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[Whole No. 260.]

## CONSTITUTION OF FRANCE.

(Concluded.)

### SECTION II.

#### OF THE INTERIOR ADMINISTRATION.

I. THERE is in each department a superior administration, and in each district a subordinate administration.

II. The administrators have no character of representation;

III. They can assume no authority over judicial proceedings, or over military dispositions and operations.

IV. It belongs to the legislative power to determine the extent and the rules of their functions.

V. The King has the right of annulling such acts of the administrators of department, as are contrary to the law, or the orders transmitted to them.

He may, in case of obstinate disobedience, or of their endangering by their acts, the safety or peace of the public, suspend them from their functions.

VI. The administrators of department have also the right of annulling the acts of sub-administrators of district, contrary to the laws or decrees of the administrators of department, or to the orders which the latter shall have given or transmitted. They may likewise in case of an obstinate disobedience on the part of the sub-administrators, or if the latter endanger, by their acts, the public safety or tranquillity, suspend them from their functions, with the reserve of informing the King, who may remove or confirm the suspension.

VII. The King, if the administrators of department shall not use the power which is delegated to them in the article above, may directly annul the acts of sub-administrators, and suspend them in the same cases.

VIII. Whenever the King shall pronounce or confirm the suspension of administrators, or sub-administrators, he shall inform the legislative body.

This body may either remove or confirm the suspension, or even dissolve the culpable administration; and if there is good ground, remit all the administrators, or some of them to the criminal tribunals, or enforce against them the decree of accusation.

### SECTION III.

#### OF EXTERIOR CONNEXIONS.

I. The King alone can interfere in foreign political connexions, conduct negotiations, make preparations of war proportioned to those of the neighboring States, distribute the land and sea forces as he shall judge most suitable, and regulate their direction in case of war.

II. Every declaration of war shall be made in these terms:—  
"By the King of the French in the name of the nation."

III. It belongs to the King to resolve and sign with all foreign powers all treaties of peace, alliance, and commerce, and other conventions, which he shall deem necessary for the welfare of the State, with a reserve for the ratification of the Legislative Body.

### CHAPTER V.

#### OF THE JUDICIAL POWER.

I. The Judicial Powers can in no case be exercised either by the Legislative Body or the King.

II. Justice shall be gratuitously rendered by Judges chosen for a time by the people, instituted by letters patent of the King, and who cannot be deposed, except from a forfeiture duly judged, or suspended, except from an accusation admitted.

III. The Tribunals cannot either interfere in the exercise of the Legislative Power, or suspend the execution of the laws, or undertake the administrative functions, or cite before them the administrators on account of their functions.

IV. No citizens can be withdrawn from the Judges whom the law assigns to them by any commission, or by any other attributions or evocations than those which are determined by the law.

V. The orders issued for executing the judgments of the Tribunals shall be conceived in these terms:—  
"N. (the name of the King) by the Grace of God, and by the Constitutional Law of the State, King of the French, to all present and to come, Greeting: The Tribunal of ——— has passed the following judgment.

[Here shall follow a copy of the Judgment.]

"We charge and enjoin all officers upon the present demand, to put the same judgment into execution, to our Commissioners of the Tribunals to enforce the same, and to all the Commanders and officers of the public force to be assisting with their force, when it shall be legally required; in witness of which the present judgment has been sealed and signed by the President of the Tribunal and by the Register."

VI. There shall be one or more Justices of Peace in the Cantons and in the Cities. The number shall be determined by the legislative power.

VII. It belongs to the legislative power to regulate the districts of Tribunals, and the number of Judges, of which each Tribunal shall be composed.

VIII. In criminal matters, no citizen can be judged, except on an accusation received by Jurors, or decreed by the Legislative Body, in the cases in which it belongs to it to prosecute the accusation.

After the accusation shall be admitted, the fact shall be examined, and declared by the Jurors:

The Accuser shall have the privilege of rejecting twenty:

The Jurors who declare the fact, shall not be fewer than twelve.

The application of the law shall be made by all the Judges.

The process shall be public:

No man acquitted by a legal Jury, can be apprehended or accused on account of the same fact.

IX. For the whole kingdom there shall be one Tribunal of appeal, established near the legislative body. Its functions shall be to pronounce,

On Appeals from the judgment of the Tribunals:

On Appeals from the judgment of one Tribunal to another, on lawful cause of suspicion:

On regulations of Judges, and exceptions to a whole Tribunal.

X. The Tribunal of Appeal can never enter into an original examination of a case, but after annulling a judgment in a Process, in which the forms have been violated, or which shall contain an express contravention of law, it shall refer the merits of the case to the Tribunal that ought to take cognizance of them.

XI. When after two Appeals, the judgment of the third Tribunal shall be questioned in the same way as that of the former two, the case shall not be carried again to the Tribunal of Appeal, without being first submitted to the legislative body, which shall

pass a Decree declaratory of the Law, to which the Tribunal of Appeal shall be bound to conform.

XII. The Tribunal of Appeal shall be bound to send every year to the Bar of the Legislative Body, a Deputation of eight of its Members, to present a statement of the judgments given, with an abstract of the case annexed to each, and the text of the law, which was the ground of the declaration.

XIII. A High National Court, composed of Members of the Tribunal of Appeal and High Jurors, shall take cognizance of the crimes of Ministers, and the principal Agents of the Executive Power, and of crimes which attack the general safety of the State, when the legislative body shall pass a Decree of Accusation.

It shall not assemble but on the Proclamation of the Legislative Body.

XIV. The functions of the King's Commissioners in the Tribunals, shall be to require the observance of the laws in the judgments to be given, and to cause them to be executed after they are passed:

They shall not be public accusers; but they shall be heard on all occasions, and shall require, during process, regularity of forms, and before judgment the application of the law.

XV. The King's Commissioners in the Tribunals shall represent to the Director of the Jury, either officially or according to orders given them by the King:

Offences against the individual liberty of citizens, against the free circulation of provisions, and the collection of contributions:

Offences by which the execution of orders given by the King, in the exercise of the functions delegated to him, shall be disturbed or impeded; and opposition to the execution of judgments, and all the executive acts proceeding from established powers.

XVI. The Minister of Justice shall represent to the Tribunal of Appeal, by means of the King's Commissioner, the acts by which the Judges have exceeded their jurisdiction.

The Tribunal shall annul these acts, and if they give ground for forfeiture, the fact shall be represented to the Legislative Body, which shall pass the Decree of Accusation, and refer the parties informed against to the High National Court.

### HEAD IV.

#### OF THE PUBLIC FORCE.

I. The Public Force is instituted to defend the State against external enemies; and to maintain internal order and the execution of the laws.

II. It is composed of the land and sea force; of the troops especially destined for home service; and, subsidiarily of the active citizens and their children of age to bear arms, registered in the roll of National Guards.

III. The National Guards do not form a military body, or an institution in the State; they are the citizens themselves called to assist the public force.

IV. The citizens can never embody themselves, or act as National Guards, but by virtue of a requisition, or a legal authority:

They are subject in this quality to an organization, to be determined by the law.

They shall be distinguished in the whole kingdom by only one form of discipline, and one uniform.

Distinctions of rank and subordination subsist only relatively to the service, and during its continuance.

VI. Officers are chosen for a time, and cannot again be chosen, till after a certain interval of service.

None shall command the National Guard of more than one district.

VII. All the parts of the public force employed for the safety of the State from foreign enemies, are under the command of the King.

VIII. No body or detachment of troops of the line can act in the internal part of the kingdom without a legal order.

IX. No agent of the public force can be in the house of a citizen, if it is not in order to execute the instructions of the police and of justice, or in cases formally provided for by the law.

X. The requisition of the public force in the internal part of the kingdom, belongs to the civil officers, according to the regulations provided by the legislative power.

XI. When any department is in a state of commotion, the King shall issue, subject to the responsibility of Ministers, the necessary orders for the execution of laws, and the re-establishment of order; but with the reserve of informing the legislative body, if it is assembled, and of convoking it, if it be not sitting.

XII. The public force is essentially obedient; no person in arms can deliberate.

### HEAD V.

#### OF THE PUBLIC CONTRIBUTIONS.

I. Public contributions shall be debated and fixed every year by the legislative body, and cannot continue in force longer than the last day of the following session, if they are not expressly renewed.

II. The funds necessary to the discharge of the national debt, and the payment of the civil list, can under no pretext be refused or suspended.

III. The administrators of department, and sub-administrators, can neither establish any public contribution, nor make any distribution beyond the time and the sums fixed by the legislative body, nor deliberate, or permit, without being authorized by it, any local loan to be charged to the citizens of the department.

IV. The executive power directs and superintends the collection and paying in of contributions, and gives the necessary orders to this effect.

### HEAD VI.

#### Of the connexion of the French Nation with foreign Nations.

The French nation renounces the undertaking of any war with a view of making conquests, and will never employ its forces against the liberty of any people.

The Constitution no longer admits the Droit d'Aubaine.

Foreigners, whether settled in France or not, inherit the property of their parents, whether foreigners or Frenchmen. They can contract, acquire, and receive property situated in France, and dispose of it as well as any French citizen, in every mode authorized by the laws.

Foreigners in France are subject to the same criminal laws and regulations of police as French citizens: Their persons, effects, industry, and religion, are equally protected by the law.

French colonies and possessions in Asia, Africa and America, are not included in the present Constitution.

None of the powers instituted by the Constitution have a right to change it in its form, or in its parts.

The constituting National Assembly commits the deposit of the fidelity of the legislative body, of the King, and of the Judges, to

the vigilance of fathers of families, to wives and to mothers, to the attachment of young citizens, to the courage of all Frenchmen.

With respect to the laws made by the National Assembly, which are not included in the act of Constitution; and those anterior laws, which it has not altered, they shall be observed, so long as they shall not be revoked or modified by the legislative power.

Signed, by the members of the Committees of Constitution and revision,

TARGET,	TALLEYRAND,
BRIOS-BAUMEZ,	PERIGORD,
THOURET,	DEMONIER,
ADRIEN DU-PORT,	RABAUD,
BARNAVE,	EMMANUEL SIEYES,
LE CHAPELIER,	PETHION,
ALEXANDER LAMETH,	BUZOT.

Note—M. STANISLAS CLERMONT TONNERRE, absent by permission.

#### FROM THE COURIER DE L'EUROPE.

ROME, July 30.

AT last Rome speaks:—The Holy Father has passed the Rubicon: The Vatican has darted its thunderbolts: The grand Bull the summary of all imprecations, all excommunications, all execrations, all detestations and maledictions of the Church is ready: Perhaps, alas, it has already been sent off. All Frenchmen who have participated in the creation of New-Bishops, even the Prelates, all public functionaries, that have taken the oath, their adherents and abettors, without distinction of age or sex are anathematized, are rejected from the bosom of the tender mother of the faithful. It is impossible to endure any longer the outrages and the contempt of this National Assembly, who believe that a POPE is only a spiritual head, that the Clergy must profess the same self denial as Jesus Christ, and be governed, like others, by the precepts of the Gospel. They will all be marked with the sign of the beast, those miscreants, those philosophers, those regenerators of their country and religion. It would be a pleasing sight to see them stigmatized by the Pontifical Omnipotence. This would be the only means to check those daring innovators, who are insolent enough to prefer the simplicity of Christianity to the pomp of Rome, and the pure moral of a handful of common men, to the elegant life of a number of gentlemen Ecclesiastics. To defer this would be losing an opportunity to improve certain circumstances that alone may re-establish the affairs of the Holy See, which daily grow worse, even in Corsica, where Gen. Paoli, on his return to Bastia, has succeeded to re-establish things upon a Constitutional footing, to obviate our holy intrigues, and to install the elected Bishop in his functions, without the interference of His Holiness.

FROM THE BRISTOL GAZETTE, AUGUST 11.

TUESDAY afternoon died at Downsend, in the 54th year of his age the Rev. CALEB EVANS, D. D. many years President of the Baptist Academy, and Pastor of the congregation of Protestant Dissenters in Broad-mead, in this city.

Though he languished under severe indisposition for upwards of two months, his death may be pronounced sudden and unexpected. His friends began to flatter themselves with the hope of his recovery, when, on Sunday last in the afternoon, a second paralytic seizure, suddenly rendered him speechless and insensible, in which state he continued till he expired.

How pleasingly those qualities, which recommend and endear the husband, the parent, the friend, the christian, the tutor, and the minister, were combined in him, those alone can tell, who had the happiness of being connected with him in those capacities. He possessed an enlarged and liberal—a benevolent and pious mind; and while those individuals and communities with whom he was more particularly connected venerate his memory, and mourn for his death, the sympathy of society, wherever he was known will be excited, and his removal will be considered as a public loss.

#### A GENUINE ANECDOTE.

IN the time of Sir Robert Walpole, when the Bench of Bishops were not so independent as at present, Sir Robert stood much in need of their votes on a great National question, which he had reason to think they would oppose. Sir Robert, in order to secure their support, prevailed on the Archbishop of Canterbury, whom he had raised to that dignity, to remain at home on the occasion, and permit him to have it given out, that his Grace was ill, and lay at the point of death. The expedient took, the whole Bench, to a man, came down to the House, and voted for the Minister.