

CHAPTER III.

REVOLUTION *VS.* CONSTITUTION.

THE French revolutionists have long borne responsibility for the first declaration of war in 1793. But from December 13, 1792, when the Painophobia Parliament began its debates, to February 1st, when France proclaimed itself at war with England, the British government had done little else than declare war—and prepare war—against France. Pitt, having to be re-elected, managed to keep away from Parliament for several days at its opening, and the onslaught was assumed by Burke. He began by heaping insults on France. On December 15th he boasted that he had not been cajoled by promise of promotion or pension, though he presently, on the same evening, took his seat for the first time on the Treasury bench. In the “Parliamentary History” (vols. xxx. and xxxi.) may be found Burke’s epithets on France,—the “republic of assassins,” “Cannibal Castle,” “nation of murderers,” “gang of plunderers,” “murderous atheists,” “miscreants,” “scum of the earth.” His vocabulary grew in grossness, of course, after the King’s execution and the declaration of war, but from the first it was ribaldry and abuse. And this did not come from a private

member, but from the Treasury bench. He was supported by a furious majority which stopped at no injustice. Thus the Convention was burdened with guilt of the September massacres, though it was not then in existence. Paine's works being denounced, Erskine reminded the House of the illegality of so influencing a trial not yet begun. He was not listened to. Fox and fifty other earnest men had a serious purpose of trying to save the King's life, and proposed to negotiate with the Convention. Burke fairly foamed at the motions to that end, made by Fox and Lord Lansdowne. What, negotiate with such villains! To whom is our agent to be accredited? Burke draws a comic picture of the English ambassador entering the Convention, and, when he announces himself as from "George Third, by the grace of God," denounced by Paine. "Are we to humble ourselves before Judge Paine?" At this point Whetstone made a disturbance and was named. There were some who found Burke's trifling intolerable. Mr. W. Smith reminded the House that Cromwell's ambassadors had been received by Louis XIV. Fox drew a parallel between the contemptuous terms used toward the French, and others about "Hancock and his crew," with whom Burke advised treaty, and with whom His Majesty did treat. All this was answered by further insults to France, these corresponding with a series of practical injuries. Lord Gower had been recalled August 17th, after the formation of a republic, and all intercourse with the French Minister in London, Chauvelin, was terminated. In violation of the treaty

of 1786, the agents of France were refused permission to purchase grain and arms in England, and their vessels loaded with provisions seized. The circulation of French bonds, issued in 1790, was prohibited in England. A coalition had been formed with the enemies of France, the Emperor of Austria and the King of Prussia. Finally, on the execution of Louis XVI., Chauvelin was ordered (January 24th) to leave England in eight days. Talleyrand remained, but Chauvelin was kicked out of the country, so to say, simply because the Convention had recognized him. This appeared a plain *casus belli*, and was answered by the declaration of the Convention in that sense (February 1st), which England answered ten days later.¹

In all this Paine recognized the hand of Burke. While his adherents in England, as we have seen, were finding in Pitt a successor to Satan, there is a notable absence from Paine's writings and letters of any such animosity towards that Minister. He

¹ "It was stipulated in the treaty of commerce between France and England, concluded at Paris [1786] that the sending away an ambassador by either party, should be taken as an act of hostility by the other party. The declaration of war (February, 1793) by the Convention . . . was made in exact conformity to this article in the treaty; for it was not a declaration of war against England, but a declaration that the French republic is *in* war with England; the first act of hostility having been committed by England. The declaration was made on Chauvelin's return to France, and in consequence of it."—Paine's "Address to the People of France" (1797). The words of the declaration of war, following the list of injuries, are: "La Convention Nationale déclaré, au nom de la nation Française, qu'attendu les actes multipliés et d'agressions ci-dessus mentionnés, la république Française est en guerre avec le roi d'Angleterre." The solemn protest of Lords Lauderdale, Lansdowne, and Derby, February 1st, against the address in answer to the royal message, before France had spoken, regards that address as a demonstration of universal war. The facts and the situation are carefully set forth by Louis Blanc, "Histoire de la Révolution," tome viii., p. 93 *seq.*

regarded Pitt as a victim. "The father of Pitt," he once wrote, "when a member of the House of Commons, exclaiming one day, during a former war, against the enormous and ruinous expense of German connections, as the offspring of the Hanover succession, and borrowing a metaphor from the story of Prometheus, cried out: 'Thus, like Prometheus, is Britain chained to the barren rock of Hanover, whilst the imperial eagle preys upon her vitals.'" It is probable that on the intimations from Pitt, at the close of 1792, of his desire for private consultations with friendly Frenchmen, Paine entered into the honorable though unauthorized conspiracy for peace which was terminated by the expulsion of Chauvelin. In the light of later events, and the desertion of Dumouriez, these overtures of Pitt made through Talleyrand (then in London) were regarded by the French leaders, and are still regarded by French writers, as treacherous. But no sufficient reason is given for doubting Pitt's good faith in that matter. Writing to the President (Washington), December 28, 1792, the American Minister, Gouverneur Morris, states the British proposal to be :

"France shall deliver the royal family to such branch of the Bourbons as the King may choose, and shall recall her troops from the countries they now occupy. In this event Britain will send hither a Minister and acknowledge the Republic, and mediate a peace with the Emperor and King of Prussia. I have several reasons to believe that this information is not far from the truth."

It is true that Pitt had no agent in France whom he might not have disavowed, and that after the

fury with which the Painophobia Parliament, under lead of Burke, inspired by the King, had opened, could hardly have maintained any peaceful terms. Nevertheless, the friends of peace in France secretly acted on this information, which Gouverneur Morris no doubt received from Paine. A grand dinner was given by Paine, at the Hôtel de Ville, to Dumouriez, where this brilliant General met Brissot, Condorcet, Santerre, and several eminent English radicals, among them Sampson Perry. At this time it was proposed to send Dumouriez secretly to London, to negotiate with Pitt, but this was abandoned. Maret went, and he found Pitt gracious and pacific. Chauvelin, however, advised the French government of this illicit negotiation, and Maret was ordered to return. Such was the situation when Louis was executed. That execution, as we have seen, might have been prevented had Pitt provided the money; but it need not be supposed that, with Burke now on the Treasury bench, the refusal is to be ascribed to anything more than his inability to cope with his own majority, whom the King was patronizing. So completely convinced of Pitt's pacific disposition were Maret and his allies in France that the clandestine ambassador again departed for London. But on arriving at Dover, he learned that Chauvelin had been expelled, and at once returned to France.¹

Paine now held more firmly than ever the first article of his faith as to practical politics: the chief

¹ See Louis Blanc's "Histoire," etc., tome viii., p. 100, for the principal authorities concerning this incident.—*Annual Register*, 1793, ch. vi.; "Mémoires tirés des papiers d'un homme d'État," ii., p. 157; "Mémoires de Dumouriez," t. iii., p. 384.

task of republicanism is to break the Anglo-German sceptre. France is now committed to war; it must be elevated to that European aim. Lord North and America reappear in Burke and France.

Meanwhile what is said of Britain in his "Rights of Man" was now more terribly true of France—it had no Constitution. The Committee on the Constitution had declared themselves ready to report early in the winter, but the Mountaineers managed that the matter should be postponed until after the King's trial. As an American who prized his citizenship, Paine felt chagrined and compromised at being compelled to act as a legislator and a judge because of his connection with a Convention elected for the purpose of framing a legislative and judicial machinery. He and Condorcet continued to add touches to this Constitution, the Committee approving, and on the first opportunity it was reported again. This was February 15, 1793. But, says the *Moniteur*, "the struggles between the Girondins and the Mountain caused the examination and discussion to be postponed." It was, however, distributed.

Gouverneur Morris, in a letter to Jefferson (March 7th), says this Constitution "was read to the Convention, but I learnt the next morning that a Council had been held on it overnight, by which it was condemned." Here is evidence in our American archives of a meeting or "Council" condemning the Constitution on the night of its submission. It must have been secret, for it does not appear in French histories, so far as I can discover. Durand de Maillane says that "the exclu-

sion of Robespierre and Couthon from this eminent task [framing a Constitution] was a new matter for discontent and jealousy against the party of Pétion"—a leading Girondin,—and that Robespierre and his men desired "to render their work useless."¹ No indication of this secret condemnation of the Paine-Condorcet Constitution, by a conclave appeared on March 1st, when the document was again submitted. The Convention now set April 15th for its discussion, and the Mountaineers fixed that day for the opening of their attack on the Girondins. The Mayor of Paris appeared with a petition, adopted by the Communal Council of the thirty-five sections of Paris, for the arrest of twenty-two members of the Convention, as slanderers of Paris,—“presenting the Parisians to Europe as men of blood,”—friends of Roland, accomplices of the traitor Dumouriez, enemies of the clubs. The deputies named were: Brissot, Guadet, Vergniaud, Gensonné, Grangeneuve, Buzot, Barbaroux, Salles, Biroteau, Pontécoulant, Pétion, Lanjuinais, Valaze, Hardy, Louvet, Lehardy, Gorsas, Abbé Fauchet, Lanthenas, Lasource, Valady, Chambon. Of this list five were members of the Committee on the Constitution, and two supplementary members.² Besides this, two of the arraigned—Louvet and Lasource—had been especially active in pressing forward the Constitution. The Mountaineers turned the discord they thus

¹ “Histoire de la Convention Nationale,” p. 50. Durand-Maillane was “the silent member” of the Convention, but a careful observer and well-informed witness. I follow him and Louis Blanc in relating the fate of the Paine-Condorcet Constitution.

² See vol. i., p. 357.

caused into a reason for deferring discussion of the Constitution. They declared also that important members were absent, levying troops, and especially that Marat's trial had been ordered. The discussion on the petition against the Girondins, and whether the Constitution should be considered, proceeded together for two days, when the Mountaineers were routed on both issues. The Convention returned the petition to the Mayor, pronouncing it "calumnious," and it made the Constitution the order of the day. Robespierre, according to Durand-Maillane, showed much spite at this defeat. He adroitly secured a decision that the preliminary "Declaration of Rights" should be discussed first, as there could be endless talk on those generalities.¹

¹ This Declaration, submitted by Condorcet, April 17th, being largely the work of Paine, is here translated: The end of all union of men in society being maintenance of their natural rights, civil and political, these rights should be the basis of the social pact: their recognition and their declaration ought to precede the Constitution which secures and guarantees them. 1. The natural rights, civil and political, of men are liberty, equality, security, property, social protection, and resistance to oppression. 2. Liberty consists in the power to do whatever is not contrary to the rights of others; thus, the natural rights of each man has no limits other than those which secure to other members of society enjoyment of the same rights. 3. The preservation of liberty depends on the sovereignty of the Law, which is the expression of the general will. Nothing unforbidden by law can be impeached, and none may be constrained to do what it does not command. 4. Every man is free to make known his thought and his opinions. 5. Freedom of the press (and every other means of publishing one's thoughts) cannot be prohibited, suspended, or limited. 6. Every citizen shall be free in the exercise of his worship [*culte*]. 7. Equality consists in the power of each to enjoy the same rights. 8. The Law should be equal for all, whether in recompense, punishment, or restraint. 9. All citizens are admissible to all public positions, employments, and functions. Free peoples can recognise no grounds of preference except talents and virtues. 10. Security consists in the protection accorded by society to each citizen for the preservation of his person, property, and rights. 11. None should be sued, accused, arrested, or detained, save in cases determined by the law, and in accordance with forms prescribed by it. Every other act against a

It now appears plain that Robespierre, Marat, and the Mountaineers generally were resolved that there should be no new government. The difference between them and their opponents was fundamental : to them the Revolution was an end, to the others a means. The Convention was a purely revolutionary body. It had arbitrarily absorbed all legislative and judicial functions, exercising them without responsibility to any code or constitution. For instance, in State Trials French law required three fourths of the voices for condemnation ; had the rule been followed Louis XVI. would not have perished. Lanjuinais had pressed the point, and it was answered that the sentence on Louis was political, for the interest of the State ; *salus populi suprema lex*. This implied that the Convention,

citizen is arbitrary and null. 12. Those who solicit, promote, sign, execute or cause to be executed such arbitrary acts are culpable, and should be punished. 13. Citizens against whom the execution of such acts is attempted have the right of resistance by force. Every citizen summoned or arrested by the authority of law, and in the forms prescribed by it, should instantly obey ; he renders himself guilty by resistance. 14. Every man being presumed innocent until declared guilty, should his arrest be judged indispensable, all rigor not necessary to secure his person should be severely repressed by law. 15. None should be punished save in virtue of a law established and promulgated previous to the offence, and legally applied. 16. A law that should punish offences committed before its existence would be an arbitrary Act. Retroactive effect given to any law is a crime. 17. Law should award only penalties strictly and evidently necessary to the general security ; they should be proportioned to the offence and useful to society. 18. The right of property consists in a man's being master in the disposal, at his will, of his goods, capital, income, and industry. 19. No kind of work, commerce, or culture can be interdicted for any one ; he may make, sell, and transport every species of production. 20. Every man may engage his services, and his time ; but he cannot sell himself ; his person is not an alienable property. 21. No one may be deprived of the least portion of his property without his consent, unless because of public necessity, legally determined, exacted openly, and under the condition of a just indemnity in advance. 22. No tax shall be established except for the general utility, and to relieve public needs. All citizens have the right to co-operate,

turning aside from its appointed functions, had, in anticipation of the judicial forms it meant to establish, constituted itself into a Vigilance Committee to save the State in an emergency. But it never turned back again to its proper work. Now when the Constitution was framed, every possible obstruction was placed in the way of its adoption, which would have relegated most of the Mountaineers to private life.

Robespierre and Marat were in luck. The Paine-Condorcet Constitution omitted all mention of a Deity. Here was the immemorial and infallible recipe for discord, of which Robespierre made the most. He took the "Supreme Being" under his protection; he also took morality under his protection, insisting that the Paine-Condorcet Constitution

personally or by their representatives, in the establishment of public contributions. 23. Instruction is the need of all, and society owes it equally to all its members. 24. Public succors are a sacred debt of society, and it is for the law to determine their extent and application. 25. The social guarantee of the rights of man rests on the national sovereignty. 26. This sovereignty is one, indivisible, imprescriptible, and inalienable. 27. It resides essentially in the whole people, and each citizen has an equal right to co-operate in its exercise. 28. No partial assemblage of citizens, and no individual may attribute to themselves sovereignty, to exercise authority and fill any public function, without a formal delegation by the law. 29. Social security cannot exist where the limits of public administration are not clearly determined by law, and where the responsibility of all public functionaries is not assured. 30. All citizens are bound to co-operate in this guarantee, and to enforce the law when summoned in its name. 31. Men united in society should have legal means of resisting oppression. In every free government the mode of resisting different acts of oppression should be regulated by the Constitution. 32. It is oppression when a law violates the natural rights, civil and political, which it should ensure. It is oppression when the law is violated by public officials in its application to individual cases. It is oppression when arbitrary acts violate the rights of citizens against the terms of the law. 33. A people has always the right to revise, reform, and change its Constitution. One generation has no right to bind future generations, and all heredity in offices is absurd and tyrannical.

gave liberty even to illicit traffic. While these discussions were going on Marat gained his triumphant acquittal from the charges made against him by the Girondins. This damaging blow further demoralized the majority which was eager for the Constitution. By violence, by appeals against atheism, by all crafty tactics, the Mountaineers secured recommitment of the Constitution. To the Committee were added Hérault de Séchelles, Ramel, Mathieu, Couthon, Saint-Just,—all from the Committee of Public Safety. The Constitution as committed was the most republican document of the kind ever drafted, as remade it was a revolutionary instrument; but its preamble read: "In the presence and under the guidance (*auspices*) of the Supreme Being, the French People declare," etc.

God was in the Constitution; but when it was reported (June 10th) the Mountaineers had their opponents *en route* for the scaffold. The arraignment of the twenty-two, declared by the Convention "calumnious" six weeks before, was approved on June 2d. It was therefore easy to pass such a constitution as the victors desired. Some had suggested, during the theological debate, that "many crimes had been sanctioned by this King of kings,"—no doubt with emphasis on the discredited royal name. Robespierre identified his "Supreme Being" with NATURE, of whose ferocities the poor Girondins soon had tragical evidence.¹

¹ "Les rois, les aristocrates, les tyrants qu'ils soient, sont des esclaves révoltés contre le souverain de la terre, qui est le *genre humain*, et contre le législateur de l'univers, qui est la *nature*."—Robespierre's final article of "Rights," adopted by the Jacobins, April 21, 1793. Should not slaves revolt?

The Constitution was adopted by the Convention on June 25th; it was ratified by the Communes August 10th. When it was proposed to organize a government under it, and dissolve the Convention, Robespierre remarked: *That sounds like a suggestion of Pitt!* Thereupon the Constitution was suspended until universal peace, and the Revolution superseded the Republic as end and aim of France.¹

Some have ascribed to Robespierre a phrase he borrowed, on one occasion, from Voltaire, *Si Dieu n'existait pas, il faudrait l'inventer*. Robespierre's originality was that he did invent a god, made in his own image, and to that idol offered human sacrifices,—beginning with his own humanity. That he was genuinely superstitious is suggested by the plausibility with which his enemies connected him

¹ "I observed in the french revolutions that they always proceeded by stages, and made each stage a stepping stone to another. The Convention, to amuse the people, voted a constitution, and then voted to suspend the practical establishment of it till after the war, and in the meantime to carry on a revolutionary government. When Robespierre fell they proposed bringing forward the *suspended* Constitution, and apparently for this purpose appointed a committee to frame what they called *organic laws*, and these organic laws turned out to be a new Constitution (the Directory Constitution which was in general a good one). When Bonaparte overthrew this Constitution he got himself appointed first *Consul* for ten years, then for life, and now Emperor with an hereditary succession."—Paine to Jefferson. MS. (Dec. 27, 1804). The Paine-Condorcet Constitution is printed in *Œuvres Complètes de Condorcet*, vol. xviii. That which superseded it may be read (the Declaration of Rights omitted) in the "Constitutional History of France. By Henry C. Lockwood." (New York, 1890). It is, *inter alia*, a sufficient reason for describing the latter as revolutionary, that it provides that a Convention, elected by a majority of the departments, and a tenth part of the primaries, to revise or alter the Constitution, shall be "formed in like manner as the legislatures, and unite in itself the highest power." In other words, instead of being limited to constitutional revision, may exercise all legislative and other functions, just as the existing Convention was doing.

with the "prophetess," Catharine Théot, who pronounced him the reincarnate "Word of God." Certain it is that he revived the old forces of fanaticism, and largely by their aid crushed the Girondins, who were rationalists. Condorcet had said that in preparing a Constitution for France they had not consulted Numa's nymph or the pigeon of Mahomet; they had found human reason sufficient.

Corruption of best is worst. In the proportion that a humane deity would be a potent sanction for righteous laws, an inhuman deity is the sanction of inhuman laws. He who summoned a nature-god to the French Convention let loose the scourge on France. Nature inflicts on mankind, every day, a hundred-fold the agonies of the Reign of Terror. Robespierre had projected into nature a sentimental conception of his own, but he had no power to master the force he had evoked. That had to take the shape of the nature-gods of all time, and straightway dragged the Convention down to the savage plane where discussion becomes an exchange of thunder-stones. Such relapses are not very difficult to effect in revolutionary times. By killing off sceptical variations, and cultivating conformity, a cerebral evolution proceeded for ages by which kind-hearted people were led to worship jealous and cruel gods, who, should they appear in human form, would be dealt with as criminals. Unfortunately, however, the nature-god does not so appear; it is represented in euphemisms, while at the same time it coerces the social and human standard. Since the nature-god punishes hereditarily, kills every man at last,

and so tortures millions that the suggestion of hell seems only too probable to those sufferers, a political system formed under the legitimacy of such a superstition must subordinate crimes to sins, regard atheism as worse than theft, acknowledge the arbitrary principle, and confuse retaliation with justice. From the time that the shekinah of the nature-god settled on the Mountain, offences were measured, not by their injury to man, but as insults to the Mountain-god, or to his anointed. In the mysterious counsels of the Committee of Public Safety the rewards are as little harmonious with the human standard as in the ages when sabbath-breaking and murder met the same doom. Under the paralyzing splendor of a divine authority, any such considerations as the suffering or death of men become petty. The average Mountaineer was unable to imagine that those who tried to save Louis had other than royalist motives. In this Armageddon the Girondins were far above their opponents in humanity and intelligence, but the conditions did not admit of an entire adherence to their honorable weapons of argument and eloquence. They too often used deadly threats, without meaning them; the Mountaineers, who did mean them, took such phrases seriously, and believed the struggle to be one of life and death. Such phenomena of bloodshed, connected with absurdly inadequate causes, are known in history only where gods mingle in the fray. Reign of Terror? What is the ancient reign of the god of battles, jealous, angry every day, with everlasting tortures of fire prepared for the unorthodox, how-

ever upright, even more than for the immoral? In France too it was a suspicion of unorthodoxy in the revolutionary creed that plunged most of the sufferers into the lake of fire and brimstone.

From the time of Paine's speeches on the King's fate he was conscious that Marat's evil eye was on him. The American's inflexible republicanism had inspired the vigilance of the powerful journals of Brissot and Bonneville, which barred the way to any dictatorship. Paine was even propagating a doctrine against presidency, thus marring the example of the United States, on which ambitious Frenchmen, from Marat to the Napoleons, have depended for their stepping-stone to despotism. Marat could not have any doubt of Paine's devotion to the Republic, but knew well his weariness of the Revolution. In the simplicity of his republican faith Paine had made a great point of the near adoption of the Constitution, and dissolution of the Convention in five or six months, little dreaming that the Mountaineers were concentrating themselves on the aim of becoming masters of the existing Convention and then rendering it permanent. Marat regarded Paine's influence as dangerous to revolutionary government, and, as he afterwards admitted, desired to crush him. The proposed victim had several vulnerable points: he had been intimate with Gouverneur Morris, whose hostility to France was known; he had been intimate with Dumouriez, declared a traitor; and he had no connection with any of the Clubs, in which so many found asylum. He might have joined one of them had he known the French language,

and perhaps it would have been prudent to unite himself with the "Cordeliers," in whose *esprit de corps* some of his friends found refuge.

However, the time of intimidation did not come for two months after the King's death, and Paine was busy with Condorcet on the task assigned them, of preparing an Address to the People of England concerning the war of their government against France. This work, if ever completed, does not appear to have been published. It was entrusted (February 1st) to Barrère, Paine, Condorcet, and M. Faber. As Frédéric Masson, the learned librarian and historian of the Office of Foreign Affairs, has found some trace of its being assigned to Paine and Condorcet, it may be that further research will bring to light the Address. It could hardly have been completed before the warfare broke out between the Mountain and the Girondins, when anything emanating from Condorcet and Paine would have been delayed, if not suppressed. There are one or two brief essays in Condorcet's works—notably "The French Republic to Free Men"—which suggest collaboration with Paine, and may be fragments of their Address.¹

¹ "Œuvres Complètes de Condorcet," Paris, 1804, t. xvi., p. 16: "La République Française aux hommes libres." In 1794, when Paine was in prison, a pamphlet was issued by the revolutionary government, entitled: "An Answer to the Declaration of the King of England, respecting his Motives for Carrying on the Present War, and his Conduct towards France." This anonymous pamphlet, which is in English, replies to the royal proclamation of October 29th, and bears evidence of being written while the English still occupied Toulon or early in November, 1793. There are passages in it that suggest the hand of Paine, along with others which he could not have written. It is possible that some composition of his, in pursuance of the task assigned him and Condorcet, was utilized by the Committee of Public Safety in its answer to George III.

At this time the long friendship between Paine and Condorcet, and the Marchioness too, had become very intimate. The two men had acted together on the King's trial at every step, and their speeches on bringing Louis to trial suggest previous consultations between them.

Early in April Paine was made aware of Marat's hostility to him. General Thomas Ward reported to him a conversation in which Marat had said: "Frenchmen are mad to allow foreigners to live among them. They should cut off their ears, let them bleed a few days, and then cut off their heads." "But you yourself are a foreigner," Ward had replied, in allusion to Marat's Swiss birth.¹ The answer is not reported. At length a tragical incident occurred, just before the trial of Marat (April 13th), which brought Paine face to face with this enemy. A wealthy young Englishman, named Johnson, with whom Paine had been intimate in London, had followed him to Paris, where he lived in the same house with his friend. His love of Paine amounted to worship. Having heard of Marat's intention to have Paine's life taken, such was the young enthusiast's despair, and so terrible the wreck of his republican dreams, that he resolved on suicide. He made a will bequeathing his property to Paine, and stabbed himself. Fortunately he was saved by some one who entered just as he was about to give himself the third blow. It may have been Paine himself who then saved his friend's life; at any rate, he did so eventually.

¹ "Englishmen in the French Revolution." By John G. Alger. London, 1889, p. 176. (A book of many blunders.)

The decree for Marat's trial was made amid galleries crowded with his adherents, male and female ("Dames de la Fraternité"), who hurled cries of wrath on every one who said a word against him. All were armed, the women ostentatious of their poignards. The trial before the Revolutionary Tribunal was already going in Marat's favor, when it was determined by the Girondins to bring forward this affair of Johnson. Paine was not, apparently, a party to this move, though he had enjoined no secrecy in telling his friend Brissot of the incident, which occurred before Marat was accused. On April 16th there appeared in Brissot's journal *Le Patriote Français*, the following paragraph :

"A sad incident has occurred to apprise the anarchists of the mournful fruits of their frightful teaching. An Englishman, whose name I reserve, had abjured his country because of his detestation of kings ; he came to France hoping to find there liberty ; he saw only its mask on the hideous visage of anarchy. Heart-broken by this spectacle, he determined on self-destruction. Before dying, he wrote the following words, which we have read, as written by his own trembling hand, on a paper which is in the possession of a distinguished foreigner :—'I had come to France to enjoy Liberty, but Marat has assassinated it. Anarchy is even more cruel than despotism. I am unable to endure this grievous sight, of the triumph of imbecility and inhumanity over talent and virtue.'"

The acting editor of *Le Patriote Français*, Girey-Dupré, was summoned before the Tribunal, where Marat was on trial, and testified that the note published had been handed to him by Brissot, who assured him that it was from the original, in the hands of Thomas Paine. Paine deposed that he

had been unacquainted with Marat before the Convention assembled; that he had not supposed Johnson's note to have any connection with the accusations against Marat.

President.—Did you give a copy of the note to Brissot?

Paine.—I showed him the original.

President.—Did you send it to him as it is printed?

Paine.—Brissot could only have written this note after what I read to him, and told him. I would observe to the tribunal that Johnson gave himself two blows with the knife after he had understood that Marat would denounce him.

Marat.—Not because I would denounce the youth who stabbed himself, but because I wish to denounce Thomas Paine.¹

Paine (continuing).—Johnson had for some time suffered mental anguish. As for Marat, I never spoke to him but once. In the lobby of the Convention he said to me that the English people are free and happy; I replied, they groan under a double despotism.²

No doubt it had been resolved to keep secret the fact that young Johnson was still alive. The moment was critical; a discovery that Brissot had written or printed "avant de mourir" of one still alive might have precipitated matters.

It came out in the trial that Marat, addressing a club ("Friends of Liberty and Equality"), had asked them to register a vow to recall from the Convention "all of those faithless members who had betrayed their duties in trying to save a tyrant's life," such deputies being "traitors, royalists, or fools."

Meanwhile the Constitution was undergoing discussion in the Convention, and to that Paine now

¹ It would appear that Paine had not been informed until Marat declared it, and was confirmed by the testimony of Choppin, that the attempted suicide was on his account.

² *Moniteur*, April 24, 1793.

gave his entire attention. On April 20th the Convention, about midnight, when the Moderates had retired and the Mountaineers found themselves masters of the field, voted to entertain the petition of the Parisian sections against the Girondins. Paine saw the star of the Republic sinking. On "April 20th, 2d year of the Republic," he wrote as follows to Jefferson :

" My dear Friend,—The gentleman (Dr. Romer) to whom I entrust this letter is an intimate acquaintance of Lavater ; but I have not had the opportunity of seeing him, as he had sett off for Havre prior to my writing this letter, which I forward to him under cover from one of his friends, who is also an acquaintance of mine.

" We are now in an extraordinary crisis, and it is not altogether without some considerable faults here. Dumouriez, partly from having no fixed principles of his own, and partly from the continual persecution of the Jacobins, who act without either prudence or morality, has gone off to the Enemy, and taken a considerable part of the Army with him. The expedition to Holland has totally failed and all Brabant is again in the hands of the Austrians.

" You may suppose the consternation which such a sudden reverse of fortune has occasioned, but it has been without commotion. Dumouriez threatened to be in Paris in three weeks. It is now three weeks ago ; he is still on the frontier near to Mons with the Enemy, who do not make any progress. Dumouriez has proposed to re-establish the former Constitution, in which plan the Austrians act with him. But if France and the National Convention act prudently this project will not succeed. In the first place there is a popular disposition against it, and there is force sufficient to prevent it. In the next place, a great deal is to be taken into the calculation with respect to the Enemy. There are now so many powers accidentally jumbled together as to render it exceedingly difficult to them to agree upon any common object.

" The first object, that of restoring the old Monarchy, is

evidently given up by the proposal to re-establish the late Constitution. The object of England and Prussia was to preserve Holland, and the object of Austria was to recover Brabant; while those separate objects lasted, each party having one, the Confederation could hold together, each helping the other; but after this I see not how a common object is to be formed. To all this is to be added the probable disputes about opportunity, the expense, and the projects of reimbursements. The Enemy has once adventured into France, and they had the permission or the good fortune to get back again. On every military calculation it is a hazardous adventure, and armies are not much disposed to try a second time the ground upon which they have been defeated.

“Had this revolution been conducted consistently with its principles, there was once a good prospect of extending liberty through the greatest part of Europe; but I now relinquish that hope. Should the Enemy by venturing into France put themselves again in a condition of being captured, the hope will revive; but this is a risk that I do not wish to see tried, lest it should fail.

“As the prospect of a general freedom is now much shortened, I begin to contemplate returning home. I shall await the event of the proposed Constitution, and then take my final leave of Europe. I have not written to the President, as I have nothing to communicate more than in this letter. Please to present to him my affection and compliments, and remember me among the circle of my friends. Your sincere and affectionate friend,

“THOMAS PAINE.

“P. S. I just now received a letter from General Lewis Morris, who tells me that the house and Barn on my farm at N. Rochelle are burnt down. I assure you I shall not bring money enough to build another.”

Four days after this letter was written Marat, triumphant, was crowned with oak leaves. Fourede in his speech (April 16th) had said: “Marat has formally demanded dictatorship.” This was the mob’s reply: *Bos locutus est.*

With Danton, Paine had been on friendly terms, though he described as "rose water" the author's pleadings against the guillotine. On May 6th, Paine wrote to Danton a letter brought to light by Taine, who says: "Compared with the speeches and writings of the time, it produces the strangest effect by its practical good sense."¹ Dr. Robinet also finds here evidence of "a lucid and wise intellect."²

"PARIS, May 6th, 2nd year of the Republic (1793).

"CITOYEN DANTON :

"As you read English, I write this letter to you without passing it through the hands of a translator. I am exceedingly disturbed at the distractions, jealousies, discontents and uneasiness that reign among us, and which, if they continue, will bring ruin and disgrace on the Republic. When I left America in the year 1787, it was my intention to return the year following, but the French Revolution, and the prospect it afforded of extending the principles of liberty and fraternity through the greater part of Europe, have induced me to prolong my stay upwards of six years. I now despair of seeing the great object of European liberty accomplished, and my despair arises not from the combined foreign powers, not from the intrigues of aristocracy and priestcraft, but from the tumultuous misconduct with which the internal affairs of the present revolution is conducted.

"All that now can be hoped for is limited to France only, and I agree with your motion of not interfering in the government of any foreign country, nor permitting any foreign country to interfere in the government of France. This decree was necessary as a preliminary toward terminating the war. But while these internal contentions continue, while the hope remains to the enemy of seeing the Republic fall to pieces, while not only the representatives of the departments but representation itself is publicly insulted, as it has lately

¹ "La Révolution," ii., pp. 382, 413, 414.

² "Danton Emigré," p. 177.

been and now is by the people of Paris, or at least by the tribunes, the enemy will be encouraged to hang about the frontiers and await the issue of circumstances.

“I observe that the confederated powers have not yet recognised Monsieur, or D’Artois, as regent, nor made any proclamation in favour of any of the Bourbons ; but this negative conduct admits of two different conclusions. The one is that of abandoning the Bourbons and the war together ; the other is that of changing the object of the war and substituting a partition scheme in the place of their first object, as they have done by Poland. If this should be their object, the internal contentions that now rage will favour that object far more than it favoured their former object. The danger every day increases of a rupture between Paris and the departments. The departments did not send their deputies to Paris to be insulted, and every insult shown to them is an insult to the departments that elected and sent them. I see but one effectual plan to prevent this rupture taking place, and that is to fix the residence of the Convention, and of the future assemblies, at a distance from Paris.

“I saw, during the American Revolution, the exceeding inconvenience that arose by having the government of Congress within the limits of any Municipal Jurisdiction. Congress first resided in Philadelphia, and after a residence of four years it found it necessary to leave it. It then adjourned to the State of Jersey. It afterwards removed to New York ; it again removed from New York to Philadelphia, and after experiencing in every one of these places the great inconvenience of a government, it formed the project of building a Town, not within the limits of any municipal jurisdiction, for the future residence of Congress. In any one of the places where Congress resided, the municipal authority privately or openly opposed itself to the authority of Congress, and the people of each of those places expected more attention from Congress than their equal share with the other States amounted to. The same thing now takes place in France, but in a far greater excess.

“I see also another embarrassing circumstance arising in Paris of which we have had full experience in America. I mean that of fixing the price of provisions. But if this meas-

ure is to be attempted it ought to be done by the Municipality. The Convention has nothing to do with regulations of this kind ; neither can they be carried into practice. The people of Paris may say they will not give more than a certain price for provisions, but as they cannot compel the country people to bring provisions to market the consequence will be directly contrary to their expectations, and they will find dearness and famine instead of plenty and cheapness. They may force the price down upon the stock in hand, but after that the market will be empty.

“I will give you an example. In Philadelphia we undertook, among other regulations of this kind, to regulate the price of Salt ; the consequence was that no Salt was brought to market, and the price rose to thirty-six shillings sterling per Bushel. The price before the war was only one shilling and sixpence per Bushel ; and we regulated the price of flour (farine) till there was none in the market, and the people were glad to procure it at any price.

“There is also a circumstance to be taken into the account which is not much attended to. The assignats are not of the same value they were a year ago, and as the quantity increases the value of them will diminish. This gives the appearance of things being dear when they are not so in fact, for in the same proportion that any kind of money falls in value articles rise in price. If it were not for this the quantity of assignats would be too great to be circulated. Paper money in America fell so much in value from this excessive quantity of it, that in the year 1781 I gave three hundred paper dollars for one pair of worsted stockings. What I write you upon this subject is experience, and not merely opinion.

“I have no personal interest in any of these matters, nor in any party disputes. I attend only to general principles.

“As soon as a constitution shall be established I shall return to America ; and be the future prosperity of France ever so great, I shall enjoy no other part of it than the happiness of knowing it. In the mean time I am distressed to see matters so badly conducted, and so little attention paid to moral principles. It is these things that injure the character of the Revolution and discourage the progress of liberty all over the world.

“When I began this letter I did not intend making it so lengthy, but since I have gone thus far I will fill up the remainder of the sheet with such matters as occur to me.

“There ought to be some regulation with respect to the spirit of denunciation that now prevails. If every individual is to indulge his private malignancy or his private ambition, to denounce at random and without any kind of proof, all confidence will be undermined and all authority be destroyed. Calumny is a species of Treachery that ought to be punished as well as any other kind of Treachery. It is a private vice productive of public evils ; because it is possible to irritate men into disaffection by continual calumny who never intended to be disaffected. It is therefore, equally as necessary to guard against the evils of unfounded or malignant suspicion as against the evils of blind confidence. It is equally as necessary to protect the characters of public officers from calumny as it is to punish them for treachery or misconduct. For my own part I shall hold it a matter of doubt, until better evidence arises than is known at present, whether Dumouriez has been a traitor from policy or from resentment. There was certainly a time when he acted well, but it is not every man whose mind is strong enough to bear up against ingratitude, and I think he experienced a great deal of this before he revolted. Calumny becomes harmless and defeats itself when it attempts to act upon too large a scale. Thus the denunciation of the Sections [of Paris] against the twenty-two deputies falls to the ground. The departments that elected them are better judges of their moral and political characters than those who have denounced them. This denunciation will injure Paris in the opinion of the departments because it has the appearance of dictating to them what sort of deputies they shall elect. Most of the acquaintances that I have in the convention are among those who are in that list, and I know there are not better men nor better patriots than what they are.

“I have written a letter to Marat of the same date as this but not on the same subject. He may show it to you if he chuse.

“Votre Ami,

“THOMAS PAINE.

“Citoyen Danton.”

It is to be hoped that Paine's letter to Marat may be discovered in France ; it is shown by the Cobbett papers, printed in the Appendix, that he kept a copy, which there is reason to fear perished with General Bonneville's library in St. Louis. Whatever may be the letter's contents, there is no indication that thereafter Marat troubled Paine. Possibly Danton and Marat compared their letters, and the latter got it into his head that hostility to this American, anxious only to cross the ocean, could be of no advantage to him. Or perhaps he remembered that if a hue and cry were raised against "foreigners" it could not stop short of his own leaf-crowned Neufchatel head. He had shown some sensitiveness about that at his trial. Samson-Pegnet had testified that, at conversations in Paine's house, Marat had been reported as saying that it was necessary to massacre all the foreigners, especially the English. This Marat pronounced an "atrocious calumny, a device of the statesmen [his epithet for Girondins] to render me odious." Whatever his motives, there is reason to believe that Marat no longer included Paine in his proscribed list. Had it been otherwise a fair opportunity of striking down Paine presented itself on the occasion, already alluded to, when Paine gave his testimony in favor of General Miranda. Miranda was tried before the Revolutionary Tribunal on May 12th, and three days following. He had served under Dumouriez, was defeated, and was suspected of connivance with his treacherous commander. Paine was known to have been friendly with Dumouriez, and his testimony in favor of Miranda might natu-

rally have been used against both men. Miranda was, however, acquitted, and that did not make Marat better disposed towards that adventurer's friends, all Girondins, or, like Paine, who belonged to no party, hostile to Jacobinism. Yet when, on June 2d, the doomed Girondins were arrested, there were surprising exceptions : Paine and his literary collaborateur, Condorcet. Moreover, though the translator of Paine's works, Lanthenas, was among the proscribed, his name was erased on Marat's motion.

On June 7th Robespierre demanded a more stringent law against foreigners, and one was soon after passed ordering their imprisonment. It was understood that this could not apply to the two foreigners in the Convention—Paine and Anacharsis Clootz,—though it was regarded as a kind of warning to them. I have seen it stated, but without authority, that Paine had been admonished by Danton to stay away from the Convention on June 2d, and from that day there could not be the slightest utility in his attendance. The Mountaineers had it all their own way. For simply criticising the Constitution they brought forward in place of that of the first committee, Condorcet had to fly from prosecution. Others also fled, among them Brissot and Duchatel. What with the arrestations and flights Paine found himself, in June, almost alone. In the Convention he was sometimes the solitary figure left on the Plain, where but now sat the brilliant statesmen of France. They, his beloved friends, have started in procession towards the guillotine, for even flight must end there ; daily others are pressed into

their ranks ; his own summons, he feels, is only a question of a few weeks or days. How Paine loved those men—Brissot, Condorcet, Lasource, Duchatel, Vergniaud, Gensonné ! Never was man more devoted to his intellectual comrades. Even across a century one may realize what it meant to him, that march of some of his best friends to the scaffold, while others were hunted through France, and the agony of their families, most of whom he well knew.

Alas, even this is not the worst ! For what were the personal fate of himself or any compared with the fearful fact that the harvest is past and the republic not saved ! Thus had ended all his labors, and his visions of the Commonwealth of Man. The time had come when many besides poor Johnson sought peace in annihilation. Paine, heartbroken, sought oblivion in brandy. Recourse to such anæsthetic, of which any affectionate man might fairly avail himself under such incredible agony as the ruin of his hopes and the approaching murder of his dearest friends, was hitherto unknown in Paine's life. He drank freely, as was the custom of his time ; but with the exception of the evidence of an enemy at his trial in England, that he once saw him under the influence of wine after a dinner party (1792), which he admitted was "unusual," no intimation of excess is discoverable in any contemporary record of Paine until this his fifty-seventh year. He afterwards told his friend Rickman that, "borne down by public and private affliction, he had been driven to excesses in Paris" ; and, as it was about this time that Gouverneur Morris and Colonel

Bosville, who had reasons for disparaging Paine, reported stories of his drunkenness (growing ever since), we may assign the excesses mainly to June. It will be seen by comparison of the dates of events and documents presently mentioned that Paine could not have remained long in this pardonable refuge of mental misery. Charlotte Corday's poignard cut a rift in the black cloud. After that tremendous July 13th there is positive evidence not only of sobriety, but of life and work on Paine's part that make the year memorable.

Marat dead, hope springs up for the arrested Girondins. They are not yet in prison, but under "arrestation in their homes"; death seemed inevitable while Marat lived, but Charlotte Corday has summoned a new leader. Why may Paine's imperilled comrades not come forth again? Certainly they will if the new chieftain is Danton, who under his radical rage hides a heart. Or if Marat's mantle falls on Robespierre, would not that scholarly lawyer, who would have abolished capital punishment, reverse Marat's cruel decrees? Robespierre had agreed to the new Constitution (reported by Paine's friend, Héroult de Séchelles) and when even that dubious instrument returns with the popular sanction, all may be well. The Convention, which is doing everything except what it was elected to do, will then dissolve, and the happy Republic remember it only as a nightmare. So Paine takes heart again, abandons the bowl of forgetfulness, and becomes a republican Socrates instructing disciples in an old French garden.