

From the National Intelligencer. MEMOIR OF MR. MONROE.

On the subject of the claims of the Government of the United States.

Believing that had been injured by the settlement of my accounts for services on former stations, I desired to present to the committee in whom they were referred, at the preceding session, did not extend, it became necessary for me to give further explanations, applicable to each objection, so far as I was acquainted with it, and having in direct communication with the committee, I requested Mr. Governor to attend in Washington, to receive those explanations, and to communicate them to those who might be willing to peruse them, which he accordingly did.

It may readily be conceived, that it was impossible for me to advert to claims, founded on presumed injuries, in the settlement of my accounts, without taking into view the causes which produced them. The great lapse of time which has intervened may have erased those occurrences from the minds of others, but, with the individual, all the incidents which affected profoundly his character, his welfare, and his peace, remain connected through life, and it is natural for him to review them with deep interest, in his retirement, especially if recalled to his memory by others of a like kind, proceeding from them. My recall from my first mission to France in 1793, was the ground on which the claims arising under that mission were principally founded. This session documents illustrative of my conduct, in the very circumstance for which I was recalled, that were never used before, it seemed incumbent on me to make them known on that very interesting occasion. With that view, I transmitted them to Mr. Governor, with the explanations specified, to be used in like manner. I took that measure with an unfriendly feeling to any one, indeed such feeling, so far as it ever existed, has long since ceased. My object was to place my conduct, by such additional evidence as I possessed, in an occurrence of high importance to my country, as well as to myself, in the light in which I knew it ought to be viewed. I was very anxious also to make known the kind and favorable sentiments which were expressed of me, by the illustrious individual by whom I was recalled, on receiving information of my conduct, from a very respectable friend, in whom he confided, who was with me, and well acquainted with it, at the period when my recall was decided on. The favorable opinion of that individual was always an object of the highest interest to me. I had served under him as a subaltern in our Revolutionary army, and had witnessed his very exemplary conduct at the most difficult and perilous epochs of that great struggle. I had received his approbation of my conduct in that struggle, and been promoted by him. I was a member of the Revolutionary Congress in 1783, and present when he resigned his commission as Commander in Chief of our Army, and retired to private life. I knew him at his residence in retirement, as I afterwards did, while a member of the Senate, when at the head of the Government to which he was called by the unanimous suffrage of his fellow citizens, and I have always cherished the highest respect for his memory, and admired his great virtues and talents.

There was another instance in which my character had been assailed in this manner, the circumstances attending which, I thought proper to avail myself of that occasion to explain. After my reception in August, 1794, by the National Convention of France, the Committee of Public Safety offered me a house for my accommodation, as the Minister of the United States, in any part of Paris which I should prefer, and sent me a carriage and horses, without waiting for my answer. I declined the house immediately, on the principle, that the acceptance of it was forbidden by an article of our Constitution, and after retaining the carriage a few weeks, until I had obtained one of my own, I returned it with the horses with a request that I might be permitted to pay for their use, in the same manner as if I had procured them of an individual, which was granted, & performed. At the instance and earnest pressure of many of my fellow citizens who were then in Paris, who thought that the refusal of those accommodations might revive suspicions which had before existed, and that the purchase of a house on my own account would have a good effect, and be useful to them and to our country, in the then state of our affairs, I thought of an individual, declaring to those in power in France that I did not accommodate me as the Minister of their ally, and with intention to offer it to my Government, on my retirement, on the terms on which I had purchased it. Having documents to prove this fact, with the heavy loss which I sustained in consequence thereof, as I believed, by my recall, I forwarded them to Mr. Governor, with the others.

Soon after my recall from this mission, I was appointed by my native State to the office of Chief Magistrate, in which I served the constitutional term of three years, and retired from it with the approbation of my fellow citizens, as was signified by the vote of the General Assembly, and more particularly by the manner in which it was given. My affairs requiring it, I resumed immediately my station at the bar, and with a fair prospect of success. I was at no time rich, my landed inheritance in Westmoreland county was small, but still it was something. By the sale and investment of the amount received for it in other lands, as soon as I arrived at maturity, I had laid the foundation of independence, and should have attained it, had I pursued the profession of the law a few years longer; for I possessed, at the time of my appointment on my first mission to France of 1794, more property than I now hold and owned comparatively nothing.

At this moment, an event occurred which produced great excitement throughout our

State. It is the treaty of the Mississippi, between France and Spain, for other had been given to the former Louisiana, and had been, as it is believed, at the instance of the then Government of France, our deposits at New Orleans, the right to which had been secured by our treaty with Spain of 1793. The arrangement provided for that set was universal throughout our Union, and particularly so in the Western country, the commerce of a large portion of which was dependent on the free navigation of the Mississippi. That arrangement, indeed, war, and many were prepared to risk it, by removing the obstruction by force.

The President preferred a different policy. He resolved to make an experiment of a pacific character, by a special mission, with intention to resort to war, so far as depends on him, should that mission fail. In that emergency, he demanded my services, and nominated and appointed me to France and Spain, without consulting me, but with a perfect knowledge that I should not decline the mission.

Independent of any favorable opinion, which the President might have entertained of me personally, arising from the very friendly relations which had so long existed between us in public and in private life, there were considerations known to the public which weighed with him in making the appointment. My zeal, in favor of the free navigation of the Mississippi, had been shown on several important occasions. As far back as the year 1778, when a member of the Revolutionary Congress, I had strenuously opposed a projected treaty with Spain, by which, had it been concluded, the use of that river would have been suspended for a term, and our right to it, as I thought, impaired. It was known that I wrote the paper, which was presented by the Delegates of the State, in opposition to that project. I mention this circumstance with an unfriendly feeling to Mr. Jay, our then Secretary of Foreign Affairs, for he uses it more highly than I have done, and still, of his talents, Revolutionary services, and general merits, which I take this occasion, with pleasure, to declare.

Another instance had occurred, in which my zeal, in favor of the free navigation of this river, had been displayed. In January, 1795, in my first mission to France, at a period when our relations with the French Government were of a most friendly character, France and Spain being then at war, and the armies of the Republic victorious in every quarter, and particularly in Spain, a negotiation being sought by the latter, and existing between the two Governments, I presented a note to the French Government, in which I urged, from motives of policy, which ought to have weight with that Government, the extinction of its influence, to secure to us the free navigation of that river, either by extending it to a negotiation then entrusted to Mr. Short, our Minister at Madrid, or by providing for it in our own treaty. These facts being well known to the Union, could not fail to have their effect, in every quarter, as to the goal which I should carry with me into the negotiation.

The presumption was equally strong that I should be well received by the French Government. As my object to create a good understanding between the United States and France, in my former mission, had produced some effect on the policy of that Government towards the United States, and much to its displeasure, after it had decided on a change of policy, it was natural that the course indicated on me by my own Government, should be well received by the Government of France, and measure to me its confidence, which had been withdrawn. The men still in power, were all of the Revolutionary character, with most of whom I was personally well acquainted, and had witnessed their greatest difficulties. I was the first minister who had been presented to the Republic, and beheld three great movements against them—those of Germain of Paris, and Yind-mishe—in the latter of which Barras commanded the National Guard, and Napoleon Bonaparte acted under him. This occurred at the moment when the Convention was engaged in the act of transferring the Government from itself to the Directory, and by the two Comites.

In the Hall of the Convention, just before the attack commenced, and retired from it at the instance, and under the guidance, of some of the members, who led me through the Corouel, by their cannon, whose flashes were lighted, bearing up towards the street Ruelle, where those of the sections were posted, and lighted against them. I had generally passed the latter when the action commenced, at about 4 o'clock, P. M. and which continued till 10 at night. No other citizen of our Union held the same relation to them. See, in the View, &c. three Letters to Secretary of State, in which I give an account of those three movements, viz. April 14th, 1795, P. 145; June 14th 1795, page 163; and October 20, same year, page 265.

It might fairly be inferred, therefore, reasoning on the best propensities of our nature, if that Government could be induced to yield to our demands, that it would be gratified to make the accommodation, at the instance of one, with whose good wishes they were acquainted, and whom they had injured. They had had before no opportunity to make to him any reparation. The day after I took my leave of the Directory, not being able to sail for the United States during the Winter, and unwilling to remain a spectator of the distressing incidents which followed, I proceeded to Holland, and remained there until the Spring, at which time I hurried through France to Bordeaux, from which port we sailed.

My reception by the French Government, in my second mission, on my return in 1803, was as kind and friendly as could have been expected, from what had before occurred. That the mission contributed to the result contemplated—to prevent war, and secure to us, by the treaties which were then concluded

with the French Government, not only the free navigation of the Mississippi, but all Louisiana—Mr. Talleyrand's letter to Mr. Livingston, which was written after my appointment was known in France, while I was at sea, Mr. Livingston's letter to me in reply to mine, announcing my arrival at Paris, and the extraction of Mr. Talleyrand's Journal of a conversation between Mr. Livingston and me, on the evening of my arrival in Paris, all distinctly show, Mr. Talleyrand states in explicit terms, that the First Consul thought it proper to commence a negotiation, on the ground of Mr. Livingston's complaint, and Mr. Marbois, the Minister Extraordinary, whom the President had appointed to discuss the subject, should arrive, and he heard, that every effort susceptible of consideration might be completely and definitively discussed. He says also, that the First Consul had charged him to assure our Government, that, far from thinking that their new position in Louisiana could be an object of jealousy, or cause the least injury to the U. States, he would receive the Minister Extraordinary whom the President had sent to him, with the greatest pleasure, and that he hoped that his mission would terminate to the satisfaction of both States. Mr. Livingston congratulated me on my arrival, and expressed an ardent desire that my mission may answer mine and the public expectation. War, he says, may do something for me nothing else would; that he had paved the way for me by his memoirs, and if I could add to them an assurance that we were in possession of New Orleans, we might do well. With the sentiments contained in this letter, those which were declared by Mr. Livingston, after my arrival in Paris, were in strict accord, as appears by the extract from General Mercer's Journal of what passed in our first interview. On being informed that the motion which had been made in the Senate, for the ratification of the Convention of New Orleans, by Mr. Marbois, he expressed his regret at it, and a belief that force only could give it to us. His just observations, that in expressing this opinion, Mr. Livingston showed no excitement, whatever, but appeared to speak under a thorough conviction of what he believed to be the best policy of the French Government, founded on his communications with the Ministers, and what he knew of the character and policy of the First Consul, in other respects. It affords me pleasure to add, that in the negotiation which was commenced immediately afterwards, and in the spirit produced by the treaties in which it terminated, great harmony prevailed between Mr. Livingston and myself.

The representation then made to me, and by authority entitled to confidence, was that the First Consul having his cabinet assembled at St. Cloud, and walking in the garden with the members who composed it, having heard of the arrival of the Minister Extraordinary at Havre, communicated to them the fact, and then observed that the negotiation should be immediately commenced, and addressing himself to Mr. Marbois, added, "that being an affair of the Treasury, I will commit it to you." His motive for committing the negotiation to Mr. Marbois, and in a manner not so wound the feelings of Mr. Talleyrand, may be readily conceived. It was added, by the same authority, that until that moment, so decided was believed to be the purpose of the First Consul, to cede no portion of the Territory in question, and unchangeable his views after making a decision, that none of his ministers would have ventured to propose it to him. The sum demanded in the first interview with Mr. Marbois, was 120,000,000 of livres, but that was soon reduced to 80,000,000, of which it was agreed that 20,000,000 should be paid to our citizens, who had suffered by speculations. It was further agreed, that the 60,000,000 payable to the French Government, should be paid in stock, and not in cash, by which a great accommodation was afforded to the United States. It is proper to add, which I do with pleasure, that the conduct of Mr. Marbois, in every part of the negotiation, was liberal, candid, and fair, indicating a very friendly feeling for the United States, and a strong desire to preserve the most amicable relations between the two countries.

It is just to state that the frank, candid, and friendly conduct of the two great houses of Hope, of Amsterdam, and of Baring, of London, by offering to us loans to any amount we might require, at the usual interest, rendered to the U. S. essential service in the negotiation. We had reason to believe, that the knowledge of those offers, and the confidence with which it inspired the French Government, that our stock might be converted through them, into cash at a fair price, aided us in prevailing on that Government to accept the payment in stock, and to lessen the amount demanded for the Territory ceded.

It is just also to acknowledge the attention received, and good offices rendered in the negotiation, by Joseph Bonaparte, the brother of the first Consul, who invited me to an interview immediately after my arrival in Paris, and gave me assurances of those good offices with which I was satisfied he complied.

In regard to these two missions, I shall remark here, that, for the mortification and distress to which I was subjected in the first, I have derived great consolation, from a belief that the portion thereof which arose from the distrust which was manifested of me, by the French Government, enabled me, under the influence of just causes, to promote in some degree, in the second, the interest of my country.

None of these documents relating to either mission, were ever published before, nor should I now publish them, if my advancement to office was depending in any instance, before my fellow-citizens. They are connected with the history of our Union, respecting which, in all its important occurrences, a just opinion should be formed. In the present state, they can affect me, in point of character alone, abstracted from every other consideration. To this I have looked with great sensibility through life. Having had occasion to notice both missions, in their most material circumstances, with a view to my claims, and in consequence character, I have thought that it was not only proper, but a duty, to communicate every document which could throw light on the one or the other.

At the expiration of the second mission, I retired to my farm in Albemarle county, in which I had resided, when at home, from early life, and in which I had been much engaged, having always lived in great anxiety with my fellow citizens there. Our affairs continued to be unsettled, I was elected by them, in 1810, delegate to the General Assembly, and, during the session, to the office of Chief Magistrate, and shortly afterwards, invited by my friend Mr. Madison, then President, to the Department of State, which I accepted. In that department, and in the Department of War, I served under him until his retirement to private life, on which event I was elected his successor to that high trust. In these latter offices I served my country fourteen years, and in which, I well know, that I devoted my best efforts, with increased zeal, to promote its prosperity and welfare. To imputations that were raised against some portions of my conduct in these offices, I thought it proper to give explanations, in my communications to Mr. Governor last winter, and to which I now refer.

Respecting my claims, I have nothing new to add, nor have I any remark to make on the decision passed on them. Having presented to Mr. Governor, I owed it to my character, as well as to my family, and to those having claims on me, to bring forward, in their support, while they were depending, all the considerations on which they were founded, with the documents illustrative thereof, and applicable thereto, which was done in the explanations referred to, and which will be published. By comparing the view therein taken, with that declared by the second or disagreement between them will be distinctly seen. Retired now to private life, I shall devote my best efforts to the fulfilment of my private engagements, and, hope, with success. In this my retirement, I shall look back with great feeling to the very interesting scenes through which I have passed, abroad and at home, and never cease to cherish the most anxious solicitude for the continued success of our Republican system. My observations founded on my own experience, connected with what has been deduced from the annals of the most enlightened and faithful historians, have satisfied me that our situation is more favorable, and our prospect of success incomparably better, than were ever enjoyed by any other People.

JAMES MONROE.
Virginia, November, 1826.

GOV. TROUP'S MESSAGE.
Extract from the Message of the Governor of Georgia to the Legislature of that State, at the commencement of its present session.

It was known to the last Legislature, that for certain reasons expressed by the President of the United States, he would call the attention of Congress, at their first meeting, to the validity of the Treaty, negotiated at the Indian Springs in 1825; and in his message to the Congress at the opening of the session, after announcing that "the Treaty had been ratified under the unsuspecting impression that it had been negotiated in good faith," he promised to lay before that body the subsequent transactions in relation to it. The President failed to do so—Toward the close of the session of Congress, he did submit to the Senate a new Treaty in abrogation of the old one with a general declaration of the falsehood and deception practised by the Commissioners, in their official communications with the Government, of the numerical inferiority of the party which signed it, and of their consequent inability to carry it into effect, but unaccompanied by a single document or voucher to support any fact or principle contained in that declaration.—The Senate, as you know, ratified the Treaty; and the one of the Indian Springs of prior date, of prior ratification, and passing vested rights to Georgia, was declared null and void. The objections to this proceeding, considered altogether novel and unprecedented, were obvious—Georgia, for whose benefit alone the Treaty was negotiated, was deprived, without her consent, of interests already vested.—The party with whom the old Treaty had been negotiated was not regarded as a party at all in the conclusion of the new, and in the execution of the new Treaty without their consent, and even against their consent, they have not merely been deprived of every right which they could claim under the old or new, but have been to all intents and purposes denationalized, and forced either to submit unconditionally to the power of their enemies, or to abandon their country. It was with a knowledge of what was in prospect, from the first announcement of the President to Congress, that the Legislature of Georgia, at the close of its session, again reviewed, and again confirmed the validity of the Treaty of the Indian Springs. This confirmation was the more imposing, because the Legislature which first acknowledged the authority of that Treaty had returned to the people, its conduct had been passed in review, and of course a favorable verdict pronounced upon it. The act of the Legislature, founded on the provisions of the old Treaty, having been as it were, re-enacted by a succeeding Legislature, was to be regarded as mandatory and imperative, to be carried into effect by the Executive under his oath of office, according to its requirements—there could be none paramount, but what would be found in the Constitution of the United States, and none such were found. The Constitution itself, in denouncing an act impairing the obligation of contracts recognized the sacredness of the Treaty of the Indian Springs. The Executive of Georgia, therefore, had no alternative but to carry that Treaty into effect, in conformity with the repeatedly expressed will of the Legislature. His intentions were early communicated in the most frank and ingenuous manner to the executive Government at Washington, and from that time to the present moment he has never ceased to remonstrate and protest, on every occasion requiring it, against any act injuriously affecting interests of Georgia derived under it.

But there were other reasons for maintaining the inviolability of the Treaty of the Indian Springs.—By that Treaty Georgia had acquired all her territory within the Creek limits—by the new she was to acquire less—and the difference between them was by the stipulations of the new guaranteed to the Indians

forever. The Governor could in no manner recognize the power of the President and Senate, by the abrogation of the old Treaty, to violate the Constitution of Georgia.—The Constitution of Georgia, as well as the articles of agreement, entered into in conformity with it, had settled her permanent boundaries irrevocably. The new Treaty prescribed new boundaries for Georgia, and by its perpetual guarantee made them permanent.—Lands, the rightful property of Georgia, were taken from her and ceded to the Indians forever; and the jurisdiction over the river Chattahoochee, which had been secured exclusively to her by the original charter, by her Constitution, and by the articles of agreement and cession, was divided by the new Treaty between Alabama and Georgia—as no power is given by the Constitution of the United States to the Government of the United States, it would have been not merely an unpardonable indifference to her rights and honor, to have submitted in silence to these palpable infractions of them, but the Chief Magistrate would have believed himself guilty of a criminal desertion of the interests of the State, if his sanction or countenance had been given to such an instrument.

If the difference between the provisions of the old and new Treaties had been a nominal, not a real difference, the United States and Georgia could have proceeded in good faith, and without collision of interest, to execute either, as the one or the other was believed to be the Constitutional law, but as those provisions were variant in several particulars involving essential rights, and as one of them especially, whether so designed or not, would have effectually postponed the settlement of the country for an entire year, it could not be expected that Georgia would surrender rights, interests and principle too, because the President of the United States considered the new Treaty the Constitutional law. The Government of either State is to be considered as an independent moral agent, having a conscience of its own, the arbiter within itself of right and wrong, to be influenced or controlled only by Divine authority; and the conscience of this Government has already passed definitively on the validity of the Treaty of the Indian Springs.—And here permit me to remark that with regard to the rights of sovereignty and jurisdiction generally, which Georgia claims under her charter to the territory within her limits in the occupancy of the Indians there is such a radical difference of opinion between the authorities of Georgia and those of the United States, that at the harmony and tranquility of the two Governments, so much to be cherished by all good men, can never be maintained uninterruptedly until those Indians shall have been removed. An illustration of this, it is sufficient to inform you that on a recent occasion the right of Georgia to make even a reconnaissance within that territory, with a view to eventual internal improvement, was denied, and that denial accompanied by a formal protest of the President of the United States against it, and moreover, that when about the same time there were indications of an hostile feeling on the part of the Indians, which threatened interruption to our Commissioners engaged in running, with the consent and approbation of the United States, the dividing line between Alabama and this State, and precautionary measures were taken for their safety, Georgia was given to understand that she had the right to extend her protection to her own officers engaged on her own soil carrying into effect an act of her own Legislature against such hostility. It is vain to look into the Constitution of the United States to find what rights of sovereignty and jurisdiction acquired under the charter over the territory within her limits, Georgia has surrendered to the Federal Government—No such surrender has been made, and yet Georgia, in her late intercourse with the United States, has been treated in this respect as if she had no rights of sovereignty or jurisdiction at all, and this too whilst the laws of the United States, as well as the articles of agreement and cession distinctly recognize and proclaim them, and of course to the very same extent as they are asserted by the Treaty of Hopewell and others.

The forlorn and helpless condition to which the McIntosh or friendly party of the Creeks, have been reduced by the continued persecutions to which they have been exposed, is submitted to you as claiming your humane and benevolent consideration. This portion of the Creek tribe having fought the battles of the United States and vanquished the hostile part of it, who were at once their enemies and the enemies of the United States, it was hoped that they would have been regarded with some degree of favor by that government and people in whose defence they had expended their blood and put to hazard every thing dear to them. For a time this hope was not disappointed—General Jackson, by his treaty of 1814, had recognized their services and their claims—Their Chief was distinguished by the favor of the Government and he and his followers were regarded not only as the faithful and devoted friends of the whites, but as the co-workers of the Red Sticks, then numbering two-thirds of the whole nation, whose rights and territory, by the laws of war, passed to the victors. It was the conviction of the justice of their cause and to the rights acquired by it, which dictated the letter of the Secretary of War of the 17th day of March, 1817, recognizing in full the power of McIntosh and his followers to sell the country. When, in obedience to the expressed wishes of the United States, McIntosh with others, proceeded at the Treaty of Indian Springs, to exercise this acknowledged power, the power was denied, and the murder of himself and Chiefs which followed, looked upon without emotion, whilst the murderers were cherished, caressed and honored by the Government of the United States—his followers left without home, without protection, without bread, and finally denationalized & put under the ban—so that at last they were considered as no part of the nation, having no claim of the territory and of course no rightful participation in the consideration for which the territory sold—and what is worse than all, the money which should have been given to them under the Treaty, not only given to their enemies, but made the instrument of seducing from their allegiance the friends of McIntosh, who had no alternative but to take the bribes or share the calamities

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