

MARYLAND GAZETTE.

WEDNESDAY, JULY 12, 1809.

[No. 3261.]

Miscellany.

From the Edinburgh Review.

La Conscription, ou Recueil Chronologique des Lois et des Arrêtes du Gouvernement, des Décrets Impériaux relatives à la Conscription, à leur remplacement, dispenses de service, &c. depuis l'an jusques et compris l'an XIV. Avec des Notes, &c. 8vo. pp. 270. Paris, 1806.

We hate war, and we detest despotism; and wish earnestly that there were no other way to study the organization of the resources of the other. But when inevitable, and despotism overbearing, when both together are darkening the horizon of the civilized world, it becomes a duty, the most necessary to inquire how they have been united, and in what manner their combination has contributed to their success. It is now our indispensable duty, we think, to make ourselves acquainted with the structure of that military system which has triumphed so fatally over every other to which it has yet been subjected, to ascertain how far its excellencies are copied among a free people, and to what extent its efficacy or perniciousness may be rendered precarious by the means which it entails on those who are subjected to it.

perusal of the work before us, which has been recently transmitted from France, a full commentary of facts, by a diligent and judicious observer, has enabled us to lay our readers some materials for such an inquiry; and to direct the attention of our countrymen to the internal organization of a system which must be understood before it can be justly criticised; and with which we can neither make peace nor at war in safety, till we comprehend in some measure, the nature of the objections on which it rests. The book is entitled "Code de la Conscription," and contains a chronological series of laws enacted the year 1798, on the subject of the conscription of France. It should be observed, that the new French jurisprudence has been promulgated under the various titles of Civil, Rural, Commercial and Criminal Law; and this, the "Code de la Conscription," which, no doubt, is, of the whole *Nous Corpus Juris*, most dear to the modern Frenchman, and most odious to his "great and noble subjects."

It is somewhere observes of Tiberius, in his speeches to the senate, by the "insolence" of the style, at once betrayed the character of their author, and seemed to shatter the picture of his cautious, dark, and reserved policy. This volume, consisting of hundred and seventy close printed pages, is not only unintelligible in all its clauses, but clear only in its provisions of punishment, might suggest a similar observation, traced to the ruminations of an ambitious and sanguinary despotism. In fact, the difficulty which we (with no vulgar exception) have experienced in collecting the scope and import of this extraordinary volume, consists in that, to the great majority of Frenchmen, the whole must be as incomprehensible as the hieroglyphics of Eleusis, or the traditions of Cabala. There is an oracle at hand, which will readily expound one half of the mystery. The military tribunals will soon have understood the penalties annexed to disobedience; but they have, and can have no objection as to their immunities. For it is a remarkable and most instructive fact, that notwithstanding the voluminous annotations issuing from the French press on every branch of the imperial jurisprudence, no one has yet been bold enough to publish a summary, to elucidate the text, or to blazon the provisions of the *Code de la Conscription*.

It is impossible even to glance at this volume without being struck with the extreme anxiety which these statutes betray, to force conformity, both in the execution and the spirit. The enumeration of cases complete as to preclude the possibility of evasion. The public functionaries have their duties very accurately marked, and are furnished with distinct formulae for every act of office. The severest and most exacting punishment is inflicted upon all from negligence, or corruption, or pity, or contumaciousness to the slightest relaxation. Diseases which give right to exemption are detailed with a jealous and disgusting minuteness. Precautions are multiplied without number to secure the persons of the conscripts; while they are decorated with the title of "Défenseurs de la Patrie," the uniform of these laws, and the tone of bitter animosity which pervades them, afford conclusive evidence of a general aversion for the state of war; and serve to convince us, that

these Achillises are not easily roused to arms, whatever enthusiasm they may afterwards display in the field. Some few provisions are introduced on the subject of voluntary enlistments; but, as no bounty is allowed, it is evident that they do not enter into the serious consideration of the government. The old compromise between the military exigencies and civil constitution of the state,—between the effeminacy of the rich and the wants of the poor,—between the ambition of the lover of the rights of the subject, is rejected with disdain by the imperial republic; and the student is dragged relentlessly from his closet, and the peasant from his hiding place, by an indiscriminating and unqualified coercion. Bêt habit soon renders submission, if not cheerful, at least easy; rapine furnishes sources of munificence and conciliation; courage becomes a virtue of necessity; strength is acquired by discipline; military ardour kindles with competition; and experience too fatally proves, that, from such elements, armies may be compounded, alike formidable for discipline and valour.

We shall now proceed to lay before our readers a connected view of the law of the conscription as it is now enforced, and to interweave with those statements such illustrations of the present state of the French empire, as may be necessary to develop the whole organization of conscription. No subject, at the present moment, can claim so terrible an importance. The levies of those continental nations, which still preserve the forms of independence, are, it is said, to be moulded upon the same model; and the conscription is undoubtedly, the *vis motrix* of that great engine to which France owes her aggrandizement, and on which she relies, for the future increase of her dominion. Her politicians exultingly apply to it the language of Vegetius concerning the legion, that it seems rather an inspiration of divine wisdom, than the offspring of human invention. The plan of universal conscription, imputed originally to Louvois, and with more truth, perhaps, ascribed by Mr. Burke to the directory, is now, not merely digested into a regular system, but may actually be said to be in a course of execution; and to be proceeding with a steadiness and success, which must strike alarm into the most confident and unthinking. The world, in the opinion of all Frenchmen, is to be again subdued by the discipline and the arts of Rome. *Felard's Polybius, Machiavel on Livy, & Montesquieu on the Grandeur et Declination*, are more than ever "the manuals" from which they draw their lessons of perseverance and cunning. The reading classes of France have always been fond of historical research. Their republic made them passionate admirers, and enlightened imitators of antiquity; and their government, availing itself of this predilection for the victorious commonwealths of Greece and Rome, soon taught them to overlook altogether individual interests, and tastes, and enjoyments, both in their foreign politics, and in the details of their internal economy. They admit "no balanced advantages, or diverging claims." All the capacities, and energies, and habits of private life, are unrelentingly wrested to the production of force, for the subjugation of the globe, or, as co-ordinate with this object, for the aggrandizement of the reigning family. The changes of form in their government have occasioned no remission in this pursuit. It has always been spoken of among them with confidence and zeal. Events have recently brought it more into notice; and nothing now remains but to achieve the ultimate object, "*la grande pensée*," as it is emphatically styled in the coteries of Paris.

That our readers may the better understand our abstract of the laws on the conscription, it is proper to premise, that France is divided into about 30 military governments, subject to a general of division and his staff, to which commissaries are attached as executive officers. The civil division consists of 122 departments; 24 of which have been acquired since the overthrow of the monarchy, exclusive of Tuscany, not included in any part of this statement. The departments are divided into districts or *arrondissements*, from 3 to 5 in number; the *arrondissements* into cantons, and the cantons into municipalities, amounting to about 55,000. Each department is governed by a prefect and his council, composed of a commissary of police, a mayor, and certain inspectors denominated *counsellors of prefecture*. The district or *arrondissement*, by a sub-prefect and his council, of a similar formation. The cantons and municipalities are under the supervision of an administration, composed of the civil authorities, with a president at their head. A mayor, a commissary of police, and two officers of the government styled *adjuncts*, are allotted to every division having a population above 5000 souls. These several authorities are in strict subordination

to each other, and at the control of the prefects and sub-prefects; who, themselves, are charged with a weighty and inflexible responsibility as to the military levies.

The conscription was first published in the form of a general law by the council of ancients in the year 1798, and has since undergone some slight modifications. The *directorial plan* is attributed to Carnot, who, in the revolutionary language, is said "to have organized victory in the French armies." Its author, who was enthusiastically devoted to the forms of antiquity, and still preserves, within the rays of the imperial purple, all the simplicity of ancient manners, found his model in the constitution of the Roman republic, which made every citizen a soldier before the age of forty-six,—in their annual levies, which admitted of no exception,—and in the peremptory orders issued by their consuls to the magistrates of Italy, specifying the number of troops required, and the place of assemblage.

By the law of the directory, all Frenchmen are pronounced soldiers; and when the country is declared in danger, are liable to be summoned to its defence. In any other conjuncture, "*the wants of the army are relieved by the conscription*;" and the requisite number of conscripts is determined by the senate or legislative body, at the suggestion of the executive government. The law which limits the whole number, regulates, at the same time, the contingent of each department, proportionally to its population. Within eight days after publication, the prefect distributes this contingent among the districts, by the same rule; and the sub-prefect among the cantons and municipalities. All Frenchmen between the full age of twenty and twenty-five complete, are liable to the conscription. They are each year thrown into five classes; the first of which, consists of those who have completed their twentieth year on the first Vendémiaire, or 16th September preceding; the second of those who, at the same period, have terminated their twenty-first year, and so on, in the order of seniority. Thus, the conscript, who has attained the full age of twenty-five, remains liable, until the month and day just mentioned. The municipal administrations are bound to prepare lists framed from the registers of births, and from common notoriety, which particularize the name, domicile, stature, &c. of all the individuals subject to the conscription, within their jurisdiction. The same individuals are also bound to enrol themselves, with a similar specification, at the office of the municipality, as soon as the law is published. Both lists are then transmitted to the prefects, who are responsible for their accuracy, and who immediately consign them over to the minister of war.

Eight days are allotted to the preparation of the lists. The conscripts are then assembled in each canton, and examined by the administration, or by a special commission, created *ad hoc* by the prefect. The merits of all pleas of exemption are scrutinized at these meetings. Such as plead infirmities, if able to attend, are examined on the spot; and if not, are visited at their dwellings by "the inspectors" and health officers. The latter, generally physicians in the army, are not selected until the moment of examination; and, to obviate collusion, must belong to a district different from that of the conscript. The final decision of all cases of exemption is referred to a commission of higher resort, composed of the prefect, the general officers and commissaries of the department. When these claims are disposed of, lists are formed of those who are adjudged competent to serve, whether present or absent; and the sub-prefect then proceeds to the "*drawing*," or designation by lot, of such as are to constitute the *quota* of the district. Tickets regularly numbered, to the amount of the names on the list, are publicly deposited in an urn, and indiscriminately drawn out by the conscripts or their friends. The lot falls upon those who draw the numbers below the amount of the quota. The higher numbers drawn by the rest are annexed to their names, in order that they may be forthcoming in their order, should any casualty disable their predecessors. Absentees not presenting themselves within a month after the drawing, are declared *refractory*, proclaimed throughout the empire, and pursued as deserters.

(To be continued.)

* Two brigades of *Gendarmerie* usually attend. This is a body of military, having the same functions as our constables, and about 16,000 in number. *Peucler*.

RECIPE

To restore the lustre of Glasses that are tarnished by age or accident.

STROW on them powdered fullers' earth, carefully cleared from sand, &c. and rub them carefully with a linen cloth.

Foreign.

Per the Fair American, arrived at Philadelphia from Dunkirk.

ON Saturday evening arrived the brig Fair American, capt. Bruce, from Dunkirk. This vessel was taken up by Mr. Armstrong, our minister, on permission granted him, by Buonaparte, to bring dispatches to this country, with liberty to bring off a large number of captains and other persons belonging to England and America, who had been detained for sometime in France. She sailed from Dunkirk on the 8th May, and the same day landed 30 or 40 passengers, (chiefly women,) at Dover.

In this vessel, among other passengers, came M. M. DASHCOFF, charge des affaires and consul of H. M. the emperor of all the Russias, and Mr. PURVIANCE, of Baltimore, bearing dispatches from our minister to the executive of the United States.

By the above gentlemen and other passengers, we learn, that this vessel was taken up, and the dispatches made out, previous to the arrival of the Mentor.—The Mentor had arrived but a few days before they sailed, and would not sail for the U. S. before the middle or latter end of June, as all communication with Buonaparte, who was in Germany, would be tedious, as he could not receive a courier in less than six days from Paris. They also say, that considerable application was made to him before his departure from Paris, respecting the American affairs, but in vain, as he seemed determined to get what he could, and keep what he got, and it is supposed his victories in Germany will not make him in a better humour with America.

That the nonintercourse with America, is so severely felt in France, that the want of commercial business is injuring their towns and beggaring their inhabitants; that coffee was selling for a dollar per lb. and white sugar for the same; and the produce of France was in so little demand, that brandy could be purchased for 20 or 30 dollars per pipe, and wines in proportion.

The French have confined a number of American captains in gaol at Dunkirk, all of whom had been liberated or made their escape, except capt. Tucker, of the William, of Newburyport, and a captain Jenkins, who were fined thirteen hundred dollars each, besides the loss of their vessels and cargoes, and their crews were marched to Arras, where a great number of American seamen are confined.

Russia, Holland, Denmark and Sweden, it was said, being in a great measure or altogether under the control of Buonaparte, would be called on and no doubt would put in force the French decrees, and seize all goods arriving among them, that may be even suspected of being the produce of England or its dependencies, therefore it will be madness to send vessels to any of those ports, until something is settled with Buonaparte, as they consider all W. India goods in that light.

It was reported in France, that the Austrians were making considerable advances in Italy, having gained advantages on the French in the several actions they had with them in that quarter.

[Translated for the True American.]

Collections from the Bulletins of the Austrian Campaign in 1809, extracted from the official Journal of Paris.

FIRST BULLETIN.

Head Quarters, at Ratisbone, April 24, 1809.

THE Austrian army passed the Inn on the 9th of April, by which the begun hostilities; and Austria declared an implacable war against France, her allies, and the Confederation of the Rhine.

The positions of the French and allies were as follow:—

The corps of the duke of Auerstadt at Ratisbone.

The duke of Rivoli's at Ulm.

General Oudinot's at Augsburg.

Head Quarters, at Strasburgh.

The three Bavarian divisions, under the orders of the duke of Dantzic; the first placed at Munich, commanded by the prince royal; the second at Landshut, commanded by gen. Deroz; and the third by gen. De Verde, at Straubing.

The Wurtemberg division at Heydenheim. The Saxon troops were encamped under the walls of Dresden. The corps of the Dutch, of Varsovie, commanded by prince Ponissowsky, at Varsovie.

On the 10th the Austrians invested Passau, into which a Bavarian battalion had entered at the same time. They invested Kuffrien, where likewise a Bavarian battalion shut itself up; this movement took place without firing a musket.