

WILMINGTON GAZETTE.

THREE DOLLS. PER ANN.]

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FRENCH EMPIRE.

PARIS, JUNE 2.

ORGANIC SENATUS CONSULTUS.

NAPOLEON, by the grace of God and by the Constitution of the republic, Emperor of the French, to all present and to come—safely

The Senate, after having heard the orators of the Council of State, has decreed, and we order as follows: Extract from the Register of the Conservative Senate, of the 18th Floreal, year 12

The Conservative Senate, united to the number of members prescribed by the article XC. of the constitution, having seen the project of the *senatus Consultus*, registered in the form required by the article LVII. of the *Organic Senatus Consultus*, of the date of the 16th Thermidor, year 10; after having heard, on the motives of the said project, the orators of the government, and the report of its special commission named in the fitting of the 26th of this month—the adoption having been deliberated upon by the number of voices prescribed by article LVI. of the *Organic Senatus Consultus*, of the 16th Thermidor, year 10—decree as follows:—

TITLE FIRST.

ART. 1. The government of the republic shall be entrusted to an Emperor, who assumes the title of Emperor of the French. Justice shall be administered in the name of the Emperor, by officers whom he appoints.

2. NAPOLEON BONAPARTE, now the First Consul of the Republic, is Emperor of the French.

TITLE II.—Of Heritage.

3. The imperial dignity is hereditary, in the direct, natural, and legitimate descent of Napoleon Bonaparte, from male to male, by order of primogeniture, and to the perpetual exclusion of females and their descent.

4. Napoleon Bonaparte may adopt the children or grand children of his brothers, provided they have attained to the age of eighteen years complete, and that he himself has no male heirs at the time of adoption. His adopted sons enter into the line of his direct descent. If he has any male children posterior to adoption, his adopted sons can succeed only after the natural and legitimate descendants. Adoption is interdicted to the successors of Napoleon Bonaparte and to their descendants.

5. In default of a natural or legitimate heir or adopted heir of Napoleon Bonaparte, the imperial dignity shall devolve to and be conferred on Joseph Bonaparte and his natural and legitimate descendants in order of primogeniture, to the perpetual exclusion of females and their descendants.

6. In default of Joseph Bonaparte and his male descendants, the imperial dignity shall devolve to and be conferred on Louis Bonaparte and his natural and legitimate descendants in the order of primogeniture, from male to male, and to the perpetual exclusion of females and their descendants.

7. In default of a natural and legitimate heir or adopted heir of Napoleon Bonaparte, and in default of a natural or legitimate heir of Joseph Bonaparte and his male descendants, and of Louis Bonaparte and his male descendants, an organic *Senatus Consultum*, proposed to the senate by the titulars of the high dignities of the Empire, and submitted to the acceptance of the people, shall nominate the Emperor, and regulate in his family the order of heritage, from male to male, to the perpetual exclusion of females and their descendants.

8. Until the moment of the election of the new Emperor, the affairs of the state shall be governed by the ministers, who shall form in council the government, and who shall deliberate by a majority of voices. The secretary of state shall keep a journal of the deliberations.

TITLE III.—Of the Imperial Family.

9. The members of the Imperial family, in the order of succession, assume the title of *French princes*. The eldest son of the Emperor takes that of *Imperial prince*.

10. A *Senatus Consultum* regulates the mode for the education of the French princes.

11. They are members of the Senate of the Council of State when they attain their eighteenth year.

12. They cannot marry without the authorization of the Emperor. The marriage of a French prince, made without the authorization of the Emperor, carries with it privation of all rights to the inheritance, as well for him who has contracted it, as for his descendants. However if there exist no issue from that marriage, and it should be dissolved, the prince who had contracted it recovers his rights to the inheritance.

13. The acts which testify the birth, marriages and deaths of the imperial family, are transmitted, by an order of the Emperor, to the Senate, who order the transcription of them upon their registers and the deposit in the archives.

14. Napoleon Bonaparte establishes by

statutes to which his successors are bound to conform themselves, all the duties of the individuals of either sex, members of the imperial family, towards the Emperor: 2d, an organization of the imperial palace suitable to the dignity of the throne and the greatness of the nation.

15. The civil list remains regulated as it has been by the articles 1 and 4. of the decree of the 26 May, 1791. The French princes, Joseph and Louis Bonaparte, & in future the younger sons, natural and legitimate of the Emperor, shall be treated conformably to the articles 1, 10, 12 and 13 of the decree of the 21 Dec, 1790. The Emperor may fix the dowry of the Empress, and have it entered on the civil list; his successors cannot make any alterations in the arrangements which he shall have made in that respect.

16. The Emperor visits the departments; in consequence, imperial palaces shall be established at the four principal points of the empire. These palaces are described, and their dependencies determined by a law.

TITLE IV.—Of the Regency.

17. The Emperor is a minor until the full age of eighteen; during his minority there shall be a regent of the Empire.

18. The regent must at least be full 25 years of age. Women are excluded from the regency.

19. The Emperor selects the regent from among the French princes having attained the age required by the preceding article; and, in their stead, from among the titulars of the high dignities of the empire.

20. In default of a nomination on the part of the Emperor, the regency is devolved to the prince the nearest in degree according to the hereditary order, being full 25 years of age.

21. If, the Emperor not having appointed the regent none of the French princes are 25 years of age, the Senate shall elect the regent from among the titulars of the high dignities of the empire.

22. If, by reason of the minority of the prince called to the regency in the hereditary order, it has been devolved to a more distant relation or to one of the titulars of the Empire, the regent who has entered into its functions continues therein until the majority of the Emperor.

23. No *Organic Senatus Consultum* can be issued during the regency nor before the end of the third year immediately following the majority.

24. The regent exercises until the majority of the Emperor all the attributes of the imperial dignity. He cannot, however, nominate to the grand dignities of the empire, nor to the places of high offices, which may be found vacant at the epoch of his regency, or that may become vacant during the minority, nor to use the prerogative reserved to the Emperor of elevating citizens to the rank of Senator.—He cannot dismiss either the grand judge or the secretary of state.

25. He is not personally responsible for the acts of his administration.

26. All the acts of the regency are in the name of the minor Emperor.

27. The regent proposes no project of law or of *senatus consultum*, and adopts no regulations of public administration until after having taken advice of the council of regency, composed of the titulars of the high dignities of the empire. He cannot make war nor sign treaties of peace, alliance or commerce till after its having been deliberated in the council of regency, whose members, in this case only, have a deliberative voice. The deliberation takes place by a majority of voices; and if there is an equal division, it is determined by the vote of the regent. The Minister of exterior relations is to take his seat at the council of regency, when the council deliberates upon subjects relative to his department. The grand judge minister of justice, may be called therein by order of the regent. The secretary of state keeps the register of the deliberations.

28. The regent confers no right on the person of the minor Emperor.

29. The salary of the regent is fixed at one fourth part of the civil list.

30. The guardianship of the minor Emperor is entrusted to his mother, and in default to the prince appointed for that purpose by the predecessor of the minor Emperor. In default of the mother of the minor Emperor, or of a prince named by the Emperor, the senate entrusts the guardianship of the minor Emperor to one of the titulars of the high dignities of the Empire. The guardianship of the minor Emperor shall not be entrusted to the Regent and his descendants nor to women.

31. In case that Napoleon Bonaparte

shall make use of the prerogative conferred on him by the Art. 4, title 11, the act of adoption shall be made in the presence of the titulars of the high dignities of the Empire, received by the secretary of state, and immediately transmitted to the senate, to be transcribed upon its registers and deposited among the records. When the Emperor designates, either a regent for the minority, or a prince for the guardianship of a minor Emperor, the same formalities are observed. The acts of designation either for a regent for the minority, or a prince for the guardianship of a minor Emperor can be revoked by the Emperor at pleasure. All acts of adoption, designation, or revocation of designation that shall not have been transcribed in the registers of the senate before the decease of the Emperor, shall be null and of no effect.

TITLE V.—Of the high dignities of the Empire.

32. The titulars of the high dignities of the Empire are those of Grand Elector, Arch Chancellor of the Empire, Arch Chancellor of State, Arch Treasurer, High Constable, and High Admiral.

33. The titulars of the high dignities of the Empire are appointed by the Emperor. They partake of the same honours with the French Princes, and take rank immediately after them. The epoch of their reception determines the rank they occupy respectively.

34. The high dignities of the empire are permanent.

35. The titulars of the high dignities of the Empire, are Senators and Counsellors of State.

36. They form the grand Council of the Emperor; they are members of the Privy Council; they compose the grand Council of the Legion of Honour. The present members of the Grand Council of the Legion of Honour, preserve during life their titles, functions, and prerogatives.

37. The Emperor presides in the Senate and Council of State. When the Emperor does not preside in the Senate or State Council, he appoints one of the titulars of the high dignities of the Empire who is to preside.

38. All the acts of the Senate and of the Legislative Body are issued in the name of the Emperor, and promulgated or published under the Imperial Seal.

39. The Grand Elector performs the functions of Chancellor: 1st. in convoking the Legislative Body, the Electoral Colleges and the district Assemblies; 2d. in promulgating the *Senatus Consultum* for dissolving either the Legislative Body or the Electoral Colleges. The Grand Elector presides in the absence of the Emperor when the Senate proceeds in the nomination of Senators, Legislators, or Tribunes. He may reside in the palace of the Senate. He lays before the Emperor the remonstrances made by the Electoral Colleges, or by the district Assemblies for the preservation of their privileges. When a member of an Electoral College is denounced conformably to the Art. 211, of the *Organic Senatus Consultum* of the 16th Thermidor, year 10, as having committed any act contrary to honour or the good of the country, the Grand Elector invites the College to manifest its will. He reports the will of the College to the Emperor. The Grand Elector presents the members of the Senate, of the Council of State, of the Legislative Body, and of the Tribunal to take the oath at the hands of the Emperor. He administers the oath to the Presidents of the Electoral Colleges, of departments of district Assemblies. He presents the solemn deputation of the Senate, the Council of State, the Legislative Body, the Tribunal, and the Electoral Colleges, when admitted to an audience of the Emperor.

40. The Arch Chancellor of the Empire exercises the functions of Chancellor in promulgating the *Organic Senatus Consultum* and the laws. He likewise exercises those of Chancellor of the Imperial Palace. He is present at the annual report in which the Grand Judge minister of justice gives an account to the Emperor of the abuses that may have found their way in the administration of justice, either civil or criminal. He presides over the high imperial court, and over the united sections of the council of state and of the tribunal, conformably to the *Senatus Consultum*. He is present at the celebration of marriages and at the birth of the princes; at the coronation and the obsequies of the Emperor. He signs the *proces verbal* drawn up by the secretary of state. He presents the titulars of

the Empire, the Ministers, the Secretary of State, the Grand Civil Officers of the Crown, and the first President of the court of cassation, to the oath which they take at the hands of the Emperor. He receives the oath of the members of the court of cassation; of the presidents and attorneys-general of the courts of appeal, and of criminal courts. He presents the solemn deputations and the members of the courts admitted to the audience of the Emperor. He signs and seals the commissions and brevets of the members of the courts of justice and of the ministerial officers, &c.

41. The Arch-Chancellor of state exercises the functions of Chancellor in promulgating the treaties of peace & of alliance and declarations of war. He presents to the Emperor and signs the letters of credence and ceremonial correspondence with the different courts of Europe, digested according to the forms of the Imperial protocol, of which he is the keeper. He is present at the annual report, in which the minister of exterior relations gives an account to the Emperor of the political situation of the state. He presents the ambassadors and ministers of the Emperor to foreign courts to the oath they take at the hands of H. I. M. He receives the oath of the residents, charge d'affaires, secretaries of embassy and of legation; and of commissary generals, and commissaries or commercial relations. He presents the extraordinary ambassadors, and the French and foreign ambassadors and ministers.

42. The Arch-Treasurer is present at the annual report in which the ministers of the finances and of the treasury furnish to the Emperor the accounts of receipts and expenditures of the state, and communicate their ideas on the exigencies of the finances of the Empire. He receives every three months statements of the labors of the national accountability, and every year the general result with views of reform and melioration in the different departments of the accountability, which he lays before the Emperor. He audits and signs every year the ledger of the public debt. He receives the oath of the members of the national accountability, of the administration of finances, and of the principal agents of the public treasury.

43. The High Constable is present at the annual report in which the minister of war and the director of the department of war give an account to the Emperor of the dispositions to be taken to complete the system of the defence of the frontiers; and the keeping in repairs and provisioning of the fortresses. He lays the first stone of fortified places of which the construction is ordered. He is governor of the military schools. When the Emperor in person does not transmit the colours to the corps of the army, they are to be transmitted to them in his name, by the high constable. In the absence of the Emperor the high constable inspects the grand reviews of the imperial guard. When a general of the army is accused of a crime specified in the military code, the high constable may preside over the council of war who is to judge. He presents the marshals of the empire, the colonels, general inspectors, general officers, and colonels of all the armies, to the oath which they take at the hands of the Emperor. He receives the oath of the majors, chiefs of battalion and of squadron of all the armies. He installs the marshals of the empire, &c.

44. The high admiral is present at the annual report in which the minister of the marine gives an account to the Emperor of the state of the naval constructions, of the arsenals and necessary supplies. He presents the admirals, vice-admirals, rear-admirals, and captains de Vaisseau, to the oath which they take at the hands of the Emperor. He receives the oath of the members of the council of prizes, captains of frigates, &c.

45. Each titular of one of the high dignities of the Empire presides over the electoral colleges of department. The electoral college sitting at Brussels is presided by the grand elector; that at Bourdeaux, by the Arch-Chancellor of the Empire, that at Nantes by the Arch-Chancellor of state; that at Lyons, by the Arch-Treasurer of the Empire; that at Turen by the High Constable; and that at Marseilles by the High Admiral.

46. Each titular of the high dignities of the empire, receives annually, as a fixed salary, the third part of the sum allotted to the pences conformably to the decree of the 21 Dec. 1790.

47. A statute of the Emperor regulates the functions of the titulars of the high dignities of the Empire, near the Emperor, and determines their costume in grand