

and singularly increased his prosperity; which in moral affairs secured tolerance, sought for justice, proclaimed rights, demanded civil equality, recommended human fraternity, abolished cruelty in penal institutions, did away with the arbitrary administration of public affairs, endeavored to make reason the guide of the intellect, liberty the guide of governments, progress the ambition of peoples, and law the sovereign of the whole world" (Mignet).

## CHAPTER LXIII.

## THE CONSULATE.

(November, 1799-May, 1804.)

**Constitution of the Year VIII.** — Siéyès had ready a skilfully constructed constitution. But his too complicated machinery suited neither the time nor General Bonaparte, who had the genius and the strength to rescue France from her chaos. The plan of Siéyès was therefore abandoned, and on December 15, 1799, the constitution of the year VIII. was promulgated. Roman forms were still in fashion. The executive was to consist of three consuls, elected for ten years and re-eligible; but the first alone possessed all the prerogatives of power, the other two had only a consultative voice. These three consuls were Bonaparte, Cambacérès, and Lebrun.

The executive power was to be no longer subordinate to the legislative. The laws, prepared, by order of the consuls, by a council of State appointed by them, were discussed by the Tribunal, composed of one hundred members, and passed or rejected by the Corps Législatif, which numbered three hundred deputies. The Tribunal merely made suggestions which the government might or might not take into consideration. When a law was brought before the Corps Législatif, three councillors of State, as orators of the government, and three orators of the Tribunal, discussed it before them. They then voted in silence. Thus, while the Convention, distrusting the executive power, had divided it by creating five directors, the constitution of the year VIII., distrusting the legislative, divided it, giving the initiative of laws to the government, their discussion to the tribunes, and the voting of them to the legislators. The Conservative Senate, composed of eighty members, appointed for life, watched over the maintenance of the constitution, judged all acts contrary to the organic laws, and chose the members of the Tribunal and of the Corps Législatif.

The electoral power continued in existence, but was trans-

formed. All Frenchmen of twenty-one years of age were electors; the electors of each arrondissement chose one in ten of their number to draw up a list of communal notables; from this list the First Consul selected the public functionaries of the arrondissement. The citizens named upon the communal list chose one in ten of their number to form a departmental list, from which the First Consul chose the functionaries of the department. Those named upon the departmental list formed, from one-tenth of their number, the national list. All those who composed this list were eligible to national public functions. It was from this third list of notables that the Senate was to choose the members of the Tribunate and of the Corps Législatif. The assemblies which discussed and voted upon the laws were thus the product of an election of four degrees. There was only an appearance of representative government, and even the least discerning could perceive dictatorship behind this transparent shadow of liberty. Being submitted for the approval of the people, the constitution of the year VIII. was accepted by 3,011,107 votes against 1567.

**Administrative Reorganization.**—The First Consul hastened to propose numerous organic laws to the Tribunate and to the Corps Législatif. One of the most important was that concerning the government of the department; he called the intendants again into existence, under the Roman name of prefects, and concentrated in the hands of these functionaries, who depended directly upon the minister of the interior, the whole executive authority. The prefect was aided by an executive council, and by the *conseil général*, a sort of legislature which expressed the wishes of the department. The *sous-préfet* had also a *conseil d'arrondissement*; the mayor of each commune, a municipal council. Each arrondissement, or sous-prefecture, had a civil court and a local receiver; each department, a criminal court and a receiver-general; twenty-seven courts of appeal were scattered over the country, and a Court of Cassation maintained uniformity of jurisprudence. This administrative organization of France was the completion of the work of Louis XIV., effected by carrying centralization to its utmost limits; it has in its general characteristics survived all subsequent revolutions; local liberties have been always stifled or kept weak. This excessive centralization resulted at first from the need of establishing national unity; it was of immense

advantage in time of conflict against all Europe. Yet a great many misfortunes have arisen from it, because Paris has been able to impose her will, her caprices, and her revolutions upon the whole country.

**Efforts to reconcile and extinguish Parties.**—Upon leaving the first council held after the 18th Brumaire, Siéyès said, "Gentlemen, we have a master." But excepting the small number of those who, like him, perceived the dictator under the robe of the consul, and excepting the royalists and the Jacobins who dreamed of two impossible things, all France greeted the new *coup d'état* with satisfaction. The consuls showed a very conciliatory spirit. Many political exiles and prisoners were recalled or set free. The proscription of nobles ceased; the churches were reopened.

To the astonishment of the incredulous, this powerful soldier showed himself a consummate administrator. In a few days he had touched everything, and everything had received new life. Trade revived. The country districts were freed from robbers, and the revolutionary disturbances of the South were appeased. A royalist insurrection was crushed by energetic measures. But the press was kept under rigid restrictions.

The armies contained many republicans; but they had had so much to complain of from the misgovernment of the Directory that its forcible overthrow was well received by them. Bonaparte, besides, occupied himself actively in reorganizing them and relieving the frightful suffering which was thinning their ranks. Moreau received the command of the united armies of the Rhine and Switzerland; Masséna, the army of Italy, the destitution of which was beyond conception.

**Marengo** (June 14, 1800).—The next day after the constitution of the year VIII. had gone into effect, the First Consul, setting aside all the usages of diplomacy, so as to make a greater impression upon public opinion, had written to the king of England a dignified and able letter, making overtures of peace in the interest of both nations. He wrote a similar one to the emperor of Germany; but Austria, which had the control of the whole of Italy, and England, which did not propose at any price to leave Malta and Egypt to France, rejected these overtures.

War, therefore, was unavoidable. Bonaparte prepared to make it glorious and decisive, content with having won

public opinion to his side by his moderation. In Italy, Masséna had only thirty-six thousand men against one hundred thousand Austrians under Baron Melas; he retired to Genoa, and there sustained a memorable siege. While he kept the Austrian army there nearly two months, great events, rendered possible by this heroic defence, were being accomplished behind him. The Austrian line of operations extended from Strassburg to Nice; but Switzerland, still in the hands of the French, projected like a bastion into this line, and laid it open to attack. By deceiving the enemy with regard to their movements, the French could pass out from Switzerland by the upper Rhine behind Marshal Kray, or by way of the Alps behind Baron Melas. Bonaparte conceived this double design; Moreau only imperfectly executed his part of it, but he forced the Austrians into their entrenched camp at Ulm. While they were held there, Bonaparte, by one of the greatest military combinations which had ever been executed, himself crossed the Alps. Deceiving his enemies as to his plans, he secretly put troops in motion from all parts; they received ammunition, horses, guns, and clothing on the road, and marched slowly and quietly towards Geneva and Lausanne. By the beginning of May all these corps were in Switzerland, and Bonaparte, following from the Tuileries the movements of Melas, predicted to his secretary in advance the remainder of the campaign.

He quitted Paris the 6th of May and hastened to Geneva. The pass of the Great St. Bernard, though very difficult, was resolved on. The cannon were dismounted and placed on sledges; the pieces of the gun-carriages and the ammunition were made up into loads, to be carried on the backs of mules. The passage began in the night of the 14th and 15th of May. On the following days divisions, gun-carriages, and ammunition passed forward continually. The guns and howitzers presented much difficulty. They were placed in the hollowed trunks of pine trees; a hundred men drew each of these; the bands played in the difficult passes, or sounded the charge; and all passed over. But an unforeseen obstacle stopped the movements of the army. The impregnable fort of Bard blocked the way. The First Consul flanked it by means of a goat-path which the infantry and cavalry followed. As for the artillery, the road below the fort was covered at night with straw and rubbish, the pieces wrapped with tow, the cannoniers dragged them,

and the dangerous defile was crossed during the night under the enemy's guns. Forty thousand men were thus brought into Italy; twenty thousand more, who were arriving by other passes, were soon to join them. Bonaparte had, by this manœuvre, established himself behind Melas; he had cut him off from Austria; he had frightened him by his boldness; he had conquered him before he had even met him.

When Melas learned that Bonaparte had entered Milan, in the midst of transports of admiration and enthusiasm, he rapidly concentrated all his forces in order to escape before being surrounded. Shut up between the Po, the Apennines, and the French army, he decided to offer a pitched battle. It took place not far from Alessandria, as Bonaparte had predicted at the Tuileries, near Marengo, the name of which it has rendered immortal. The battle was terrible, desperate. Bonaparte did not have all his forces at command; for, in order to prevent Melas from escaping him, he had spread his troops around him like a vast net. There were three battles fought that day. The first, early in the morning, was lost. The second also seemed likely to prove unsuccessful. Melas, believing he had gained the victory, left his chief of staff to despatch the enemy, and sent couriers to carry the good news to all the cabinets of Europe.

It was three o'clock in the afternoon, and the second battle was still lost. But Desaix, near Novi, had heard the terrible cannonading; he returned, and appeared on the field of battle with his division at the moment when the Austrians, formed in close column, were endeavoring to gain the road to Piacenza, their only path to safety. Bonaparte then commenced a third action. He threw Desaix with six thousand fresh troops on the front of the Austrian column, while all the rest of the army fell upon the flanks. Desaix fell. But his soldiers rushed furiously upon the Austrians to avenge him. The Austrian column, its head shattered, was cut in two. One portion was taken, the other routed. Panic seized the Austrian cavalry. Soon all fled, and Melas was obliged to capitulate. Italy was reconquered (June 14, 1800).

**Hohenlinden** (December 3, 1800). — In Germany, Moreau still acted on the offensive, forced the Austrians to quit Ulm, and penetrated as far as Munich. Austria concluded to negotiate; but England unexpectedly sent new subsidies.

Bonaparte deterred to conquer peace by a winter campaign. Moreau was ordered to recommence hostilities, and to cross the Inn and march upon Vienna, while Macdonald was to march from the Grisons into the Tyrol, and Brune was to force the Mincio and the Adige. Macdonald and Brune succeeded; at the same time the Austrian ruler was driven out of Tuscany, and the Neapolitans from the Papal States. Moreau, with a magnificent army of one hundred thousand men, perfectly organized, was at Munich, holding the line of the Isar, while the Austrians were holding that of the Inn. Between the two rivers extended a great forest, with the village of Hohenlinden in the centre. The two generals took the offensive at the same time. But the archduke was obliged to change his line of march, and Moreau, falling upon him at Hohenlinden, inflicted a terrible defeat. Eight thousand men killed and wounded, twelve thousand prisoners, eighty-seven pieces of cannon captured, were the result of this brilliant victory. Six days later, Moreau crossed the Inn and marched on to Lintz and Steyer. He was at the gates of Vienna. Austria arrested his progress by promising to accept all the conditions of France.

**Peace of Lunéville** (February, 1801). — Two months after the battle of Hohenlinden, peace was signed at Lunéville. The emperor accepted as a basis the conditions of the treaty of Campo Formio, which gave the left bank of the Rhine to France, and pushed the Austrian frontier beyond the Adige. He recognized the Batavian, Helvetian, Ligurian, and Cisalpine republics, the last possessing the whole valley of the Po, and the new kingdom of Etruria, created for the Spanish house of Parma, at the expense of the Grand-duke of Tuscany, the emperor's brother. The court of Naples also submitted, and Italy was entirely at the disposal of the French. Spain undertook to force Portugal to desert the English alliance. The Czar, filled with admiration for the First Consul, offered him his friendship. Thus in fifteen months France, reorganized internally, had broken up the second coalition and imposed peace upon the continent. Unfortunately the new Italian States were without strength in themselves; France was forced to interfere continually in their affairs, and these encroachments were destined to bring on a new war.

**Continuation of Hostilities with England.** — England persisted in her hatred. But the ideas, which twenty years

before had armed all the states of the North against her, reappeared in the councils of the kings. The Czar, Paul I., won over by the adroit flatteries of the First Consul, with the king of Prussia, and the kings of Sweden and Denmark, had renewed the league of Armed Neutrality (December, 1800). England responded to it by laying an embargo upon all vessels of the allied powers which were found in her ports, and in March, 1801, admirals Nelson and Parker destroyed the Danish navy before Copenhagen. This bold stroke, and the assassination of the Czar, Paul I., put an end to the league of the Neutrals. Alexander, son and successor of Paul I., abandoned his policy, and France found herself left alone to defend the liberty of the seas. But the English had so superior forces upon the sea, that France could not even send aid to Malta, which they were blockading, nor to the army of Egypt, which they were threatening.

**Loss of Egypt.** — Kléber, to whom Bonaparte had left Egypt, was an excellent general; but, discouraged by the arrival of a Turkish army of eighty thousand men, he signed with Commodore Sidney Smith the Convention of El-Arish, by which the troops were to be taken back to France on English vessels. The British cabinet disavowed its representative and exacted that the army should surrender unconditionally. Kléber then recovered all his energy; he overwhelmed the Turks at Heliopolis, recaptured Cairo, and re-established the French domination in Egypt, but was assassinated on the day of Marengo. His successor, Menou, was entirely defeated, and forced to evacuate the country (September, 1801).

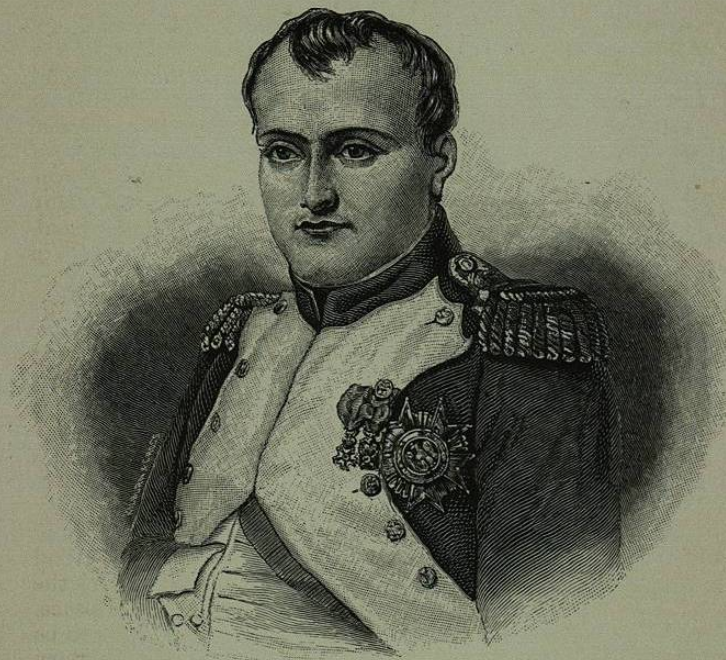
**Peace of Amiens** (March, 1802). — Malta was also captured by the English. But England was groaning under the weight of a debt of 12,000,000,000 francs, and with consternation saw the navy of France reviving under the powerful efforts of the First Consul. Bonaparte prepared at Boulogne an immense number of armed sloops for a descent upon England. Fear silenced for a time the resentment of the English aristocracy, and in March, 1802, the peace of Amiens was signed. All the continental acquisitions of France, all the republics established by her arms, were recognized. England restored the French colonies, gave Malta back to the Knights of St. John, and the Cape to the Dutch; she kept for herself only the Spanish island of Trinidad, and Ceylon.

The news of the treaty of Amiens was received in France and in England with unmixed joy. Peace seemed to be firmly established. The First Consul himself thought so, and declared his intention of devoting himself wholly to the administration of France.

**Glorious Administration of Bonaparte; the Concordat (1801).** — Bonaparte was now at the summit of glory. For the second time he had succeeded in bestowing upon France a glorious peace. Party spirit was appeased, and order reigned everywhere. In the interest of industry, he renewed the powerful impetus given by Colbert. The partition of the great domains which had been sold as national property had put small portions of land into a great many hands which had never before possessed any, and agriculture doubled its products. Commerce was encouraged, in spite of a high protective tariff; the finances were reorganized, the Bank of France established, the budget, for the first time in a century, was balanced, roads and bridges repaired, the arsenals filled. The Civil Code was discussed in his presence, and he elaborated the project of a powerful organization of public instruction, the University, that of a great institution of national rewards, the Legion of Honor.

A marvellous activity, an unparalleled capacity for work, made him see everything, comprehend everything, do everything. The arts and letters received from him the most earnest encouragement. A stranger to the resentments of the past ten years, he recalled the émigrés; he also recalled the priests, and signed with Pius VII. (July, 1801) the Concordat, by which he hoped to establish religious peace. By the provisions of this celebrated act, France was to be divided into ten archbishoprics and fifty bishoprics; a salary paid by the State was substituted for the former landed endowments of the clergy. The government had the regulation of public worship, the nomination of the bishops and archbishops; but to the Pope alone pertained the right of giving them canonical institution in their offices.

Thus the First Consul endeavored to efface political resentments and to unite all parties in a common feeling for the greatness of France. Moreover, while chaining the Revolution to his chariot, he nevertheless preserved its principles in his Code Civil. Unhappily, he showed more and more the temper of a master, and was every day more and more impatient of contradiction. He broke the oppo-



NAPOLÉON.

sition of the Corps Législatif and the Tribunate, by eliminating those members of either body who showed themselves opposed to his government. He showed himself equally despotic in judicial proceedings. Despising such *ideologues* as Siéyès, he reserved favors and honors for those who were content to serve him well without discussion. But the despotism of the First Consul, his prompt decisions, his powerful initiative, were welcome to most, wounded few people, and men repeated with him that "France was saved from the slavery of anarchy," and congratulated her that she had found a superior genius to conduct her affairs. These sentiments of gratitude and confidence burst forth when the irreconcilables of the extreme parties attempted his assassination, especially in the case of the attempt made by the infernal machine.

**The Consulate for Life** (August 2, 1802). — Every one declared that France should prolong the administration of the pacifier of the continent whom these parties threatened. A short time after the peace of Amiens the people bestowed upon him the consulate for life, with the right of choosing a successor. The Constitution of the year VIII. was at the same time greatly altered. Popular rights were narrowed. The Senate obtained the right to regulate by *senatus-consulta* all that had not been already provided for by the organic laws, and to dissolve the Corps Législatif and the Tribunate. A privy council was instituted with important powers. The two other consuls remained insignificant. The organic *senatus-consultum* of the Constitution of the year X. was adopted by 3,577,259 votes out of 4,568,885.

**Foreign Policy of the First Consul** (1802). — The Cisalpinians had already given the presidency of their government to Bonaparte; the Ligurian Republic asked him to choose its doge. The union of Piedmont to France, forming seven new departments, the occupation of the duchy of Parma and the island of Elba, were effected without opposition, but not without exciting bitter resentments. It was the inauguration of a policy which was to prove fatal to France. Switzerland was a prey to deplorable agitations. Bonaparte, called upon to act as mediator, re-established material order, and gave her a constitution, the wisdom of which was admired by all Europe (February, 1803). The French alliance with the cantons was renewed, and sixteen thousand Swiss entered the service of France. His intervention in the affairs of Germany

was equally vigorous, but in the end unfortunate for France. German diplomacy was compelled to renounce its proverbially slow processes in order to keep pace with the young conqueror. The indemnities promised the German princes who had lost their domains on the left of the Rhine were paid by secularizing the three ecclesiastical electorates. Certain imperial cities were also deprived of their ancient privileges and placed under the authority of a prince. The chaos of Germany was simplified, but a long step was taken toward the attainment of German national unity, the cause of all the misfortunes of France.

**Expedition to San Domingo.** — The First Consul had resolved to restore the navy and commerce of France; he was thus naturally led to the idea of restoring also her colonial empire. He first made a prudent sacrifice, selling Louisiana to the Americans for 60,000,000 francs. San Domingo had been lost to France. Excited by the events of 1789, the blacks had massacred the whites, and had lapsed into barbarism. The First Consul desired to recover the richest jewel of the old French colonial empire. He sent considerable forces, under the command of General Leclere, his brother-in-law, against the negro general, Toussaint Louverture. The capture of this remarkable man was the only successful event of the inopportune expedition, which deeply irritated England, and which was decimated by yellow fever. The successors of Toussaint drove the French from the island, and founded the republic of Hayti (1804).

**Rupture of the Peace of Amiens (1803).** — England had made peace in order to put a stop to the aggrandizement of France, and France increased more during peace than in time of war. Her commerce and industry took an immense leap forward; her flag reappeared on all the seas. Moreover, she intervened with authority in the affairs of neighboring countries. England took exception to each of these acts of foreign policy; she made them a pretext for refusing to restore Malta, the key of the Mediterranean. Bonaparte demanded this restitution, a principal condition of the treaty. The English ministry replied by seizing, on the different seas, without declaration of war, twelve hundred French and Batavian ships (May, 1803). Thus hostilities recommenced. A fatal rupture, which forced Bonaparte to abandon peace for war, and which led him, and with him France, through so much glory into miseries so profound!

**Conspiracies; Death of the Duke of Enghien.** — Bonaparte caused all Englishmen travelling in France to be arrested, forbade the admission of English merchandise into the French ports, garrisoned the maritime fortresses in the kingdom of Naples, and took possession of Hanover; then he returned to the project of crossing the Straits of Dover, and conquering peace in London itself. England stirred up the whole continent to find enemies for France. She created trouble with Russia, Austria, and Sweden, sought to gain Prussia, and is said to have been a party to the conspiracy of Georges Cadoudal and Pichegru, in which Moreau was implicated. Pichegru strangled himself in prison; Moreau was condemned to imprisonment for two years; Cadoudal and nineteen others were condemned to death; two only were executed with him. Moreau's sentence was remitted; he exiled himself to the United States, and did not return till 1813.

Another tragedy preceded this. The Duke of Enghien, the last of the Condés, was carried off from the castle of Ettenheim in the grand-duchy of Baden, conducted to Vincennes, delivered over to a military commission, and the same night condemned and shot in the moat of the fortress. The duke denied that he had any knowledge of the designs of Georges, but the law touching émigrés who had borne arms against France was applied to his case (March, 1804). He was protected by the law of nations, for he had not been taken in act of war, nor upon French territory. His death was a miserable act of revenge, intended to send terror to the hearts of the Bourbons in London itself. But it had consequences greatly to be deplored. The violation of law in the end subtracts more strength than it at first appears to add. Prussia, ready to make an alliance with France, turned towards Russia, and from that day the coalition, which had been twice broken up, was renewed.