

## CHAPTER VIII.

### SICK AND IN PRISON.

IT was a strange world into which misfortune had introduced Paine. There was in prison a select and rather philosophical society, mainly persons of refinement, more or less released from conventional habit by the strange conditions under which they found themselves. There were gentlemen and ladies, no attempt being made to separate them until some scandal was reported. The Luxembourg was a special prison for the French nobility and the English, who had a good opportunity for cultivating democratic ideas. The gaoler, Benoit, was good-natured, and cherished his unwilling guests as his children, according to a witness. Paine might even have been happy there but for the ever recurring tragedies—the cries of those led forth to death. He was now and then in strange juxtapositions. One day Deforgues came to join him, he who had conspired with Morris. Instead of receiving for his crime diplomatic security in America he found himself beside his victim. Perhaps if Deforgues and Paine had known each other's language a confession might have passed. There were horrors on horrors. Paine's old friend, Hérault de Séchelles, was imprisoned for having

humanely concealed in his house a poor officer who was hunted by the police; he parted from Paine for the scaffold. So also he parted from the brilliant Camille Desmoulins, and the fine dreamer, Anacharsis Clootz. One day came Danton, who, taking Paine's hand, said: "That which you did for the happiness and liberty of your country, I tried in vain to do for mine. I have been less fortunate, but not less innocent. They will send me to the scaffold; very well, my friends, I shall go gaily." Even so did Danton meet his doom.<sup>1</sup>

All of the English prisoners became Paine's friends. Among these was General O'Hara,—that same general who had fired the American heart at Yorktown by offering the surrendered sword of Cornwallis to Rochambeau instead of Washington. O'Hara's captured suite included two physicians—Bond and Graham—who attended Paine during an illness, as he gratefully records. What money Paine had when arrested does not appear to have been taken from him, and he was able to assist General O'Hara with £200 to return to his country; though by this and similar charities he was left without means when his own unexpected deliverance came.<sup>2</sup>

The first part of "The Age of Reason" was sent out with final revision at the close of January.

<sup>1</sup> "Mémoires sur les prisons," t. ii., p. 153.

<sup>2</sup> Among the anecdotes told of O'Hara in prison, one is related of an argument he held with a Frenchman, on the relative degrees of liberty in England and France. "In England," he said, "we are perfectly free to write and print, *George is a good King*; but you—why you are not even permitted to write, *Robespierre is a tiger!*"

In the second edition appeared the following inscription :

“ TO MY FELLOW CITIZENS OF THE UNITED STATES OF AMERICA.—I put the following work under your protection. It contains my opinion upon Religion. You will do me the justice to remember, that I have always strenuously supported the Right of every man to his opinion, however different that opinion might be to mine. He who denies to another this right, makes a slave of himself to his present opinion, because he precludes himself the right of changing it. The most formidable weapon against errors of every kind is Reason. I have never used any other, and I trust I never shall.—Your affectionate friend and fellow citizen,

“ THOMAS PAINE.”

This dedication is dated, “Luxembourg (Paris), 8th Pluviose, Second year of the French Republic, one and indivisible. January 27, O. S. 1794.” Paine now addressed himself to the second part of “The Age of Reason,” concerning which the following anecdote is told in the manuscript memoranda of Thomas Rickman :

“Paine, while in the Luxembourg prison and expecting to die hourly, read to Mr. Bond (surgeon of Brighton, from whom this anecdote came) parts of his *Age of Reason*; and every night, when Mr. Bond left him, to be separately locked up, and expecting not to see Paine alive in the morning, he [Paine] always expressed his firm belief in the principles of that book, and begged Mr. Bond should tell the world such were his dying sentiments. Paine further said, if he lived he should further prosecute the work and print it. Bond added, Paine was the most conscientious man he ever knew.”

In after years, when Paine was undergoing persecution for “infidelity,” he reminded the zealots that they would have to “accuse Providence of

infidelity," for having "protected him in all his dangers." Incidentally he gives reminiscences of his imprisonment.

"I was one of the nine members that composed the first Committee of Constitution. Six of them have been destroyed. Sieyès and myself have survived—he by bending with the times, and I by not bending. The other survivor [Barrère] joined Robespierre; he was seized and imprisoned in his turn, and sentenced to transportation. He has since apologized to me for having signed the warrant, by saying he felt himself in danger and was obliged to do it. Hérault Séchelles, an acquaintance of Mr. Jefferson, and a good patriot, was my *suppleant* as member of the Committee of Constitution. . . . He was imprisoned in the Luxembourg with me, was taken to the tribunal and guillotined, and I, his principal, left. There were two foreigners in the Convention, Anacharsis Clootz and myself. We were both put out of the Convention by the same vote, arrested by the same order, and carried to prison together the same night. He was taken to the guillotine, and I was again left. . . . Joseph Lebon, one of the vilest characters that ever existed, and who made the streets of Arras run with blood, was my *suppleant*, as member of the Convention for the Pas de Calais. When I was put out of the Convention he came and took my place. When I was liberated from prison and voted again into the Convention, he was sent to the same prison and took my place there, and he was sent to the guillotine instead of me. He supplied my place all the way through.

"One hundred and sixty-eight persons were taken out of the Luxembourg in one night, and a hundred and sixty of them guillotined next day, of which I knew I was to be one; and the manner I escaped that fate is curious, and has all the appearance of accident. The room in which I lodged was on the ground floor, and one of a long range of rooms under a gallery, and the door of it opened outward and flat against the wall; so that when it was open the inside of the door appeared outward, and the contrary when it was shut. I had three comrades, fellow prisoners with me, Joseph Vanhuile of Bruges, since president of the municipality of that town, Michael and

Robbins Bastini of Louvain. When persons by scores and by hundreds were to be taken out of the prison for the guillotine it was always done in the night, and those who performed that office had a private mark or signal by which they knew what rooms to go to, and what number to take. We, as I have said, were four, and the door of our room was marked, unobserved by us, with that number in chalk ; but it happened, if happening is the proper word, that the mark was put on when the door was open and flat against the wall, and thereby came on the inside when we shut it at night ; and the destroying angel passed by it."

Paine did not hear of this chalk mark until afterwards. In his letter to Washington he says :

"I had been imprisoned seven months, and the silence of the executive part of the government of America (Mr. Washington) upon the case, and upon every thing respecting me, was explanation enough to Robespierre that he might proceed to extremities. A violent fever which had nearly terminated my existence was, I believe, the circumstance that preserved it. I was not in a condition to be removed, or to know of what was passing, or of what had passed, for more than a month. It makes a blank in my remembrance of life. The first thing I was informed of was the fall of Robespierre."

The probabilities are that the prison physician Marhaski, whom Paine mentions with gratitude, was with him when the chalk mark was made, and that there was some connivance in the matter. In the same letter he says :

"From about the middle of March (1794) to the fall of Robespierre, July 29, (9th of Thermidor,) the state of things in the prisons was a continued scene of horror. No man could count upon life for twenty-four hours. To such a pitch of rage and suspicion were Robespierre and his committee arrived, that it seemed as if they feared to leave a man to live. Scarcely a night passed in which ten, twenty, thirty, forty,

fifty or more were not taken out of the prison, carried before a pretended tribunal in the morning, and guillotined before night. One hundred and sixty-nine were taken out of the Luxembourg one night in the month of July, and one hundred and sixty of them guillotined. A list of two hundred more, according to the report in the prison, was preparing a few days before Robespierre fell. In this last list I have good reason to believe I was included."

To this Paine adds the memorandum for his accusation found in Robespierre's note-book. Of course it was natural, especially with the memorandum, to accept the Robespierre mythology of the time without criticism. The massacres of July were not due to Robespierre, who during that time was battling with the Committee of Public Safety, at whose hands he fell on the 29th. At the close of June there was an alarm at preparations for an insurrection in Luxembourg prison, which caused a union of the Committee of Public Safety and the police, resulting in indiscriminate slaughter of prisoners. But Paine was discriminated. Barrère, long after, apologized to him for having signed "the warrant," by saying he felt himself in danger and was obliged to do it. Paine accepted the apology, and when Barrère had returned to France, after banishment, Paine introduced him to the English author, Lewis Goldsmith.<sup>1</sup> As Barrère did not sign the warrant for Paine's imprisonment, it must have been a warrant for his death, or for accusation at a moment when it was equivalent to a death sentence. Whatever danger Barrère had to fear, so great as to cause him to sacrifice Paine, it was

<sup>1</sup> "Mémoires de B. Barrère," t. i., p. 80. Lewis Goldsmith was the author of "Crimes of the Cabinets."

not from Robespierre; else it would not have continued to keep Paine in prison three months after Robespierre's death. As Robespierre's memorandum was for a "decree of accusation" against Paine, separately, which might not have gone against him, but possibly have dragged to light the conspiracy against him, there would seem to be no ground for connecting that "demand" with the warrant signed by a Committee he did not attend.

Paine had good cause for writing as he did in praise of "Forgetfulness." During the period in which he was unconscious with fever the horrors of the prison reached their apogee. On June 19th the kindly gaoler, Benoit, was removed and tried; he was acquitted but not restored. His place was given to a cruel fellow named Gayard, who instituted a reign of terror in the prison.

There are many evidences that the good Benoit, so warmly remembered by Paine, evaded the rigid police regulations as to communications of prisoners with their friends outside, no doubt with precaution against those of a political character. It is pleasant to record an instance of this which was the means of bringing beautiful rays of light into Paine's cell. Shortly before his arrest an English lady had called on him, at his house in the Faubourg St. Denis, to ask his intervention in behalf of an Englishman of rank who had been arrested. Paine had now, however, fallen from power, and could not render the requested service. This lady was the last visitor who preceded the officers who arrested him. But while he was in prison there was brought to him a communication, in a lady's

handwriting, signed "A little corner of the World." So far as can be gathered, this letter was of a poetical character, perhaps tinged with romance. It was followed by others, all evidently meant to beguile the weary and fearful hours of a prisoner whom she had little expectation of ever meeting again. Paine, by the aid of Benoit, managed to answer his "contemplative correspondent," as he called her, signing, "The Castle in the Air." These letters have never seen the light, but the sweetness of this sympathy did, for many an hour, bring into Paine's *oubliette* the oblivion of grief described in the letter on "Forgetfulness," sent to the lady after his liberation.

"Memory, like a beauty that is always present to hear herself flattered, is flattered by every one. But the absent and silent goddess, Forgetfulness, has no votaries, and is never thought of: yet we owe her much. She is the goddess of ease, though not of pleasure. When the mind is like a room hung with black, and every corner of it crowded with the most horrid images imagination can create, this kind, speechless maid, Forgetfulness, is following us night and day with her opium wand, and gently touching first one and then another, benumbs them into rest, and then glides away with the silence of a departing shadow."

Paine was not forgotten by his old friends in France. So soon as the excitement attending Robespierre's execution had calmed a little, Lantzenas (August 7th) sent Merlin de Thionville a copy of the "Age of Reason," which he had translated, and made his appeal.

"I think it would be in the well-considered interest of the Republic, since the fall of the tyrants we have overthrown, to re-examine the motives of Thomas Paine's imprisonment.



That re-examination is suggested by too many and sensible grounds to be related in detail. Every friend of liberty familiar with the history of our Revolution, and feeling the necessity of repelling the slanders with which despots are loading it in the eyes of nations, misleading them against us, will understand these grounds. Should the Committee of Public Safety, having before it no founded charge or suspicion against Thomas Paine, retain any scruples, and think that from my occasional conversation with that foreigner, whom the people's suffrage called to the national representation, and some acquaintance with his language, I might perhaps throw light upon their doubt, I would readily communicate to them all that I know about him. I request Merlin de Thionville to submit these considerations to the Committee."

Merlin was now a leading member of the Committee. On the following day Paine sent (in French) the following letters :

"CITIZENS, REPRESENTATIVES, AND MEMBERS OF THE COMMITTEE OF PUBLIC SAFETY : I address you a copy of a letter which I have to-day written to the Convention. The singular situation in which I find myself determines me to address myself to the whole Convention, of which you are a part.

" THOMAS PAINE.

"Maison d'Arrêt du Luxembourg,  
Le 19 Thermidor, l'an 2 de la République, une et indivisible."

"CITIZEN REPRESENTATIVES : If I should not express myself with the energy I used formerly to do, you will attribute it to the very dangerous illness I have suffered in the prison of the Luxembourg. For several days I was insensible of my own existence ; and though I am much recovered, it is with exceeding great difficulty that I find power to write you this letter.

"But before I proceed further, I request the Convention to observe : that this is the first line that has come from me, either

to the Convention, or to any of the Committees, since my imprisonment,—which is approaching to Eight months.—Ah, my friends, eight months' loss of Liberty seems almost a life-time to a man who has been, as I have been, the unceasing defender of Liberty for twenty years.

“I have now to inform the Convention of the reason of my not having written before. It is a year ago that I had strong reason to believe that Robespierre was my inveterate enemy, as he was the enemy of every man of virtue and humanity. The address that was sent to the Convention some time about last August from Arras, the native town of Robespierre, I have always been informed was the work of that hypocrite and the partizans he had in the place. The intention of that address was to prepare the way for destroying me, by making the People declare (though without assigning any reason) that I had lost their confidence; the Address, however, failed of success, as it was immediately opposed by a counter-address from St. Omer which declared the direct contrary. But the strange power that Robespierre, by the most consummate hypocrisy and the most hardened cruelties, had obtained rendered any attempt on my part to obtain justice not only useless but even dangerous; for it is the nature of Tyranny always to strike a deeper blow when any attempt has been made to repel a former one. This being my situation I submitted with patience to the hardness of my fate and waited the event of brighter days. I hope they are now arrived to the nation and to me.

“Citizens, when I left the United States in the year 1787, I promised to all my friends that I would return to them the next year; but the hope of seeing a Revolution happily established in France, that might serve as a model to the rest of Europe, and the earnest and disinterested desire of rendering every service in my power to promote it, induced me to defer my return to that country, and to the society of my friends, for more than seven years. This long sacrifice of private

tranquillity, especially after having gone through the fatigues and dangers of the American Revolution which continued almost eight years, deserved a better fate than the long imprisonment I have silently suffered. But it is not the nation but a faction that has done me this injustice, and it is to the national representation that I appeal against that injustice. Parties and Factions, various and numerous as they have been, I have always avoided. My heart was devoted to all France, and the object to which I applied myself was the Constitution. The Plan which I proposed to the Committee, of which I was a member, is now in the hands of Barrère, and it will speak for itself.

“It is perhaps proper that I inform you of the cause assigned in the order for my imprisonment. It is that I am ‘a Foreigner’; whereas, the *Foreigner* thus imprisoned was invited into France by a decree of the late national Assembly, and that in the hour of her greatest danger, when invaded by Austrians and Prussians. He was, moreover, a citizen of the United States of America, an ally of France, and not a subject of any country in Europe, and consequently not within the intentions of any of the decrees concerning Foreigners. But any excuse can be made to serve the purpose of malignity when it is in power.

“I will not intrude on your time by offering any apology for the broken and imperfect manner in which I have expressed myself. I request you to accept it with the sincerity with which it comes from my heart; and I conclude with wishing Fraternity and prosperity to France, and union and happiness to her representatives.

“Citizens, I have now stated to you my situation, and I can have no doubt but your justice will restore me to the Liberty of which I have been deprived.

“THOMAS PAINE.

“Luxembourg, Thermidor 19th, 2d year of the French Republic, one and indivisible.”

No doubt this touching letter would have been effectual had it reached the Convention. But the Committee of Public Safety took care that no whisper even of its existence should be heard. Paine's participation in their fostered dogma, that *Robespierre le veut* explained all crimes, probably cost him three more months in prison. The lamb had confided its appeal to the wolf. Barrère, Billaud-Varenes, and Collot d'Herbois, by skilful use of the dead scapegoat, maintained their places on the Committee until September 1st, and after that influenced its counsels. At the same time Morris, as we have seen, was keeping Monroe out of his place. There might have been a serious reckoning for these men had Paine been set free, or his case inquired into by the Convention. And Thuriot was now on the Committee of Public Safety; he was eager to lay his own crimes on Robespierre, and to conceal those of the Committee. Paine's old friend, Achille Audibert, unsuspecting as himself of the real facts, sent an appeal (August 20th) to "Citizen Thuriot, member of the Committee of Public Safety."

"REPRESENTATIVE :—A friend of mankind is groaning in chains,—Thomas Paine, who was not so politic as to remain silent in regard to a man unlike himself, but dared to say that Robespierre was a monster to be erased from the list of men. From that moment he became a criminal; the despot marked him as his victim, put him into prison, and doubtless prepared the way to the scaffold for him, as for others who knew him and were courageous enough to speak out.<sup>1</sup>

<sup>1</sup> It must be remembered that at this time it seemed the strongest recommendation of any one to public favor to describe him as a victim of Robespierre; and Paine's friends could conceive no other cause for the detention of a man they knew to be innocent.

“Thomas Paine is an acknowledged citizen of the United States. He was the secretary of the Congress for the department of foreign affairs during the Revolution. He has made himself known in Europe by his writings, and especially by his ‘Rights of Man.’ The electoral assembly of the department of Pas-de-Calais elected him one of its representatives to the Convention, and commissioned me to go to London, inform him of his election, and bring him to France. I hardly escaped being a victim to the English Government with which he was at open war ; I performed my mission ; and ever since friendship has attached me to Paine. This is my apology for soliciting you for his liberation.

“I can assure you, Representative, that America was by no means satisfied with the imprisonment of a strong column of its Revolution. Please to take my prayer into consideration. But for Robespierre’s villainy this friend of man would now be free. Do not permit liberty longer to see in prison a victim of the wretch who lives no more but by his crimes ; and you will add to the esteem and veneration I feel for a man who did so much to save the country amidst the most tremendous crisis of our Revolution.

“Greeting, respect, and brotherhood,

“ACHILLE AUDIBERT, of Calais.

“No. 216 Rue de Bellechase, Fauborg St. Germaine.”

Audibert’s letter, of course, sank under the burden of its Robespierre myth to a century’s sleep beside Paine’s, in the Committee’s closet.

Meanwhile, the regulation against any communication of prisoners with the outside world remaining in force, it was some time before Paine could know that his letter had been suppressed on its way to the Convention. He was thus late in discovering his actual enemies.

An interesting page in the annals of diplomacy remains to be written on the closing weeks of Morris in France. On August 14th he writes

to Robert Morris: "I am preparing for my departure, but as yet can take no step, as there is a kind of interregnum in the government and Mr. Monroe is not yet received, at which he grows somewhat impatient." There was no such interregnum, and no such explanation was given to Monroe, who writes:

"I presented my credentials to the commissary of foreign affairs soon after my arrival [August 2d]; but more than a week had elapsed, and I had obtained no answer, when or whether I should be received. A delay beyond a few days surprised me, because I could discern no adequate or rational motive for it."<sup>1</sup>

It is plain that the statement of Paine, who was certainly in communication with the Committees a year later, is true, that Morris was in danger on account of the interception of compromising letters written by him. He needed time to dispose of his house and horses, and ship his wines, and felt it important to retain his protecting credentials. At any moment his friends might be expelled from the Committee, and their papers be examined. While the arrangements for Monroe's reception rested with Morris and this unaltered Committee, there was little prospect of Monroe's being installed at all. The new Minister was therefore compelled, as other Americans had been, to appeal directly to the Convention. That assembly responded at once, and he was received (August 28th) with highest honors. Morris had nothing to do with the arrangement. The historian Frédéric Masson,

<sup>1</sup> "View of the Conduct of the Executive in the Foreign Affairs of the United States," by James Monroe, p. 7.

alluding to the "unprecedented" irregularity of Morris in not delivering or receiving letters of recall, adds that Monroe found it important to state that he had acted without consultation with his predecessor.<sup>1</sup> This was necessary for a cordial reception by the Convention, but it invoked the cordial hatred of Morris, who marked him for his peculiar guillotine set up in Philadelphia.

So completely had America and Congress been left in the dark about Paine that Monroe was surprised to find him a prisoner. When at length the new Minister was in a position to consult the French Minister about Paine, he found the knots so tightly tied around this particular victim—almost the only one left in the Luxembourg of those imprisoned during the Terror—that it was difficult to untie them. The Minister of Foreign Affairs was now M. Bouchot, a weak creature who, as Morris said, would not wipe his nose without permission of the Committee of Public Safety. When Monroe opened Paine's case he was asked whether he had brought instructions. Of course he had none, for the administration had no suspicion that Morris had not, as he said, attended to the case.

When Paine recovered from his fever he heard that Monroe had superseded Morris.

"As soon as I was able to write a note legible enough to be read, I found a way to convey one to him [Monroe] by means of the man who lighted the lamps in the prison, and whose unabated friendship to me, from whom he never received any service, and with difficulty accepted any recompense, puts the character of Mr. Washington to shame. In a few days I re-

<sup>1</sup> "Le Département des Affaires Étrangères," etc., p. 345.

ceived a message from Mr. Monroe, conveyed in a note from an intermediate person, with assurance of his friendship, and expressing a desire that I should rest the case in his hands. After a fortnight or more had passed, and hearing nothing farther, I wrote to a friend [Whiteside], a citizen of Philadelphia, requesting him to inform me what was the true situation of things with respect to me. I was sure that something was the matter; I began to have hard thoughts of Mr. Washington, but I was unwilling to encourage them. In about ten days I received an answer to my letter, in which the writer says: 'Mr. Monroe told me he had no order (meaning from the president, Mr. Washington) respecting you, but that he (Mr. Monroe) will do everything in his power to liberate you, but, from what I learn from the Americans lately arrived in Paris, you are not considered, either by the American government or by individuals, as an American citizen.' "

As the American government did regard Paine as an American citizen, and approved Monroe's demanding him as such, there is no difficulty in recognizing the source from which these statements were diffused among Paine's newly arriving countrymen. Morris was still in Paris.

On the receipt of Whiteside's note, Paine wrote a Memorial to Monroe, of which important parts—amounting to eight printed pages—are omitted from American and English editions of his works. In quoting this Memorial, I select mainly the omitted portions.<sup>1</sup> Paine says that before leaving London for the Convention, he consulted Minister Pinckney, who agreed with him that "it was for the interest of America that the system of European governments should be changed and placed

<sup>1</sup> The whole is published in French: "Mémoire de Thomas Payne, autographé et signé de sa main: adressé à M. Monroe, ministre des États-unis en France, pour réclamer sa mise en liberté comme Citoyen Américain, 10 Septembre, 1794. Villeneuve."



on the same principle with her own"; and adds: "I have wished to see America the mother church of government, and I have done my utmost to exalt her character and her condition." He points out that he had not accepted any title or office under a foreign government, within the meaning of the United States Constitution, because there was no government in France, the Convention being assembled to frame one; that he was a citizen of France only in the honorary sense in which others in Europe and America were declared such; that no oath of allegiance was required or given. The following paragraphs are from various parts of the Memorial.

"They who propagate the report of my not being considered as a citizen of America by government, do it to the prolongation of my imprisonment, and without authority; for Congress, as a government, has neither decided upon it, nor yet taken the matter into consideration; and I request you to caution such persons against spreading such reports. . . .

"I know not what opinions have been circulated in America. It may have been supposed there, that I had voluntarily and intentionally abandoned America, and that my citizenship had ceased by my own choice. I can easily conceive that there are those in that Country who would take such a proceeding on my part somewhat in disgust. The idea of forsaking old friendships for new acquaintances is not agreeable. I am a little warranted in making this supposition by a letter I received some time ago from the wife of one of the Georgia delegates, in which she says, 'your friends on this side the water cannot be reconciled to the idea of your abandoning America.' I have never abandoned America in thought, word, or deed, and I feel it incumbent upon me to give this assurance to the friends I have in that country, and with whom I have always intended, and am determined, if the possibility exists, to close the scene of my life. It is there that I have made myself a home. It is there that I have given the services of my best

days. America never saw me flinch from her cause in the most gloomy and perilous of her situations : and I know there are those in that Country who will not flinch from me. If I have Enemies (and every man has some) I leave them to the enjoyment of their ingratitude. . . .

“ It is somewhat extraordinary, that the Idea of my not being a Citizen of America should have arisen only at the time that I am imprisoned in France because, or on the pretence that, I am a foreigner. The case involves a strange contradiction of Ideas. None of the Americans who came to France whilst I was in liberty, had conceived any such idea or circulated any such opinion ; and why it should arise now is a matter yet to be explained. However discordant the late American Minister, Gouverneur Morris, and the late French Committee of Public Safety were, it suited the purpose of both that I should be continued in arrestation. The former wished to prevent my return to America, that I should not expose his misconduct ; and the latter, lest I should publish to the world the history of its wickedness. Whilst that Minister and that Committee continued, I had no expectation of liberty. I speak here of the Committee of which Robespierre was a member. . . .

“ I here close my Memorial and proceed to offer to you a proposal, that appears to me suited to all the circumstances of the case ; which is, that you reclaim me conditionally, until the opinion of Congress can be obtained upon the subject of my Citizenship of America, and that I remain in liberty under your protection during that time. I found this proposal upon the following grounds :

“ First, you say you have no orders respecting me ; consequently you have no orders *not* to reclaim me ; and in this case you are left discretionary judge whether to reclaim or not. My proposal therefore unites a consideration of your situation with my own.

“ Secondly, I am put in arrestation because I am a foreigner. It is therefore necessary to determine to what Country I belong. The right of determining this question cannot appertain exclusively to the committee of public safety or general surety ; because I appear to the Minister of the United States, and shew that my citizenship of that Country is good and valid, referring at the same time, through the agency of the

Minister, my claim of Right to the opinion of Congress,—it being a matter between two governments.

“Thirdly, France does not claim me for a citizen ; neither do I set up any claim of citizenship in France. The question is simply, whether I am or am not a citizen of America. I am imprisoned here on the decree for imprisoning Foreigners, because, say they, I was born in England. I say in answer, that, though born in England, I am not a subject of the English Government any more than any other American is who was born, as they all were, under the same government, or that the citizens of France are subjects of the French monarchy, under which they were born. I have twice taken the oath of abjuration to the British king and government, and of Allegiance to America. Once as a citizen of the State of Pennsylvania in 1776 ; and again before Congress, administered to me by the President, Mr. Hancock, when I was appointed Secretary in the office of foreign affairs in 1777. . . .

“Painful as the want of liberty may be, it is a consolation to me to believe that my imprisonment proves to the world that I had no share in the murderous system that then reigned. That I was an enemy to it, both morally and politically, is known to all who had any knowledge of me ; and could I have written French as well as I can English, I would publicly have exposed its wickedness, and shown the ruin with which it was pregnant. They who have esteemed me on former occasions, whether in America or England, will, I know, feel no cause to abate that esteem when they reflect, that imprisonment with preservation of character, is preferable to liberty with disgrace.”

In a postscript Paine adds that “as Gouverneur Morris could not inform Congress of the cause of my arrestation, as he knew it not himself, it is to be supposed that Congress was not enough acquainted with the case to give any directions respecting me when you left.” Which to the reader of the preceding pages will appear sufficiently naïve.

To this Monroe responded (September 18th) with a letter of warm sympathy, worthy of the

high-minded gentleman that he was. After ascribing the notion that Paine was not an American to mental confusion, and affirming his determination to maintain his rights as a citizen of the United States, Monroe says :

“ It is unnecessary for me to tell you how much all your countrymen, I speak of the great mass of the people, are interested in your welfare. They have not forgotten the history of their own revolution, and the difficult scenes through which they passed ; nor do they review its several stages without reviving in their bosoms a due sensibility of the merits of those who served them in that great and arduous conflict. The crime of ingratitude has not yet stained, and I trust never will stain, our national character. You are considered by them, as not only having rendered important services in our own revolution, but as being on a more extensive scale, the friend of human rights, and a distinguished and able advocate in favor of public liberty. To the welfare of Thomas Paine the Americans are not and cannot be indifferent. Of the sense which the President has always entertained of your merits, and of his friendly disposition towards you, you are too well assured to require any declaration of it from me. That I forward his wishes in seeking your safety is what I well know ; and this will form an additional obligation on me to perform what I should otherwise consider as a duty.

“ You are, in my opinion, menaced by no kind of danger. To liberate you, will be an object of my endeavors, and as soon as possible. But you must, until that event shall be accomplished, face your situation with patience and fortitude ; you will likewise have the justice to recollect, that I am placed here upon a difficult theatre, many important objects to attend to, and with few to consult. It becomes me in pursuit of those, to regulate my conduct in respect to each, as to the manner and the time, as will, in my judgment, be best calculated to accomplish the whole.

“ With great esteem and respect consider me personally your friend,

“ JAMES MONROE.”

Monroe was indeed "placed upon a difficult theatre." Morris was showing a fresh letter from the President expressing unabated confidence in him, apologizing for his recall; he still had friends in the Committee of Public Safety, to which Monroe had appealed in vain. The continued dread the conspirators had of Paine's liberation appears in the fact that Monroe's letter, written September 18th, did not reach Paine until October 18th, when Morris had reached the boundaryline of Switzerland, which he entered on the 19th. He had left Paris (Sainport) October 14th, when Barrère, Billaud-Varenes, and Collot d'Herbois, no longer on the Committee, were under accusation, and their papers under investigation,—a search that resulted in their exile. Morris got across the line on an irregular passport.

While Monroe's reassuring letter to Paine was taking a month to penetrate his prison walls, he vainly grappled with the subtle obstacles. All manner of delays impeded the correspondence, the principal one being that he could present no instructions from the President concerning Paine. Of course he was fighting in the dark, having no suspicion that the imprisonment was due to his predecessor. At length, however, he received from Secretary Randolph a letter (dated July 30th), from which, though Paine was not among its specifications, he could select a sentence as basis of action: "We have heard with regret that several of our citizens have been thrown into prison in France, from a suspicion of criminal attempts against the government. If they are guilty we are

extremely sorry for it; if innocent we must protect them." What Paine had said in his Memorial of collusion between Morris and the Committee of Public Safety probably determined Monroe to apply no more in that quarter; so he wrote (November 2d) to the Committee of General Surety. After stating the general principles and limitations of ministerial protection to an imprisoned countryman, he adds:

"The citizens of the United States cannot look back upon the time of their own revolution without recollecting among the names of their most distinguished patriots that of Thomas Paine; the services he rendered to his country in its struggle for freedom have implanted in the hearts of his countrymen a sense of gratitude never to be effaced as long as they shall deserve the title of a just and generous people.

"The above-named citizen is at this moment languishing in prison, affected with a disease growing more intense from his confinement. I beg, therefore, to call your attention to his condition and to request you to hasten the moment when the law shall decide his fate, in case of any accusation against him, and if none, to restore him to liberty.

"Greeting and fraternity

"MONROE."

At this the first positive assertion of Paine's American citizenship the prison door flew open. He had been kept there solely "pour les intérêts de l'Amérique," as embodied in Morris, and two days after Monroe undertook, without instructions, to affirm the real interests of America in Paine he was liberated.

"Brumaire, 13th. Third year of the French Republic.—The Committee of General Surety orders that the Citizen Thomas Paine be set at liberty, and the seals taken from his papers, on sight of these presents.

“Members of the Committee (signed): Clauzel, Lesage, Senault, Bentabole, Reverchon, Goupilleau de Fontenai, Rewbell.

“Delivered to Clauzel, as Commissioner.”

There are several interesting points about this little decree. It is signed by Bentabole, who had moved Paine's expulsion from the Convention. It orders that the seals be removed from Paine's papers, whereas none had been placed on them, the officers reporting them innocent. This same authority, which had ordered Paine's arrest, now, in ordering his liberation, shows that the imprisonment had never been a subject of French inquiry. It had ordered the seals but did not know whether they were on the papers or not. It was no concern of France, but only of the American Minister. It is thus further evident that when Monroe invited a trial of Paine there was not the least trace of any charge against him. And there was precisely the same absence of any accusation against Paine in the new Committee of Public Safety, to which Monroe's letter was communicated the same day.

Writing to Secretary Randolph (November 7th) Monroe says :

“ He was actually a citizen of the United States, and of the United States only ; for the Revolution which parted us from Great Britain broke the allegiance which was before due to the Crown, of all who took our side. He was, of course, not a British subject ; nor was he strictly a citizen of France, for he came by invitation for the temporary purpose of assisting in the formation of their government only, and meant to withdraw to America when that should be completed. And what confirms this is the act of the Convention itself arresting him, by which he is declared a foreigner. Mr. Paine pressed my interference.

I told him I had hoped getting him enlarged without it ; but, if I did interfere, it could only be by requesting that he be tried, in case there was any charge against him, and liberated in case there was not. This was admitted. His correspondence with me is lengthy and interesting, and I may probably be able hereafter to send you a copy of it. After some time had elapsed, without producing any change in his favor, I finally resolved to address the Committee of General Surety in his behalf, resting my application on the above principle. My letter was delivered by my Secretary in the Committee to the president, who assured him he would communicate its contents immediately to the Committee of Public Safety, and give me an answer as soon as possible. The conference took place accordingly between the two Committees, and, as I presume, on that night, or on the succeeding day ; for on the morning of the day after, which was yesterday, I was presented by the Secretary of the Committee of General Surety with an order for his enlargement. I forwarded it immediately to the Luxembourg, and had it carried into effect ; and have the pleasure now to add that he is not only released to the enjoyment of liberty, but is in good spirits."

In reply, the Secretary of State (Randolph) in a letter to Monroe of March 8, 1795, says : " Your observations on our commercial relations to France, and your conduct as to Mr. Gardoqui's letter, prove your judgment and assiduity. Nor are your measures as to Mr. Paine, and the lady of our friend [Lafayette] less approved."

Thus, after an imprisonment of ten months and nine days, Thomas Paine was liberated from the prison into which he had been cast by a Minister of the United States.