

WALTON WILLIAM

PARIS FROM THE
EARLIEST PERIOD TO
THE PRESENT DAY.
VOLUME 2

William Walton

**Paris from the Earliest Period
to the Present Day. Volume 2**

«Public Domain»

Walton W.

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Paris, From the Earliest Period to the Present Day; Volume 2

VOLUME II

CHAPTER IV

THE ADMINISTRATION, NATIONAL AND MUNICIPAL

ONE of the grandest institutions of ancient France was the Parlement de Paris, and its history and that of the *prévôts* would constitute a history of the capital, while that of the fitful and accidental convocations of the *États Généraux* would in nowise illustrate that of the nation. Our facilities for acquiring a knowledge of the functions and methods of procedure of the Parlement have been greatly increased by the numerous critical historical works which have appeared within the last few years, amongst which that of M. Felix Aubert, which covers the long period between its origin, in 1250, and the reign of François I, when it was "the instrument par excellence of the national unity and pacification," is, perhaps, the most valuable. The establishment of the *magistrature prévôtale*, replacing that of the Vicomte de Paris, has been credited to Hugues Capet, but the first official record appears to be a charter given in favor of the monks of Saint-Martin-des-Champs, dated in the last year of the reign of Henri I, 1060, and bearing the signature of Étienne, *prévôt* de Paris. This officer was a lieutenant of the king, designated by him to administer justice in his name; he presided over the tribunal of the Châtelet, and commanded the *guet*, or watch, and the noblesse in the *arrière-ban* of the general muster for war. In Paris, this office required the command of important funds, and several citizens sometimes combined to give guarantees for the *prévôt*. Nevertheless, the latter was frequently found unworthy of this trust, and the Étienne of 1060 appears in the chronicles as advising the young king, Philippe I, to plunder the treasury of Saint-Germain-des-Prés, with the view of securing for himself the famous cross of gold brought from Spain by Childebert. This nefarious scheme was undertaken, but at the moment when the burglarious *prévôt* put out his hand to seize the cross, he was suddenly stricken with blindness.

Of a very different quality was the Étienne Boileau, selected by Saint-Louis to fill this important post, and who, according to Joinville, "executed such good and straight justice," that "no malefactor, thief, or murderer dared to remain in Paris but he was immediately hanged and exterminated; neither family nor gold nor silver could save him." The king was so well satisfied with his *prévôt* that he caused him to be seated by his side when he presided at the Châtelet, and, in order to preserve to this office, after Boileau, the lustre which he had conferred upon it, he separated from it the receipt of the funds of the royal domains, and created for the latter a receiver, a guardian of the seals, and sixty notaries who exercised their functions under the authority of the *prévôt*, who, subsequently, was entitled *garde de la prévôt de Paris*. The *guet royal* was established, and the *prévôt* drew up the ancient regulations of the hundred trades or handicrafts which existed in the capital, "in order to establish peace and order in industry as he had established it in the nation." These trades were divided into various great corporations. Under this wise king, also, the Hanse, or confraternity, of the *marchandise de l'eau* became definitely the *municipalité parisienne*; for about a century the members of this confraternity had been called *échevins jures*, and their chief was known as the *prévôt des marchands de l'eau*, or

prévôt de confrérie de l'eau. The numerous privileges which this corporation enjoyed passed in course of time to the *prévôt des marchands*, who acquired, successively, the administration of the *rentes* or funds drawn from the Hôtel de Ville, the regulation of public ceremonies, the care and construction of the public monuments, the opening of new streets, etc. The ancient privileges of the Hanse had previously been confirmed at various times, amongst others, by Louis VII.

Saint-Louis was but a boy of eleven when he succeeded to the throne on the death of his father, and a coalition of the great nobles was immediately formed to take advantage of his minority; but the wisdom, prudence, and piety of his mother, Blanche of Castile, not only preserved the crown for him until he came of age, but also stood him in great service during the years of his reign, especially in those in which he was absent from the kingdom on his ill-starred crusades. One of her most beneficent deeds has been immortalized by the modern painter, Luc-Olivier-Merson, in a noble mural painting,—the delivery of the prisoners held in bondage by the chapitre de Paris (Notre-Dame), several inhabitants of Châtenay who had incurred the displeasure of the ecclesiastical authorities, and who were so maltreated in their dungeons that the lives of several of them were despaired of. The queen at first sent a civil request to the chapter to release the captives under bonds, but the churchmen returned an uncivil refusal and redoubled their severities; whereupon she proceeded in person to the prison with her son, struck the doors with her bâton, her guards immediately broke them down, and the liberated serfs, men, women, and children, flocked out tumultuously to thank their deliverers on their knees. The canons protested furiously, but the discreet regent, knowing their sensitive point, allowed them to rage openly and contented herself with seizing their temporal revenues. This immediately brought them to terms; in the smoothest of phrases they besought an accommodation, and speedily agreed to set at liberty, in consideration of a certain sum, all those whom they had unjustly incarcerated.

It would scarcely have been thought that this gracious sovereign lady, one of the noblest figures among the women of France, could have been made the object of malicious slander; but one of her latest biographers, M. Élie Berger, thinks it worth while to defend her seriously against the "legend born of jealousy and impotence" of having been the mistress of the Cardinal de Saint-Ange and of the Comte Thibaut de Champagne. His defence, apart from the inherent improbability of the story, seems to be quite convincing.

The centre of authority, for both the nation and the capital, was naturally the king, though, as we have seen, his power was often furiously contested and at times very precarious. Under the Mérovingians, the crown was both elective and hereditary, that is to say, the brother of the deceased monarch was frequently chosen in the place of his eldest son, too young to bear worthily the sword and the sceptre. The royal authority was practically unlimited, the king decreed constitution and laws, made war, and signed treaties of peace; he wore the Roman costume, spoke and wrote in Latin, sate, like the Emperor, in the prætorium to judge, and was given the titles of *Dominus*, of Excellency, and of Majesty. For the personal service of the king, and for the public service, there were a great number of officers,—the *major domus* or mayor of the palace, who eventually pushed the monarch off the throne and mounted it himself; the marshal, the treasurer, the cup-bearer, the chamberlain, and a multitude of inferior officers. The political officers were more particularly the *Comte du Palais*, who sate in the king's tribunal, and the *Référendaire*, a sort of chancellor, who kept the royal signet-ring and sealed the royal decrees. The court, or *palatium*, was crowded with important personages, counts, dukes, and bishops, any of whom might be called to the king's council or to sit in his tribunal. In the provinces, the royal authority was represented in the *comtés*, which corresponded to the *civitates* of the Romans, by the *comtes*, who were at once judges, generals, and financial administrators, and the *ducs* whose administrative province included several *comtés*. The bishops already enjoyed very considerable political power, and the rôle of the king in their election, by the people and the clerks of their diocese, was confined to confirmation,—a limitation which they very frequently disregarded.

In the edict, or perpetual constitution, drawn up by the assembly of seventy-nine bishops and the *leudes* or great vassals of the three kingdoms, held at Paris in 615, the interference of the king in the

election of the bishops was expressly forbidden, and his authority was in many other matters seriously impaired in favor of the double aristocracy, ecclesiastical and military, which was strengthening itself. With the unworthy sons of the "good king Dagobert" this authority gradually disappeared entirely under the rising power of the mayors of the palace, who succeeded in making their office hereditary under an Austrasian family, that of the Carolingians, already powerful in their own right.

Charlemagne's court was constituted much in the same manner as that of the Mérovingians: his royal officers included bishops, comtes, ducs, *missi dominici*, any of whom were eligible for the council that could at need be transformed into a tribunal to judge the causes of the Franks. The efforts of this monarch to repress the persistent progress of the aristocracy were more intelligent and successful than those of his successors, but the general movement of society was in their favor. Charles le Chauve, desirous of obtaining the imperial crown, which was without an owner in 875, assembled his vassals at a diet at Kiersy-sur-Oise and there signed a capitulaire which gave to the sons of those of his comtes who followed him into Italy the right to succeed to their fathers' titles. This formal recognition of a practice already ancient deprived the king of the powers which he had once conferred.

The Capétiens were also elected to the throne, but the Roman tradition, preserved by the Church, recognized in their accession to power "a decree of Providence," and the *sovereign* was recognized in the feudal suzerain, "even when he was not obeyed." The great royal officers, the *Ministerium regale*, included the Chancellor, who signed the state papers; the Sénéchal, a species of mayor of the palace, of which he had charge of the service; the Connétable, chief of the royal stables and, later, head of the military forces; the Chambrier, keeper of the treasury and the archives; the Bouteillier, who administered the vineyards and the revenues of the royal domains. All these high offices were made the objects of persistent attempts on the part of the holders to retain them as hereditary privileges. In the eleventh, as in the sixth century, we find three classes of society in Gaul, the Gallo-Romans,—the barbarians,—the *clercs*,—the Church being replaced by the seigneurs,—and the serfs, each with its own organization and manners and customs and, in a certain degree, its peculiar language and literature. The first two were rich, active, and powerful; the last, poor and oppressed. There were three species of jurisdiction exercised by the seigneurs, high, medium, and lower, though some of them had the right only to the last two; these distinctions were frequently regulated by the quality of the accused, and were definitely determined only in succeeding centuries. The right to administer high justice carried with it that of executing death-sentences, and the pillory and the gibbet, erected near the château, were the visible evidences of this power. The bishops and the abbots had the same rights as the seigneurs, even to the extent of donning armor and combating in person if they so willed.

The obligations of the *vilains*, or serfs, included a long list of services, taxes, and obligations of all kinds; in the cities, and wherever possible, the seigneurs were in the habit of requiring payment in money. There was for them a civil as well as a penal law, the *loi vilaine*. They had, however, the right of appeal to the suzerain against the decision of their seigneurs, and Saint-Louis favored these appeals to his own court as tending to subordinate the seigneurial justice to his own. In this royal court a change was taking place,—to the great officers of the crown were now added *légistes*, as the procedures were based upon written precedent, and these bookish personages, at first treated with contempt by the nobles, gradually assumed the leading rôle as their familiarity with the records and their legal knowledge triumphed over the ignorant assurance of their betters.

In the thirteenth century, "the great revolutionist is the king, as the aristocracy had been before Hugues Capet, as the people will be after Louis XIV.... The royal authority had overthrown a great many barriers, and it was marching with great strides toward absolute power. It had imposed upon its turbulent vassals the king's peace, the king's justice, the king's coinage, and it enacted laws for all." In the character of Saint-Louis, "the spirit of justice which is in the Roman law was well combined with his Christian sentiments. When he condemned, for example, the judicial duel, he did so because

combat is not a means of justice,—this is the Roman conception, and because it is to *criminally tempt God*,—this is the Christian spirit." The enfranchisement of the serfs, which received so great an impulse in this century, was largely brought about by a somewhat similar combination of just impulses and of practical motives,—the latter being frankly expressed by Beaumanoir and in several charters of the period.

The feudal court of the king had the double character of a council and of a court of justice; with the growth of the royal authority the functions of this court naturally increased, and it became necessary to divide them,—there was accordingly constituted the political court, or grand council, and the judicial court, or Parlement. Philippe le Bel, who was far more of an innovator than even Saint-Louis, first gave the latter a distinct organization. It was to sit twice a year at Paris, two months at a time, in the Palais de la Cité, which, in 1303, took the name of the Palais de Justice. The monarch counted upon his sovereign court of justice, which extended its jurisdiction over the whole kingdom, to bring the nation definitely under the royal authority. As the Parlement had been separated from the *Grand Conseil*, or royal court, so was there separated from it the *Chambre des Comptes*, charged with the administration of the finances. With this monarch also originated the institution of the *ministère public*, or magistrates charged, in all legal cases, with the defence of the rights of the king and of the public welfare.

But the most important measure of the administration of this reign was the convocation, in 1302, of the first States-General. "The *États Généraux* of Philippe le Bel," says Michelet, "constituted the national era of France, its certificate of birth." Despotic as he was, the king found himself under the necessity of seeking the support of the people for aid in his enterprises and to sustain him against the intolerable claims of the Papacy. The *Assemblées Générales*, in which the bishops met with the seigneurs, had been convoked as early as the reign of Pepin le Bref, in the middle of the eighth century, but in the *États Généraux* the sons of vilains took their seats with nobles and clergy. And very loyally they came to the aid of the monarch, not only in granting him the right to levy subsidies on the Church, but also in protesting against the bull of excommunication which Boniface VIII had launched against the king and the nation, and which Philippe had caused to be publicly burned on the 11th of February, 1302. It was unanimously declared that "the kings recognized no sovereign on the earth excepting God, and that it was an abomination to hear Boniface maintain that the kingdoms were subject to him, not only spiritually but temporally."

Under Philippe V, the *États Généraux* were convoked three times, and the regularity of their sittings thus seemingly established; this monarch also, following the procedure established under Louis XI, 1462, excluded the clergy from the Parlement, in order that he might have there only docile members. They re-entered it later under the name of *conseillers clercs*. In 1318 was created the *Conseil étroit*, or Council of State, which was the deliberative power, as the officers of the crown and the *clercs du secret*, from whom were selected later the secretaries of State, constituted the executive power. In the reign of Philippe VI, in 1338, the great principle of "taxation without representation is tyranny" was openly proclaimed in a meeting of the *États Généraux*, and the monarchs henceforth found themselves constrained to wage a varying struggle against this claim of the representatives of the nation to be consulted before the levying of imposts upon them. In the Dark Ages, now fast drawing to a close, three great principles had been promulgated which were to survive through many tribulations to the present day,—that no tax could be imposed without the consent of those who were to pay it; that no law could be enacted if it were not accepted by the representatives of those who were to obey it; that no judgment was legal unless rendered by the peers of the accused.

By an ordinance of Philippe VI, dated March 11, 1344, the personnel of the Parlement was fixed at three presidents and seventy-eight conseillers, appointed; of the latter, forty-four were ecclesiastics, and thirty-four, laymen. It was subsequently divided into seven chambers, the *grand'chambre*, the *chambre criminelle*, or *la Tourelle*, three *chambres des enquêtes*, and two *chambres des requêtes*. The first took cognizance of the important causes which concerned the State, the city,

and the corporations; the criminal chamber sat in appeal on judgments rendered in the criminal courts (after 1515 it was given general jurisdiction); the three *chambres des enquêtes* decided upon the validity of appeals addressed to the Parlement, and decided as a court of last resort in processes which entailed punishments by fine; the two *chambres des requêtes* judged personal suits between officers of the royal household and others who, by their rank, were entitled to be judged by the Parlement. The second *chambre des requêtes* was instituted in 1580; they were both suppressed at the establishment of the Parlement Maupeou, in 1771. When Louis XIV recalled the Parlement, he established only a single *chambre d'enquête*. In 1546, the members of the Parlement enjoyed the privilege of hereditary nobility. They had the precedence over all other constituted authorities.

When the disastrous war with England broke out, under Jean le Bon, this monarch assembled at Paris the three orders of the kingdom, the clergy, the nobility, and the bourgeoisie, the latter having for their leader the *prévôt* of the merchants of Paris, Étienne Marcel. The equipment of an army of thirty thousand men was authorized, and a levy of five millions of livres paris for their maintenance during a year, this money to be raised by means of the *gabelle*, the tax on salt, and an impost of eight deniers per pound upon everything sold, to be levied impartially upon all three orders, even the royal family not to be exempt, but—warned by past experience—the *États Généraux* demanded that the funds should remain in the hands of receivers appointed by them, and responsible to them only, and appointed a commission of nine of their members to supervise this measure. "This was nothing less than a revolution, for to vote and to collect the tax, to regulate it, and to supervise its distribution, this was to exercise one of the important functions of sovereignty. The deputies of 1355 began by going further than has been gone in our days under the constitutional monarchies, even under the republics."

Ten days after the battle of Poitiers, the dauphin Charles returned to Paris and convoked the *États Généraux*, who opened their second session on the 17th of October, 1356. This time, their demands were so increased that the dauphin, in dismay, adjourned their sittings, but the royal treasury was empty, and he was obliged to assemble them again on the 5th of the following February. The Bishop of Laon, Robert le Coq, made himself the mouthpiece of their just grievances, and was so well sustained by the *prévôt*, Étienne Marcel, and by Jean de Picquigny, in the name of the nobles, that resistance was impossible, and the *grande ordonnance* of 1357, in sixty-one articles, provided for sweeping reforms in the administration, in the finances, in the army, in the courts of law, and in the arbitrary exercise of their prerogatives by the officers of the crown. But on this occasion Paris was in advance of the rest of the nation, and the period was, moreover, most inopportune.

Charles V, called *Le Sage*, the son of Jean le Bon, in the midst of the numerous judicious and enlightened measures which characterized his reign, was guilty of some tyrannical and injudicious ones, and among the latter may be cited his giving to the members of the Parlement for their pay the fines which they inflicted in the course of their judgments. In the reign of his son, called *Le Fou*, the office of *prévôt* of the merchants, with all its jurisdiction, and those of the *échevins*, or aldermen of the city, were suppressed by letters patent, dated January 27, 1383; the king took possession of the revenues and public funds of the city, and all the exercise of jurisdiction of the Hôtel de Ville was transferred to the *prévôt de Paris* or to his lieutenant. The upper bourgeoisie were decimated and ruined in punishment for their rising against the young king and his uncles. Five years later, Charles VI decreed that the authority of the *prévôt* extended through the nation, and that he should be empowered to search malefactors anywhere in the kingdom; this power was confirmed by Charles VII in 1447. The ordinances of the *prévôt* relative to the provisioning of Paris were also valid everywhere, so that the central authority of the Parisian police became supreme. The *prévôt* was present at the royal sittings, and took his place below the grand chamberlain; he walked at the head of the nobility, enjoyed the privilege of covering himself after the calling of the first case, a privilege reserved for dukes and peers; he assigned the peers in the criminal cases, and was entitled to twelve guards, called *sergents à la douzaine*. On his installation in his office, he presented a horse to the president of the

Parlement; his costume consisted of a short robe with a cloak, the collar turned down, a sword, a hat with plumes, and he carried his bâton of office covered with cloth of silver.

He was also charged with the preservation of the privileges of the University, and it was for this reason, as prescribed in the ordinance of 1200, that he took his oath of office between the hands of the rector of the University. In 1613, the *prévôt*, Louis Segulier, refused to observe this formality. He had under his orders a civil lieutenant charged with the jurisdiction of civil affairs in the first hearing, and, later, of particular civil and criminal lieutenants; these magistrates had the direction of the police until 1667, when there was created a *conseiller lieutenant-général* of police. The municipal police of Paris absorbed successively various jurisdictions which had previously existed, and the *prévôt* administered this force in the interests of the public order.

Nevertheless, the disorder in the municipal administration became so great that Charles VI, by an edict dated January 27, 1411, restored to the *bourgeois, manants, and habitants* of his "good city of Paris" the *prevosté des marchands et eschevinage, clergie, maison de la ville, parloir aux bourgeois, jurisdiction, coercion, cognoissance, rentes, revenus, possessions quelconques, droits, honneurs, noblesses, prerogatives, franchises, libertez et prévillèges*, to have and to hold forever, as they had done before.

It was under this king that there was brought before the Parlement an important case, related at length by all the chroniclers of the time, and which may serve to illustrate the nature of the administration of justice. A certain Norman gentleman, Jean de Carrouges, residing in the château d'Argenteuil, near Alençon, having occasion to go on a journey, left his young wife at home. One of his neighbors, Jacques Le Gris, having heard of her beauty, presented himself at the castle and asked to be permitted to visit the donjon. He was cordially welcomed, invited to dinner, and the Dame de Carrouges herself conducted him to the tower. Once there, the visitor suddenly fastened the door behind them and then proceeded to avow his passion to the lady; indignantly repulsed, he threw himself upon her and inflicted upon her the last of outrages. Then, rushing down the stairs, he leaped upon his horse and effected his escape. When the Sire de Carrouges returned, he appealed for redress to the Comte d'Alençon, his suzerain and that of Le Gris; the comte summoned all the parties before him, but the accused gentleman stoutly proclaimed his innocence and endeavored to establish an alibi. The comte, unable to decide, referred the case to the Parlement at Paris; the trial lasted eighteen months, and the Parlement finally decided that the lady could prove nothing against Le Gris excepting on a field of combat *jusqu'à outrance*.

The king, who was then at L'Ecluse, a town in Holland, with his barons, preparing to pass over into England, returned to Paris when he heard of the decree of the Parlement, followed by his uncles, the Ducs de Berry, de Bourgogne, and de Bourbon, and a number of other seigneurs who had also "a great desire" to witness this judicial duel. The lists were arranged in the Place Sainte-Catherine, behind the Temple, on the 29th of December, 1386; the king and all his court were present, seated in galleries, and a great crowd of people thronged all the available surroundings. The two adversaries were armed from head to foot; Carrouges approached his wife, arrayed in deep mourning and seated in a chair draped in black.

"Lady," he said to her, "upon your assertion I am about to adventure my life and combat Jacques Le Gris. You know whether my quarrel is just and loyal."

"Monseigneur," she replied, "it is so, and you combat safely, for the quarrel is righteous."

"In the name of God, so be it!" replied the knight.

Then, embracing her, he took her hand, crossed himself, and entered the lists, while the lady remained kneeling in her black chair, praying fervently.

The two men took their oaths, one, of the truth of his accusation, the other, of his innocence; then they proceeded to their places at the extremities of the lists and waited for the signal; when it was given, they advanced toward each other, walking their horses, and attacked with their swords. Carrouges was the first to be wounded, seriously in the thigh, and he lost so much blood that the

spectators feared for him; however, rallying all his forces, he assailed his enemy so vigorously that he succeeded in seizing him by his helmet and throwing him to the ground. Dismounting in his turn and maintaining his advantage, he endeavored to make Le Gris confess his guilt in the prospect of certain death; the latter maintained his innocence, but as he was vanquished he was adjudged culpable, and Carrouges thrust his sword through his body. Then, turning toward the spectators, he demanded of them if he had loyally done his duty. "Yes," they replied. After which he knelt before the king, who caused him to be raised, and gave him a post in the royal chamber with an annual allowance of two hundred livres. Carrouges thanked the monarch, then turned toward his wife, kissed her, and they both proceeded to Notre-Dame, where they made their offerings and returned to their hotel. The body of Le Gris was delivered to the public executioner, who dragged it on a hurdle to the gibbet of Montfaucon, where it was hung in chains.

A decree of the Parlement subsequently granted to Carrouges the sum of six thousand livres, to be taken from the property of Le Gris. But, some time later, a criminal, condemned to death for other offences, confessed that he was guilty of the outrage on the Dame de Carrouges, having assumed the name of Le Gris and profited by a certain resemblance which he bore to that unhappy gentleman. The lady, filled with remorse, sought refuge in a convent after the death of her husband, and took the vows of perpetual chastity.

Under Charles VII, in 1443, took place the first division of the authority of the Parlement, which, however, had been long preparing. The preceding year, the king had made an expedition into Gascogne and Languedoc; on his retiral he left behind him "that which was worth more than an army," a parlement established in Toulouse with jurisdiction over all of Languedoc and the duchy of Guyenne. Ten years later, the dauphin created in his appanage the Parlement of Grenoble. The double jurisdiction of the Parlement of Paris at this period is thus defined: "First, it sat in judgment on *causes spéciales*, those of the peers of France and of the royal domain, those of *régale* (right possessed by the crown to receive the income of a vacant bishopric), and those of individuals who had received by letters of *committimus* the right to be judged by it; second, it received appeals from all the inferior jurisdictions, the royal, seigneurial, ecclesiastic, and university tribunals. In addition, it deliberated on a multitude of administrative matters, and, under pretext of interpreting the ordinances, rendered decrees which were veritable acts of legislation. The royal ordinances having the validity of laws only when enregistered by the Parlement, it frequently refused this *enregistrement*, and sometimes thus checked the royal authority. Finally, it frequently exercised the right of making *remontrances*, not only against the ordinary ordinances, but against treaties with foreign powers, particularly concerning the papal bulls, which led to its exercising a superior superintendence over the entire government of the Church in France. These divers powers gave the Parlement of Paris a very high position in the State, and it will be frequently seen intervening in public affairs."

Under Louis XI, there were parlements at Grenoble, Bordeaux, and Dijon; greater freedom of appeal from the decisions of the seigneurial tribunals to the court of the king, and the magistrates were relieved from the fear of removal from office. We have already seen instances of the affability of this monarch toward the bourgeoisie of Paris, and his not unsuccessful attempts to identify himself with them; the tangible benefits which he bestowed upon them were quite sufficient to win their gratitude. Their offices were rendered immovable, they were exempted from all taxation, their assemblies were authorized, the free election of their magistrates, their city was carefully fortified, they were armed to the number of sixty or eighty thousand men; he permitted them to acquire, by purchase, the right which the nobles had to command the *guet*, and to the noblesse was given the exercise of certain municipal offices.

The *États Généraux* of 1484, during the minority of Charles VIII, are considered to have been the first of the truly representative national assemblies, even the peasants in the most distant communes being represented. The number of problems presented by the exigencies of the government was formidable; during the royal session, Jean de Rely, canon and deputy of Paris, addressed the

monarch in an eloquent discourse, half Latin and half French, bristling with texts and citations, then he commenced to read the list of grievances demanding redress; he read bravely for three hours, when it was perceived that the young king was sound asleep, and the sitting was adjourned for two days. Neither François I nor his son Henri II had any desire to appear before the assembled representatives of the nation; the former replaced the *États Généraux* by a mixed assembly of notables and deputies of Bourgogne in 1526, and in the following year by an assembly of notables at Paris, which sanctioned his violation of the treaty of Madrid, and granted him two millions of golden écus for the ransom of his sons, left as hostages behind him, but it took no part in the affairs of State. The Parlement was not treated with any more consideration; a royal edict of 1523 divested the jurisdiction of the *prévôt* and of the Châtelet of Paris of all causes and matters of which it took cognizance in its quality as conservator of the privileges of the University, and for the judgment of these causes established a new bailiwick, of which the seat was to be the Hôtel de Nesle, where there were appointed a bailiff, a lieutenant, an *avocat*, a procureur du roi, twelve counsellors, an *audiencier* [usher, or crier], a sous-audiencier, and twelve sergents. The Parlement was much displeased at this diminution of its authority, and on the 9th of March a formidable protest against the new edict was made before it by the *prévôt* of Paris, his lieutenants, civil and criminal, the counsellors of the Châtelet, and all the other officers, sergents, greffiers, huissiers, and officials of the University. When the king heard of this demonstration, he sent to the Parlement the Sieur de la Barre, gentleman of his chamber, to inform that body, once for all, that when he granted letters patent it was understood that they were to be enregistered, no matter what protests might be made against them. The Parlement replied by appointing a commission to inquire concerning the necessity of establishing a new bailiwick, and sent word to the monarch that the members would inform themselves on the subject; on the 17th, the Comte Saint-Paul appeared before them with an order directing the immediate registering of the edict, and with the information that he would assist at their deliberations in order to be able to inform his royal master concerning those of them who permitted themselves to differ from him in opinion. The decree was accordingly enregistered, and on the 30th of April the Chevalier Jean de la Barre presented himself before the Parlement with the title and quality of Bailli de Paris. This office, however, was suppressed in May, 1526, and its jurisdiction reunited to that of the *prévôt* and of the Châtelet. In 1527, the Parlement was forbidden to interfere in any matters of State, or in anything excepting what concerned the administration of justice; it was permitted only to give advice regarding the perfecting of the laws. The two most important legal monuments of this reign were the edict of Crémieu, 1536, restricting the jurisdiction of the seigneurs, and that of Villers-Cotterets, 1539, designed to put an end to the encroachments of the tribunals of the bishops upon those of the king, and restricting their competence to spiritual or ecclesiastical causes only. Of the principal offices of the crown, four were held by men of legal lore, *hommes de robe longue*,—that of grand chancellor, who held the royal seal and without whose advice nothing important could be decided; that of the secretaries of State; that of the presidents, counsellors, *avocats*, and all those to whom the administration of civil and criminal justice was confided throughout the realm, and that of the treasurers, precepteurs and receivers who administered the royal revenues. The superior officers of justice and finance enjoyed privileges of nobility which, while still confining them to their rank in society, exempted them from various imposts and charges.

Henri II was obliged, after the loss of the battle of Saint-Quentin, in August, 1557, to convene an assembly of notables, in which the members of the Parlement sat apart, like a fourth order in the State, below the nobles but above the *tiers état*. There were still survivals of the feudal epoch in the administration,—the Connétable was invested with authority over the army and the Grand Admiral over the fleet, but the era of *ministries* was beginning. "The *clercs du secret*, become *secrétaires d'État* (in 1547), had in charge the correspondence of the king on all public affairs. An ordinance of Henri II, in 1547, fixed their number at four, each of them corresponding with a quarter of the provinces of the kingdom and a quarter of the foreign countries. The special attributions are of a later date;

thus, all the affairs of the *maison du roi* and, later, of ecclesiastical affairs, were assigned to one of them. The other three were: in 1619 and in 1636, war; in 1626, foreign affairs; under Louis XIV, the marine; which did not prevent them from apportioning France geographically among themselves for those affairs which remained common to them all. The Chancellor was chief of the department of justice, and the Surintendant, of that of finances. The police, that great arm of monarchical times, was commencing."

The Parlement of Paris, however, cannot, by any means, be presented always as maintaining a more or less courageous stand for justice and right. In the massacre of the Saint Bartholomew, for example, it was a zealous coadjutor. The officers of the municipalité had prepared for this great measure, the *prévôt* of the merchants, summoned to the Louvre, received from Charles IX orders to close all the gates of the city and to have in readiness the captains, lieutenants, and bourgeois in whom he had confidence. He promised "to put so many hands at the mischief that it should be remembered." Rewards were given officially to the archers who had aided in the massacre, to the ferrymen who had prevented the Huguenots from crossing the river, to the grave-diggers of Saint-Cloud, of Auteuil, and of Chaillot for having interred in a week eleven hundred corpses. A municipal medal was struck in *mémoire du jour de Saint Barthélemy*. The president of the Parlement, Christophe de Thou, pronounced an eulogy on the prudence of the king which had saved the nation from the misfortune of seeing the crown fall on the head of the Prince of Condé, and, perhaps, on that of Admiral Coligny himself, who had been ambitious enough to dream of seating himself on the throne of France after having driven from it the king and ruined the royal family. The Parlement, after deliberation, declared the admiral guilty of the crime of *lèse-majesté*, ordered that his body, or at least his effigy, should be dragged on a hurdle, attached to a gallows on the Place de Grève and then to the gibbet of Montfaucon, that his memory should be declared infamous and that his château of Châtillon-sur-Loing should be razed. The headless body of the admiral was at that moment swinging on the gibbet of Montfaucon.

In the religious wars that followed, the city paid dearly for this wholesale murder. The population, during the siege by the King of Navarre, was reduced to the last extremity of famine, even to cannibalism, and when that monarch had retired from before the walls, the horrors of anarchy and civil war succeeded. The Parlement, terrified by the execution of the first president, Brisson, refused to sit, and, when summoned to do so, replied to the agents of the *Seize*, the chiefs of the sixteen quarters of Paris who had formed a council to aid the work of the *Sainte Ligue* of the Catholics, that they would return to their functions only to hang those who had participated in the official murder of the president. The Duc de Mayenne, summoned to the rescue of public order, carried out these hangings in a summary manner; and the first care of the Parlement, when a government was partially established again, was to disarm the factious bourgeois.

Henri IV, who disputes with Dagobert in the legends of the people the honor of being the most popular of the French kings, was not exclusively the jovial monarch he is generally portrayed. His answer to some remonstrances of the Parlement, which have been preserved, would have been worthy of François I or Louis XIV. "My will should serve as a reason. In an obedient State, reasons are never required of the prince. I am king: I speak to you as a king; I desire to be obeyed." His nomination of a governor of Paris was sufficiently scandalous: on the death of the Sieur d'O, who held that office, the king sent to the Hôtel de Ville to say that he would not appoint a successor, that he would honor his good city of Paris by assuming that charge himself; the Parlement, the next day, despatched several of its presidents and members to thank the king for this great honor, and the gracious monarch thereupon nominated as his lieutenant-general Antoine d'Estrées, the father of his famous mistress.

Nevertheless, so heavy and far-reaching a calamity was his assassination by the senseless fanatic Ravailac, that forerunner of the socialists and anarchists of our own day, that a certain pitiless logic attends the frightful sentence which was pronounced upon the murderer, and which was carried out to the letter. Thirteen days after the fatal 14th of May, 1610, the Parlement pronounced the following

judgment: "The Court, etc., after attentive consideration, declares that it has been that the Court has declared and declares the aforesaid Ravailiac attainted and convicted of the crime of lèse-majesté, divine and human, in the first degree, for the very wicked, very abominable, and very detestable parricide committed on the person of the late king Henri IV, of very good and very laudable memory; in reparation of which it has condemned and condemns him to make *amende honorable* before the principal door of the Church of Paris, to which he shall be led and conducted in a cart; there, naked in his shirt, holding a burning torch of the weight of two pounds, to say and to declare that, wickedly and treacherously, he committed the very wicked, very abominable, and very detestable parricide, and killed the aforesaid seigneur king with two strokes of a knife in the body, of which he repents and for which he asks pardon of God, of the king, and of justice. From there, conducted to the Place de Grève, and, on a scaffold which shall be there erected, torn with pinchers on the nipples, arms, thighs, and fleshy part of the legs, his right hand, holding the knife with which he committed the aforesaid parricide, burnt and consumed with fire of sulphur, and on the places where he shall have been torn with pinchers shall be poured melted lead, boiling oil, wax, and sulphur melted together. This having been done, his body torn and dismembered by four horses, his members and his body consumed by fire, reduced to ashes, scattered on the wind; has declared and declares all his property confiscated to the king, orders that the house in which he was born shall be demolished; the individual to whom it belongs previously indemnified, no building to be ever afterward erected on the site thereof, and that within fifteen days after the publication of the present decree to the sound of trumpet and by public crier in the city of Angoulesme his father and his mother shall quit the kingdom, being forbidden to ever return therein under penalty of being hanged and strangled without any form or process of law whatever. We forbid his brothers and sisters, uncles, and others to bear hereafter the name of Ravailiac, and we enjoin them to change it under the same penalties; and to the substitute of the procureur-général du roi to cause to be published and to execute the present decree, under penalty of felony; and before the execution of the said Ravailiac ordains that he shall be again put to the question for the revelation of the names of his accomplices."

He was put to the question of "the boot" very thoroughly, but refused to the last to admit that he had any accomplices; the prayers of the two doctors of the Sorbonne who assisted at his execution were drowned by the clamors of the crowd protesting that no offices of the Church should attend the passing of the *méchant damné*, and the people themselves aided the horses to tear him asunder.

Marie de Médicis, the second wife of Henri IV, after ten years of entreaty, had succeeded in inducing the king to permit her to be crowned as Queen of France on the day preceding his death; within two hours after that event, she and the Duc d'Epéron had taken all the necessary steps to secure the decree of the Parlement declaring her regent. The judicious administrative measures of the Béarnais were to be reversed, the reign of Italian favorites was to begin, events were to be subordinated to persons, "as is nearly always the case when queens are kings." Nevertheless, the Parlement remembered, when it was too late, that she had recognized its right to dispose of the sovereign power.

The last reunion of the *États Généraux* before the famous one of 1789 was held in 1614, and was marked by the usual dissensions among the three orders. The nobles complained to the king of the insolence of the *tiers état* in asserting themselves to be the younger brothers of the same great family; "there is between them and us the difference between master and valet." The clergy refused to assume any portion of the public burdens; "that would be to diminish the honor due to God." Consequently, the president of the upper bourgeoisie, the *prévôt* of the merchants of Paris, Robert Miron, declared boldly to the king: "If your Majesty does not provide for the reforms which the nation demands, it is to be feared that despair will make the people aware of the fact that the soldier is only a peasant bearing arms; that when the vine-grower has taken up an arquebus, from the anvil which he was, he will become the hammer." Nothing was done; the king's great minister, Richelieu,

was too much occupied with the direction of the foreign affairs of the nation to occupy himself with reforms at home.

Louis XIII was but eight and a half years old at the date of his father's assassination, and his melancholy, reserved, and suspicious character bore the traces of that tragic event through life. His early education was greatly neglected, excepting in the matter of floggings for obstinacy and disobedience; as a king, it was said of him that "no man loved God less, or feared the Prince of Darkness more." The weakness and irresolution which are generally attributed to him were conspicuous by their absence in his retention of his minister, notwithstanding the constant cabals, intrigues, and menaces of his mother and her adherents, and the famous "Day of the Dupes," in which they thought they had finally attained their end, was followed by dismissal of the Chancellor Marillac, and the trial and execution, on the Place de Grève, of his brother, Marshal of France, for the misappropriation of funds for the army,— "a matter of some hay, straw, stone, and chalk," he exclaimed, "not enough to whip a valet for!"

One of the most recent of the works on the great cardinal, that of the Abbé Lacroix, presents us with a Richelieu but little known, administering his diocese of Luçon, at the age of twenty-two, firmly and justly, regular in his habits and conciliatory in his character, ambitious, preparing himself, during eight years of obscure study and skilful intrigue, for his accession to power, and having already selected the men whom he would designate to carry out his great designs. "The bishop prepared the minister," says this biographer.

It was no part of his plans to have the Parlement oppose them, and that body was forced, during this reign, to swallow some of its bitterest mortifications. In 1631, having refused to verify a royal decree, the king returned from Fontainebleau hastily, and ordered the members to present themselves in a body at the Louvre, the greffier bringing with him the register of their debates; in the grand gallery of the palace they were obliged to kneel before the throne, and the monarch, rising, took the register which was presented to him, tore out the page on which was the record of their deliberation, and ordered that there should be inserted in its place the decree of the royal council which had been refused the *enregistrement*. Ten years later, in the midst of the Thirty Years' War, the magistrates having declined to approve of certain new taxes, Louis XIII held a "bed of justice," and again brought them to terms. The Parlement was formally forbidden to put forth any remonstrances regarding the edicts which concerned the government and the administration of the State. Only on those relating to the financial decrees were they to be permitted to have a voice. These wearisome episodes were repeated at intervals during the reigns of all the later kings of France.

Neither was there any contemplation of the *États Généraux* in the administration of the king and his minister. A few assemblies of notables were held, one in 1625 on the subject of the Valteline and the rupture with the Pope, and another in the latter part of the following year, to which were admitted only magistrates, ecclesiastics, councillors of State, and the *prévôt* of the merchants of Paris.

Against Mazarin, minister and cardinal, but not a priest, the Parlement was more successful in its long contest. Entrenched in their office, rendered hereditary by the establishment of the *paulette* (so named from the contractor Paulet, who suggested it to Sully in 1604), the magistrates had acquired a spirit of independence and pride which led them to style themselves "the born protectors of the people," and to assert their right to assume the *rôle* of the *États Généraux*, and to play the part of the Parliament of England, which at that hour was accomplishing a revolution, and to which, indeed, Mazarin compared them. In January, 1646, they proclaimed the cardinal a disturber of the public peace, an enemy of the king and the State, and directed him to leave the court immediately, and the kingdom within a week. In February, 1651, he was again banished, he, his family, his adherents, and his foreign servants, and this decree, promulgated to the sound of the trumpet in all the quarters of Paris, was greeted by the populace with noisy exclamations of joy. In March and in June these orders were repeated, the wily favorite of Anne d'Autriche seeking every opportunity of regaining his power. It was these triumphs of the Fronde that inspired the despotic Louis XIV with that dislike

for the city of Paris which he cherished all his life,—these, and the too-frequent public monuments which spoke of other crowned heads than his own!

The nation had already entered that period of incredible distress and degradation which was to lead to the Revolution, and on the surface of which the so-called splendor of the court glittered with a species of decaying phosphorescence which blinds the eyes of grave historians to this day. In 1646 there were in the jails of the kingdom twenty-three thousand eight hundred persons, confined for non-payment of taxes, five thousand of whom died there. "*Tout le royaume*," said Omer Talon, two years later, "is sick with exhaustion. The peasant no longer possesses anything but his soul, because he has not yet been able to put that up for sale." No prince, in the judgment of Saint-Simon, possessed the art of reigning in a higher degree than did Louis XIV. "Louis Quatorze is certainly not a great man," says Duruy, "but he is very certainly a great king, and the greatest that Europe has seen." And yet the latter quotes from the *Mémoires* which the king demanded from his intendants on the condition of their provinces for the instruction of his grandson, the Duc de Bourgogne: "The wars, the mortality, the lodging and the continual passage of armed forces, the military regulations, the heavy taxes, the withdrawal of the Huguenots, have ruined this country.... The bridges and the roads are in a deplorable state, and commerce is abolished. The frontier provinces are the most completely crushed by the requisitions, the pillaging of the soldiers, who, receiving neither pay nor provisions, pay themselves with their own hands. In the district of Rouen, out of seven hundred thousand inhabitants, six hundred and fifty thousand have for bed a bundle of straw. The peasant in certain provinces is returning to a state of savagery,—living, for the most part, on herbs and roots, like the beasts; and, wild as they are, fleeing when any one approaches." "There is no nation as savage as these people," says the intendant of Bourges of those under his administration; "there may be found sometimes troops of them seated in a circle in the middle of a field and always far from the roads; if they are approached, this band immediately disappears."

At this great king's death, he left France, says M. Duruy himself, "in a prodigious state of exhaustion. The State was ruined, and seemed to have no other resource than bankruptcy. Before the War of Succession, Vauban had already written: 'Nearly the tenth part of the people are reduced to beggary; of the nine other portions, five cannot give any alms to the mendicants, from whom they differ but slightly; three are very much distressed; the tenth part do not include more than one hundred thousand families, of which not ten thousand are comfortably situated.' This poverty became especially terrible in 1715, after that war in which it was necessary to borrow money at four hundred per cent., to create new imposts, to consume in advance the revenues of two years, and to raise the public debt to the sum of two milliards four hundred millions, which would make in our day nearly eight milliards!"

"Behold the cost of his glory," says M. Duruy elsewhere, "a public debt of more than two milliards four hundred millions, with a sum in the treasury of eight hundred thousand livres; an excessive scarcity of specie; commerce paralyzed; the nobility overwhelmed with debts, the least burdensome of which had been contracted at an interest of fifteen and twenty on the hundred; the magistrates, the *rentiers*, long deprived of the revenues owed them by the State; the peasants, in certain provinces, wanting for everything, even for straw on which to lie; those of our frontiers passing over to foreign countries; very many districts of our territory uncultivated and deserted." For the credit side of the account of this greatest of kings, the historian can cite the acquisition of two provinces, Flanders and Franche-Comté, certain cities, Strasbourg, Landau, Dunkerque, "so many victories, Europe defied, France so long preponderant, finally, the incomparable brilliancy of that court of Versailles and those marvels of the letters and the arts which have given to the seventeenth century the name of the *siècle de Louis Quatorze*!" Of the bigotry, ignorance, intolerance, and incredible and always uneasy vanity of the little soul of this great monarch the chroniclers of even his sycophants are full.

His political creed may be learned from this passage in his *Mémoires*: "The kings are absolute lords and have naturally the full and entire disposition of all property which is possessed as well by the churchmen as by the laymen, to use at all times, as judicious stewards, that is to say, according to the general need of their State. Everything which may be found within the limits of their States, of whatsoever nature it may be, appertains to them by the same title, and the coin which is in their strong-box and that which remains in the hands of their treasurers, and that which they permit to remain in the commerce of their peoples."

Consequently, the end of this reign of seventy-two years was "very different from its beginning. He received his kingdom powerful and preponderating abroad, tranquil and contented at home; he left it weakened, humiliated, discontented, impoverished, and already filled with the seeds of the Revolution." (Rœderer: *Mémoires*.)

For the administration of the government of the State, there were three great Councils, under the immediate direction of the king, who was his own prime minister. The *Conseil d'en haut*, to which he called the secretaries of State, and sometimes the princes of the blood, corresponded to the modern council of ministers in that it had the general direction of the great political affairs, with the additional function of judging appeals of the *Conseil d'État*, or *Conseil du Roi*. The latter, subordinate to the ministers but superior to the supreme courts, was the great administrative body of the kingdom and was composed of eighteen members. The *Grand Conseil*, which had been invested by Charles VIII with the judicial attributes up to that time appertaining to the *Conseil du Roi*, in order that the latter might remain a purely administrative body, sat in judgment on ecclesiastical matters, appeals to the higher courts, conflicts with parliamentary authority, etc.

For the administration of the city of Paris, and with the design of replacing the various seigneurial, ecclesiastic, and municipal authorities by one royal one, a decree was issued as early as 1674, in which all these justices, "and even that of our bailiwick of the palace, shall be reunited to the *siège présidial de la prévosté et vicomté de Paris*, held at the Châtelet, . . . so that in the future they shall never be separated from it, nor re-established, for any cause, or under any pretext whatsoever." A second seat of the *prévôté* and *vicomté* of Paris was established at the same time at the Châtelet with the same powers and prerogatives as the other,—the number of affairs being much too great for the cognizance of one jurisdiction. A supplemental decree, some months later, established the seat of the second in the abbey of Saint-Germain-des-Prés. This abolition of the divers administrations of justice by the seigneurs was greatly appreciated by the populace, and greatly resented by the deposed lords, secular and ecclesiastical. In 1687, a magistrate, Nicolas de la Reynie, was appointed as superintendent of the police of Paris, and he was succeeded, ten years later, by the Marquis d'Argenson,—these being the first two *lieutenants de police*. This police, in addition to maintaining the public order, exercised a surveillance over all printed and written matter—even searching the post and opening suspected letters in the *cabinet noir*, and making itself a servile instrument in the abuse of the *lettres de cachet* through which, as the president of the *Cour des Aides*, Malesherbes said to Louis XV in 1770: "no citizen has any assurance that his liberty may not at any moment be sacrificed to some personal vengeance."

An edict of 1705, recalling that, in 1690, *la noblesse au premier degré* had been bestowed upon the president, councillors, and other officers "of our *Cour de Parlement de Paris*;" that in 1691 the same privileges had been granted to the presidents, councillors, and other officers "of our *Cour des Aydes de Paris*;" in 1704, on the officers of the *Chambre des Comptes*, granted also this nobility to the presidents, treasurers-general of France, avocat, procureur, and *greffier en chef* of the bureau of finance. In the following year, the privileges of this nobility were granted to the *échevins*, the procureur, the greffier, and receiver of the city of Paris, and the *prévôt* of the merchants was given the title of chevalier. Following the ancient traditions of the French monarchy, the king preferred to see himself served by the men of the middle classes, rather than by the powerful lords, whose *rôle*

was reduced to that of obsequious courtiers in his antechamber, but, "in working with the bourgeois, the grandson of Henri IV wished to remain always *le roi des gentilshommes*."

In the person of Louis XV the most ignoble vices of a man were united to those of a king, but he had sufficient intelligence to foresee the calamity that was coming. "The thing will last at least as long as I do," he said, "my successor may get out of it the best way he can." And to Madame Pompadour is credited the famous saying: "After us, the deluge." When the minister Choiseul was disgraced, in 1770, half the nobles deserted the court to follow him to his estate of Chanteloup, near Amboise,—so much had the splendor of Versailles, that great glory of the reign of the *Roi-Soleil*, departed!

There were thirteen parlements and four provincial councils in France having sovereign jurisdiction in civil and criminal cases; the authority of the Parlement of Paris covered two-fifths of the kingdom. The *chambres des comptes*, the *cours des aides*, and the *cours des monnaies* judged all cases relating to the imposts, to the coinage, and to bullion. The *grand conseil*, the *requêtes de l'Hôtel*, the tribunal of the University of Paris, the *capitaineries royales*, etc., had each a special jurisdiction. Certain persons could only be judged by certain tribunals. In 1735, the Parlement having despatched its first president and several of its members to the king, then at Compiègne, to remonstrate with him, Louis XV informed them that he "forbade his Parlement to meet, to issue any decree, or to deliberate in any manner on the affairs of State; that they were to assemble only to receive his orders and to execute them, and that they had better not constrain him to make them feel the weight of his authority." In September of the same year, he summoned them to a bed of justice at Versailles, contrary to all precedent, and when they returned protesting, all the presidents and *conseillers des enquêtes* and *requêtes* were summarily banished to different cities in the kingdom by *lettres de cachet*. In 1753, the whole body was sent into exile, at Soissons, and to replace it the king created a *chambre royale*, which held its sittings at the Louvre, but which, though duly registered at the *Châtelet au très exprès commandement du roi*, was received with such contempt for its authority and such general levity that the members "became so well accustomed to it that they frequently assembled laughing, and made jests of their own decrees." The Parisians, who ridicule everything, declared that these members enjoyed themselves greatly at the masked ball during the Carnival, because none of them were *recognized*.

The members of the Parlement returned from their exile as contumacious as ever. Against the express command of the king, they persisted in occupying themselves with religious questions and manifesting a spirit of opposition to the pretensions of the Papacy. The public excitement was so great that a wretch named Damiens attempted to assassinate the king, in 1757, but only wounded him slightly. In 1770, the Duc d'Aiguillon, Governor of Brittany, having been relieved of his post and formally accused by the parlement of that province, was brought to trial before the Parlement of Paris in his quality of peer of the realm. He was about to be condemned when the king, in a bed of justice, quashed the proceedings. To the indignant protests of the magistrates, who suspended their sittings, Louis XV replied by dismissing his minister, Choiseul, and giving his post to D'Aiguillon. On the night of the 19th and 20th of January, 1771, a hundred and sixty-nine of the members of the Parlement were each awakened by two musketeers, who required them to sign *yes* or *no* on the order to resume their official functions. Thirty-eight signed *yes*, but retracted this consent two days later; on the following night a *huissier* notified the members of their suspension from office, and the musketeers brought them *lettres de cachet* which banished them all in different directions. At the end of the year there were more than seven hundred magistrates in exile. The king transformed his council into a parlement, under the presidency of M. Maupeou, from whom it took its name, but it was received with a storm of popular insult and ridicule. Public opinion throughout the nation was aroused; all the princes of the blood, excepting one, and thirteen peers protested to the king "against the reversal of the laws of the State," and the name of the *États Généraux* was openly pronounced in the parlements of Toulouse, Besançon, Rouen, and even in Paris. "Richelieu and Louis XIV had

destroyed the political importance of the nobility; Louis XV destroyed the great institution of the magistracy,—what was there remaining to prop up the ancient edifice and to cover the monarchy?"

The ribald Parisians circulated this *Pater*, and found amusement in it: "Our Father who art at Versailles, your name be glorified, your reign is shaken, your will is executed no more on the earth than in heaven; give us our daily bread, which you have taken from us; pardon your parlements, which have sustained your interests, as you pardon your ministers who have sold them: do not succumb any longer to the temptations of the Du Barry, but deliver us from the devil of the chancellor."

In the midst of the general decadence, which affected alike royalty, the clergy, and the nobles, in the general confusion and inequality of all laws and procedure, a formidable spirit of investigation began to stir. The nation had no written constitution, everything depended upon custom, and was maintained only by a sort of public opinion, which constantly varied. The contradictions and anomalies in all branches of the public administration were rendered even more hopeless by the general corruption and clashing of individual interests: "France has no general, positive, written law ... which defines all the powers," said Lally Tollendal in the chambre de la noblesse in 1789. Both the civil and the penal law bristled with the most flagrant injustice, the accused was frequently allowed no defence; torture, mutilations, and the death-penalty were awarded with the most shocking facility and for the most inadequate crimes,—the complete innocence of the victim was but too frequently recognized after his execution. "If I were accused of having stolen the towers of Notre-Dame," said one, "I would consider it prudent to run away." The right of asylum was still maintained in Paris in the enclosure of the Temple, as in the Middle Ages; in 1768, "poor devils were sent to the galleys for having sold certain books, among them the innocent satire of Voltaire: *L'homme aux quarante écus*."

The details of the trial and execution of Damiens, for his attempt on the life of the king, give a better picture of the times than any general description. Immediately after his arrest, his legs were torn with red-hot pinchers, and these wounds were not allowed to heal. He was confined in the Tour de Montgommery, in a circular chamber twelve feet in diameter, almost without light and air, strapped down, without the power of movement, to a mattress, the bottom of which was alternately pushed up and let down by a jack underneath. His examination lasted fifty-seven days; he was put to the question, "ordinary and extraordinary," to discover the names of his accomplices, and finally condemned to death by torture in very nearly the same phrases as those which we have quoted in the sentence of Ravailac. An enclosure was arranged in the Place de Grève, surrounded by a strong barricade of planks, pointed at the top, with elongations at the four corners for the four horses who were to *écarteler* the criminal; in the centre was a very solid wooden table, six feet long, four feet wide, and about three feet high, on which he was to be placed, fastened down with iron plates over his chest, stomach, and between his thighs, in such a manner that his body should be perfectly immovable while his limbs were at liberty. "The roofs of all the houses in the Grève," says the contemporary *Journal de Barbier*, "and even the chimneys, were covered with people. There was a man and a woman who fell in a certain locality, and who injured others. It was remarked that there were very many women, and even some of distinction, and that they sustained the horror of this execution better than the men, which did not do them any honor."

From the memoirs of H. Sanson, one of the public executioners, the following details are quoted by M. de Genouillac. "The *tortionnaire*, who had charge of the pinchers, and who, by a singular mockery of circumstances, bore the name of a great seigneur of the time, Soubise, had assured his chief that he had procured all the implements indicated in the sentence. When he arrived at the scaffold, Gabriel Sanson immediately perceived that the miserable Soubise was drunk, and quite incapable of fulfilling his appointed task. Filled with violent apprehension, he demanded to be shown the lead, the sulphur, the wax, and the rosin which Soubise was to have purchased; everything was lacking, and it was recognized at the same moment that the 'patient' might arrive immediately, that the pile which was to consume his body was composed of damp and ill-chosen wood that would be very difficult to light.

"In contemplating the consequences of the drunkenness of the *tortionnaire*, Gabriel Sanson lost his head. For some moments the scaffold presented a spectacle of inexpressible confusion; the valets ran about distracted, everybody cried out at once, and the unhappy executioner of the *prévôté de l'hôtel* tore his hair while deploring the terrible responsibility which he had brought down upon his head. The arrival of the lieutenant of the short robe, who had finished disposing his men in the enclosure, the presence of the procureur général, who had been sent for, put an end to this disorder.

"The magistrate severely reprimanded Gabriel Sanson.... During this interval, the valets went into the shops of the grocers of the neighborhood to provide themselves with what was necessary; but when they issued from the enclosure, the crowd followed them,—in all the shops which they entered their purpose was made known and the merchants refused to sell them, or pretended not to have what they desired; it was necessary for the lieutenant to send with them an officer to demand, *in the king's name*, the objects of which they had need."

"This scene was prolonged for such a length of time," says M. de Genouillac, continuing the narration, "that everything was not yet ready when the patient arrived on the Place de Grève, and they were obliged to seat him on one of the steps of the scaffold whilst they proceeded, under his very eyes, with the final preparations for his death. Damiens had remained three hours in the chapel; he had prayed continually, with a fervor and a contrition that had touched the hearts of all those present. When four o'clock struck from the clock of the Palais, Gabriel Sanson approached MM. Gueret and De Marsilly, and said to them that the hour to set out had arrived.

"Although he had spoken in a low voice, Damiens had heard him, for he murmured, in a feverish voice: 'Yes, it will soon be night;' and after a pause he added: 'Alas! to-morrow it will be day for them!'

"They raised him up to take him away; he made the motion of a kiss toward the crucifix; he was put into the tumbril, which took its way toward Notre-Dame. Before the porch of the church they endeavored to force him to kneel, but his legs were so broken that he uttered a piercing cry in endeavoring to stoop; he was obliged to pronounce while standing the words which the greffier dictated to him.

"He was replaced in the cart and all returned to the Place de Grève, which was literally full of people belonging to all classes of society. Arrived at the foot of the scaffold, Damiens asked to speak to the commissioners; he was carried to the Hôtel de Ville, there he retracted again the accusation he had made against Gautier, which had been wrung from him by torture, recommended his wife and his children to M. Pasquier, and at five o'clock he was set down again on the Place and they lifted him on the scaffold.

"The braziers in which was burning the sulphur mingled with burning coals were ready; his arm was attached to a bar in such a manner that the wrist extended beyond the outside plank of the platform. The executioner brought up the brazier. Damiens uttered a frightful cry and writhed; then, that movement over, he lifted his head and watched his hand burning without manifesting his pain in any other manner than by the chattering of his teeth. It was one of Sanson's valets, André Legris, who, for the sum of a hundred livres, undertook the tearing with pinchers. He carried his instrument over the arms, over the chest, and over the thighs of the patient, and brought away shreds of flesh; then he poured into the gaping wounds boiling oil, flaming rosin, sulphur fused, or melted lead, with which the other valets supplied him.

"Damiens, mad with pain, his eyes immeasurably out of their orbits, the hair standing on his head, cried, in a voice that made every one tremble: 'More! more!'

"But he was taken down from the platform, the traces of the horses were attached to each one of his limbs. Each horse was held by the bridle by an aid; another was placed behind with a whip in his hand; the executioner, standing on the platform, gave the signal.

"The four horses sprang violently forward, one of them fell, but the body of the unfortunate wretch was not dismembered.

"Three times the horses recommenced their efforts, and three times the resistance of the body made them fall back. Only the arms and legs of the patient, who was still living, were immeasurably elongated.

"The curé had fainted; the executioners no longer knew what to do. The spectators, at first dumb with stupor and fright, now uttered exclamations of horror.

"It was then that the surgeon, Boyer, ascended to the Hôtel de Ville to ask of the commissioners permission to cut the joints; this was at first refused, on the pretext that the longer the execution lasted the more would the criminal suffer, and that this was what was necessary; but the surgeon having affirmed that the tearing asunder could not be effected without aid, it was resolved to permit the necessary amputation.

"But there was no instrument.

"André Legris performed the operation with blows of a hatchet, he cut the arm-pits and the joints of the thighs. The two thighs were first dismembered, then a shoulder, and it was not till after this that the wretched Damiens expired.

"A sigh of relief escaped from all breasts.

"But it was not finished: the four members and the trunk were gathered up and all placed upon the pile of fagots, and the flames arose. The execution of Damiens had lasted an hour and a quarter....

"It was observed, when they picked up the body of Damiens to throw it on the pyre, that his hair, which was brown when he arrived on the Place de Grève, had become white as snow."

The judgment rendered by the Parlement in the famous case of the diamond necklace, in the following reign, was received with very different emotions by the court and the people. It may be remembered that the Bishop of Strasbourg, Cardinal de Rohan, a member of one of the most arrogant families of the nobility, anxious to regain the favor of the Queen Marie Antoinette, had fallen into the snares of a clever adventuress, Jeanne de Saint-Remy de Valois, Comtesse de la Motte. The latter was aware that the crown-jewelers, MM. Boehmer and Bassenge, had offered the queen a necklace of diamonds for the price of one million six hundred thousand livres, but that she had declined it, saying that the money would be better applied in the purchase of a vessel of war. Madame de la Motte proceeded to open fictitious negotiations with the jewelers in the name of the queen, pretending that the latter had changed her mind but did not wish the affair to become public, that the purchase would be made by instalments and through the hands of a great seigneur of the court. This was the Cardinal Rohan, upon whom she imposed, by means of forged letters from the queen, skilfully prepared by her secretary, one Sieur Rétaux de Villette. She even arranged a brief nocturnal interview in the gardens of Versailles for him, as related in the last chapter, with a demoiselle from the Palais-Royal disguised as Marie-Antoinette. A few days later, the cardinal remitted to the comtesse the sum of one hundred and fifty thousand livres on a pretended letter; but when she proposed to him, later, to purchase the necklace himself on the strength of the queen's promise to indemnify him, he had so many doubts that he went to consult the adventurer Cagliostro, then in great favor in Paris. The magician pronounced favorably upon the enterprise; in January, 1785, the cardinal received the jewels from the merchants in return for a paper signed and sealed by him but bearing on the margin the words: "*Approuvé, Marie-Antoinette de France*" in which it was agreed that they were to be paid for in four instalments of four hundred thousand livres each, the first payment to be made on the 1st of August following. The queens of France were never in the habit of adding anything to the signature of their Christian names. On the first of February the cardinal delivered the necklace in a casket, in the apartments of Madame de la Motte at Versailles, to an assumed valet in the royal livery, whom he thought he recognized, but who was no other than the crafty Rétaux de Villette. The stones were immediately separated, the comtesse kept the small ones for herself and sold the larger ones in England. Naturally, the affair came to light a few months later, and on the 15th of August the cardinal was lodged in the Bastille.

Great was the excitement; the Papacy even interfered to prevent the trial of so eminent a churchman by the Parlement, before whom the king brought the *procès* in the following month, but

the latter maintained its rights, and on the 31st of May, 1786, pronounced judgment. M. de la Motte (who had escaped to England) was condemned to the galleys for life; his wife, to be publicly flogged, branded on both shoulders with the letter "V," a rope around her neck, and imprisoned for life; Rétaux de Villette banished for life, without branding or flogging; the demoiselle D'Olivia discharged; Cagliostro and the cardinal discharged from all accusation. The acquittal of the prelate was hailed with applause by the people, and viewed with great displeasure by the court and the nobility; the blow to the royal prestige was felt to be very serious, the publicity given to the fact that a cardinal, Grand Almoner to the Court, had mistaken a courtesan for the Queen of France was recognized as most unfortunate. Louis XVI banished him to his abbey of the Chaise-Dieu in Auvergne, ordered him to resign his post of Grand Aumônier de France, and to return his order of the Saint-Esprit.

Madame de la Motte, who had appeared on her trial coquettishly arrayed, and bearing herself with the greatest assurance, had become so violent on hearing her sentence that the *exécuteur des hautes-œuvres* was summoned to the Palais by the magistrates, and strongly recommended to avoid any public scandal in carrying out the sentence of branding her. It was proposed to gag her, but it was feared that this would excite the people, and it was resolved to perform the operation at six o'clock in the morning, in the court of the Conciergerie. When it came to reading the sentence to her, four men were required to transport her before the Commission Parlementaire charged with this duty, and even then she escaped from their hands and threw herself upon the floor, rolling "in such convulsions and uttering such cries of a wild beast" that the reading had to be abandoned.

"When she was stretched on the platform," as the *Mémoires des Sanson* relate, "the fustigation commenced, and as long as it lasted, her cries became all the more furious. Her imprecations were especially addressed to the Cardinal de Rohan; ... she received a dozen blows with the rods; ... she remained during some moments mute, motionless, and as though fainting. Charles-Henri Sanson thought to take advantage of this to carry out the final directions of the sentence. Her dress had been torn in the struggles she had undergone, and her shoulder was uncovered. He took an iron from the brazier, and, approaching her, he pressed it upon the skin. Madame de la Motte uttered the cry of a wounded hyena, and, throwing herself upon one of the assistants who held her, she bit his hand with so much fury that she took out a portion of the flesh. Then, and although tightly bound, she began again to defend herself. Taking advantage of the care which the executioners exercised in this struggle against a woman, she succeeded for a long time in paralyzing all their attempts, and it was only very imperfectly that the iron was applied a second time, to the other shoulder."

The red-hot iron slipped, and the brand was made on her breast instead. "This time she uttered a cry more heart-rending and more terrible than all the others, and fainted. They took advantage of this to put her in a carriage and convey her to the Salpêtrière."

Such was the administration of justice in the middle of the eighteenth century, and in the most civilized capital in Christendom!

It is to be regretted that Destiny, with her usual disregard of sound ethics, should have passed over the heads of the vainglorious Louis XIV and the corrupt Louis XV to wreak the final vengeance due the Bourbons on that of their well-intentioned but incapable successor. In the eyes of Clio, weakness is the Unforgivable Sin. The grandson of Louis XV, when he ascended the throne in 1774, at the age of twenty, was "a prince of pure habits, of very limited intelligence, of an extreme timidity both in character and speech, loving the good, desirous of it, but, unfortunately, too feeble to be able to impose his will on those around him. While he was still dauphin, being one day reproached by the courtiers with his sober humor in the midst of the totally unregulated court of his grandfather, he replied: 'I wish to be called Louis the Severe.'" One day his minister, Turgot, entering his cabinet, found him seriously occupied. "You see," the monarch said to him, "I am working also." He was drawing up a memoir for the destruction of rabbits in the neighborhood of cultivated estates!

The reforms instituted by this minister evoked such violent opposition, even from the Parlement in defence of the odious abuse of the *corvée* (forced labor on the highways), that the timid king

dismissed him, in 1776. He was succeeded by the Genoese banker, Necker, who in his turn was obliged to resign, five years later, his intelligent efforts to redeem the hopeless confusion into which the finances had fallen serving only to increase the number of his enemies, amongst whom the Parlement was again to be found. The treaty of alliance with the revolted American colonies, signed February 6, 1778, was made the occasion of solemn warnings addressed to the king as to the dangerous encouragement he was thus giving the spirit of unrest and independence. The queen began to interest herself in the affairs of the government; at her advice, the direction of the finances was given to Calonne, in 1783, who in three years increased the debt by the sum of five hundred millions of borrowed money, and brought things to such a pass that he had no other resource to offer the distracted monarch but the discarded measures of his predecessor, Necker.

The quarrels with the Parlement increased in frequency and bitterness; the king was guilty of irregularity in forcing the enregistering of certain edicts,—“it is legal because I wish it so,” he said; Calonne was succeeded by Brienne for a year, and the latter by Necker again for the same length of time, but it was too late; the demands for the *États Généraux*, or even for an *Assemblée Nationale*, became more and more peremptory. Brienne was burned in effigy in the streets of Paris, as Calonne had been, and it was even intended to insult the queen in the same manner. She was called *Madame Déficit*, and, at the request of the lieutenant of police, the king promised to prevent her appearing in the capital. Finally, a decree of the *Conseil du Roi*, December 27, 1788, convoked the *États Généraux* to meet at Versailles on the 1st of the following May, and the beginning of the end had come.

One of the very first of the questions to be settled was that of the number of representatives of the *tiers état*. Many things had changed since 1614, when they had been so humiliated, and it was recognized that an increased representation should be given them, though the nobles bitterly opposed this reform. A royal decree of the 1st of January, 1789, fixed the total number of members at, at least, a thousand, and that of the third order at that of the other two combined. This decision was received with many demonstrations of satisfaction by the Parisians, and the six corps of the merchants of the capital addressed a congratulatory letter to the king. The amicable fusion of the three orders, which took place in the latter part of June, was prefaced by acrimonious dissensions, in which the king interfered, and was worsted. The custom, at first, was to permit the deputies of the clergy and nobility to enter the hall to take their places of honor, and to let those of the communes wait outside, frequently in the rain, as on the 23d of June,—the scene represented in M. Mélingue's painting, reproduced on page 35.

The first defections from the ranks of the aristocracy were made on the 13th of June, when three curés of Poitou took their seats with the third estate. On the 17th, on the motion of the Abbé Sieyès, the communes declared themselves the National Assembly, and on the 9th of July, the more clearly to indicate their mission, they added the word “Constituante.” This bold step filled the court with rage, the king was advised to dissolve the Assembly, but had courage only to close the doors of the *Salle des Menus*, called the *Salle des Trois Ordres*, in which the sittings had been held. The president of the *tiers état*, Bailly, convoked the members in a tennis-court, where, on the 20th of June, they took a solemn oath not to separate until they had given a constitution to France. This was the famous *Serment du Jeu de Paume*. A week later, the king, at the instigation of Necker, invited the two higher orders to reunite themselves with the third. They obeyed and were courteously received, “We missed our brothers,” said Bailly, “the family is now complete.”

The Assemblée divided itself into thirty bureaux to facilitate the great work of creating the constitution, and the deputies of the tiers chose their presidents from among the nobles and ecclesiastics.

So far, everything had gone well, but the day of violence was at hand. More than thirty thousand troops had been concentrated around Paris and Versailles by order of the court; the Parisians, uneasy at their presence, demanded their withdrawal, the king dismissed Necker instead. The next day, the disturbances broke out, the Gardes-Françaises fired on a detachment of one of the foreign regiments,

the Royal-Allemand, the people rose, clamoring for arms, fabricated pikes, plundered the arsenal of the Hôtel des Invalides, and moved on the Bastille as by a common impulse. The governor, the Marquis de Launey, had made the best preparations for defence that he could, but he had only one hundred and fifteen men under his command, and these but little disposed to make a good stand; at the end of a combat of several hours, they forced him to capitulate, on the solemn promise of the besiegers that their lives should be spared,—a promise which was not kept. It is rather as the destruction of a hated instrument of tyranny than as a feat of arms that the French celebrate this event,—which inaugurated the long series of acts of bloodshed of the Revolution.

This news was received with such consternation at Versailles that the king commenced his half-hearted attempts to accept the situation and secure the friendship of his people. The next day, a royal courier announced to the inhabitants of Paris that, "relying upon the love and fidelity of his subjects," he had ordered the troops to leave the vicinity of the capital and of Versailles. The Assemblée sent a deputation of eighty members to Paris to confirm the news, there was universal rejoicing, a *Te Deum* at Notre-Dame, illuminations in the evening, Lafayette was appointed general of the Parisian militia and Bailly mayor of the city. On the 17th of July, the king made his famous visit to the Hôtel de Ville, was received by the new mayor and all the officers of the corporation, assumed the new tricolored cockade—with sufficient unwillingness,—and in response to the tumultuous acclamations of the crowd, swearing to defend his "legitimate authority," made them a little speech: "My people can always rely upon my love." "Louis might, on this day, have regained all hearts; but he was in nowise the man required for such times. The Revolution continued in his presence." On his return to Versailles, he consented to dismiss his cabinet of ministers and to recall Necker.

But misery and hunger were prevalent in Paris, and throughout the provinces the peasants had begun to burn convents and châteaux; the murder of former officers of the crown and the parading of their heads, and even of their hearts, through the streets had begun in the capital. In the celebrated sitting of the night of the 4th of August, the delegates of the nobility and the clergy voluntarily consented to the abolishment of all their privileges and feudal rights, of jurisdiction, of levying tithes by the clergy, privileges of persons, provinces, and cities. The right of redemption of all these privileges, excepting those which affected personal liberty, was stipulated, but this session was considered as memorable in establishing the dawn of equality, and the members of the Assemblée were saluted as "fathers of the country." Following the example of the American Congress, it was desired to draw up a declaration of the rights of the man and the citizen; those who wished to divide the legislative power into two branches, as in England, and give to the king the right of unlimited veto, were outvoted, some of the moderate members retired from the committee on the constitution, —on both sides the advocates of extreme measures came to the front. The regiment of Flanders was recalled to Versailles; the king refused the proposition which was made to him to take refuge in Metz, with the army of Bouillé, which would have brought on the civil war, but the final catastrophe was hastened, nevertheless, by an imprudent banquet given to the officers of the various regiments, even the foreign ones and those of the national guard, on the night of the 1st of October, in which foreign airs were played, healths drunk to the royal family, white cockades distributed by the ladies, and the tricolored ones, it was said, trampled under foot.

The starvation in Paris had become so general, that the people, in their ignorance, murmured: "Ah! if the king only knew of our miseries; he is good, but he is deceived by the courtiers; if he were only here, and not at Versailles!" The news of this banquet, and of another given the following day in the *salle du manège*, set fire to the powder, an army of women assembled, crying: "Bread! bread!" and, accompanied by a great multitude, set out for Versailles, notwithstanding all the efforts of Bailly and Lafayette. Some of the *gardes du corps* were killed, and their heads paraded through the streets on pikes; the royal family were brought back to Paris, virtually prisoners, and the Assemblée committed "the unpardonable fault" of following them, and thus placing itself also within the reach of the mob that had finally learned all its power. The great nobles had already begun to "emigrate," leaving the

king defenceless in the hands of his enemies, and rendering his situation still more desperate by their intrigues with foreign powers, which brought about the first of the coalitions against France.

On the 5th of November, it was decreed, and promptly approved by the king, that the sittings of the Parlement of Paris should be suspended until further orders, their powers to be exercised by the Chambres des Vacations; on the 24th of March, 1790, this ancient body was formally abolished, on the grounds that the nation had not concurred in its election. The consideration of the innumerable reforms, civil and political, voted by the Assemblée in its complete reconstruction of the government belongs rather to the history of the nation than to that of the city,—the absolute monarchy was deprived of the power of making laws, establishing imposts, deciding on peace or war, and reduced to the condition of the first of the administrative branches of the government, with a civil list of twenty-five millions. Complete liberty of action was given to the press, to industry and commerce. The rights of primogeniture, of rendering estates inalienable, were abolished, and of confiscation, on the principle that the expiation should be strictly personal, like the fault. Protestants and Jews were admitted to all civic and civil rights, and the former recovered their property which had been incorporated in the domains of the State. All titles were abolished, the nobles were reduced to the condition of citizens, and the priests to those of public functionaries; the application of the death-penalty was greatly restricted; all Frenchmen, without regard to their birth or religion, were eligible to all public offices and all military grades; the ancient provincial departments of the nation were replaced by departments. "The territory of France is free throughout its length and breadth, like the persons who inhabit it."

To save the new State from bankruptcy, Necker proposed, and Mirabeau caused it to be voted by acclamation, that each citizen should sacrifice a quarter of his income. The domains of the Church were placed at the *disposition of the nation*, and the minister of finance was authorized to sell them to the amount of four hundred millions of livres, the State to take measures to provide suitably for the maintenance of religion and the support of its ministers, and the care of the poor. The crown-lands and the property of the *émigrés*, which were confiscated July 26, 1792, were also declared national property, *biens nationaux*, and these biens were said to be the *dot* of the new constitution. The collection of the revenue was simplified and made less vexatious, each citizen to contribute his just proportion.

The supreme moment of the Revolution was, perhaps, the Fête of the Fédération, celebrated on the first anniversary of the fall of the Bastille, on the Champ-de-Mars, by the Parisians and the delegates sent by the army and the departments. The citizens, fearing that the great amphitheatre destined for this celebration would not be prepared in time, armed themselves with spades and picks, and thronged to the location to aid the workmen in this patriotic labor. The king presided; the queen, seated in a gallery of the École Militaire, took the dauphin in her arms and presented him to the people at the moment when his father was taking the oath to employ all the power delegated to him by the constitutional law of the State to maintain the constitution decreed by the Assemblée and accepted by him. The *Te Deum* was chanted before the immense "altar of the country" erected in the midst of the Champ-de-Mars, and the sun, suddenly breaking through the rain-clouds, illuminated the scene as if the heavens approved. In the evening, and for three days following, the populace danced on the Place de la Bastille.

It was in this year, 1790, that the municipalité or commune of Paris was organized by the law of the 7th of May, which decreed that it should be administered by a *maire*, or mayor, sixteen *administrateurs*, thirty-two members of the council, ninety-six notables, a procureur of the commune, and two substitutes. The city was divided into forty-eight *sections*, which were to be as nearly equal as possible, relative to the number of citizens. The ninety-six notables, the maire, and the forty-eight members of the corps municipal constituted the *conseil général* of the commune. The municipality had a treasurer, a *secrétaire greffier* with two assistants, a keeper of the archives, and a librarian.

A very important part in the administration of the State, which became more and more an irregular administration in which the powers of the authorized government were tempered or set aside by popular clamor and bloodshed, was taken by the various clubs. That which was composed of the moderates, who wished to maintain the Constitution of 1791, having for leaders Lafayette and Bailly, took its name from the convent of the Feuillants in which it was lodged, and had separated from the formidable club of the Jacobins. The building of the latter was destroyed by the mob on the 28th of March, 1791, but the sittings were not finally suspended until November 11, 1794. The Feuillants ceased to exist after the 10th of August, 1792. The Jacobins, also named from the convent in which it held its sittings, had been the club Breton, and had left Versailles at the same period as the government. At first under the influence of moderate men, it gradually came under the sway of Robespierre. Danton presided over that of the Cordeliers, established in the ancient refectory and school of the former convent of that order; there was another turbulent association known as the *Amis de la Vérité* [friends of the truth]; a ladies' club which published a journal; and even two royalists' clubs, one closed by the police in May, 1790, and the other by a decree of the municipalité in January, 1791.

The Constituante Assemblée held its last sitting on the 30th of September, 1791, having finished its labors on the constitution, and seen it accepted by the king,—apparently restored to a position of security after the unsuccessful attempt of the royal family to escape on the night of the 20th of June. The maire of the city, Bailly, addressed his resignation to the officers of the municipality, and Lafayette resigned the command of the Parisian national guard, "the Revolution being terminated, and the reign of law established," according to a decree of the municipalité of the 1st of October. The Assemblée Legislative, which was to carry on this peaceable government, and to which no members of the Constituante were eligible, held its first sitting on this date. But the new constitution satisfied no one, republicans or monarchists, and the former were divided into numerous factions with very different views,—the Girondins, so named from the eloquent members from the Gironde, who directed the new Assemblée, and who wished to overthrow the royal authority without going to extremes; the extreme republicans, called Montagnards because they occupied the high seats on the left in the Assemblée, and the Feuillants, or constitutional royalists, who sat on the right.

On the 21st of September, 1791, the Assemblée had decreed that every criminal condemned to death should be beheaded, and to facilitate the execution of this law a Doctor Louis drew up a *mémoire* which he presented to this body on the 20th of the following March, in which he described an instrument of his own construction, and which, after preliminary trials on animals and dead bodies, was finally adopted. Its name was derived from a Doctor Guillotin who, on the 1st of September, 1789, demanded that the sufferings of those condemned to death should be abridged by their execution with a species of machine that had been formerly in use. "With my machine," he said, "I will strike off your head in a twinkling, and without your suffering the slightest pain." This phrase, which provoked the Assemblée to much laughter, was repeated throughout Paris, and when a German mechanic, Schmidt, had constructed on the plans of Doctor Louis an apparatus, it was immediately called the *machine à Guillotin*, and presently, the guillotine. It was inaugurated on the 25th of April, 1792, in the Place de Grève, upon the person of a highway robber named Jacques Pelletier. "The novelty of the execution increased greatly the number of those whom a barbarous pity brought to view these sorrowful spectacles. This machine was preferred with reason to the other methods of execution; it did not soil the hand of a man with the blood of his fellow-creature."

The new instrument was put to such frequent use in the numerous political executions that it soon acquired a great notoriety, the prisoners jested concerning it, it was called the national razor, the mill of silence, and there were some persons who wore in their ears small representations of it. "In several of the hôtels of Paris, those aristocrats who could not succeed in emigrating killed time with a little guillotine in mahogany which was brought on the table after dessert; there were passed under its axe, successively, little figures or dolls whose heads, made to resemble those of our best

magistrates, allowed to escape, as they fell, a reddish liquor resembling blood, from the body, which was a flask. All the guests, especially the ladies, hastened to dip their handkerchiefs in this blood, which proved to be a very agreeable essence of ambergris."

The site of the present Place de la Concorde, in which the guillotine was afterward set up, was embellished with a bronze equestrian statue of Louis XV, by Bouchardon, sculptor in ordinary to his Majesty, inaugurated on the 17th of April, 1763, and, Bouchardon having died, the design was completed by Pigalle, who placed on the marble pedestal four bronze figures typifying Strength, Prudence, Justice, and Love of Country,—supposed to represent the typical qualities of the monarch. Consequently, the Parisians soon had the pleasure of reading on the pedestal the following unofficial couplet:

"Oh! la belle statue! oh! le beau piédestal!
Les vertus sont à pied, le vice est à cheval!"

[Oh! the fine statue! Oh! the beautiful pedestal! The Virtues go afoot, and Vice rides on horseback.] This statue was overthrown on the 11th of August, 1792, and the Place Louis XV became the Place de la Revolution, a stone and plaster figure of Liberty seated, colored to imitate bronze, being set up on the pedestal. On the 26th of October, 1795, it was rebaptized Place de la Concorde; the Restoration restored its name of Louis XV, and the Revolution of 1830, its present name.

A very great majority of the bishops having refused to take the oath to the new *constitution civile du clergé*, decreed by the Constituante Assemblée, which placed them under the control of the civil authorities, and being strengthened in this refusal by the authority of the Pope, the new Assemblée, by the law of May 24, 1792, directed that as a measure of public security all these priests *non assermentés* should be banished. The king refused to sanction this measure, and dismissed his Girondist ministers; he sent a secret agent to the foreign coalition menacing the frontiers: in the Assemblée, which allowed its sittings to be constantly interrupted and overawed by irruptions of so-called delegations of the citizens, of the sections, of the national guards, the suspicion and the open denunciation of the court constantly increased. The agitation and violence in the clubs, in the streets, in the journals, augmented from day to day; on the 20th of June an enormous mass of the populace overflowed the Assemblée chamber, broke into the Tuileries, shook their fists in the queen's face, and compelled the king to assume the red cap. A thin, pale young artillery officer, standing on the terrace by the river, watched this mob with indignation. "The wretches!" he exclaimed, "they ought to shoot down the first five hundred; the rest would take to their heels quickly enough." His name was Napoleon Bonaparte; he had been born in Corsica, in 1769, the year after that island had become French.

Not daring to do otherwise, the king was compelled to recall the Girondins to power, and to declare war against the German emperor on the 20th of April; the first actions of this war were unfavorable; the Duke of Brunswick, the commander of the Prussian army, issued a proclamation on the 20th of July declaring that he was coming, in the name of the allied monarchs, to restore the authority of Louis XVI, and the infuriated Parisian mob replied by the attack on the Tuileries on the 10th of August. The king, with all his family, escaped to the Assemblée at seven o'clock in the morning; the Swiss guards, badly led and short of munitions, were massacred after a gallant and ineffective defence. The atrocious Marat was hailed as the victor of this evil day; the Assemblée, under the inspiration of Robespierre, began to incline toward more extreme measures. The populace demanded of it that the king should be dethroned and a national Convention convened, it granted the second but not the first; the king was removed from the Assemblée to the prison of the Temple, and the Commune, headed by Danton, minister of justice, and composed of those leaders who had been elected to the principal municipal offices, became the real power in the capital. Through its instigation most of those confined in the various prisons of Paris were massacred in the first week in September. The helpless Assemblée held its last sitting on the 21st of this month, and the president,

remitting its authority to the new Convention Nationale, announced in phrases which the future was to make but sinister mockery: "The aim of all your efforts shall be to give the French people liberty, laws, and peace."

The first step of the new legislators was to declare that "royalty was abolished in France," and to proclaim the Republic. The struggles to maintain the direction of affairs between the Girondins and the Montagnards increased in vehemence until the latter succeeded in acquiring the ascendancy at the end of May, 1793. "Educated in the ideas of Jean-Jacques Rousseau, they dreamed of the rude virtues of the best period of Rome and of Sparta for the France of the eighteenth century, and, even though society should perish in the experiment, they were determined to apply their theories." The question of bringing the king, or "Capet," as he was now termed, to trial was debated in the Convention as early as the 7th of November, 1792; on the 2d of December, the Conseil Général of the Commune of Paris sent a petition to the Convention inviting that body to expedite this affair, and asking that the debate should be on these two questions: "1. Is Louis worthy of death? 2. Would it be advantageous for the Republic that he should perish on the scaffold?" By the terms of the constitution, the person of the king was sacred, and the extreme penalty provided for him was deposition, but the spirit of the "Terror" was already in the air; the situation on the frontiers was extremely critical; it was with some vague idea of defying or of awing the coalition that Danton had exclaimed in the Assemblée: "Let us throw them, in defiance, the head of a king!" The execution of the monarch, on the morning of the 21st of January, 1793, had, on the contrary, the effect of uniting against France all the sovereigns of Europe.

Around this execution have clustered the usual growth of legends and invention that supplement the great, trenchant facts of history with an embroidery to which history does not always condescend. The fine words which the king's confessor, the Abbé Edgeworth, are supposed to have addressed to him on the scaffold: "Son of Saint-Louis, ascend to heaven!" were invented on the day of the execution by a journalist named Charles His. The picturesque story of a secret midnight mass, celebrated every year on the anniversary of the execution, at the instigation and at the expense of the executioner Sanson, is equally devoid of foundation. It first appeared in the preface of a work published in 1830, under the title of *Mémoires pour servir à l'histoire de la Revolution française*, by Sanson, *exécuteur des arrêts criminels*. The preface was written by Balzac, the work itself by a certain Lhéritier, and Balzac reproduced the story with appropriate embellishments in his *Une Messe en 1793*, and later in the *Episode sous la Terreur*. One of the nuns who, in the first account, appeared as Mlle. de Charost here becomes the Mlle. de Langeais who figures so picturesquely and improbably in several of his romances. In the *Biographie universelle*, Michaud relates that Sanson, in his will, left directions to have a commemorative mass celebrated every year on the 21st of January; that he was so affected by the execution of the king that he fell ill immediately afterward, and died within six months, and that the provisions of the will were faithfully executed by his son and successor until his own death, in 1840. It appears, however, that the elder Sanson continued "to function" all through the Terror, did not die till 1806, and that any attempt to carry out the pretended provisions of his will would have been very dangerous to his son, and to any notary who might have drawn it up. Through the Terror, and even under the Directory, there are numerous records of sentences of deportation against priests who had celebrated requiem masses for the repose of the soul of Louis XVI. The famous *Messe de Sanson* appears to have been invented out of the whole cloth by Balzac.

In the Convention, divided into factions, and rent by mutual suspicion and terror, efficient measures were, nevertheless, taken against the allied enemies on the frontier, and those in the bosom of the nation; a committee of general security was formed to look after the latter, with a revolutionary tribunal to judge them, and a committee of public safety, "a species of dictatorship with nine heads," took energetic measures for the national defence. To the cry of "*Citoyens la Patrie est en danger!*" the volunteers flocked to the enrolling offices in such numbers that it was thought necessary to issue a decree commanding the bakers and the postal employés to remain to exercise their functions.

Everything was lacking in the way of equipment for the armies, the officers were suspected, and two or three of the generals went over to the enemy; but the nation, inspired with a double fury, against the foreign enemy and against its own citizens, put one million two hundred thousand men in the field, and the fourteen armies of the Republic, organized by the minister of war, Carnot, inaugurated that tremendous series of victories which carried the French name to its apotheosis of military splendor.

The excesses of the Reign of Terror are explained by the historians as the result of the universal fright and suspicion. "Under the reign of Hébert and Danton," said Saint-Just, "every one was wild and fierce with fear." A young girl, Charlotte Corday, came up to Paris from Caen and assassinated Marat, on the 13th of July, in the hopes of allaying the universal madness by the death of the principal wild beast; the queen was beheaded on the 16th of October; the king's sister, Madame Elisabeth, Bailly, the former maire of the city, Mme. Dubarry, the former mistress of Louis XV, and the Girondins, on the last day of October; the Hébertists on the 24th of March, 1794; and Danton, Camille Desmoulins, and other leaders of the so-called moderate party on the 5th of April. There remained only Robespierre, and a contemporary engraving, from the collection of M. Félix Perin, of Paris, reproduced on page 59, represents this dictator, "after having guillotined all the French," as executing with his own hand the executioner. He stands with his feet on the constitution of 1791; each guillotine represents a group of his victims. "A is the headsman; B, the Committee of Public Safety; C, the Committee of General Security; D, the revolutionary tribunal; E, the Jacobins; F, the Cordeliers; G, the Brissotins; H, the Girondins; I, the Philipotins (for Philippeautins, the followers of Philippeaux); K, the Chabotins; L, the Hébertists; M, nobles and priests; N, men of genius; O, old people, women, and children; P, soldiers and generals; Q, the constitutional authorities; R, the Convention Nationale; S, popular societies." The ingenious draftsman might have added still another, one for himself, for we are not surprised to learn that he paid with his head for this work of art.

Another of these contemporary engravings, also reproduced for these pages, from the collection of M. le Baron de Vinck d'Orp, of Brussels, designed by Laffitte and engraved "under the supervision of M^e Poirier, avocat of Dunkerque," is dedicated to Joseph Le Bon, an unfrocked Oratorian, who had caused to be put to death more than one thousand five hundred persons; he had even established an orchestra at the foot of the guillotine. The title of the engraving, *Formes acerbes*, is taken from a phrase used by Barère in his defence of this sanguinary ecclesiastic: "If Le Bon had employed certain *formes acerbes* [harsh methods]," he said, "he had at least given proof of his devotion to the Republic." He is represented as standing upon a heap of naked and headless corpses, between the two guillotines of Arras and of Cambrai, drinking alternately from the two cups which he fills from the red streams from the scaffolds. At his side, two Furies excite the tigers to devour the bodies of his victims. But the invention of the caricaturists was no longer competent to record the actual march of events.

"An instrument of death better adapted to conciliate the requirements of humanity and the demands of the law could not be imagined," says a Paris journal of 1793. "The ceremonial of the execution might also be perfected, and delivered of all that pertains to the ancient régime. This cart in which the condemned is transported, and which was granted to Capet; these hands tied behind the back, which obliges the condemned to assume a constrained and servile position; this black gown in which the confessor is still permitted to array himself notwithstanding the decree which forbids the ecclesiastic costume, all this apparatus fails to proclaim the manners and customs of a nation enlightened, humane, and free."

Everything was reversed, reorganized and regulated by decree, from the conduct of those persons suspected of treason against the Republic because they ate only the crust of their bread, in the restaurants (18th of February, 1794), to the recognition of the Supreme Being and of the immortality of the soul (8th of May). A more practicable piece of legislation was that which divided the commune of Paris into twelve arrondissements or municipalités (21st of February, 1795), it having been recognized that the city united under the power of one maire had been too powerful a force for seditious purposes, and that, divided into forty-eight sections, it had furnished too many

centres of insurrection, which, communicating secretly with each other, had been able to elude the vigilance of the supreme authorities.

It was in this year 1795, "year III of the Republic," that was abolished the democratic constitution of 1793, which had not yet been put into execution, and established the Directory, of five members, one to be retired every year and replaced by a new member, all to be named by the legislative power and responsible to it. The latter was also divided, the council of the Five Hundred (*Cinq-Cents*) being charged with the duty of proposing the law, and that of the *Anciens* with that of examining it and executing it. By this division of power it was hoped to avoid a dictatorship and to constitute a liberal republic. The two legislative councils were composed two-thirds of members of the Convention and one-third of newly-elected delegates; the new government established itself in the palace of the Luxembourg. Carnot, the most illustrious of the five Directors, gave the command of the army of Italy to Napoleon Bonaparte.

On the 4th of September, 1797, the Directory, with the aid of Augereau and some twelve thousand men, suppressed the majority of the two *Conseils*, who had become royalists and anti-revolutionary, and sent a large number of them into exile. To this *coup d'état* of the 18th Fructidor, year V, succeeded that of the 22d Floréal, year VI (May 11, 1798), which annulled the election of the deputies who were called *patriotes*. General Bonaparte, with his army, was in Egypt; the European powers judged the time propitious to form a new coalition against such an unstable government and exhausted people. On the 30th Prairial, year VII (18th of June, 1799), the *Conseils* combined against the Directors and forced three of them to resign, but Bonaparte landed at Fréjus, and to all these futile little revolutions succeeded the vital one of the 18th Brumaire (9th of November, 1799), in which his grenadiers turned the members of the *Cinq-Cents* out of their hall at the point of the bayonet, and the *Anciens*, left alone in session, conferred the executive power on three provisional Consuls, Bonaparte, Sieyès, and Roger Ducos. Two commissions, of twenty-five members each, were appointed to revise the constitution.

"It was the Revolution abdicating, transferring its power to military authority, and about to enter with it on a new phase. And, moreover, it was still one more *journee*, that is to say, violent measure. What lessons given to the peoples by these perpetual insurrections, of the Commune, of the Convention, of the Directory, of the *Conseils*, of the royalists as of the republicans, and, finally, of the army! And how could it be possible to form citizens respecting the law, careful to modify it only with wisdom, instead of tearing it to pieces with rage, when, for the last ten years, nothing had been accomplished without sudden and violent measures?"

The new constitution, of the year VIII, was promulgated on the 15th of December, 1799. The consuls were three in number, elected for ten years, and eligible for re-election, but to the first was given all the power, his two colleagues being merely advisers. These three consuls were Bonaparte, Cambacérès, and Lebrun. The laws were to be prepared under the direction of the consuls by a *Conseil d'État*, named by them and revocable by them; these laws were to be discussed by the *Tribunat*, composed of one hundred members, but voted or rejected only by the three hundred members of the *Corps législatif*. Between these two powers, executive and legislative, was placed a *Sénat conservateur*, consisting of eighty members named for life, who were to watch over the maintenance of the constitution and select from the national lists, selected by a process of successive elimination from the whole body of electors, the members of the *Tribunat* and the *Corps législatif*.

The whole administration of the State was reorganized and given that character of "centralization," apparently rendered necessary by the danger from abroad by which it was threatened, which is still maintained, notwithstanding the many evils to which it has given rise and the extent to which the public liberty is impaired. Under the able hand of the First Consul, the new government was quick to inspire such confidence that the Parisian bankers lent it readily the first funds of which it had need. The laws against the recalcitrant clergy were greatly modified, the churches opened, the list of the émigrés was declared closed, and the former nobles admitted to their rights as citizens, but not

to the enjoyment of their property which had been confiscated for the benefit of the *biens nationaux*. The Parlement of Paris having been suppressed, a new judiciary organization was established in the capital, the *tribunal de première instance* and the *cour d'appel* were created; the *cour de cassation* and the *cour d'assise*, the justices of the peace, were all reorganized. The army, strongly revolutionary in tendency, was so willing to be relieved of the incompetence of the Directory, and was so promptly provided with equipments, munitions, and confidence in the new order of things, that it willingly accepted the change in the State.

Marengo and Hohenlinden brought about the Peace of Lunéville, February, 1801, with the Continental powers; the fear of the camp of Boulogne from which the First Consul proposed to descend upon England (if we may believe the French historians), that of Amiens, March, 1802, with that power. The wars of the Revolution were finished, it was thought, even by Bonaparte himself. Then commenced that extraordinary display of the genius of reorganization, unhampered by any undue scrupulousness, which made his legislation almost as admirable as his military talent; the nation willingly resigned itself into his powerful and most skilful hands, and the machinations of the royalists against his life, the conspiracies and the infernal machine of 1800, only paved the way to the Consulate for life, 2d of August, 1802. The Empire followed on the 18th of May, two years later.

The name of the Republic, however, was retained long after its substance had departed. The title of Emperor appears as early as 1790, in a proposition made by M. de Villette on the 17th of June, before the club of 1789, that the king should be saluted by that title on the day of the fête of the Federation. "Let us efface," he exclaimed, "the names of king, of kingdom, and of subject, which will never combine with the word 'liberty,'" *Empire* signified, under the monarchy as under the Republic, rather the extent of the territory of France than a form of government. The first article of the sénatus-consulte organique of the 28th Floréal, year XII, which modified the Consular constitution, read: "The government of the Republic is confided to an emperor who shall take the title of *Empereur des Français*." And the Emperor's oath was: "I swear to maintain the integrity of the territory of the Republic." The word *République* did not disappear entirely from the official language for four years. The figure of the Republic ceased to appear on the seal of State in 1805, and the inscription RÉP. FRA. from the official stamp on the news journals on the 1st of January, 1806. It was on this date also that the Gregorian calendar replaced that of the Republic. The decree of the 28th of May, 1807, is the last act of the Imperial government in which appears the phrase *par les constitutions de la République*, but it was only from the 1st of January, 1809, that the coinage was stamped *Empire Français*, instead of *République Française*. It would seem that in 1808, Napoleon, little as he liked the Republic, was the only one who remembered its official existence.

Among the most efficient of the minor measures taken to replace the old order of things by the new was the creation of a new honorary order, to supersede those of the ancient régime,—the cross of Saint-Louis, for military services; the cordon of Saint-Michel (cordon noir), for civil services; and the order of the Saint-Esprit (cordon bleu), which included only a hundred chevaliers, of the most ancient nobility. A law of May 19, 1802, created a *Légion d'honneur*, to be composed of a grand administrative council and of fifteen cohorts, each consisting of seven great officers, twenty commandants, thirty officers, and three hundred and fifty legionaries. By the eighth article of this law, every individual admitted into this Legion was to swear on his honor to devote himself to the service of the Republic, to the preservation of its territory in all its integrity, to the defence of its government, of its laws, of all property which it had bestowed, to combat, with the aid of all the means which justice, reason, and the laws authorized, every enterprise tending to re-establish the feudal régime, to revive the titles and qualities which had been its attributes,—in short, to aid with all his power in the maintenance of liberty and equality. By the denial of any hereditary privileges it was thought thus to create an order which would not offend the new spirit of equality while offering a suitable reward to the soldier, the diplomat, the scientist, the professional or the commercial man who had rendered notable service to his country.

"The Empire succeeding the Republic," says M. Steenackers in his *Histoire des ordres de chevalerie*, "brought about certain changes in the Legion of Honor. In the first place, the form of the oath had to be modified, and was refused by certain men, such as the admiral Truguet and the poet Lemercier. The first distribution made by the Emperor, on the 14th of July, 1804, in the church of the Invalides, to the principal personages of the Empire, was again made the occasion of a manifestation of opposition by Augereau, although a grand officer of the order, and of about sixty military officers who remained in the court, not wishing to enter the chapel. In this distribution, the old invalided soldiers came first, then the members of the Institute, and finally the military legionaries. The youth of Paris also made its small protestation, some days after this distribution. It was the season for carnations,—the young men put these flowers in their buttonholes and thus were enabled to receive, at a distance, military honors from functionaries a trifle near-sighted. Napoleon, informed of the jests which ensued, and of the discontent of the soldiers, ordered the minister of the police to take the most severe measures with regard to these insolents. Fouché replied: 'Certainly these young people deserve to be chastised, but I will wait for the autumn, which is coming.' This clever reply disarmed the master, and presently the protesting carnations were seen no more, but the sarcasms and the pretended witticisms were not so easily checked. Thus, in the spring of 1803, General Moreau, giving a dinner, summoned his cook and said to him, in the presence of his guests, 'Michel, I am pleased with your dinner; you have truly distinguished yourself with it, I wish to give you a stewpan of honor....' Lafayette refused the decoration, characterizing it as ridiculous. Ducis and Delille would not accept it."

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