

CHAPTER IX.

A RESTORATION.

As in 1792 Paine had left England with the authorities at his heels, so in 1794 escaped Morris from France. The ex-Minister went off to play courtier to George III. and write for Louis XVIII. the despotic proclamation with which monarchy was to be restored in France"¹; Paine sat in the house of a real American Minister, writing proclamations of republicanism to invade the empires. So passed each to his own place.

While the American Minister in Paris and his wife were nursing their predecessor's victim back into life, a thrill of joy was passing through European courts, on a rumor that the dreaded author had been guillotined. Paine had the satisfaction of reading, at Monroe's fireside, his own last words on the scaffold,² and along with it an invitation of

¹ Morris' royal proclamations are printed in full in his biography by Jared Sparks.

² "The last dying words of Thomas Paine. Executed at the Guillotine in France on the 1st of September, 1794." The dying speech begins: "Ye numerous spectators gathered around, pray give ear to my last words; I am determined to speak the Truth in these my last moments, altho' I have written and spoke nothing but lies all my life." There is nothing in the witless leaflet worth quoting. When Paine was burnt in effigy, in 1792, it appears to have been with accompaniments of the same kind. Before me is a small placard, which reads thus: "The Dying Speech and Confession of the Arch-Traitor Thomas Paine. Who was executed at Oakham on Thurs-

the Convention to return to its bosom. On December 7, 1794, Thibaudeau had spoken to that assembly in the following terms :

“It yet remains for the Convention to perform an act of justice. I reclaim one of the most zealous defenders of liberty—Thomas Paine. (*Loud applause.*) My reclamation is for a man who has honored his age by his energy in defence of the rights of humanity, and who is so gloriously distinguished by his part in the American revolution. A naturalized Frenchman¹ by a decree of the legislative assembly, he was nominated by the people. It was only by an intrigue that he was driven from the Convention, the pretext being a decree excluding foreigners from representing the French people. There were only two foreigners in the Convention; one [Anacharsis Clootz] is dead, and I speak not of him, but of Thomas Paine, who powerfully contributed to establish liberty in a country allied with the French Republic. I demand that he be recalled to the bosom of the Convention.” (*Applause.*)

The *Moniteur*, from which I translate, reports the unanimous adoption of Thibaudeau's motion. But this was not enough. The Committee of Public Instruction, empowered to award pensions for literary services, reported (January 3, 1795) as the first name on their list, Thomas Paine. Chenier, in reading the report, claimed the honor of having originally suggested Paine's name as an honorary citizen of France, and denounced, amid applause, the decree against foreigners under which the great author had suffered.

day the 27th of December 1792. This morning the Officers usually attending on such occasions went in procession on Horseback to the County Gaol, and demanded the Body of the Arch-Traitor, and from thence proceeded with the Criminal drawn in a Cart by an Ass to the usual place of execution with his Pamphlet called the 'Rights of Man' in his right hand.”

¹ Here Thibaudeau was inexact. In the next sentence but one he rightly describes Paine as a foreigner. The allusion to “an intrigue” is significant.

“You have revoked that inhospitable decree, and we again see Thomas Paine, the man of genius without fortune, our colleague, dear to all friends of humanity,—a cosmopolitan, persecuted equally by Pitt and by Robespierre. Notable epoch in the life of this philosopher, who opposed the arms of Common Sense to the sword of Tyranny, the Rights of Man to the machiavelism of English politicians; and who, by two immortal works, has deserved well of the human race, and consecrated liberty in the two worlds.”

Poor as he was, Paine declined this literary pension. He accepted the honors paid him by the Convention, no doubt with a sorrow at the contrasted silence of those who ruled in America. Monroe, however, encouraged him to believe that he was still beloved there, and, as he got stronger, a great homesickness came upon him. The kindly host made an effort to satisfy him. On January 4th he (Monroe) wrote to the Committee of Public Safety:

“CITIZENS: The Decree just passed, bearing on the execution of Articles 23 and 24 of the Treaty of Friendship and Commerce between the two Republics, is of such great importance to my country, that I think it expedient to send it there officially, by some particularly confidential hand; and no one seems to be better fitted for this errand than Thomas Paine. Having resided a long time in France, and having a perfect knowledge of the many vicissitudes which the Republic has passed, he will be able to explain and compare the happy lot she now enjoys. As he has passed the same himself, remaining faithful to his principles, his reports will be the more trustworthy, and consequently produce a better effect. But as Citizen Paine is a member of the Convention, I thought it better to submit this subject to your consideration. If this affair can be arranged, the Citizen will leave for America immediately, *via* Bordeaux, on an American vessel which will be prepared for him. As he has reason to fear the persecution of the English government, should he be taken prisoner, he desires that his departure may be kept a secret.

“JAS. MONROE.”

The Convention alone could give a passport to one of its members, and as an application to it would make Paine's mission known, the Committee returned next day a negative answer.

“CITIZEN : We see with satisfaction and without surprise, that you attach some interest to sending officially to the United States the Decree which the National Convention has just made, in which are recalled and confirmed the reports of Friendship and Commerce existing between the two Republics.

“As to the design you express of confiding this errand to Citizen Thomas Paine, we must observe to you that the position he holds will not permit him to accept it. Salutation and Friendship.

“CAMBACÉRÈS.”¹

Liberty's great defender gets least of it ! The large seal of the Committee—mottoed “Activity, Purity, Attention”—looks like a wheel of fortune ; but one year before it had borne from the Convention to prison the man it now cannot do without. France now especially needs the counsel of shrewd and friendly American heads. There are indications that Jay in London is carrying the United States into Pitt's combination against the Republic, just as it is breaking up on the Continent.

Monroe's magnanimity towards Paine found its reward. He brought to his house, and back into life, just the one man in France competent to give him the assistance he needed. Comprehending the history of the Revolution, knowing the record of every actor in it, Paine was able to revise Monroe's impressions, and enable him to check calumnies circulated in America. The despatches of

¹ State Archives of France. États Unis, vol. xliii. Monroe dates his letter, “19th year of the American Republic.”

Monroe are of high historic value, largely through knowledge derived from Paine.

Nor was this all. In Monroe's instructions emphasis was laid on the importance to the United States of the free navigation of the Mississippi and its ultimate control.¹ Paine's former enthusiasm in this matter had possibly been utilized by Gouverneur Morris to connect him, as we have seen, with Genêt's proceedings. The Kentuckians consulted Paine at a time when expulsion of the Spaniard was a patriotic American scheme. This is shown in a letter written by the Secretary of State (Randolph) to the President, February 27, 1794.

"Mr. Brown [Senator of Kentucky] has shown me a letter from the famous Dr. O'Fallon to Captain Herron, dated Oct. 18, 1793. It was intercepted, and he has permitted me to take the following extract :—'This plan (an attack on Louisiana) was digested between Gen. Clarke and me last Christmas. I framed the whole of the correspondence in the General's name, and corroborated it by a private letter of my own to Mr. Thomas Paine, of the National Assembly, with whom during the late war I was very intimate. His reply reached me but a few days since, enclosed in the General's despatches from the Ambassador.'" ²

¹ "The conduct of Spain towards us is unaccountable and injurious. Mr. Pinckney is by this time gone over to Madrid as our envoy extraordinary to bring matters to a conclusion some way or other. But you will seize any favorable moment to execute what has been entrusted to you respecting the Mississippi."—*Randolph to Monroe*, February 15, 1795.

² Two important historical works have recently appeared relating to the famous Senator Brown. The first is a publication of the Filson Club: "The Political Beginnings of Kentucky," by John Mason Brown. The second is: "The Spanish Conspiracy," by Thomas Marshall Green (Cincinnati, Robert Clarke & Co., 1891). The intercepted letter quoted above has some bearing on the controversy between these authors. Apparently, Senator Brown, like many other good patriots, favored independent action in Kentucky when that seemed for the welfare of the United States, but, when the situation had changed, Brown is found co-operating with Washington and Randolph.

That such letters (freely written as they were at the beginning of 1793) were now intercepted indicates the seriousness of the situation time had brought on. The administration had soothed the Kentuckians by pledges of pressing the matter by negotiations. Hence Monroe's instructions, in carrying out which Paine was able to lend a hand.

In the State Archives at Paris (*États Unis*, vol. xliii.) there are two papers marked "Thomas Payne." The first urges the French Ministry to seize the occasion of a treaty with Spain to do a service to the United States: let the free navigation of the Mississippi be made by France a condition of peace. The second paper (endorsed "3 Ventose, February 21, 1795") proposes that, in addition to the condition made to Spain, an effort should be made to include American interests in the negotiation with England, if not too late. The negotiation with England was then finished, but the terms unpublished. Paine recommended that the Convention should pass a resolution that freedom of the Mississippi should be a condition of peace with Spain, which would necessarily accept it; and that, in case the arrangement with England should prove unsatisfactory, any renewed negotiations should support the just reclamations of their American ally for the surrender of the frontier posts and for depredations on their trade. Paine points out that such a declaration could not prolong the war a day, nor cost France an obole; whereas it might have a decisive effect in the United States, especially if Jay's treaty with England should be reprehensible, and should be approved in America.

That generosity "would certainly raise the reputation of the French Republic to the most eminent degree of splendour, and lower in proportion that of her enemies." It would undo the bad effects of the depredations of French privateers on American vessels, which rejoiced the British party in the United States and discouraged the friends of liberty and humanity there. It would acquire for France the merit which is her due, supply her American friends with strength against the intrigues of England, and cement the alliance of the Republics.

This able paper might have been acted on, but for the anger in France at the Jay treaty.

While writing in Monroe's house, the invalid, with an abscess in his side and a more painful sore in his heart—for he could not forget that Washington had forgotten him,—receives tidings of new events through cries in the street. In the month of his release they had been resonant with yells as the Jacobins were driven away and their rooms turned to a Normal School. Then came shouts, when, after trial, the murderous committeemen were led to execution or exile. In the early weeks of 1795 the dread sounds of retribution subside, and there is a cry from the street that comes nearer to Paine's heart—"Bread and the Constitution of Ninety-three!" He knows that it is his Constitution for which they are really calling, for they cannot understand the Robespierrian adulteration of it given out, as one said, as an opiate to keep the country asleep. The people are sick of revolutionary rule. These are the people in whom Paine has

ever believed,—the honest hearts that summoned him, as author of “The Rights of Man,” to help form their Constitution. They, he knows, had to be deceived when cruel deeds were done, and heard of such deeds with as much horror as distant peoples. Over that Constitution for which they were clamoring he and his lost friend Condorcet had spent many a day of honest toil. Of the original Committee of Nine appointed for the work, six had perished by the revolution, one was banished, and two remained—Sieyès and Paine. That original Committee had gradually left the task to Paine and Condorcet,—Sieyès, because he had no real sympathy with republicanism, though he honored Paine.¹ When afterwards asked how he had survived the Terror, Sieyès answered, “I lived.” He lived by bending, and now leads a Committee of Eleven on the Constitution, while Paine, who did not bend, is disabled. Paine knows Sieyès well. The people will vainly try for the “Constitution of Ninety-three.” They shall have no Constitution but of Sieyès’ making, and in it will be some element of monarchy. Sieyès presently seemed to retire from the Committee, but old republicans did not doubt that he was all the more swaying it.

¹ “Mr. Thomas Paine is one of those men who have contributed the most to establish the liberty of America. His ardent love of humanity, and his hatred of every sort of tyranny, have induced him to take up in England the defence of the French revolution, against the amphigorical declamation of Mr. Burke. His work has been translated into our language, and is universally known. What French patriot is there who has not already, from the bottom of his heart, thanked this foreigner for having strengthened our cause by all the powers of his reason and reputation? It is with pleasure that I observe an opportunity of offering him the tribute of my gratitude and my esteem for the truly philosophical application of talents so distinguished as his own.”—Sieyès in the *Moniteur*, July 6, 1791.

So once more Paine seizes his pen ; his hand is feeble, but his intellect has lost no fibre of force, nor his heart its old faith. His trust in man has passed through the ordeal of seeing his friends—friends of man—murdered by the people's Convention, himself saved by accident ; it has survived the apparent relapse of Washington into the arms of George the Third. The ingratitude of his faithfully-served America is represented by an abscess in his side, which may strike into his heart—in a sense has done so—but will never reach his faith in liberty, equality, and humanity.

Early in July the Convention is reading Paine's "Dissertation on First Principles of Government." His old arguments against hereditary right, or investing even an elective individual with extraordinary power, are repeated with illustrations from the passing Revolution.

"Had a Constitution been established two years ago, as ought to have been done, the violences that have since desolated France and injured the character of the revolution, would, in my opinion, have been prevented. The nation would have had a bond of union, and every individual would have known the line of conduct he was to follow. But, instead of this, a revolutionary government, a thing without either principle or authority, was substituted in its place ; virtue or crime depended upon accident ; and that which was patriotism one day, became treason the next. All these things have followed from the want of a Constitution ; for it is the nature and intention of a Constitution to prevent governing by party, by establishing a common principle that shall limit and control the power and impulse of party, and that says to all parties, *Thus far shalt thou go, and no farther.* But in the absence of a Constitution men look entirely to party ; and instead of principle governing party, party governs principle.

“An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret and to misapply even the best of laws. He that would make his own liberty secure, must guard even his enemy from oppression ; for if he violates this duty, he establishes a precedent that will reach himself.”

Few of Paine's pamphlets better deserve study than this. In writing it, he tells us, he utilized the fragment of a work begun at some time not stated, which he meant to dedicate to the people of Holland, then contemplating a revolution. It is a condensed statement of the principles underlying the Constitution written by himself and Condorcet, now included among Condorcet's works. They who imagine that Paine's political system was that of the democratic demagogues may undeceive themselves by pondering this pamphlet. It has been pointed out, on a previous page of this work, that Paine held the representative to be not the voter's mouthpiece, but his delegated sovereignty. The representatives of a people are therefore its supreme power. The executive, the ministers, are merely as chiefs of the national police engaged in enforcing the laws. They are mere employés, without any authority at all, except of superintendence. “The executive department is official, and is subordinate to the legislative as the body is to the mind.” The chief of these official departments is the judicial. In appointing officials the most important rule is, “never to invest any individual with extraordinary power ; for besides being tempted to misuse it, it will excite contention and commotion in the nation for the office.”

All of this is in logical conformity with the same

author's "Rights of Man," which James Madison declared to be an exposition of the principles on which the United States government is based. It would be entertaining to observe the countenance of a President should our House of Representatives address him as a chief of national police.

Soon after the publication of Paine's "Dissertation" a new French Constitution was textually submitted for popular consideration. Although in many respects it accorded fairly well with Paine's principles, it contained one provision which he believed would prove fatal to the Republic. This was the limitation of citizenship to payers of direct taxes, except soldiers who had fought in one or more campaigns for the Republic, this being a sufficient qualification. This revolutionary disfranchisement of near half the nation brought Paine to the Convention (July 7th) for the first time since the fall of the Brissotins, two years before. The scene at his return was impressive. A special motion was made by Lanthenas and unanimously adopted, "that permission be granted Thomas Paine to deliver his sentiments on the declaration of rights and the Constitution." With feeble step he ascended the tribune, and stood while a secretary read his speech. Of all present this man had suffered most by the confusion of the mob with the people, which caused the reaction on which was floated the device he now challenged. It is an instance of idealism rare in political history. The speech opens with words that caused emotion.

"CITIZENS, The effects of a malignant fever, with which I was afflicted during a rigorous confinement in the Luxembourg, have thus long prevented me from attending at my post in the

bosom of the Convention ; and the magnitude of the subject under discussion, and no other consideration on earth, could induce me now to repair to my station. A recurrence to the vicissitudes I have experienced, and the critical situations in which I have been placed in consequence of the French Revolution, will throw upon what I now propose to submit to the Convention the most unequivocal proofs of my integrity, and the rectitude of those principles which have uniformly influenced my conduct. In England I was proscribed for having vindicated the French Revolution, and I have suffered a rigorous imprisonment in France for having pursued a similar line of conduct. During the reign of terrorism I was a prisoner for eight long months, and remained so above three months after the era of the 10th Thermidor. I ought, however, to state, that I was not persecuted by the *people*, either of England or France. The proceedings in both countries were the effects of the despotism existing in their respective governments. But, even if my persecution had originated in the people at large, my principles and conduct would still have remained the same. Principles which are influenced and subject to the control of tyranny have not their foundation in the heart."

Though they slay him Paine will trust in the people. There seems a slight slip of memory ; his imprisonment, by revolutionary calendar, lasted ten and a half months, or 315 days ; but there is no failure of conviction or of thought. He points out the inconsistency of the disfranchisement of indirect tax-payers with the Declaration of Rights, and the opportunity afforded partisan majorities to influence suffrage by legislation on the mode of collecting taxes. The soldier, enfranchised without other qualification, would find his children slaves.

" If you subvert the basis of the Revolution, if you dispense with principles and substitute expedients, you will extinguish that enthusiasm which has hitherto been the life and soul of

the revolution ; and you will substitute in its place nothing but a cold indifference and self-interest, which will again degenerate into intrigue, cunning, and effeminacy."

There was an educational test of suffrage to which he did not object. "Where knowledge is a duty, ignorance is a crime." But in his appeal to pure principle simple-hearted Paine knew nothing of the real test of the Convention's votes. This white-haired man was the only eminent member of the Convention with nothing in his record to cause shame or fear. He almost alone among them had the honor of having risked his head rather than execute Louis, on whom he had looked as one man upon another. He alone had refused to enter the Convention when it abandoned the work for which it was elected and became a usurping tribunal. During two fearful years the true Republic had been in Paine's house and garden, where he conversed with his disciples ; or in Luxembourg prison, where he won all hearts, as did imprisoned George Fox, who reappeared in him, and where, beneath the knife whose fall seemed certain, he criticised consecrated dogmas. With this record Paine spoke that day to men who feared to face the honest sentiment of the harried peasantry. Some of the members had indeed been terrorized, but a majority shared the disgrace of the old Convention. They were jeered at on the streets. The heart of France was throbbing again, and what would become of these "Conventionnels," when their assembly should die in giving birth to a government? They must from potentates become pariahs. Their aim now was to prolong their

political existence. The constitutional narrowing of the suffrage was in anticipation of the decree presently appended, that two thirds of the new legislature should be chosen from the Convention.

Paine's speech was delivered against a foregone conclusion. This was his last appearance in the Convention. Out of it he naturally dropped when it ended (October 26, 1795), with the organization of the Directory. Being an American he would not accept candidature in a foreign government.