

From the RICHMOND ENQUIRER  
THE RAINBOW—NO. IV.  
FRENCH REVOLUTION;  
AND  
EMPERORSHIP OF BONAPARTE.  
(Concluded)

A party, in this country, who, under the appellation of a strong government, mean a limited monarchy, always counsel their wishes upon this subject, with the forms and principles of the British constitution. From the many excellent opportunities which the French neglected of restoring despotism, as well as from the consequences which would have resulted had such been the national wish, it may not then be absurd to conclude that the usurpation of Bonaparte does not proceed from an inclination to re-establish despotism. But it has been stated that one or the other of these causes, induces the French to submit to the power of Bonaparte. And I have endeavoured to show that it is neither the first, nor second. It follows then that it must be the third; a sense of the necessity of a temporary, strong, military government: from the enmity of surrounding states, and the as yet unsettled state of the interior revolutionary ferment; a national languor, a kind of torpor, a wish to repose after the gigantic struggles of the revolutionary contest. The nation sleeps soundly after its Herculean efforts; Bonaparte alone wakens at his post. He has connected the greatness of France with his own usurpation; but it must be confessed that under his auspices the nation has arrived to an unexampled pitch of power and prosperity. While secure in their mighty resources against all external attack, and by the strength and vigilance of the government, from proscription and bloodshed, the effects of internal commotions, the nation appears to have sunk into a lethargy, which does not mark, or is indifferent to the means by which the great chief has acquired these blessings for them. Provided the bloody rage of faction is chastised, and tranquility restored they seem to give themselves no trouble to enquire whether Bonaparte has modified the government, according to his own will, or their permanent happiness. The consul, king, advantage of these circumstances, has endeavoured to render hereditary in his family and permanent to the nation, that power, and those cautionary regulations which were intended to be temporary; and he has bribed or overawed the constituted authorities to legalize and sanction his usurpation. Too justly disgusted with revolutions, the French view their present state of things, although it has been unexpectedly stolen upon them as a sin-ner evil than a recurrence to and a renewal of those scenes of horror from which they have been so lately rescued. Dazzled by the splendour of Bonaparte's almost unrivalled achievements his government, perhaps, is viewed with complacency, if the forms by which he rules are not admired. But heroes of Marengo and Aoukir, are not hereditary; and when Bonaparte shall have ended his mortal career by the hand of violence or of nature, his imperial institutions will crumble into insignificance, faster than his body into dust. The forms of the republic will be restored, and profiting by past experience, it will be organized in tranquility. This view, which I so sanguinely indulge is infinitely consoling to the friend of humanity. It holds out the prospect of a bloodless change. Reforms are always desirable; revolutions, ever to be dreaded. In such an event the passions of civilized society will not again be enlisted on the side of tyrants; the nation will be completely prepared for the peaceful triumph of principle; and the surrounding states of Europe, warned by woeful experience, will not feel inclination or interest in coalescing to restore an upstart emperor, or a mushroom legion of honor. The change from imperial to republican France, will not be sudden or bloody, but gradual and peaceable; not a mobbish revolution, but a philosophic reform; it will be slower, but surer; and it will come when the circumstances of the times call for it, as they now in some measure call for the government of Bonaparte or of some such man. If the preceding remarks be correct, the French revolution is not at an end; but the most bloody part has passed away; several grand eras have succeeded each other; the last will be the final emancipation of the nation, some time during the nineteenth century. I cannot admit, that I am here falling into the prophetic mania which I have just condemned. The revolutionary wheel has been in motion sixteen years; it has had several galleys, but rolled on again; I therefore think it precipitate and premature to conclude that it has now stopped for ever.

But of the terrible convulsion, this political earthquake, which shook the civilized earth to its centre, while its extremities trembled, has usually tumbled into silence, by the weight & influence of one of its own stupendous productions; the French revolution has actually ended in the despotism of Bonaparte—what will France be in particular, and the general cause of liberty and of mankind later, or, in by it? In order to ascertain this point, it will be necessary briefly to compare the state of France, under the last of the Capets, with its situation under the first of the Bonapartes. Jurists have long since made a commendous vision of the natural civil and political rights of man. Liberty and property. These rights are completely secured only in the U. States. Great Britain ranks next in the scale of freedom. But the question before us is not which government of the earth most effectually secures these rights, but whether they were best secured by the government to which Louis 16 was born, or by those institutions which Napoleon I. has established. Among others, of inferior consequence, there seem to be six points of comparison by which the two governments may be judged. 1. The origin of the two despotisms. 2. The nature of the nobility. 3. The hierarchy, or church-establishment. 4. The administration of justice. 5. The financial arrangements. 6. The feudal system. First as to the origin of the two despotisms. And here I must premise that by the word origin I do not mean the actual, real origin of the two governments but the ideas of the ruler, and the received popular notions, respecting his right to command and their duty to obey. Under the old system kings were the immediate viceregents of God. They considered and avowed, that they were accountable to him alone for their actions. Dieu et mon droit—God and my right, was their appeal. The people were lost in the dust while the monarch was elevated to the clouds. Louis was the Lord's anointed; the nobles and the priests were his slaves; and the peasantry again were beasts of burden for these. When the king and the people were brought into comparison the latter were considered as dust in the balance. The case of one man was thought of more importance, than the happiness of twenty-five millions; and many a summer's day, and many a winter's night, wretches have been hung up in long tortures, lest luxury should feel a momentary pang.

But Napoleon is neither the vicegerent of God nor the Lord's anointed; he is not the sovereign, but the chief magistrate of the people; for among the host of defects observable in the new order of things, we yet find some important principles recognized: the sovereignty of the people, with their right to alter and abolish their governments at pleasure; equality of all men in respect to their rights; religious toleration; taxes in proportion to property; these, with some other principles, declared and acknowledged in the better times of the republic are still sacredly regarded as inherent in the nation. Louis was literally king of France; without any legal or literary fiction, upon certain contingencies, the whole territory of France might be forfeited to the monarch; he was the proprietor and the nation, from the prince to the peasant, were his tenants. But Napoleon is Emperor of the French; the soil of France belongs to the people of France; and the title which he has assumed, merely expresses the political relation in which the governor stands to the governed. This is one great point gained; not only to France, but to mankind in general. We hear no more of divine right, or any other right than that of the sovereign people; and though they may abuse it, as they have recently done, yet the bare acknowledgment that such a right exists, and its being recognized by the governing power, as the only legitimate origin and basis of his authority, is a material advance in practical politics. Second and third—the nature of the nobility, and hierarchy, or church establishment. I do not speak of the nobility and hierarchy as it relates to their feudal privileges; these will be considered presently; but as honorary, civil and sacerdotal aristocracies, whose power and pretensions were viewed with awe and reverence, by an ignorant and superstitious peasantry. The lord, who occupied the manors and the mansions which his ancestors had occupied in succession, so many centuries before him, was easily impressed with a belief, by the circumstances of his birth and education, that there was an immeasurable distance between the feelings and the rights of such were allowed) of the patished baron and the ragged peasant. The peasant, too, servant to the son of that father, who had been served by his father, before him, and whose ancestors had from time immemorial, been in the relative situation, with their barons, of master and slave could not but believe that his Lord was a superior being, invested by nature with all the rights, while the services (miserable birthright!) alone belonged to him. These sentiments of domination on the one side, and dependence on the other, were greatly aggravated, whenever the peasant's lord happened to be an ecclesiastic. Family distinction was united with priestly hauteur; but the unbending austerity of sacerdotal pride is proverbial.

There is a wide difference between the preceding, and any order of nobility hereditary distinction, or religious establishment, which is now to be found in France. Any nobility which Bonaparte can establish if which we must suppose, he chooses them from among his adherents, will be an upstart nobility. The people of France will witness their creation.

They will see their old companions, brewers and bakers, hewers of wood and drawers of water, made members of the legion of honor, from their alertness as spies, or their perseverance as bloodhounds. And while it has a tendency to extinguish every spark of veneration and respect for nobles, it elevates them in their own imaginations by exhibiting so palpably that between the peasant and his lord there are only artificial distinctions. It therefore has a double effect, in raising the class to which the peasant belongs, in his own estimation, (which is important; for the moment a man believes that he moves in a lower circle than his merits entitle him to, he becomes restless and uneasy)—while it depresses the order to which his comrade has been elevated. He very naturally and very justly imagines that he has the same rights as his quondam friend the brewer; nor will the pageantry of power be able to beat this imagination from his brain. The present religious establishment in France, is widely dissimilar to the old hierarchy. The domains of the church have been sold, and the late repeatedly legalized and sanctioned by successive factions from Robespierre to Bonaparte. A new division of dioceses has been made by Bonaparte, in concert with the Pope; and a new division of parishes by the bishops; the government nominates the latter who, in their turn, nominate to the parishes. All ministers of religion are paid from the public treasury. The superiority of the present establishment will be seen at a glance. Formerly immense landed estates were attached to each diocese, or bishop's see, connected with which were myriads of idle pretensions, oppressive privileges and cruel extortions. A French bishop of Bonaparte, compared with a French bishop of Louis 16, is as powerless and insignificant as a Virginia parson. In this point of view, therefore, in suppressing the ridiculous veneration for nobles, and the impious idolatry for priests, the French Revolution and Emperorship of Bonaparte, has been singularly happy, not only for France, but for the progress of liberal thinking.

Fourthly—The administration of justice, in the old and new governments. It is indeed a perversion of terms to call the judicial proceedings under the old government, an administration of justice. The shocking degree of corruption and venality which pervaded these courts, cannot be paralleled in any other age or country. Instead of employing honest and able attorneys fairly and ingeniously to state the matter in dispute, to an impartial jury and upright judge, they were notoriously and avowedly, a certain class of females, who, under the name of *Les Solliciteuses*, were bribed, by rival clients to corrupt the court by the most infamous sacrifices. But there is another feature, in the ancient regime, which tends more pointedly to shew the dreadful insecurity of the lives and liberties of all classes of men. I allude to the *lettres de cachet*. These were a species of blank mittimus. The date of the warrant, the name of the victim, and the price of imprisonment, remained blank. This price may be supposed to have varied, according to the wealth, rank or power of the person to be immured. When this was ascertained and paid, the blank warrant was delivered to the purchaser, who inserted the name of his enemy, and delivered it thus fraught with misery, to the offices of justice. It is difficult to imagine a more horrible instrument of despotism than the *lettre de cachet*. The unhappy victim unconscious of his crime, and ignorant of his persecutors, seized at the silent hour of midnight, and spirited away, from human society, is forever immured in the dark and loathsome dungeons of a subterranean prison. His was a fate to which almost every man in the kingdom was subject. But the lives of the lower orders, were not secured even by the stately ceremony of a *lettre de cachet*. They were considered as of no greater value than beasts of the field. In the time of Louis XIV. the Count de Charolais sometimes amused himself by shooting his peasants. The only reparation which was offered by the tyrant king, who had before frequently pardoned the count, for his venal excesses, was this royal writticism—"I again pardon you, but at the same time I promise the like favor, to him who shall kill you." As late as the year 1789, an ecclesiastic named de Bauffremont, is said to have been still fonder of this lively sport; and so common was it in a particular district, that it obtained the name of *la chasse aux vilains*.

The situation of France, with respect to the administration of justice, has been totally changed by the revolution. The civil and criminal code has been greatly reformed and ameliorated. In cases of *meum and tuum* the tribunals are no longer venal. It is believed that they are much inferior to those of England and America; but vastly superior to those of the old government. There is now but one man in France who has the power of committing murder with impunity; and this is Bonaparte; and in doing this, under the plea of public necessity, he is obliged to resort to the forms of law, which, although it is a bitter mockery to the persecuted individual, evinces that he emperor of the French, in the zenith of his power, is compelled to pay that outward respect to the laws of the country which his predecessors of the Bourbon race did disdain. It is a great point

gained to the nation, to possess a code of equitable laws, even if these laws are imperfect and occasionally abused. General regulations, in their nature, cannot descend to the detail of cruelty which the caprices of individuals are wont to exercise. The murder of the Duke d'Enghien, although no man is less disposed than myself to palliate such atrocious conduct, ought no more to be considered as a proof of the corrupt administration of justice in France, than that of Jonathan Robbins should decide upon the excellence of our criminal code. The illustrious victim makes the case more striking, as it respects him, but the life of the brave tar was a sacrifice equally great in the eye of strict justice. Both cases only prove that where governments interfere with the prescribed course of national jurisprudence, courts are too apt to be compliant. It is probable that where the government is not concerned the administration of justice is better in France than in any other country, England and the United States excepted. It is true that we hear of imprisonments and executions by the ministers of Bonaparte; but never at the instance of individuals; we never hear of the avowed sale of blank warrants of perpetual imprisonment, under the name of *lettres de cachet*. The Count de Charolais, and M. de Bauffremont, who were so fond of hunting peasants, have vanished with the execrable institutions which authorized such horrors. It would seem therefore that in the administration of justice, the revolution has produced important and auspicious changes; immediately beneficial to the French nation, and remotely to mankind; since every improvement in the condition of a people, whose language and influence are so fashionable and extensive may be considered as reaching every corner of the globe.

Fifthly, the system of finance under the old and the new government. Under the old government, three fourths of the territory of France independent of feudal bondage under which the whole of it was held, belonged either to the king, the nobility or the clergy. The royal domains, as well as the estate of the nobility and clergy were exempt from taxes. The burden of these fell entirely upon the peasant who were least able to bear it. It follows, therefore, that all the taxes of the old government, were levied upon one quarter of the property of the nation which property was parcelled out, in diminutive and scanty proportions among twenty millions of meagre, squalid bondsmen; that the remaining three fourths, in the hand of the king, the nobility and the clergy, contributed nothing to the revenue; while this very revenue "wrung from the hard hands of peasants" by every species of *indirection*, was squandered by those very privileged orders which had not paid a sou towards it.

Now the Emperor of the French has no domains; no hereditary nobility or dignities of the church, are proprietors of the soil for the royal domains, the estates of the emigrant nobles and the most of the lands of the church, were confiscated and sold during the revolution; and his sale is mentioned, by the same instrument, which has made Bonaparte Emperor. There is now, therefore, in France, no part of the territory privileged from contributing its portion of the revenue.—Taxes are levied in proportion to the ability of those who have to pay them. And although there is undeniably a very shameful misapplication of the immense sums which France pays to Bonaparte; yet this mode of levying the taxes, as well as the persons and property upon whom they fell, is infinitely more equitable than under the ancient regime. This may be considered as one of the most material benefits which the French people have derived from the revolution. The mild or oppressive mode of collecting the revenues of a country distinctly marks the nature of the government. In Turkey, the taxes are levied with the *sumetar* and the *musket*. Under the old government of France, they were *formed out*; that is the wants of the court being ascertained, in order to come at the amount by a more summary process, than was requisite by the tedious forms of collecting it from so many individuals, the farmers general kindly slept in between the people and the king, and advanced the sum, to the latter; they were then invested with the power of indemnifying themselves among the peasantry by every species of oppression and imposition which avarice and cupidity can invent. The ingenuity of man can scarcely devise a more odious and cruel method of collecting the revenues of a country, than that practised in France, under the Bourbon race. It appears, therefore, that upon this very important point, (the mode in which public contributions are levied upon the people) the French have been relieved from insupportable inequalities and oppressions.

Sixthly, and lastly, the feudal system.—Ample, elegant and correct histories of the feudal system, may be found in Hume, Robertson and Gibbon; and a condensed account of its introduction into England, its abuses, and its abolition during the reign of Charles II, by Blackstone, is familiar. I presume, to every student of law. I shall not therefore attempt a lengthened detail of the servitude incident to this strange polity, but shall content myself with a brief abstract of its most prominent and debasing features. The barbarous jargon of *aids*, *reliefs*, *primer seigns*, *wardships*, *marriages*, *finer* and *escheats*, incident to this system, will be, perhaps, unintelligible to many of my readers. A complete explanation

of the degrading services and cruel exactions meant by these terms would surpass the limits of this essay, already I fear extended to too great a length. But an adequate idea may be formed, of the consequences resulting from the feudal privileges, even among the gentry and lower nobility, by recurring to Blackstone; the most abridged, and at the same time, the most forcible description of tyranny I have ever met with. He observes—the families of all our nobility and gentry groined under the intolerable burdens, which, (in consequence of the fiction adopted after the conquest) were introduced and laid upon them by the subtlety and force of the Norman lawyers. For besides the exactions for which they were liable in defect of personal attendance, which, however, were assessed by themselves in parliament, they might be called upon by the king or lord, paramount for *aids*, whenever his eldest son was to be knighted, or his eldest daughter married; nor to forget the ransom of his own person. The peer, on the death of his ancestor, if of full age, was plundered of the first emolument arising from his inheritance, by way of *relief* and *primer seign*; and if under a age, of the whole of his estate during infancy. And then, as Sir Thomas Smith very feelingly complains, "when he came to his own, after he was out of *wardship*, his woods decayed, his houses fallen down, his flock wasted and gone, and land left forth and ploughed to be barren." To reduce him still further, he was yet to pay half a year's profit as a *fine* for suing out his *livery*; and also the price and value of his marriage if he refused such wife as his lord and guardian had bartered for, and imposed upon him or twice that value, if he married another woman. Add to this, the untimely and expulsive honor of *knighthood*, to make his poverty more completely splendid. And when by these deductions his fortune was so shattered and ruined, that perhaps he was obliged to sell his parsonage, he had not even that poor privilege allowed him without paying an exorbitant fine for a *license of alienation*—This being the situation of the nobility and gentry of England where the feudal system was mild, compared with its bloody ferocity, and stern rigor, on the continent of Europe, to what misery and degradation must the lower orders in society have been reduced! Accordingly, we shall find that the sufferings of the nobility and gentry were light indeed, compared to the brutal debasement to which the unhappy peasantry were reduced. There never has been imposed by the policy or barbarity of man, a slavery so complicated and degrading as that which arose out of the feudal system. The condition of our negroes is infinitely superior to the villain, or bondman of Europe. They were the property of their lords, and either attached to the soil of the barony, or the person of the baron; they were transferrable in like manner as our slaves; if they ran away, or were stolen, they were recoverable in the same way; they were incapable of acquiring property; of giving testimony against a freeman; were obliged to shave their heads, as a mark of servitude; and although in England rape and murder were the only offences to which the lord of the manor could not carry his power, yet on the continent a baron might violate the person of his female slave, with impunity; it was indeed one of their privileges, (and this was also the case in Scotland) to have the first night's enjoyment whenever their bondswomen married. But although the baron of England, had not the power of murdering his vassals, it was otherwise in many parts of the continent; and particularly in France. In some districts, they were used in carriages, instead of cattle; were compelled to pass whole nights in preventing the frogs from disturbing the sleep of their lords; were obliged to feed and maintain his dogs; and, in certain cantons, after the sports of the chase, he baron had the privilege of stripping open the bellies of his slaves to bathe his feet in their reeking bowels! Such was the condition of the lower classes in France, previous to the revolution. Incapable of acquiring, or possessing property; deprived by the cruel destiny of their birth, of the blessings of liberty; the honor of their females, and the lives of all were equally at the disposal of the baron!

In conclusion it will be sufficient to observe, that if one mighty sweep this old and terrible fabric of servitude, misery and death, was effaced from the civil institutions of France, Her territory is "liberated from feudal bondage" and her "agriculture is unfettered by ecclesiastical imposts." Every man in France is a free citizen; all the property is held in fee simple as with us; *banalities*, *franc-fiefs*, *corvees*, *survives* and *main-mortes* are abolished. Contributions are levied in an equitable proportion; the administration of justice is no longer venal; and notwithstanding some of the wanton and capricious freaks which ever follow in the train of absolute power, *personal safety* and *private property* are much more safe than before.

Richmond, September 7, 1804

"I cannot learn," says B. "that ever this custom prevailed in England, though it certainly did in France (under the name of *merchet* or *maritagium*) abolished by Malcolm III."

Stephen's wars of the French