said, ‘ Citizens, representatives, the law and decrees have entrusted to us the sacred function of the defence of Louis. We come, with regret, to present to you the last act of our function. Louis has given to us his express charge to read to you a letter signed with his own hand, of which the following is a copy:’

‘ I owe to my own honour, I owe to my family, not

not to subscribe to a sentence which declares me guilty of a crime with which I cannot accuse myself. In consequence I appeal to the nation, from the sentence of its representatives; and I commit, by these presents, to the fidelity of my defenders, to make known to the national convention this appeal, by all the means in their power, and to demand, that mention of it be made in the minutes of their sittings.

Given at Paris, the 16th January, 1793.

(Signed) Louis.

Defeze then reminded the assembly that the decree of death had been pronounced by a majority of five only, while the other part of the assembly were of opinion that the safety of the country required another decision. He conjured them to examine anew the question of appeal, and to grant to humanity, to the interest of the state, all that justice might not feel it periodically to claim.

Tronchet protested against the decree, by which the assembly had declared that the sentence should be passed by an absolute majority. He demanded the repeal of the decree; observing, that as the penal code had served as the basis of the opinion of those who had pronounced the punishment of death, the assembly ought, conformably to that code, not to pronounce the punishment except by two-thirds of the voices.

Malherbes begged the convention to allow him till the next day, to present some observations on the kind of majority which to him seemed necessary, before sentence ought to have been pronounced. He regretted that he could not speak extempore with sufficient facility to enable him to explain his ideas.

The president informed the counsel that the convention would take their requests into consideration, and invited them to the honours of the sitting.

In answer to Tronchet's objection, it was observed, that the penal code required a majority of two-thirds, not for the application of punishment, but for the decla-

declaration of facts; and that the law, in regard to punishment, required only an absolute majority.

It was then decreed:

I. That the appeal interposed by Louis Capet is null, being contrary to the rights of the people, and to the power of national representation; and that all citizens are forbidden to support this appeal, under pain of being punished as disturbers of the public tranquillity.

II. That there are no grounds for attending to the remonstrances of the counsel of Louis in regard to the nature of the majority which passed sentence upon him.

The discussion of the question, Whether it would be proper to suspend the execution of the sentence? was adjourned to the next day; and the convention rose at eleven at night, after a sitting of 36 hours.

On Friday, Jan. 18, some members complained, that, the preceding day, their vote had not been correctly taken, they having voted for the death of the king, and not otherwise, as stated in the lists of the appeal nominal. One of the secretaries, therefore, read over the names of the deputies, and the words in which each of them delivered his vote and opinion. Several members, when their names were called over, gave explanations of the meaning of the expressions they employed in delivering their vote; but most of them were unfavourable to the accused. A long discussion ensued, the result of which was, that they should adjourn till the next day, when the revision of the appeal nominal should be declared, and a fourth question should be discussed, namely, Whether the execution of the sentence should be delayed.

On Saturday, January 19, the first object of discussion was the question, 'Whether the sentence passed against Louis Capet should be delayed?'

The discussion being closed, the convention proceeded to the appeal nominal on the question, Whether the execution of the sentence passed against Louis Capet should

should be delayed? No explanations were allowed, but the members were confined to a simple Yes or No.

When the appeal nominal was terminated, the president announced, that, after calling over the votes upon the question, What punishment should be inflicted on Louis? and after the explanations given by several who had voted for death with restrictions, it was found that the sentence of death pronounced yesterday upon Louis had been carried by a majority, not of five, but of twenty-seven votes.

The president then declared the result of the appeal nominal on the question, Whether the execution of the sentence should be delayed? To be against the delay 348, for it 370.

The convention rose at two in the morning, after having decreed as follows.

I. The executive council shall be immediately summoned, and a copy of the decree which pronounces sentence of death against Louis delivered to them.

II. The executive council shall be charged to notify this decree to Louis, in the course of the day; to cause it to be executed within twenty-four hours after it has been notified to him; to take every measure of safety and police, which to them shall appear necessary during the execution; to be careful that no insult be offered to the remains of Louis, and to give an account of their diligence to the national convention.

III. The mayor and municipal officers of Paris shall be enjoined to suffer Louis to communicate freely with his family, and to have with him such priests as he may desire in his last moments.

On Sunday, Jan. 20, the minister of justice appeared in the convention, and said, 'The executive council met this morning for the execution of your decree; summoned to attend the commissioners of the directory of the department, the mayor, the commandant general, the public accuser, and the president

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of the criminal tribunal of the department of Paris. After having concerted some measures with them, the minister of Justice, the president of the council, another member, and the secretary of the council, accompanied by two members of the department, and the mayor, repaired at two o'clock precisely to the apartment of Louis. As president of the council, I said to him—"Louis, the executive council has been charged to notify to you an extract of the minutes of the sittings of the national convention of the 15th, 17th, 19th, and 20th of January." The secretary of the council read the extract to him.

‘ Louis replied to us nearly to the same effect as the contents of a paper, which he drew from his portfolio, and delivered to us. I answered that the members of the council then present would withdraw to deliberate on his demands; and not being able to come to any resolution by ourselves, we returned, to lay them before the council, who, after hearing them read, resolved, that they should be communicated to you. They are as follows:

‘ I demand a delay of three days, that I may be able to prepare myself for appearing before God. I demand, for this purpose, to be permitted to see freely the person whom I shall point out to the commissioners of the commons; that this person may be secure from all fear and from all uneasiness, for the act of charity which he shall perform to me.

‘ I demand to be delivered from the perpetual inspection which the council general has established for some days past.

‘ I demand, during this interval, leave to see my family when I shall desire it, and without witnesses. I could wish that the national convention would consider with all speed of the lot of my family, and permit them to retire freely and conveniently wherever the convention shall think proper.

‘ I recommend to the benevolence of the nation, all the persons who were attached to me; there are many

many of them who expended their whole fortune on their situations, and who, having no longer any appointment, must be in necessity, and even some of them who had no means of living but their appointments. Among the pensioners are many aged persons, women and children, who had no other means of subsistence.

(Signed) Louis.

At the tower of the Temple, Jan. 1793.

As we were retiring, added the minister, he delivered a note to one of the commissioners of the commons, in a hand-writing different from his own, containing the name of this man of charity; it is M. Edgeworth, or de Fermón, No. 483, Rue du Bacq.

The convention decreed, that Louis should be allowed to call whatever minister of religion he might think proper, and to see his family without witnesses.

They authorized the executive council to inform him, that the nation, always great and always just, would attend to the lot of his family.

Respecting the demand made in favour of those who depended on him for subsistence, the convention passed to the order of the day, because such persons had a right to appear, and to request payment, or some other indemnity, if debts are due to them.

The convention passed also to the order of the day, on the demand made by Louis, that the execution of the sentence might be delayed for three days.

On Monday, January 21, the convention met at ten in the morning, the very moment that their sanguinary decree was executing. A letter was read from general Santerre, stating the measures he had taken to secure the public tranquillity, and to prevent the accidents the death of Louis might occasion. A note from Louis was next read, in which he desired to be buried in the cathedral of Sens, close to his father. The convention passed to the order of the day upon the request; and the executive council were ordered

to cause Louis to be interred in the burial place of the section in which he had suffered.

On the preceding day, the executive council, in obedience to the decrees of the convention, had made the following arrangements for the last awful scene,

‘ Jan. 20, second year of the republic.

‘ The provisional executive council, deliberating on the measures to be taken for the execution of the decree of the national convention of the 15th, 17th, 19th, and 20th of January, 1793, resolves the following regulations:

‘ 1. The execution of the sentence of Louis Capet, shall take place to-morrow.

‘ 2. The place of execution shall be La Place de la Revolution, lately the Place de Louis XV. between the Pedestal and the Champs-elysees.

‘ 3. Louis Capet shall set out from the Temple at eight in the morning, so that the execution may take place at noon.

‘ 4. The commissioners of the department of Paris, the commissioners of the municipality, and two members of the criminal tribunal, shall assist at the execution; the secretary register of the tribunal shall draw up a minute of it; and the said commissioners, and members of the tribunal, as soon as the execution is over, shall come to give an account of it to the council, who shall continue in a state of permanent sitting, during the whole day.

By the provisional executive council,

ROLAND, CLAVIERE, MONGE, LE BRUN,  
GARAT, PACHE.

Twenty five citizens, of known principles, well armed, acquainted with the manual exercise, and having each sixteen rounds of shot, were chosen from each section to form a guard of 1200 men, who accompanied the unfortunate monarch to the place of execution. Strong detachments from the different legions were posted in the streets through which he was to pass,

pass, and in all the avenues leading to the Place de la Revolution, to prevent any confusion; each section had a body in reserve, ready to move at a moment's notice; and cannon were distributed in different places.

The following is the official report made to the commons of Paris, by James Roux, priest and preacher of the Sans Culottes, one of the commissioners named by the commons, to assist at the execution:

‘ We come to give you an account of the mission with which we were charged. We went to the Temple, where we announced to the tyrant, that the hour for his execution was arrived.

He desired a few minutes alone with his confessor. He wanted to give us a packet for you; but we observed; “ we were only charged to conduct him to the scaffold.” He answered; “ That is true;” and gave the packet to one of our colleagues. He recommended his family, and requested that Clery, his valet-de-chambre, should be that of the queen; and then hastily said, of his wife. He farther requested, that his old servants at Versailles should not be forgotten. He said to Santerre, ‘ Marchons’ (let us go on.) He walked through one court, and got into the carriage in the second. The most perfect silence reigned during the whole procession. We never lost sight of Capet till we came at the Guillotine\*. He arrived there at ten minutes after ten; he was three minutes getting out of the carriage; he wished to harangue the people; Santerre opposed it. His head was severed from his body. The citizens dipped their pikes and handkerchiefs in his blood.’

After this report, general Santerre added, ‘ You have heard an exact account of all that passed. Louis  
D 3 Capet

\* The name of the machine, in which the axe descends in grooves from a considerable height, so that the stroke is certain, and the head instantly severed from the body.



Capet wanted to speak of mercy to the people, but I would not let him.

To the above official account we must add, that the king arrived at the place of execution at ten in the morning, having been conveyed from the Temple by way of the Boulevards. He mounted the scaffold alone, the commissioners, the mayor, and even his confessor, remaining at the foot of it. He had on nothing but a white under waistcoat, his neck and breast open, and his hair rolled up behind as abbess wear theirs. He advanced with a firm step and steady countenance on the left side of the Guillotine, and said, in a firm voice, 'Frenchmen, I die innocent; I forgive my enemies; I wish that my death may be useful to the people.' He was then conducted to the Guillotine, and said, in Latin, as he placed himself upon it, 'I commend my soul to God.' His head was instantly severed from his body. During this interval, which was only two minutes, the most profound silence prevailed—not a murmur, not a motion, not a breath was heard.

Thus perished on the scaffold Louis XVI. the thirty-second sovereign of France, from Hugh Capet, founder of the late dynasty, and the fourth in descent from Henry the Great, the first king of the branch of Bourbon. He was born August 23, 1754; married May 16, 1770, to Maria Antoinetta, aunt to the present Emperor of Germany; succeeded his grandfather May 10, 1774; was suspended from the royal authority August 10, 1792; pronounced guilty of a conspiracy against the state January 17, 1793, and executed on the 21st of the same month. Sincere and upright in principle, gentle and benign in disposition, this unhappy prince was placed, by a train of irresistible circumstances, in a situation, in which the most consummate wisdom and virtue could not act with perfect rectitude; nor could even the most perfect rectitude have prevented the fatal effects of jealousy and suspicion.

suspicion. Perhaps Europe is in a state too agitated to judge impartially between him and the severe tribunal which condemned him; a tribunal, rigid to an extreme, when Mercy urged her powerful and persuasive claims, but content to relax that rigour, when the question was to dispense with an adherence to those forms of law, which on the trial of the meanest and most profligate criminal, would have been deemed indispensable. But their judgment will undergo the severe revision of posterity; nor can it pass unobserved by the Supreme Governor of the Universe, all whose ways are just and righteous, although inscrutable by his finite creatures.

Much has been said, and much of that has been contradicted, concerning the affecting parting between the royal sufferer and the unhappy survivors. Nothing of this, that has hitherto appeared, can be depended upon. But imagination will paint to each virtuous and susceptible mind, all that is deficient in narration, all that expression could in vain attempt to describe.

The royal corpse was interred, without any insult being offered to it, in the cemetery of St. Magdalen; between the persons who lost their lives during the illuminations on account of his marriage, and the Swiss who fell on the 10th of August.

The following is a copy of the affecting Last Will and Testament of the unfortunate monarch, which, by his directions, was delivered to the commons of Paris:

#### THE WILL.

‘ In the name of the Holy Trinity, Father, Son, and Holy Spirit, this 25th of December, 1792. I Louis, the XVIII by name, king of France, having been confined with my family in the Tower of the Temple at Paris by those who were my subjects, and since the 11th deprived of all communication whatever with my family, beside which, under a trial of which  
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it is impossible, on account of the passions of men, to foresee the issue, and for which no pretext or means can be found in any existing laws, having only God for witness of my thoughts, and to whom I can address myself, I here in his presence declare my last will and sentiments.

‘ I resign my soul to my Creator ; I pray him in his mercy not to judge it after its own merits, but by those of our blessed Saviour Jesus Christ, who offered himself to God, his Father, for us men, how unworthy soever we may have been, for me the most so.

‘ I die in union with our holy mother, the Catholic, Apostolic, and Roman church, which holds its powers in uninterrupted succession from St. Peter, to whom Jesus Christ entrusted them ; and I confess every thing contained in the Symbol and Commandments of God and the Church, the Sacraments and Mysteries, as now and ever taught by the Catholic Church. I have never pretended to set myself up Judge upon the different modes of interpreting the dogmas which agitate the Church of Jesus Christ ; but I have always supported, and shall always support, should God grant me life, the decisions which the ecclesiastical superiors, united with the Holy Catholic Church, have given or may give conformably to the discipline of the Church as followed since Jesus Christ. I pity with all my heart our brethren who may be in error ; but I presume not to judge them, nor do I love them less in Jesus Christ, agreeable to the instructions of Christian charity. I pray God to pardon all my sins, which I have endeavoured scrupulously to recollect ; and I detest and humiliate myself in his presence. Deprived of the assistance of a Catholic Priest, I entreat God to receive the confession which I have made to him, and particularly my profound repentance of having signed my name, although strongly against my will, to instruments which may be contrary to the faith and discipline of the Catholic Church,

Church, to which I have in my heart continued sincerely attached. I pray God to receive my firm resolution, should he grant me life, to avail myself, as soon as I can, of the Ministry of a Catholic Priest, to confess all my sins, and to receive the sacrament of repentance.

‘ I pray those whom I may have inadvertently offended (for I do not recollect to have wilfully offended any one) or those to whom I may have given any bad example, to pardon me the evil which they suppose I may have done them.

‘ I pray all charitable persons to unite their prayers to mine, to obtain from God the pardon of my sins.

‘ I forgive, with all my heart those who have made themselves my enemies without my having given them any cause; I pray God to pardon them, as well as those who, by a false or misguided zeal, have done me much harm.

‘ I recommend to God, my wife, my children, my sister, my aunts, my brothers, and all who are related to me by ties of blood or otherwise. I particularly beseech the Almighty to look with eyes of mercy upon my wife, my children, and my aunt, who have suffered so long with me, that it will please him to support them with his grace, if they should lose me, and as long as they remain on this perishable earth.

‘ I recommend my children to my wife; I never doubted of her tenderness for them. I recommend her particularly to make them good Christians and worthy members of society; to teach them to look upon the grandeur of the world (if they are condemned to experience it) as a dangerous and perishable thing, and to turn their thoughts to eternity, as the only solid and durable glory. I request my sister to continue her tenderness for my children, and to supply the place of a mother if they have the misfortune to lose theirs.

‘ I beseech my wife to forgive all the evils she suffers for me, and all the uneasiness I may have given her during the term of our union, as she may be sure

that should she think she has any thing to reproach herself with, I can never think so.

\* I warmly recommend to my children, after their duty to God, which must take the lead of all things else, to be united among themselves: to be submissive and obedient to their mother, and grateful for all her care and solicitude for them: I desire them to look upon my sister as a second mother. I recommend to my son, if ever he has the misfortune to become king, to devote himself to the good of his fellow citizens; to forget all hatred and resentment, and particularly every thing relative to my misfortunes and griefs; to recollect that he can only further the welfare of the people by reigning according to the laws, but at the same time to remember that a king cannot cause the laws to be respected, or do the good he may have in his heart, unless he has the necessary authority; otherwise he is cramped in his operations, and, inspiring no respect, he is more hurtful than useful.

\* I recommend to my son to take care of all those who were attached to me, as far as the circumstances he may be in may allow him: to remember that it is a sacred debt which I have contracted toward the children or relations of those who have perished for me, and who have become unfortunate on my account. I know there are many who were attached to me, who have not conducted themselves toward me as they ought, and who have even been guilty of ingratitude; but I forgive them (often in times of trouble and effervescence we are not masters of ourselves); and I request my son, if occasion should offer, only to recollect their misfortunes.

\* I should here wish to testify my acknowledgments to those who have shewn me a true and disinterested attachment: if, on the one hand, I have been sensibly affected by the ingratitude and disloyalty of persons to whom, or to their friends and relatives I did all the good I could; I have, on the other hand, had  
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the consolation to see the gratuitous attachment and interest of many, all of whom I request, in the present situation of things, to accept my sincere thanks.

‘ I fear to compromise them, were I to speak explicitly; but I specially recommend it to my son to seek opportunities to acknowledge their services.

‘ I should, however, think I should calumniate the sentiments of the nation, were I not openly to recommend to my son, Messieurs de Chemilly and Hue, whose true attachment to me engaged them to shut themselves up with me in this place of confinement, and who thought they might become victims for so doing. I also recommend Clery to him, whose care and attention I have every reason to be satisfied with, ever since he has been with me.

‘ I freely pardon those who guarded me in sight, for the ill treatment and restraints they imagined they ought to shew me. I have found some sensible and compassionate minds: May they have the heart-felt satisfaction of enjoying that tranquility to which their way of thinking justly entitles them!

‘ I request Mess. Maleherbes, Tronchet, and Deseze, to accept my sincere thanks, and warmest expressions of sensibility, for all the care and trouble they have had on my account.

(Signed)

LOUIS.

**F I N I S.**