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NEW CONSTITUTION OF THE FRENCH REPUBLIC. AN OFFICIAL COPY. CHAPTER I.

Art. 1. The French republic is one and indivisible.

Its European territory is distributed into departments and communal districts.

2. Every man born and resident in France, and of the age of 21 years, who has inscribed his name in the civic register of his communal district, and afterwards remained a year on the territory of the French Republic, is a French citizen.

3. A foreigner becomes a French citizen, who after having attained the age of 21 years, and declared his intention of fixing his residence in France, and has resided there for ten successive years.

4. The title of French citizen is forfeited—

By naturalization in a foreign country.

By accepting an office or pension from a foreign government.

By affiliation with a foreign corporation which supposes distinctions of birth.

By condemnation to corporal or infamous punishment.

5. The exercise of the rights of a French citizen is suspended by a banishment, or by a total or partial forfeiture of the property of an insolvent.

By a state of hired servitude, either attached to the service of the person or of the family.

By a state of judicial interdiction, accusation, or contumacy.

6. In order to exercise the rights of citizenship they must have been acquired by being domiciliated by a year's residence, and not forfeited by a year's absence.

7. The citizens of every communal district shall appoint by their suffrages, those whom they think most worthy of conducting the public affairs. There shall be a list of confidence, containing a number of names equal to a tenth of the number of citizens possessing the right of suffrage. From this list communal list the public functionaries of districts shall be taken.

8. The citizens comprized in the communal lists of a department shall also appoint a tenth of their number. These shall constitute a second list, called the departmental list, from which the public functionaries of each department shall be taken.

9. The citizens included in the departmental list shall also appoint a tenth of their number; the 3d list shall consist of the citizens of each department, eligible to public national functions.

10. The citizens who shall have a right of co-operating in the formation of a law, the lists mentioned in the 3 preceding articles, shall every third year be called upon to exercise the power of replacing those who shall have died or absented themselves for any other cause than the exercise of a public function.

11. They may also withdraw from the lists those whom they shall not judge proper to continue, and replace them by other citizens in whom they may have greater confidence.

12. No one shall be erased from the lists, otherwise, than by the votes of the decisive majority of the citizens, having the right of co-operating in their formation.

13. No one shall be erased from the list of those eligible to public national functions, merely because his name may have been struck out of a list of an inferior or superior degree.

14. The appointment to the list of eligibles is only necessary with regard to public functions, for which that condition is expressly required by the constitution or by the law. All the lists of the deliberates shall be formed in the course of the 9th year.

15. The conservatory senate shall be composed of 80 members, of 40 years of age at least, to be irremovable during life.

For the formation of the Senate, there shall be nominated in the first instance 60 members—this number shall be increased to 62 in the course of the 8th year, to 64 in the 9th year, and shall be gradually increased to 80 members in each of ten first years.

16. The nomination to the office of senate shall be by the senate who shall make choice out of their candidates presented to them; the first by the legislative body, the second by the tribunate, and the third by the chief consul.

17. The chief consul, upon quitting his office, either by the expiration of his functions, or by resignation, necessarily, and as a matter of right, becomes a Senator.

The two other consuls, during the month which follows the expiration of their functions, may take their seats in the senate, but are not obliged to exercise that privilege.

They lose it altogether, if they quit their consular functions, by resignation.

18. A senator is always ineligible to any other public function.

19. All the lists made in the departments, by virtue of the 19th article, shall be addressed to the senate. They shall compose the national list.

20. From this list shall be elected the legislators, the tribunes, the consuls, the judge of cassation, and Commissioners of la Responsabilité.

21. They shall confirm or annul every act referred to them as unconstitutional by their tribunate or the government; the lists of the eligibles shall be included among these acts.

22. The revenues of national domains, the terms of which are expired, shall be liable to the expenses of the senate. The annual salary of each of its members shall be paid out of those revenues. It shall be equal to a 20th of that of the chief consul.

23. The fittings of the senate are not public.

23. Citizen Sieyes and Roger Ducos, the two consuls who are to go out of office, shall be nominated members of the conservatory senate; they shall unite with the second and third consuls nominated by the present one. These four citizens shall appoint the majority of the senate, which shall afterwards complete itself, and proceed to the elections entrusted to its direction.

24. The fittings of the senate are not public.

25. No new law shall be promulgated, unless the plan shall have been proposed by the government, communicated to the tribunate, and decreed by the Legislative Body.

26. The plans which the government may propose shall be drawn up under different heads. In every case in which such plans shall be discussed, the government may withdraw them, and present them again in a modified state.

27. The tribunate is to be composed of 100 members of 25 years of age at least; they shall be renewed by fifths every year, and indefinitely re-eligible while they remain upon the national list.

28. The tribunate shall discuss the plans of every law that may be proposed; it shall vote for the adoption or rejection of them.

It shall send three orators taken from its body by whom the motives of its vote, with respect to each of the plans shall be stated and supported before the legislative body.

It shall refer to the senate, but for the cause of unconstitutionality only, the list of the eligibles, the acts of the legislative body, and those of the government.

29. It shall express its opinion as to the laws made or to be made, the abuses to be corrected, the amendments to be attempted, in every part of the public administration, but never relative to the civil or criminal affairs referred to the tribunals.

The opinions it shall give, by virtue of the present article, are to be followed by no necessary consequences; they compel no constituted authority to come to any determination.

30. when the tribunate is formed of any conspiracies against the state, it may issue orders to arrest and bring before them the persons who are suspected as the authors or accomplices but if within ten days after such arrest, they are not set at liberty or brought to trial, it shall be considered, on the part of the minister signing the order, as an act of arbitrary detention.

31. The legislative body shall be composed of 300 members, of 30 years of age at least;—they shall be renewed by fifths every year.—There ought always one citizen at least, of each department of the republic to be present.

32. A member who goes out of the legislative body cannot re-enter till after the interval of a year—but he may be immediately elected to any other public function, including that of tribune, provided he is in other respects eligible.

33. The sitting of the legislative body shall commence every year on the first Frimaire, and shall continue only four months.—it may be extraordinary convoked during the other eight by the government.

34. The legislative body enacts the law by determining by secret scrutiny, and without any discussion on the part of its members, upon the plans of the law debated before it, by the orators of the tribunate and the government.

35. The members of the tribunate and of the legislative body shall be public—the number of strangers in either of them not to exceed 200.

36. The annual salary of a tribune shall be 15,000 francs, that of a legislative 10,000 francs.

37. Every decree of the legislative body shall, the tenth day after it be made, be promulgated by the chief consul, unless in the meantime it is referred to the senate, on the ground of unconstitutionality. Such reference cannot be made with regard to laws that have been promulgated.

38. The first renewal of the legislative body and of the tribunate shall not take place till the 12th year.

Chap. IV.

Of the Government.

39. The government is entrusted to three consuls appointed for 5 years, and indefinitely re-eligible. Each of them is to be elected individually with the distinct quality of chief, second, or third consul.—The first time the third consul shall only be named for five years.

For the present time Gen. Bonaparte is appointed chief consul; Citizen Cambaceres, now minister of justice, second consul; and Citizen Lebrun, member of the committee of ancient, third consul.

40. The chief consul has particular functions and attributes, which, when he is exercising, he may be temporarily supplied by one of his colleagues.

41. The chief consul is to promulgate the laws; he is to name and revoke at pleasure the members of the council of state; the ministers, ambassadors, and other principal foreign agents, the officers of the army by land and by sea, the members of local administration and the commissioners of the government at the tribunals. He is to appoint all judges criminal and civil, as well as justices of peace, & the judges of cassation, without the power of afterwards revoking them.

42. In the other acts of the Government, the second and third Consuls, are to have a confirmative voice; they are to sign the register of the acts, in order to manifest that they were present; and if they please, they may countersign their opinions; after which the determination of the chief consul shall follow.

43. The salary of the chief consul shall be 500,000 francs, for the 8th year. The salary of the other two consuls shall be equal to three tenths of that of the first.

44. The government is to propose the laws, and to make the necessary regulations to enable their execution.

45. The government is to direct the receipts and expenses of the state, conformable to the annual law, which determines the amount of each; it shall superintend the coinage of money, of which the law alone shall order the issue, fix the value, the weight, and the inscription.

46. In cases of crimes, to which are annexed a corporal or infamous punishment, a first jury admits, or rejects the charge. If it be admitted a second jury pronounces on the fact, and the judges composing a tribunal apply the punishment. Their judgment is without appeal.

47. The government is to superintend the internal safety and external defence of the state; it is to distribute the forces by sea and land and regulate the direction of them.

48. The national guard on duty is subject to the regulations of the public administration. The national guard not on duty is only subject to the law.

49. The government is to manage political relations abroad, to conduct negotiation, to make preliminary stipulation, to sign and conclude all treaties of peace, alliances, truce, neutrality, commerce and other conventions.

50. Declarations of war and treaties of peace; alliance, and commerce, are to be proposed, discussed, decreed, and promulgated in the same manner as laws.

Only the discussions and deliberations relative to these objects, as well in the tribunate as in the legislative body, are to be in a secret committee, if the government desires it.

51. The secret article of a treaty cannot be destructive of the public articles.

52. Under the direction of the consuls, the council of state is charged with the drawing up of the plans of the laws and the regulations of the public administration, and to resolve such difficulties as may occur in all administrative matters.

53. It is from among the members of the council of state that the orators are to be selected, who shall be appointed to appear in the name of the government before the legislative body.—There are never to be any more than three of these orators sent to support the same plan of a law.

54. The ministers are to procure the execution of the laws, and the regulations of the public administration.

55. No act of the government can have effect till it is signed by a minister.

56. One of the ministers is specially charged with the administration of the public treasury.—He is to verify the receipts, direct the application of the funds and the payments authorized by law. He is not to be at liberty to pay any thing except by virtue, first, of a law, and only to the extent of the funds, for detraying those expenses such law has determined upon, 2dly, by a decree of the government, 3dly, by an order signed by a minister.

57. The detailed accounts of every minister, signed and certified by him, are to be made public.

58. The government can only elect or retain as counsellors of state or ministers, such citizens whose names are inscribed in the national list.

59. The local administrations established, whether for each communal district, or for the more extended portions of territory, are subordinate to the ministers. None can become or remain a member of these administrations unless he is entered in one of the lists mentioned in the 7th and 8th articles.

Chap. V.

Of the Tribunal.

60. Every communal arrondissement shall have one or more justices of the peace, elected immediately by the citizens, for three years.

Their principal duty consists in reconciling the parties applying to them, and in case of non-reconciliation, to decide their dispute by arbitrators.

61. In civil matters there are tribunals of first instance and tribunals of appeal. The law determines the organization of the one and the other; their competence and territory forming the jurisdiction of each.

62. In cases of crimes, to which are annexed a corporal or infamous punishment, a first jury admits, or rejects the charge. If it be admitted a second jury pronounces on the fact, and the judges composing a tribunal apply the punishment. Their judgment is without appeal.

63. The function of public accuser, to a criminal tribunal is filled by the commissioner of government.

64. The crimes which do not amount to corporal or infamous punishment are tried before the tribunals of correctional police, saving an appeal to the criminal tribunals.

65. There is for the whole Republic a tribunal of cassation which pronounces on appeals against judgments in the dernier resort, given by the tribunals in cases referred from one tribunal to another on account of lawful suspicion, or the public safety, upon exceptions taken by the party against the whole tribunal.

66. The tribunal of cassation does not inquire into the merits, but it reverses the judgment given on proceedings in which form is violated, or which contain something contrary to the expressed law but sends the case back to be tried on its merits by the tribunal, which has cognizance of them.

67. The judges who constitute the tribunals of first instance, and the commissioners of government established at the tribunals are taken from the communal or departmental list.

The judges forming the tribunals of appeal, and the commissioners placed with them are taken from the department list.

The judges composing the tribunal of cassation, and the commissioners belonging to that tribunal are taken from the national list.

68. The justices, except the justices of the peace, remain in office for life, unless they should be condemned to forfeit their places, or should not be continued on the list of eligibles corresponding with their functions.

69. The functions of members, whether of the senate or the legislative body, or of the tribunate, and also those of the consuls or counsellors of state, do not discharge them from responsibility.

70. Personal crimes, to which is annexed corporal or infamous punishment, committed by a member either of the Senate, tribunate, legislative body, or of the council of state, are prosecuted before ordinary tribunals, after a deliberation of the body to which the person charged belongs, has authorized such prosecution.

71. The ministers arranged, in their private capacity, of crimes to which are annexed corporal or infamous punishment, are considered as members of the council of state.

72. The ministers are responsible—1st, for every act of government signed by them, and declared unconstitutional by the Senate; 2d, for the non-execution of the laws, and of the regulations of the public administration, 3d, for the particular orders which they have given, if these orders are contrary to the constitution, the laws and ordinances.

73. In the several cases of the preceding article, the tribunate denounces the minister by an act on which the legislative body deliberates in ordinary form, after having heard or summoned the person denounced. The minister placed in a course of judgment is tried by a high court, without appeal or resource, for a reversal.

The high court is composed of judges and jurors. The judges are chosen by the tribunal of cassation and from its list. The jurors are chosen from the national list; the whole according to the forms prescribed by law.

74. The judges, civil and criminal, try crimes relating to their functions, and prosecuted before the tribunals to which the tribunal of cassation sends them after having annulled their acts.