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THE CONSTITUTION Of the French Colony of St. Domingo.

The deputies of the departments of the Colony of St. Domingo met in Central Assembly, have decreed and laid the constitutional foundations of a system for the French colony of St. Domingo.

TITLE I—Territory.

ART. 1. St. Domingo in all its extent, and "Sama, in Tortue, la Gonave, les Cayemites, l'île-a-Viche, la Sagne," and other adjacent islands, form the territory of a single colony, which makes a part of the French Empire, but which is governed by particular laws.

2. The territory of this colony is divided into departments, circles (Arrondissements) and parishes.

TITLE II—Of its Inhabitants.

3. Slaves are not permitted in this territory; servitude is forever abolished—All men born here, free and free men and Frenchmen.

4. Every man, what his colour may be, is eligible to all offices.

5. There exists no other distinction than that of Talents and Virtues, and no other superiority than that which the law confers by the exercise of some public office. The law is the same to all, either when it punishes or protects.

TITLE III—Of Religion.

6. The Catholic, Apostolic and Roman religion, is the only one publicly professed.

7. Each parish must maintain its religious worship and its ministers. The church revenues are destined for the discharge of this expense, and the Parishes (or priests house) for the residence of the clergy.

8. The government of the colony assigns to each pastor the limits of his spiritual administration; and the ministers can never under any pretext form a body in the colony.

TITLE IV—Morals.

9. Marriage from its political and religious functions, tends to purify the public morals; those who practise the virtues which this condition requires, will always be distinguished and peculiarly protected by the government.

10. Divorces are not allowed in this colony.

11. The conditions and privileges of illegitimate children shall be determined by laws calculated to extend and to preserve the social virtues, and to encourage and cement family union.

TITLE V—Men in Society.

12. The constitution guarantees the liberty and security of each individual. No one can be arrested without order officially expressed, proceeding from an officer, to whom the laws has given the power of arrestation, nor confined in any place but such as are publicly designated for that purpose.

13. Property is sacred and inviolable. Every person either through themselves, or through their representatives, shall have a free, diffusive and administration of whatever is known to belong to him. Whoever shall interfere with the exercise of this right, shall be considered criminal towards society, and responsible to the person whose rights he has interfered.

TITLE VI.

Agriculture and Commerce.

14. The colony being essentially agricultural, can not suffer the least in corruption to the labors of its planters.

15. Each plantation is a manufactory which requires the union of husbandmen and workmen. It is a tranquil Asylum of an industrious and orderly family, in which the proprietor of the soil or his representative is necessarily the parent.

16. Every husbandman and workman is a member of this family and a sharer of the revenues. Every change of habitation on the part of the husbandman, draws with it the ruin of village. To repress a vice, as fatal to the colony as it is contrary to public order, the government has made all the regulations of police that circumstances required; and which were conformable to the basis of the regulation of the 20th Vendémiaire, year 9, and of the proclamation of the 19th Pluviose, by the general in chief Toussaint Louverture.

17. The introduction of husbandmen, indispensable to the extension and re-establishment of agriculture, shall take place in St. Domingo. The constitution charges the government to take the most efficacious measures, to encourage and favor this augmentation of hands to stipulate and balance the different interests, insure and guarantee the execution of the reciprocal engagements resulting from their introduction.

18. The commerce of the colony consists only in the exchange of the commodities and productions of its own territory, consequently the introduction of the same article is and remains prohibited.

TITLE VII.

Of Legislation and Legislative Authority.

19. The regime of the colony is settled by laws proposed by the governor and agreed to by the assembly of the inhabitants, who meet at fixed periods in the centre of the colony under the title of Central Assembly of St. Domingo.

20. No law relative to the internal administration of the colony can be promulgated, if it is not accompanied by this formula: "The central assembly of St. Domingo upon the proposition of the governor decrees the following law."

21. No law shall be obligatory on the citizens until the day of its promulgation in the principal places of the departments—The promulgation of any law must be made in the following mode: "In the name of the French colony of St. Domingo, the governor decrees, that the above law shall be stated, promulgated and executed throughout the colony."

22. The central assembly of St. Domingo is composed of two deputies from each department; who to be eligible must be thirty years of age, and must have resided five years in the colony.

23. One half of the assembly is renewed every two years. No one can be a member five years successively. The election shall take place in the following manner: Every two years each of the municipal administrations shall name a deputy on the 10th Ventose (1st March) who shall meet ten days afterwards at the principal places in their respective departments, when they shall form as many departmental electoral assemblies, each of which assemblies shall name a deputy to the Central Assembly.

The next election shall take place on the 10th Ventose, the 11th year of the French Republic (1st March, 1801) In case of the death or removal of one or more members of the assembly, they shall be replaced by the governor.

He shall also designate, at the first period of removal, the members of the then sitting central assembly, who shall remain members for the ensuing two years.

24. The Central Assembly vote the adoption or the rejection of laws which are proposed by the governor; it expresses its opinion as to the regulations proposed, of the application of laws already passed, of the abuses to be corrected, of the modifications to be undertaken in all the parts of the service of the colony.

25. Its legislative functions every year on the 1st Germinal (and 1st) cannot last longer than three months. The governor may convolve it extraordinarily, its functions are public.

26. After receiving a statement of the receipts and expenses which shall be presented by the governor, the central assembly shall determine the appropriation, the quota, the duration, and the mode of collecting taxes, and their mode of distribution. The accounts shall be furnished to the public.

TITLE VIII—Government.

27. The administration of the government of the colony is confided to a Governor, who corresponds with the government of the metropolis, as to every thing relating to the interests of the colony.

28. The constitutional powers of the Governor the citizen Toussaint Louverture, General in Chief of the army of St. Domingo, and in consideration of the important services rendered by the general to the colony, in the most critical circumstances of the revolution, and yielding to the wishes of a grateful people, the reins of government are confided to him during the remainder of his glorious life.

29. In future every Governor shall be nominated for five years, during which period if his administration be faithful he shall remain in office.

30. In order to insure the tranquility, for which the colony is indebted to the firmness, activity, indefatigable zeal, and the rare virtues of the General Toussaint Louverture, and as a pledge of the unlimited confidence of the inhabitants of St. Domingo, the Constitution assigns exclusively to this General, the right of choosing the citizen, who on the melancholy event of his decease, shall immediately succeed him.

This choice shall be secret; it shall be closed in a sealed packet, which shall be broken only by the Central Assembly, in presence of all the generals of the army of St. Domingo in active service, and the commander in chief of the departments.

General Toussaint shall take every necessary measure of precaution to acquaint the central assembly with the place in which the important packet shall be deposited.

31. The Citizen, who shall be chosen by Citizen Toussaint Louverture, to receive after his death the reins of government, shall take before the Central Assembly an oath to execute the constitution of Saint Domingo and to remain faithful to the French Government, and shall be immediately installed in his office: the whole shall be done in the presence of the General of the army who are in active service and the Commanders in Chief of the Departments, who all and individually, without leaving the place, shall take an oath of obedience to the new Governor.

32. A month or more previous to the expiration of 5 years fixed for the administration of each Governor, he who shall be in office shall convolve the Central Assembly, and a meeting of the Generals of the army, who are in active service, together with the Commanders in Chief of the Departments, instead of the usual sittings of the Central Assembly, in order to name, jointly with the members of the Assembly a new Governor, or to continue him who is already in office.

33. The neglect of a convocation, by the Governor in office, is a gross infraction of the constitution—In this case the general highest in rank and the oldest in that rank, who shall be in the active service of the colony, shall of right and provisionally assume the reins of government. This General shall immediately convolve the other generals in service, the commanders in chief of the departments, and the members of the Central Assembly, who all are bound to obey the convocation in order to proceed concurrently to the nomination of a new Governor.

In case of a vacancy by death, removal or otherwise of a Governor, before the expiration of his office, the government shall convolve for the same purpose as above stated, the generals in active service, the members of the Central Assembly, and the commanders in chief of the departments.

34. The governor seals and promulgates the laws, he nominates to all civil and military employments. He is charged with the organization of the army of which he is commander in chief. The armed forces on any station in the posts of the colony, shall be subject to his orders.

He determines the division of the territory, in a manner the most convenient to the interior relations.

Regulating himself by the laws, he is to watch over and provide for, the interior and exterior security of the colony. And knowing that a state of war, is a state of rebellion, ferocity and misery for the colony—In these circumstances the governor is charged to take every measure he believes necessary, to supply the colony with provisions of every kind.

35. He regulates the general Police in the plantations and manufactories, when he exacts the observations of the obligations or any agreements, of the

proprietors, planters or their representatives, towards the husbandmen and workmen, and the reciprocal duties of the husbandmen and workmen towards the proprietors and planters, or their representatives.

36. He proposes laws to the Central Assembly, & even those which change the constitution, if experience should show them to be necessary.

37. He directs and superintends the collection, the distribution, and the employment of the finances of the colony, and gives in this respect all orders he may see proper.

38. He presents every two years to the Central Assembly, an account of the receipts and expenses of each department, the statement of each year, separately.

39. He superintends and condemns through his command, all writings designed for the press in this island; he suppresses all those coming from abroad, which tend to corrupt the morals, or to agitate and disturb the colony; he punishes the authors or sellers of such works, according to the importance of the case.

40. If the governor is informed that there exists a conspiracy against the tranquility of the colony, he instantly causes to be arrested such persons as are suspected to be the authors or accessories; and after having made them submit to an extra-judicial interrogation, he causes them to be transferred (if there be need) before a competent tribunal.

41. The salary of the Governor is fixed for the present at three hundred thousand francs—his guard of honor is at the expense of the colony.

TITLE IX—Tribunals.

42. No one shall interfere with the right of the citizen to have any dispute amicably adjusted by arbitrators chosen by himself.

43. No authority shall suspend or prevent the execution of judgments given by the tribunals.

44. Justice is administered in the colony by tribunals of the first demand, and tribunals of appeal.—The law determines the organization of both, their numbers, their powers, and the boundaries of their jurisdiction. Their tribunals according to their degree of jurisdiction, take the cognizance of all civil and criminal cases.

45. There shall be in the colony a tribunal of cassation, which shall decide on demand, against judgments pronounced by the tribunals of appeal, and upon disputes between a part of the tribunal and the whole.

This tribunal does not take cognizance of the grounds of controversies, but repeats judgements given upon proceedings in which forms have been violated or which contain any express violation of law, & it returns the grounds of controversy to the tribunal which ought to take cognizance of them.

46. The judges of the different tribunals hold their offices during life, unless removed for misbehavior. The commissioners of government may be removable.

47. Military delinquents are to be tried before special tribunals, and by particular forms of judgment. The special tribunals take cognizance also of all robberies and thefts whatever, of house-breaking, of assassinations, murders, incendiaries, rapes, conspiracies and rebellions—Their organization belongs to the governor of the colony.

TITLE X.

Municipal Administration.

48. In each parish of the colony there is a municipal administration. In the parish where a tribunal of first demand exists, the municipal administration is composed of a mayor and four administrators. The commissioners of the government near the tribunals, shall gratuitously fulfil the duties of commissioners of government to the municipal administration.

In the other parishes the municipal administration is composed of a mayor and two administrators, and the duties of the commissioners are fulfilled gratuitously by the substitutes of the commissioners of the tribunals to which these parishes appeal.

49. The members of the municipal administrations are nominated for two years; they may be always continued—The nomination devolves upon the governor, who, from a list of sixteen names, presented by each municipal administration, shall choose such persons as are best suited to manage the affairs of each parish.

50. The duties of the municipal administration consists in the exercise of the police of towns and villages, in the management of monies accruing from the revenues of manufactories, and from the additional taxes on the parishes. They are besides specially charged with the keeping of registers, of births, marriages, and deaths.

51. The mayor exercises his particular duties as the law determines.

TITLE XI—Armed Force.

52. The armed force is from its nature obedient. It can never deliberate; it is the disposition of the governor, who can call it into action only for the maintenance of public order, the protection of the citizens, and the defence of the colony.

53. It is divided into a colonial guard with pay, and a colonial guard without pay.

54. The colonial guard without pay, is never to leave the limits of the parish, but in cases of imminent danger, and upon order and under the personal responsibility of the military commanders or commander of the place. Without the limits of its parish, it is paid, and then becomes subject to military discipline; in the other case, it is subject only to law.

55. The colonial soldiers make a part of the armed force, and are divided into horse and foot soldiers.

The cavalry is established for the general police and the security of the country; it is paid from the colonial treasury.—The infantry is established for the police of towns and villages; it is paid by the towns and villages in which it serves.

56. The army is to be recruited, on a proposition from the governor to the central assembly, and according to the mode established by law.

TITLE XII.

Finances, Sequestrations, &c.

57. The finances of the colonies are drawn from duties on imported and exported articles.

58. From taxes upon houses in towns and villages,

from these upon manufactures, agriculture, and salt provisions. 3d. From the revenue of ferries and polls. 4th. From fines and confiscations. 5th. From duties upon the salvage of ship-wrecked vessels. 6h. From the Revenue of the colonial domains.

59. The produce of the rents of sequestrated property, the proprietors being absent and not represented, makes a provisionary part of the public revenue, and is applied to the expenses of the administration.

60. Circumstances shall determine the laws which shall be made, relative to the public debt in arrears, and respecting the rent of sequestrated property collected by the administration after the promulgation of the present constitution, and respecting those which have been collected previous to the promulgation; they shall be demandable, and shall be reimbursable the year after the removal of the sequestration of property.

61. Strangers succeeding in France to their relations, either foreigners or Frenchmen, shall likewise succeed in St. Domingo, they may contract, acquire and receive property situated in the colony, and dispose of it the same as Frenchmen, in any way authorized by law.

62. The mode of collecting and administering finances, demerical property, sequestrations and vacancies, shall be determined by the laws.

63. A temporary commission shall regulate and examine the accounts of the receipts and expenses of the colony. This commission is chosen by the Governor, and shall consist of three members.

TITLE XIII

General Dispositions.

64. The house of every person is an inviolable asylum. During the night no one has a right to enter it, except in cases of conflagration, inundation, or cries which proceed from within. During the day it can be entered only for some special purpose, which shall be determined by law, or by an order proceeding from some public authority.

65. Before the 2d. of the arrestation of any person, can be executed, it must—1st. Formally express the reason of arrestation and the law which decrees it—2d. It must proceed from some public officer to whom the law has tenderly given the power of arrestation—3d. A copy of the order must be given to the person arrested.

66. All such persons who have not received from the law the power of arrestation, and shall give, sign, execute or have executed, the arrestation of any one, shall be guilty of the crime of arbitrary detention.

67. Every person has the right of addressing individual petitions to all the constituted authorities, and especially to the Governor.

68. There shall not be formed in the Colony, incorporations or associations inimical to public order—No assembly of citizens can call themselves a popular society. All seditious assemblies shall be immediately dispersed, first by verbal command, and afterwards, if necessary, by armed force.

69. Every one shall have the power of forming particular establishments for the education and instruction of youth, with the permission and under the superintendance of the municipal administrations.

70. The law will particularly be concerned with the application of such public morals, or the security health and fortune of citizens.

71. The law recompenses the inventors of agricultural machines, and vests in them an exclusive right to their discoveries.

72. There shall be throughout the colony an uniformity in weights and measures.

73. Reconcessions shall be awarded by the Governor in the name of the colony, to such warriors as shall distinguish themselves in defending their country.

74. Proprietors absent from whatever cause, shall preserve all their rights to the property belonging to them, and situated in the colony. In order to obtain the removal of sequestration which may have been laid thereon, it will be sufficient to produce their titles, and in the want of titles, supplemental acts, the former of which shall be determined by law—Those however, are excepted, who shall have been entitled and who continue on the general list of French emigrants. Their property in this case will continue to be administered upon, as colonial domains, until they are erased from the list.

75. The colony proclaims, as a guarantee of public faith, that all sales legally contracted by the administration, shall continue in force, if the persons to whom the property is adjudged, do not prefer to negotiate with the proprietors or their representatives, who have obtained the removal of their sequestrations.

76. It is proclaimed that it is upon the credit for persons and property, that the culture of the earth, all its productions, all the means of labour and all social order must depend.

77. It proclaims that every citizen owes his services to the country that has given him birth, and to the soil that nourishes him, to the maintenance of liberty, and the equal division of property, whenever the laws call him to defend them.

78. The General in Chief, Toussaint Louverture, is charged with sending this constitution, to be presented for the sanction of the French government; nevertheless convinced of our perilous state, of our want of laws, and the necessity of the prompt re-establishment of agriculture, and listening to the unanimous wish of the inhabitants of St. Domingo, the General in chief is invited, in the name of the public welfare to have this constitution put into execution throughout the whole extent of the colony.

Made at Port Republic on 19th Floreal, year 9 of the French Republic, on and indivisibly. Signed Bregalis, president, Baymond, Collet, G. ou, N-gere, L. Cour, Poxa, Magnon, M. sebo.

VIKT, co. After having made myself acquainted with the constitution, I give it my approbation; the invitation of the Central Assembly, I consider as a command, and in consequence thereof shall transmit it to the French government to obtain its sanction. In respect to its execution through the colony, the wish expressed by the Central Assembly shall be immediately fulfilled and executed.

Given at Cape F. on the 3d of Messidor, year 9 of the French Republic, on and indivisibly. The General in Chief.

(Signed) TOUSSAINT LOUVERTURE.