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NEW CONSTITUTION OF FRANCE.

DECLARED by the NATIONAL CONVENTION.

DECLARATION of the RIGHTS of MAN and of the CITIZEN.

PREAMBLE.

THE French People, convinced that the neglect and contempt of the Natural Rights of Man, are the sole causes of misery in the world, have resolved to set forth in a solemn declaration, those sacred and unalienable rights, to the end that, it being in the power of every Citizen to compare at all times the proceedings of government, with the end of every social compact, they may never suffer themselves to be oppressed and debased by tyranny; that the people may ever have before their eyes the basis of their liberty and happiness; the magistrate, the extent of his duty; the legislator, the object of his appointment.

With these views they proclaim in the presence of the Supreme Being, the following declaration of the Rights of Man and of the Citizen.

ART. I. The end of all society is the public happiness. Government is established to secure to Man the enjoyment of his natural and imprescriptible rights.

II. These rights are equality, liberty, security, property.

III. All men are equal by nature and in the eye of the law.

IV. The law is the free and solemn expression of the general will; it operates equally on all, whether by protecting or punishing; it can command only what is just and useful to society, and prohibit only what is hurtful.

V. All Citizens are equally admissible to public employments. A free people know no other motive of preference in their elections than virtue and talents.

VI. LIBERTY is the power which Man possesses of doing whatever is not hurtful to the rights of others. It is founded in nature; its bounds are marked by justice; law forms its protection, and its moral limits are defined in this maxim—Do not to others, what you would not wish done to yourself.

VII. The right of expressing thoughts and opinions either through the medium of the press, or any other manner; the right of quietly assembling; the free exercise of religious worship, cannot be prohibited. The necessity of making mention of these rights, supposes the presence or the recent remembrance of despotism.

VIII. SECURITY is the protection afforded by society to each of its Members for the preservation of his person, rights, and property.

IX. The law should protect public and individual liberty against the oppression of those who govern.

X. No one can be accused, arrested or detained, but in the cases laid down in the law, and agreeably to the forms prescribed. Every Citizen summoned or arrested under the authority of the law, should immediately obey; by resistance he renders himself culpable.

XI. Every proceeding against a Citizen out of the reach or without the forms prescribed by the law, is arbitrary and tyrannical; the person against whom it should be attempted to be executed by force, has the right to resist it by force.

XII. Those who solicit, dispatch, sign, execute, or cause to be executed, arbitrary acts, are guilty, and deserve punishment.

XIII. Every man being presumed innocent until he has been declared guilty; if it is judged necessary to arrest him, all unnecessary rigour in securing him, should be severely prohibited by the law.

XIV. No one should be judged and punished until he has been heard, or legally appealed, and unless he comes under a law made public before the perpetration of the crime; the law punishing actions performed before its existence is tyrannical; the retrospective effect of any law is criminal.

XV. The law should only decree punishments strictly and evidently necessary; the punishment should be proportioned to the crime, and useful to society.

XVI. The right of property belongs to every citizen; it is the right of enjoying and disposing at his will of his goods, revenues, of the fruits of his labour and industry.

XVII. No species of labour, culture, or commerce, can be prohibited.

XVIII. Every man may bargain for his services and his time; but he can neither sell himself nor be sold. His person is not alienable property. The law acknowledges no servitude; there can be but an engagement to perform and to pay an equivalent, between the man who works and his employer.

XIX. No one can be deprived of the least portion of his property, without his consent, unless the public necessities legally ascertained require it, and under condition of an adequate and previous compensation.

XX. No contribution can be required except for the general benefit. All citizens have a right to concur in fixing the contributions; to inspect the expenditure of them, and to require accounts of that expenditure.

XXI. Public succours are a sacred debt. The society owes relief to unfortunate citizens, either by furnishing them with work, or by securing the means of subsistence to those who are unable to work.

XXII. Instruction is necessary to all: Society should favour as much as possible the progress of public reason, and place the means of instruction within the reach of every citizen.

XXIII. The social compact consists in the endeavours of all to assure to each the enjoyment and preservation of his rights; this compact rests upon the National sovereignty.

XXIV. It cannot exist unless the powers of public functionaries are clearly defined by the law, and their responsibility well secured.

XXV. The sovereignty of the nation resides in the people. It is indivisible, imprescriptible and unalienable.

XXVI. No portion of the people can exercise the powers of the whole people; but each section of the sovereign assembled shall enjoy the right of expressing its will with entire liberty.

XXVII. Let any individual who should attempt to usurp the sovereignty, be immediately put to death by fire.

XXVIII. The people have always the right to revise, reform and change their constitution. One generation cannot bind by its laws future generations.

XXIX. Every citizen has an equal right to concur in making the law, and in appointing his representatives and agents.

XXX. Public offices are essentially temporary; they cannot be considered either as conferring distinction, or as reward; but as duties.

XXXI. The crimes of the representatives of the people, or their agents, should never go unpunished. No one has a right to assume an inviolability that does not belong to other citizens.

XXXII. The right of presenting petitions to the depositaries of public authority, can in no case be prohibited, suspended or limited.

XXXIII. Resistance to oppression is a consequence of the other rights of man.

XXXIV. The social body is oppressed, when one of its members is oppressed. Each individual of the social body is oppressed, when the social body is oppressed.

XXXV. When the government violates the rights of the people, insurrection is to the people and each portion of the people, the most sacred of rights and the most indispensable of duties.

CONSTITUTION OF THE REPUBLIC.

Art. 1. The Republic is one and indivisible.

Of the distribution of the People.

2. The French people are divided, for the exercise of their sovereignty, into primary assemblies of cantons.

3. They are divided, for the administration of justice, into departments, districts, municipalities.

Of the political situation of citizens.

4. Every person born and settled in France, 21 years ago; every stranger of 21 years of age, who settled in France for one year, lives by his labour, or acquires a property; or marries a French woman, or adopts a child; or supports an infirm person; every stranger in fine who shall be judged, by the legislative body, to have deserved well in the cause of humanity, is admitted to the exercise of the rights of a French citizen.

5. The exercise of the rights of a French citizen is forfeited by naturalization in foreign countries; by the acceptance of employments or favors from a government not republican; by the condemnation to ignominious, or corporal punishment, until rehabilitation.

6. The exercise of the rights of citizens is suspended, while under accusation; by a sentence of non-appearance, so long as the sentence is not retraced.

Of the sovereignty of the People.

7. The sovereign people, is the whole mass of French citizens.

8. They appoint immediately their deputies.

9. They delegate to electors the choice of administrators, of public arbiters, of criminal judges and those of final appeal.

10. They deliberate upon the laws.

Of primary assemblies.

11. Primary assemblies consist of citizens residing for six months in a canton.

12. They are composed of 200 citizens at least, and of 600 at most, entitled to vote.

13. They are constituted by the nomination of a president, secretaries, and inspectors of ballots.

14. They regulate their internal police.

15. No one can appear at them, armed.

16. The elections are either by ballot or viva voce, at the option of each voter.

17. A primary assembly can in no case prescribe an uniform mode of voting.

18. The inspectors of ballot record the votes of citizens who, unable to write, wish however to vote by ballot.

19. The questions on the laws are decided by yes and no.

20. The vote of the primary assembly is proclaimed thus—The citizens assembled in primary assembly of in number voters, vote [for or against] by a majority of

Of the National Representation.

21. Population is the only basis of the National Representation.

22. There shall be a deputy for every 40 thousand individuals.

23. Each collection of primary assemblies, completing a population of 39,000 to 41,000 persons, name immediately a deputy.

24. The nomination requires an absolute majority of suffrages.

25. Each assembly counts its own votes, and

sends a commissioner for the general collection of results, to the place fixed as most central.

26. If the first trial does not give any one an absolute majority, a second election takes place, the votes being confined to the two citizens highest in votes.

[To be continued.]

[The following paper throws great light on the revolution of the 31st of May.]

Address of the members of the National Convention, ordered to be put under arrest, to the French nation.

“WHEN the liberty of the national representation is no more, and truth is stifled, the temple of the laws must be shut. Thus, unable to execute the trust reposed in us, it is our indispensable duty to instruct you. We shall entirely confine ourselves to evident facts, and leave to you the care of drawing the necessary consequences from them.

“A law had been enacted, which prescribed the formation of committees in the different sections of Paris, destined to watch over foreigners and suspicious people. This law was eluded. Instead of those committees, others were formed in the most illegal manner, contrary to the letter of the law as well as its intention.

“These illegal revolutionary committees have created a central committee, composed of one member from every committee of each section. This central committee, after some clandestine deliberations, has suspended the constituted authorities: it has assumed the title of the revolutionary council of the department of Paris, and has invested itself with a dictatorial power; or rather usurped it.

“An extraordinary committee had been decreed within the bosom of the Convention, to denounce the illegal and arbitrary acts of the different constituted authorities of the Republic; to trace and discover the plots formed against the liberty and security of the national representation, and to cause all persons to be arrested who shall be denounced as chiefs of conspiracies. Surrounded by an armed force, those revolutionary committees demanded, on the 27th of May, the suppression of this commission. Their request was decreed, but on the next day, on a vote by names, it was deferred till the committee should have made their report.—(They constantly refused to attend the report.) On the 30th the revolutionary council intimated to the Convention their order to suppress the extraordinary commission. Amidst armed petitioners, surrounded by cannon, under continual hissing and hootings from the galleries, some members decreed the suppression of the commission. On the 31st the general was again beat; and the tocsin sounded, and the alarm-gun fired. At these signals the citizens took up arms, and were ordered to assemble around the convention. Some deputations demanded a decree of accusation against 55 members of the convention. The assembly, who had before unanimously rejected this petition, as calumnious, when in the month of April it was brought forward by some Sections, supported by the municipality, now referred it to the committee of public safety, and enjoined the members of that committee to give in their report within three days. On the 1st of June, at three in the afternoon, the revolutionary council marched their armed force to invest the Hall; at night they appeared at the bar, and demanded a decree of accusation, against the denounced members. The convention passed to the order of the day, and ordered the petitioners to deposit with the committee of public safety the proofs of the crimes imputed to the accused deputies.

“Since the 30th of May, the barriers had been shut, the administrators of the post suspended, the journals stopped, the mails searched, the letters broken open and sealed again, either with a seal bearing this inscription—Revolution of the 31st of May 1793; or with another, inscribed—The Committee of public safety.

“The committee of public safety were waiting for the necessary proofs to make their report, when on Sunday, June 2, the revolutionary council appeared again at the bar, and demanded, for the last time, the decree of accusation against the denounced members. The assembly passed again to the order of the day. The petitioners now gave a signal to the spectators to leave the Hall and run to arms, for the purpose of obtaining that by open force which justice would not grant. About 12 at noon the general was beat, the tocsin sounded. The citizens were forced to take up arms and obey the orders of a commander, whom the revolutionary council had placed at their head: more than 100 cannon surrounded the National Hall; grates of heated red hot balls were placed in the Champ Elysees.

“The guard of the Convention, as well as all true citizens, were confined in different guard houses; cannon were pointed towards the avenues; the gates were shut, and the centries ordered to stop all the deputies who

might attempt to pass them, and to fire at every one who should attempt to peep across the bars. Duffaux the venerable Duffaux, was beaten in a most infamous manner;—Boissy d'Anglas had his shirt torn; a great number of other deputies were insulted, by the vile satellites of Marat. The battalions which several days back should have marched to La Vendée, arrived on a sudden, and seized upon the inner posts of the Hall. Assignats and wine were distributed among them.—These troops were destined to assassinate your Representatives, and would have done it, because the National Guards were not able to prevent this slaughter. The assassins were provided with the best arms, while the sections complained of the want of them. In short, the National Hall was turned into a prison, where the Representatives of the people were threatened, disgraced, and insulted. It was demanded that the committee of public safety, to calm the rage of the seduced people who invested the Hall, should make their report.

“Barrere mounted the tribune, and speaking in the name of the committee, proposed, that the denounced members against whom no proof whatever of the crimes imputed to them had been produced, should be invited to suspend themselves from their functions. Some of them submitted to this measure. A decree passed, that the commander of the armed force should be ordered to the bar, to account for his conduct, and inform the Convention from whom he had received his orders. This decree was not executed. Two of the factious invaders insulted a deputy, and were ordered to be taken to the bar. Violence and open force opposed also the execution of this second decree. Then it was requested, that the sitting should be ended, and the temple of the laws shut. An end was put to the sitting, the President walked out of the hall at the head of the convention, and ordered the centries to withdraw.

“The convention reached the middle of the court without meeting any resistance, but being arrived there, the commander of the armed force ordered them to return. The President told him that the convention was not to be dictated to: that it held its authority independent of any other power than the French people, and that they alone had a right to command it. The commander, Henriot, drew his sword, ranged his cavalry in order of battle, and ordered the cannoners to point their cannon. His soldiers were ready to fire.—The President turned back, the members followed him, and attempted every outlet in order to escape, but every avenue was closed or defended by cannon. At length, the convention, unable to retire, resumed their sitting. What do we say? they returned into their prison, and some members decreed, that Genfonne, Gaudet, Briffot, Gorfias, Pétion, Vergniaud, Salles, Barbaroux, Chambon, Buzot, Biroteau, Lidon, Rabaut, Lafource, Languinai, Grangeneuve, le Sage, Kervelegan, Gardien, Boileau, Bertrand, Vigeo, Molevant, Lariviere, Gomajre, and Bergoin, should be put under arrest in their own houses. And why? We must not forget to mention, that on the proposal of Marat, Couthon demanded, that Valaze and Louvet should be added to that number, and that some members gave their consent, for the greater part of them did not take any share in these humiliating deliberations. After the decree was signed, a deputation made its appearance to testify its approbation of the decree, and tendered an equal number of citizens to serve as hostages for the arrested members.

“Frenchmen! who would be free and Republicans, these are facts, which no one will dare to deny; we represent them to you only in a mass, and forbear to enter into details still more atrocious. The National Representation imprisoned, disgraced, deliberating under the poignards of an audacious faction, is no more. Do not suffer any longer the usurpation of your rights; do not leave in such hands the exercise of the sovereignty of the nation; rescue the liberty, the sacred equality, the unity and indivisibility of the Republic; without them France is lost. Reject with horror all propositions tending to any kind of federalism. Rally, unite, and be firm; you may still save the public cause. This public cause resides in the whole of your country; it is not confined nor concentrated within the walls of Paris. Your deputies may there perish, but they will die worthy of you, and worthy of themselves too happy, if after their death their country should be saved. When the moment of national revenge is come, then Frenchmen, do not forget that Paris is not guilty, that the citizens of Paris were ignorant of the plot, of which they have been made the blind tools. No! it is not upon Paris that the dreadful and all powerful hand of the nation ought to bear down; but on that horde of robbers and criminals, who have made themselves masters of Paris, who are devouring Paris and France, who cannot exist without crimes, and have no other refuge left but in despair, the offspring of vice. Farewell.”