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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. I. St. Domingo in all its extent, and "Samana, la Tortue la Gonave, les Cayemites, l'île à Vache, la Saone," and other adjacent islands form the territory of the 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, live and die freemen and Frenchmen.

4. Every man, whatever 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 Presbyteriales (or priests houses) for the residence of the clergy.

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

TITLE IV.

Morals.

9. Marriage, from its political and religious sanction, 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 orders officially expressed, proceeding from an officer to whom the law has given the power of arrestation, nor confined, in any places 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 disposition 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 with whose rights he has interfered.

TITLE VI.

Agriculture & Commerce.

14. The colony being essentially agricultural cannot suffer the least interruption to the labours of its planters.

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

16. Every husbandmen 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 tillage. To repress a vice, as fatal to the colony as it is contrary to public order, the governor has made all the regulations of police that circumstances required, and which were conformable to the basis of the regulations of the 20th Vendémiaire, year 9, and of the proclamation of the 19th Pluviose, by the general in chief Toussaint Louverture.

The introduction of husbandmen, indispensible to the extension and re establishment of agriculture, shall take place in St. Domingo. The constitution charges the governor to take the most efficacious measures, to encourage and favour 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 articles 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 an assembly of the inhabitants, who meet at fixed periods in the centre of the colony under the title of the 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 sealed, 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 30 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 six 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 (18 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 eleventh year of the French Republic (18 March 1803.) 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 renewal, the members of the then sitting Central Assembly, who shall remain members for the ensuing two years.

24. The Central Assembly votes 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 past, of the abuses to be corrected, of the ameliorations to be undertaken in all the parts of the service of the colony.

25. Its session commences every year on the 1st Germinal (22d March) and cannot last longer than three months. The Governor may convoke it extraordinarily. Its sittings are not public.

26. After receiving an account 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 increase or diminution.—The accounts shall be summarily printed.

TITLE VIII.

Government.

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

28. The constitution nominates as Governor the citizen Toussaint Louverture, General and Chief of the army of St. Domingo, and in consideration of the important services rendered by this 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 firm-

ness, 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 enclosed 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, & 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 this 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 in oath to execute the constitution of St. 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 generals of the army, who are in active service, and the commanders in chief of the departments, who all & 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 the 5 years fixed for the administration of each Governor, he who shall be in office, shall convoke the Central Assembly, and a meeting of the Generals and 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 manifest 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 convoke 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 convoke for the same purposes as above stated, the generals in active service, the members of the central assemblies, 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 vessels on any station in the ports 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 desolation, scarcity 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 exercises the general police in the plantations and manufactures, when he exacts the observation 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, and even those which change the constitution, if experience should show them to be necessary.

37. He directs and superintends the collection, the disbursement, and the employment of the finances of the colony, and gives in this respect all orders whatsoever.

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 thro' his commissioners, all writings for the press in this island; he suppresses all those com-

ing from abroad, which tend to corrupt the morals, or to again embroil or 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 accomplices; and after having made them submit to an extra judiciary interrogation, he causes them to be transferred (if there be one) 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 arbiters 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. These tribunals, according to their degree of jurisdiction, take cognizance of all civil or criminal cases.

45. There shall be in the colony, a tribunal of cassation, which shall decide on demands 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 repeals judgments given upon procedures in which forms have been violated, or which contain any express violation of law; and it returns the grounds of the controversy to the tribunal which ought to take cognizance of them.

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

47. Military delinquents are to be tried before special tribunals, and by particular forms of judgment. These 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 Administrations.

48. In each parish of the colony there is a municipal administration. In the parishes where a tribunal of first demands exists, the municipal administration is composed of a mayor and four administrators. The commissioner of the government near the tribunal, shall gratuitously fulfil the duties of commissioner 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.—Their nomination devolves upon the governor, who from a list of sixteen names, presented by each municipal administration, shall choose such persons as are best fitted to manage the affairs of each parish.

50. The duties of the municipal administrations consist in the exercise of the police of towns and villages, in the management of monies accruing from the revenues of manufactures, 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 at 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 its parish, but in cases of imminent danger, and upon