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64. A committee of seven members, named by the Senate and chosen from its body, shall be charged to watch over the liberty of the press. Works printed and distributed by subscription, and periodically, do not fall under its notice. This committee shall be denominated, *The Senatorial Committee of the Liberty of the Press*.

65. Authors, printers, and book-sellers, who may conceive that they have cause to complain of obstacles created to oppose the printing or circulation of their works, have immediate recourse, by petition, to the Senatorial Committee of the Liberty of the Press.

66. When the committee is of opinion that these impediments are not justified by the interest of the state, it shall call upon the minister who created, to remove them.

67. If after three successive calls renewed within the space of one month, the impediments still subsist, the committee shall demand an assembly of the Senate, before which, convoked by the President, the following declaration shall be made.—“There are strong presumptions that the liberty of the press has been violated.”—The Senate shall then proceed as prescribed in article 112, title XII.

68. One member of each of the Senatorial Committees shall cease to exercise its duties every four months.

69. The projects of laws decreed by the Legislative Body, shall be transmitted, the same day of their adoption, to the Senate and deposited in its archives.

70. Each decree sent from the legislative body may be denominated before the Senate, by a senator;—1. As tending to the re-establishment of the feudal system—2. As contrary to the irrevocability of the sales of national domain—3. As not having been deliberated in the form prescribed by the constitutions of the empire, the regulations and the laws, in such cases—4. As injurious to the imperial prerogatives, or to those of the Senate: the execution of the 21st and 23rd articles of the act of the constitutions of the empire, passed 22d Frimaire, year 8, notwithstanding.

71. The Senate, within six days after the adoption of a project of law, having deliberated on the report of a special committee, and after having heard three readings of the decree, at three sittings held on 6 different days, may declare its opinion that it is not necessary to promulgate this law. The President shall make known to the Emperor the determination and motives of the Senate.

72. The Emperor with the advice of the Council of State, may announce by a decree, his adherence to the determination of the Senate, or cause the law to be proclaimed.

73. Every law, in such case, which has not been promulgated before the expiration of ten days, cannot then be proclaimed, unless it has been again debated and adopted by the legislative body.

74. The entire operations of an electoral college, the partial operations relative to the presentation of candidates to the Senate, to the legislative body, and the tribunate, cannot be annulled on account of unconstitutionality, but by a *Senatus Consultum*.

#### TITLE IX.—Of the Council of State.

75. When the Council of State deliberates upon projects of laws, or upon regulations of public administration, two thirds of the members of the Council in ordinary service must be present. The number of Counsellors of State present, cannot be less than twenty-five.

76. The Council of State divides itself into six sections, viz. section of legislation, of the interior, of the finances, of war, of the marine and of commerce.

77. When a member of the Council of State has been during five years on the list of the members of the Council in ordinary service, he receives a brief of Counsellor of State for life.

#### TITLE X.—Of the Legislative Body.

78. The members of the Legislative Body whose term of service is expired, may be re-elected without interval.

79. Projects of law presented to the Legislative Body, are returned to the three sections of the Tribunate.

80. The sittings of the Legislative Body are distinguishable by ordinary sittings and by general committees. In an ordinary sitting the Legislative Body hears the orators of the Council of State, and those of the three sections of the Tribunate, and votes upon the project of law. In a general committee they discuss among themselves with closed doors the advantages and inconveniences of the project of law. No deliberations can be taken in a general committee.

81. The ordinary sittings shall be composed of the members of the legislative body, or of the orators of the Council of State, and of the orators of the three sections of the tribunate. The general committees shall be composed solely of the members of the legislative body. The President of the legislative body shall preside at the ordinary sittings, and in the general committees.

82. In ordinary sittings the legislative body shall hear the orators of the Council of State, and those of the three sections of the tribunate; and vote on projects of laws.—In general committees the members of the legislative body shall discuss, among themselves, the advantages and inconveniences of the projects of laws.

83. The legislative body shall form itself into general committees—1. when called to do so by the president on affairs relating to

the interior of the body—2. when required to do so, by motion addressed to the president, and signed by fifty members; in these two cases the committee is secret, and its discussion should neither be printed nor divulged—3. when required by the orators of the Council of State, especially authorised to that effect: and in this case the committee is necessarily public. No decision can be had in either of the general committees.

84. When the general committee deliberates in secret, the decision shall be postponed until the next day, in ordinary session.

85. The day when it is to vote upon any project of law, the legislative body shall hear, at the same sitting, what the orators of the Council of State may have further to say on the subject.

86. The determination on a project of law cannot, in any case, be deferred beyond three days after that fixed for closing the discussions.

87. The sections of the tribunate shall constitute the only committees of the legislative body which cannot form any others, except in the case provided for by art. 113, title XIII.

#### TITLE XI.—Of the Tribunate.

88. The functions of the members of the Tribunate continue 10 years.

89. Half of the Tribunate is removed every five years: the first will take place for the session of the year 17.

90. The president of the tribunate is appointed by the Emperor from three candidates named by the tribunate.

91. The functions of the president continue two years.

92. The tribunate shall have two questors. They shall be chosen by the Emperor from a triple list of candidates, nominated to him by the Senate, at a secret meeting, and by an absolute majority. Their functions are the same as those attributed to the questors of the legislative body, by articles 19, 20, 21, 22, 23, 24, and 25 of the Organic *Senatus Consultum*, 24th Frimaire, year 10 (Dec. 14, 1801)—one of the questors shall be removed each year.

93. The tribunate is divided into three sections, to wit: 1. the section of legislation; 2. the section of the interior; 3. the section of the finance.

94. Each section shall present a list of three of its members, from which the president of the tribunate shall choose the president of the section: who shall continue in office one year.

95. When the respective sections of the Council of State and of the tribunate, shall demand to be united, their conferences shall take place under the presidency of the Arch-chancellor of the empire, or of the Arch-treasurer, according to the nature of the subjects to be examined.

96. Each section shall discuss separately, and in assembly of section, all projects of laws transmitted to it by the legislative body. Two orators of each, shall declare the voice of their section to the legislative body, and unfold its motives.

97. In no case can the projects of laws be discussed in the general assembly of the tribunate. It shall form itself into a general assembly, under the order of its president, for the exercise of its other functions.

#### TITLE XII.—Of the Electoral Colleges.

98—99. The Grand Officers, Commanders, and Officers of the Legion of Honor, are members of the Electoral College of the department in which they reside, or one of the departments of the cohort to which they belong. The legionaries are members of the Electoral Colleges of their district. The members of the Legion of Honor are admitted at the Electoral College of which they are to make a part, on a presentation of a brief delivered to them to that effect by the Grand Elector.

100. Prefects and military Commandants of departments cannot be elected candidates for the Senate by the Electoral Colleges of the departments in which they exercise their functions.

#### TITLE XIII.—Of the High Imperial Court.

101. A High Imperial Court takes cognizance 1st. of personal offences or crimes committed by the Imperial family, by the titulars of high dignities of the Empire, by the ministers, the secretary of state, the grand officers, the senators, and the counsellors of state; 2d. of crimes, attempts, or conspiracies against the interior and exterior safety of the state, the person of the Emperor, or that of the presumptive heir of the Empire, &c.

102. The sitting of the High Imperial Court, is in the Senate.

103. It is presided over by the Arch-Chancellor of the Empire.

104. The High Imperial Court is composed of the princes, titulars of the high dignities and grand officers of the Empire, of the Grand Judge minister of justice, of 60 Senators, of 6 Presidents of the Council of State, of 14 Counsellors of State, and of 24 members of the Court of Cassation.

105. There will be attached to the High Imperial Court, an Attorney-General, appointed for life by the Emperor.

106. There shall be attached to the High Imperial Court, a chief Clerk, appointed for life by the Emperor.

107. The President of the high imperial court is not liable to be objected against.

108. The high imperial court can act only on the prosecutions of the public ministry. In offences committed by those who are, by their rank placed under the jurisdiction of the imperial court, though there be a plaintiff, the public ministry becomes necessarily the accusing party, and must proceed

as hereafter directed. The public ministry becomes equally the prosecutor in cases of trespasses.

109. The justice of the peace, and the directors of the juries, are commanded to forbear further proceedings, and to transmit, after the 8th day of delay, to the solicitor-general, attached to the high imperial court: all the records of the case, when they shall find whether from the quality of the parties, the title of the accusation, or from the peculiar circumstances, that the offence which they are called upon to punish, is cognizable by the high imperial court. Nevertheless the magistrates shall continue to collect proofs to establish the crime.

110. The ministers or counsellors of state, entrusted with any part of the public administration, may be impeached by the legislative body, if they have in any case acted contrary to the constitution and laws of the empire.

111. Captains-general of colonies, colonial prefects, commandants of French establishments distant from the continent; administrators-general when they shall have abused the powers vested in them; generals of land or sea, who shall have disobeyed their instructions; and prefects of the interior, who shall have been guilty of extortion or dilapidation; may likewise be denounced by the legislative body.

112. The legislative body, may in like manner, denounce the ministers, or agents of authority, when they have received, on the part of the Senate a declaration of strong presumptions of arbitrary imprisonment, or of the violation of the press.

113. Impeachments by the legislative body cannot be interrupted, but on the demand of the tribunate, or the reclamation of fifty members of the legislative body, who shall require a secret committee to be appointed, to designate by ballot ten of their members, who shall investigate the purpose of the impeachment.

114. In either case, the demand or reclamation must be made in writing, signed by the president and secretaries of the tribunate, or by the ten members of the legislative body. If the impeachment shall be against a minister or a counsellor of state, charged with a part of the public administration, it shall be imparted to them within the delay of one month.

115. The minister or counsellor of state denounced, shall not be called upon to reply to the denunciation. The Emperor shall name three ministers of state to appear before the legislative body on the day appointed, and give the necessary explanations on the facts charged in the impeachment.

116. The legislative body shall discuss, in a secret committee, the facts set forth in the demand or reclamation, and shall decide on them by ballot.

117. The act of impeachment must be circumstantial, and signed by the president and secretaries of the legislative body. It shall be addressed to the Arch-chancellor of the empire; who shall transmit it to the solicitor-general of the high imperial court.

118. Collusions or abuse of power by captains-general of colonies, colonial prefects, commandants of establishments distant from the continent, and administrators-general; acts of obedience of orders by generals of land or sea; and dilapidations or extortions by prefects; shall also be denounced by the ministers, each in his particular department, to the officers charged with the public ministry. If the denunciation is made by the grand judge, minister of justice, he can neither assist at the trial, nor take part in the judgment rendered on his own accusation.

119. In the case described by article 110, 111, 112, and 113, the solicitor-general shall inform, within three days, the arch-chancellor of the empire, that there is occasion to assemble the high imperial court. The arch-chancellor after having taken the orders of the Emperor shall fix the opening of the session within eight days.

120. In the first sitting of the high imperial court, it is to judge of its own competency.

121. When there shall be a denunciation or complaint, the solicitor-general, in concert with the tribunes and the three magistrates of the bar of the courts of judicature, shall examine and decide whether it furnishes grounds for a prosecution. One of the magistrates of the bar may be ordered by the solicitor-general to conduct the prosecution. If the public ministry is of opinion that the complaint or denunciation ought not to be received, it shall assign the conclusions upon which the high imperial court shall decide after having heard the magistrates charged with the report.

122. When these conclusions are adopted, the high imperial court shall terminate the affair by a definitive judgment. When they are rejected, the public ministry is directed to continue the prosecution.

123. In the second case provided for by the preceding article, and also when the public ministry is of opinion that the denunciation or complaint ought to be heard, it shall prepare the act of accusation within eight days and deliver it to the commissary or attorney, whom the arch-chancellor of the empire shall appoint from among the judges of the court of abrogation, being members of the high imperial court. The duties of the commissary or in his default, the attorney, shall be to frame the instructions and the narrative.

124. The reporter, or his attorney, shall submit the act of accusation to twelve commissaries of the high imperial court, chosen by the arch-chancellor of the empire, six from the senators, and six from the other members of the high imperial court.

125. If the twelve commissaries judge that

there is ground of accusation, the reporting commissary shall make a decree in conformity, issue the mandamus for arrest, and proceed to prepare the brief.

126. If on the contrary, the commissaries are of opinion that there exists no ground of accusation, they shall refer it, by the reporter to the high imperial court which shall pronounce definitively.

127. The high imperial court cannot give judgment unless sixty members shall be present. Ten of the whole number of members who may compose it, may be challenged by the accused, and ten by the public accuser. The sentence shall be pronounced by an absolute majority of voices.

128. The trial and judgment shall be public.

129. The accused shall be allowed counsel; if they do not present any, counsel shall be assigned them by the arch-chancellor of the empire.

130. The high imperial court cannot inflict any punishment not provided for by the penal code.

131. When it gives judgment of acquittal, it may place the acquitted under the superintendance or at the disposition of the high police of the state, for such time as it shall determine.

132. The judgments pronounced by the high imperial court cannot be reversed.—Those which sentence to an infamous or corporeal punishment, cannot be executed until they have been signed by the Emperor.

133. A particular *Senatus Consultum* shall contain the further disposition relative to the organization and operation of the high imperial court.

#### TITLE XIV.—Of the Judiciary Order.

134. The judgments of the courts of justice are titled arrests.

135. The presidents of the court of cassation, the courts of appeal and criminal justice are appointed for life by the Emperor, and may be chosen out of the courts over which they are to preside.

136. The tribunal of cassation takes the denomination of court of cassation; the tribunals of appeal that of appeal; the criminal tribunals that of criminal justice; the president of the court of cassation and the president of the courts of appeal divided into sections, take the title of first president, the vice-president that of president; the commissaries of government, near the court of cassation, the courts of appeal and of criminal justice, take the title of imperial attorney-generals; and the commissaries near the other tribunals that of imperial attorneys.

#### TITLE XV.—Of the Promulgation.

137. The Emperor causes to be sealed and promulgated, the Organic *Senatus Consulta*, the *Senatus Consulta*, and the acts of the Senate and the law. The Organic *Senatus Consulta*, the *Senatus Consulta*, and the acts of the Senate are promulgated on the 10th day after their emission at farthest.

138. Two originals are drawn up of each of the acts mentioned in the preceding article. Both are signed by the Emperor, testified by one of the titulars of the high dignities, each according to their rights and attributes, countersigned by the secretary of state and minister of justice, and sealed with the great seal of the state.

139. One of these originals is deposited among the records of the seal and the other is transmitted to the archives of the public authority from which the act emanates.

140. 141. The promulgation is thus conceived: “N. (the first name of the Emperor) by the grace of God and the constitution of the Republic, Emperor of the French, to all to whom these presents shall come: Greeting. The Senate after having heard the orators of the Council of State, has decreed, and we order as follows: (and if of a law) the legislative body has rendered on the— the following decree, conformably to the proposition made in the name of the Emperor, and after having heard the orators of the Council of State and the sections of the tribunate, the— We order and command that these presents sealed with the seals of the state, inserted in the bulletin of the laws, be addressed to the courts, tribunals, and administrative authorities, that they may be inscribed on their registers, to observe them and cause them to be observed; and the grand judge minister of justice is charged with superintending the publication thereof.

#### TITLE XVI.—and the last.

142. The following proposition shall be offered for the acceptance of the people in the forms determined by the arrete of the 9 Floreal, year 10: “The people will the hereditament of the imperial dignity in the direct descent natural, legitimate and adoptive of Napoleon Bonaparte, and in the direct descent natural and legitimate of Joseph and Louis Bonaparte, as it is thus regulated by the Organic *Senatus Consultum* of the 23 Floreal year 12.”

Signed CARRACERES, Second Consul, President; MORARD de GALLES, JOSEPH CORNEDET, Secretaries. Approved and sealed.

The Chancellor of the State, LA PLACE.

We order and command that these presents, sealed with the seal of the state, inserted in the bulletin of the laws, be addressed to the Courts, Tribunals, and Administrative authorities, that they may be inscribed on their registers, &c. Given at the palace of Saint Cloud, the 23 Floreal, year 12, and of our reign the first.

Signed, NAPOLEON.  
By the Emperor.  
The Secretary of State, H. B. MARBY.  
Seen by us, Arch-Chancellor of the Empire.  
CARRACERES.