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THE

CONSTITUTION

OF

THE REPUBLIC OF HAYTI;

TO WHICH IS ADDED

DOCUMENTS

RELATING TO

THE CORRESPONDENCE OF HIS MOST CHRISTIAN MAJESTY,

WITH

THE PRESIDENT OF HAYTI;

PRECEDED BY A

PROCLAMATION

TO

THE PEOPLE AND THE ARMY.

NEW-YORK:

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TO THE READER.

HAVING lately visited the island of Hayti, to satisfy myself and some particular friends respecting the present situation of those (once oppressed) sons and daughters of Africa, it was a matter of great consolation to me, not only to find them freed from the cruel bondage which they once laboured under, but by strict inquiry to find them fast improving in their morals. While I was in Port au Prince I had frequent interviews with the Secretary-General of government, Mr. B. Inginac, from whom I received the following documents, which I take the liberty to present to the public for the encouragement of those who are zealous for the prosperity of Africans.

To you, dear friends, who labour for the abolition of slavery, that cursed traffic, is not the day fast approaching when you will see your labours recompensed; when the monsters in human shape shall no more haunt the coast of Africa, to deprive the wife of her husband, and the husband of the wife, the parent of the children, and the children of the parent; when they shall enjoy the blessings of peace, and the love of God shall fill their hearts, and Ethiopia stretch out her hands to heaven with the rest of the Christian world? But to you, proud monsters, who deal in human flesh and blood, as though

they were beasts, have you not reason to fear lest the wrath of God should burst upon your heads, while your slaves are supplicating the Throne of Grace in behalf of your souls? Yes, poor wretches! your cases are more pitiable than that of your slaves. But I leave you to the mercy of God.

The following letter was given to me in Port au Prince by Mr. Inginac, as an invitation to the coloured people in America to emigrate to that country:

Liberty. REPUBLIC OF HAYTI. *Equality.*

Port au Prince, Nov. 21, 1817, 14th year of Independence.

The Secretary-General near his Excellency the President of Hayti, to Mr. James Tredwell.

Sir,

I have communicated to H. E. the President of Hayti the verbal message which you brought me from your fellow countrymen, the black and coloured men of the city of New-York, who groan under the dominion of a barbarous prejudice, and desire to become partakers of those blessings which the Constitution we have given ourselves affords. This message, Sir, could not but be received with the greatest satisfaction by those who have sacrificed eight and twenty years of their life, in order to efface the traces of a yoke to which other men, who pretend to virtue and justice, had too long enchained them. The patriots who have fought to erect the Republic of Hayti, and render it independent of a despotic monarchy, have never forgotten, during the period of their painful labours, that far from them there existed brethren of the same complexion with themselves, who, sooner or later, would need a helping hand to draw them from the infamy prepared for them

by certain men priding themselves on account of a white skin. Who would have thought, Sir, that in the Legislature of the United States of America, a resolution should have gone forth tending to expatriate (under a pretence of benefitting them) a portion of men, whom its fundamental law, the Constitution of the country, has recognized as members of the Union in common with others, as citizens, equals, free and independent; a portion of men who have helped to acquire and defend this very independence, which the members of the National Legislature boast that they will maintain inviolate! O shame!—if, from the bosom of Eternity, the Spirit of Washington could hear such a proposition, by which some in the United States of America would brand the foreheads of the men of colour with the seal of reprobation and send them to vegetate among the wilds of Africa, how would that noble soul revolt at the idea! Did then the Hero of Columbia lead forth men to combat for the deliverance of the country, that one day the same men might be ignominiously driven from that land which they had sprinkled with their blood, and saved by their courage?

A just indignation, Sir, ought to inspire your oppressed fellow countrymen.

Well! let them know how to oppose to persecution the firmness of men made to be respected. Let them abandon an ungrateful country which repulses them, and seek elsewhere a more hospitable land, before violence drags them into regions uninhabitable by civilized men: open to their eyes the Constitution of our Republic, and let them see in its 44th Article a fraternal hand opened to their distresses. Since they are at this day refused the title of Members of the American Union, let them come among us, in a country firmly organized, and enjoy the rights of Citizens of Hayti, of happiness and of peace: lastly, let them come and show to white men that there yet exists coloured and black men who can raise a fearless front, secured from insult and from injury.

We are well aware, Sir, that the enemies of our independence, by a wretched and shallow policy, please themselves in spreeding reports respecting the stability of our Republic, which are capable of intimidating none but those pusillanimous souls, who are weak enough to prefer degradation to the enjoyment of the sacred rights of man. You, who have had leisure and opportunity to see our means of defence against all those who dare to attack us, you, Sir, can make known to our compatriots, that the Republic of Hayti has no more to fear from invasion than that of the United States of America.

The men of colour who may desire to become Haytians will find but little difference in our manner of living from that of the places they shall leave: they who possess some capital will use it either in commerce or in cultivation, which produces ordinarily more than fifty per cent. per annum beyond the original disbursement. Men of all arts, of all trades—smiths, braziers, tinmen, ship, and house-carpenters, millwrights, caulkers, coopers, cabinet-makers, boot and shoemakers—can earn in this place from six to twelve dollars per week, and even more, according to their talents and activity The cultivators of the soil can get from two to four dollars per week, besides board and lodging; those among the last class who have numerous families can find portions of land already planted, either in coffee, sugar-cane, or cotton, to work on shares with the proprietors. The result of these associations are very advantageous to those who undertake them. Others can raise stock, particularly horned cattle. Labourers are in great demand, and will easily gain a dollar per day, if industrious, besides board and lodging. Sailors will find employment either in the coasting trade or long voyages. In a word, all such as will come with a resolution to establish themselves in this country, will be protected by the government, which on its part will grant bounties of land to those who wish it. Men, women, children, of our colour, let them come; we will receive them with pleasure, and we wait for them with open arms.

I shall be flattered, Sir, if this statement of facts, this genuine picture, which you can present to our unhappy fellow-countrymen, shall determine a great number of them to come and console themselves beneath the protection of our laws, from the cruel idea of being transported to the deserts of Africa, the land, 'tis true, whence we all derive our origin, but which our civilization has now rendered altogether a foreign country.

The character of the President, which you have been able to appreciate, guarantees to you, Sir, as well as to your fellow-citizens, the good reception of those who desire to become our brethren and friends. The government will pay the passages of those who have no means, at the rate of forty dollars per head for men and women, and half that sum for children from three to twelve years of age.

I have the honour to salute you.

(Signed) B. INGINAC.

The above communication was received from the Secretary-General, in reply to an inquiry, *What privileges people of colour might expect who should emigrate thither from America?* in the interim accounts reached the Government, through the captains of certain vessels, " that there was a design to transport the blacks to Africa to get them out of the country; and a law was either passed to that effect, or soon would be." Under this erroneous impression the Letter was written, but I lost no time in assuring the Secretary Inginac that the reports were altogether untrue; that the Government of the United States was too just to itself, and too much the advocate of our oppressed race, to do any thing

so glaringly inhuman and flagitious. He however continued the same friendly offer of assistance, and expressed his anxiety to have it made public in the United States.

J. T.

DOCUMENTS

Relating to the Correspondence of the Commissioners of his Most Christian Majesty with the President of Hayti, preceded by a Proclamation addressed to the People and Army.

Port au Prince, 1810, from the press of the Government Office.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Alexander Petion, President of Hayti, to the People and Army.

The French flag has appeared on our coasts, and the king of France has sent commissioners to Hayti.

In what circumstances have they presented themselves? at the moment in which we were about to consecrate the edifice of our laws! at the moment in which I was called upon by your choice to defend those laws! It is in the height of the enthusiasm of a nation the most jealous of her rights, that they have dared to propose to her a compromise! and for what advantages? are there any preferable to those we enjoy?—there does not exist a Haytian whose soul is so base as to consent to retrace those steps which our glory has surmounted: our duty is marked out, it is dictated to us by nature; she has created us equal to the rest of mankind; we will sustain our laws against any one who shall dare to conceive the base design of subduing us. They will find on this island nothing but ashes mingled with blood by an avenging sword and climate.

On this occasion, as well as on that which has preceded it, you have shown the same circumspection and the same respect for the rights of man. You have calculated your strength; and in leaving to your magistrates the care of explaining to you your dearest interests, you have waited with tranquillity till they

should inform you of what they had done for you: your confidence shall never be deceived. The authority rests on your own will, and your will is to be free and independent; you shall be so, or we will give to the universe the terrible example of causing ourselves to be buried under the ruins of our country, rather than to return even to the mildest servitude.

When all Europe re-united at the voice of philanthropy to annihilate even the remembrance of the most disgraceful traffic; when the most polished nations prepare and meditate the plan of the general emancipation of those who yet groan under oppression; we behold with sorrow governments who boast of being the most religious, indulge principles which justice and humanity condemn.

Haytians, your safety is in your arms; reserve them against those who would attempt to trouble you, and profit by your labour of the advantages which the most fruitful land continually offers you.

I have ordered my correspondence with the commissioners of the king of France to be printed; it will be laid before you. I have done my duty, and my duty is yours.

Given at the National Palace of Port au Prince, Nov. 12, 1816, and the 13th of the Independence of Hayti.

(Signed) PETION.

By order of the President,

(Signed) B. INGINAC, Secretary General.

CORRESPONDENCE, No. 1.

At sea, on board his Majesty's frigate La Flore, Oct. 2, 1816.

TO GENERAL PETION.

General,

The flag which you have for a long time defended with courage, has been hoisted with enthusiasm for more than two years, over the territory formerly subject to the king; St. Domingo alone has kept back to this day, and his Majesty is greatly grieved at it; desirous of repairing the misfortunes which the neglect of duty towards him has occasioned, this good prince wishes to re-unite all those who compose his family; and his children of St. Domingo are not less dear to him than those which he has met with in Europe.

The criminal attempts of the usurper, and the evils which they have occasioned, have delayed the execution of the designs of the king; now that his return has restored security and peace to Europe, that good order is re-established in the kingdom, his majesty has ordered us to come to St. Domingo to concert with those who are vested with the authority, the means to be employed to restore to this country the security which it cannot enjoy in a precarious situation; to legitimate in his name whatever needs it; to acknowledge the services and the cares of those who have re-established and maintained good order in the colony; to consolidate by his royal will, the institutions and changes which circumstances have rendered necessary in this island, and which are neither incompatible with the dignity of his crown, nor with the known interests both of the colony and the mother country.

The disasters which have desolated St. Domingo, the public and private misfortunes, all have been known to the king: nothing that is attached to the

glory of the French name has escaped him, all that could tarnish it has been erased from his remembrance. Happier situated than the provinces of France, St. Domingo, laid waste by the man who has so much abused his power, has separated herself from France as long as France has been separated from its king; his Majesty is not ignorant that if on one side the inhabitants of this island have constantly resisted usurpation, they have not shown less courage when they have believed themselves threatened by a foreign invasion; these are the only circumstances which he is desirous of retaining in remembrance.

If malevolence endeavoured to create some doubts or to raise some apprehensions on the intention of our mission, have as much confidence in us, General, as we have in you, and in the authorities with whom the king has ordered us to treat; it is to them and to you, to point out to us all that can be to the people an object of desire or inquietude, that can ensure its prosperity and its repose; and you will soon enjoy, like the rest of the French people, the happiness of having found again in the king the best of fathers.

Full of confidence in your loyalty and in your character, we do not doubt of the reception which shall be given to the commissioners of the king. We will immediately follow on board of a frigate of his Majesty, the small embarkation commanded by Captain Begon, on board of which we dispatch Colonel Chevalier de Tonette, the Chevalier Dominge, admiral, who are the bearers of this letter, and Mr. Le Dué, one of your countrymen, who has expressed a desire to accompany them.

Your aged and former general, Viscount de Fontanges, under whose orders you and your countrymen have with honour defended the cause of the king, when perjured subjects dared to attack it, is the commander

of this pacific mission. Without consulting his age or infirmities, he has not hesitated to cross once more the ocean, to come and bring to men whom he has a long time loved and defended, the intentions and kindnesses of the king.

We beg you, General, to receive the assurance of our distinguished consideration.

The Lieutenant-General of the armies of the king, Commander of the order of St. Louis, Officer of the royal order of the Legion of Honour,

(Signed) Viscount De FONTANGES.

The Counsellor of State, Chevalier of the royal order of the Legion of Honour,

(Signed) ESMANGART.

No. 2.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Port au Prince, October 6, 1816, *Thirteenth year of the Independence of Hayti.*

Alexender Petion, President of Hayti, to the Commissioners of his Most Christian Majesty at the Republic of Hayti.

Gentlemen,

We have, indeed, defended with a great deal of courage and an unlimited faithfulness the French flag; but in doing it we were far from foreseeing what would be the conduct of those who have compelled us to take it down—no example of it can be found in history. Since that epoch, the institutions, the manners, the character, the increase of knowledge, the fruits of experience, and other circumstances, have rendered the citizens of this republic a new people; already they began to survey their career and to merit some consi-

deration by their good faith in their connexions with strangers and by the exploits of their arms, when peace was restored to Europe by the unanimous concurrence of sovereigns, when it was resolved that his Christian Majesty should ascend the throne of his ancestors.

We flattered ourselves that this great epoch in the world would likewise be that in which we should appear in our turn before the tribunal of public opinion, and this idea did not disturb us, when consulting our hearts, and judging favourably of men, under the happy auspices of morality, of justice, of philosophy, and of an enlightened religion; we have nothing to reproach ourselves of towards his Christian Majesty; his character, known before the revolution, his moderate principles, his great misfortunes, those of all his family, a contention as long as it has been cruel and bloody, the uncertainty of his fate, which has only been decided by slow and extraordinary events, our implicit assent to the league which has supported it, every thing induced us to believe that we should be a particular exception in the view of a wise policy; we thus explained in our favour the efforts and the immortal successes of a distinguished government, which had brought to light how hideous and opposed to the spirit of Christianity is that base traffic in men, and which had afforded proof that the sugar and coffee colonies could prosper without having recourse to such shameful and barbarous means; whatever may have been the weakness of our conceptions, we pierced through the veil, and the simplest logic explained to us, that if there was no traffic with the negroes, there would be no slaves. This plan has not yet been executed, because nothing good can be operated upon in haste and without reflection; but events are preparing and are directed by the wisdom of men, benefactors to

humanity, who occupy themselves with the welfare of their brethren: it shall be executed.

What did there remain for us to apprehend? the wickedness of our enemies and of our persecutors; of those obstinate men, true authors of their own evils, and whom nothing could correct; the difference of our epidermis, which in the eyes of the colonial system assimilates us to animals; the reserve made by his Christian Majesty to continue the slave trade during five years; the cries of the former planters of this country; the pamphlets; the incendiary libels issuing from the presses of the kingdom, distributed even under the eyes of the king, soon warned us how far our happy presages had vanished, and we thought of nothing but to prepare ourselves for war, although entirely inclined to peace, and to fill up our arsenals with arms and ammunition, as if on the eve of being invaded. We would even be permitted to think that our predictions were well founded, and that an armament was preparing at the moment in which Napoleon made for a short time his new appearance in France.

At this time, the General Dauxion Lavaysse landed at Jamaica, and assumed the title of Commissioner of the king: a handbill published under his sanction was, like the brand of discord, thrown to disunite and divide the heads from the family, or the family from its heads; the modified slavery was represented in it, under specious colours; the people were mildly recalled; the fate of the chiefs was that of the hostile savages, death or exile to the Isle of Ratan, after having helped to seduce and chain up their brethren, their friends, the companions of their arms and of their glory; in spite of all that, General Lavaysse dared to present himself at Port au Prince, and was admitted with kindness; the acts of his mission have been rendered public, his instructions revealed and acknowledged by

him ; under what connexion could his mission be considered? like the part of a spy: in this case what dangers did he not expose himself to? however, it was signed and sanctioned by an influenced minister of the king; it bore the stamp of authenticity. What a subject of reflection for us! All those documents, we are certain, have remained a long time before the eyes of his Christian Majesty, and he has, without doubt, attentively perused them. The newspapers of all Europe have exalted them, and they have many times appeared in them with observations which do us a great deal of honour, and in which our wisdom and moderation have been approved of. General Lavaysse has returned to France, after having received from us all the testimonies of the greatest hospitality.

The commissioners whom his Majesty has been pleased to send to this republic, on landing, will soon perceive how sacred are the rights of men in this government, and how every body, without exception of colour or nation, breathes under the protection of of the laws with the most perfect equality.

Appointed by the nation the guarantee, and not the arbiter, of its destinies, I shall receive in its name the proposals concerning its happiness and rights, in the execution of the powers which it has marked out to me.

I request you, gentlemen, to accept the assurance of my distinguished consideration.

(Signed) PETION.

No. 3.

On board of his Majesty's frigate La Flore, October 6, 1816.

General,

We think it our duty to transmit to you a copy of the decree of his Majesty which appoints us his Commissioners Extraordinary at St. Domingo.

All that we could write and tell you would surely be less expressive than the very words of the king. This decree ought to calm all your inquietudes and fill all your hearts with hope: it will also inform you, General, of the extent of our powers, as well as of the paternal intentions of the king; finally, it will evidently prove to you that the happiness of the colony depends entirely from this day on those who are actually invested with the power and authority; and we do not doubt that in this respect it will soon owe to you more than to any other person.

Receive, General, our distinguished consideration.

Commissioners of the king,

(Signed) Viscount De FONTANGES.
ESMANGART.

No. 4.

DECREE OF THE KING.

Louis, by the grace of God, king of France and Navarre, to all whom these presents concern, Greeting:

Since our return to France all our solicitudes, after having secured peace, have been employed in repairing the evils which the effects of usurpation had caused.

Our colonies even the most remote have constantly been present to our remembrance. We have com-

manded an exact statement of their condition to be made to us, of the misfortunes which they have experienced, and what were their necessities.

The colony of St. Domingo has particularly drawn our attention. We have been of opinion that it was necessary to send commissioners to soothe the inquietudes which the inhabitants of that island might have in respect to their situation; to put an end to their doubts, to determine the future, to sanction the changes which recent events may have rendered necessary, and more particularly those which tend to meliorate the fate of our subjects.

Our commissioners will act with the administrators upon all which concerns the legislation of the colony, the interior government and public order, the civil and military functionaries; the situation of persons, and of the re-establishment of the commercial relations with the mother country. They will point out to us those of our subjects who have rendered themselves worthy of our benevolence, and who shall have deserved rewards by their attachment and their fidelity to our person.

For these reasons, and on the report of our minister, Secretary of State of the Marine Department and of the Colonies, we have named and do appoint as Commissioners Viscount de Fontanges, Lieutenant-General of our armies, Esmangart, Member of our Council of State, Dupetit Thouars, Captain, and M. Laujon, Secretary-General of the Legation.

Messrs. Jouette, Colonel of Infantry, and Cotelle Labouterie, our Attorney-General of the court of the Common Pleas of Gien, are appointed Assistant Commissioners.

The instructions necessary to this mission shall be delivered to our commissioners by our Minister Se-

cretary of Marine and of the Colonies, in order that they may comply with their contents.

Given at Paris, in the house of the Thuilleries, July 24, in the year of grace 1816, and the 22d of our reign.

(Signed) LOUIS.

and by order of the king, undersigned

Viscount DUBOUCHAGE.

Copy compared, the Minister Secretary of Marine and the Colonies.

(Signed) Viscount DUBOUCHAGE.

Copy compared, Commissioners of the king, the Lieutenant-General of the armies of the king, Commander of the Order of St. Louis, Officer of the royal order of the Legion of Honour.

(Signed) Viscount De FONTANGES.

The Counsellor of State, Chevalier of the royal order of the Legion of Honour. ESMANGART.

By the commissioners of the king, Secretary-General of the Legation. A. De LAUSON.

No. 5.

Port au Prince, Oct. 8, 1816.

General,

In consequence of the conversation I had the honour to have with you the day before yesterday, I would beg of you the favour to appoint an hour on which you would be at leisure to admit us. Mr. Esmangart and myself earnestly wish, General, to have a private conversation with you, either alone or with the members of the government. You will be pleased to call in the Counsellor of State, and I will accept any thing that you may think proper on the subject.

Accept, General, the assurance of my most distinguished consideration.

(Signed) Viscount De FONTANGES.

No. 6.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Alexander Petion, President of Hayti,

To Mr. De Fontanges, Commissioner of His Most Christian Majesty.

Sir,

In answer to your letter, which I have just received, I have the honour to inform you, that I shall be prepared to receive you this evening at 7 o'clock, with Mr. Esmangart, and that the principal authorities of the Republic will be present at the interview.

Accept, Sir, the assurance of my distinguished consideration. (Signed) PETION.

No. 7.

On board his majesty's frigate La Flore.

October 23, 1816.

General,

Having been detained more than ten days by calm weather between St. Marc and the Mole, our absence from the north has been much longer than we had expected.

Our first care, General, is to forward you a copy of the letter which we wrote to General Christophe, under the care of the Commandant of Gonaives, the duplicate of which we forwarded him by his majesty's brig, commanded by the Chevalier De Begon, the pilot of the Cape not having answered the signal of the frigate.

The intention of this letter, as you will perceive, General, is to inform General Christophe of our arrival in the colony, and to let him know what are the intentions of the king.

Having returned into the bay of Port au Prince, we hasten to resume with you the communications which are the object of our mission.

We shall briefly answer, General, to your letter dated the 6th instant, which was in answer to ours of the 3d, by which we informed you of our arrival. We shall not permit ourselves to recriminate on the reproaches you make against France: it is to be wished that the evils which both countries have mutually done to each other may soon be forgotten; and this is certainly the first and principal wish of the king.

St. Domingo has, without doubt, been the place which has felt the revolution with the most force; it is unquestionably the country where the greatest barbarities, injustice, cruelties, and crimes have been committed. The king has lamented all those misfortunes, as well as those which have happened to France, during his absence; and it is this very remembrance which has determined him to dispatch commissioners to this island, to endeavour to concert with the present authorities the best means to save this unfortunate colony. When the king has pardoned his personal injuries, every one ought to forget his reciprocal wrongs; he ought to forget them for the sake of public tranquillity, and prevent by that those reproaches which bring recriminations, which generally end in rendering reconciliations impossible. Thus, General, let us draw a veil over those disasters, and let us occupy ourselves only in endeavouring to repair them; and above all, to try by every means in our power to preserve the colony from a repetition of them in future. Tell us then, what is your situation, your experience, your at-

tachment to the public good; the knowledge you have acquired of the true mind of the people, can inspire you with; and we shall soon agree with you on the means of restoration.

As to what you tell us on the mission of Mr. Dauxion Lavaysse, we can only repeat to you what we told you the day we had the honour of seeing you with your principal authorities. Mr. Dauxion Lavaysse never had any power from the king; his majesty had never any other knowledge of his mission than from its result and public reports; he obliged him to disavow it officially; he even censured the mission; and still more, the conduct which had been practised in it: we are not allowed to doubt the motives of the king; his denial ought to be sufficient.

His majesty, knowing neither your desires nor your wants, nor any of the changes which have taken place in consequence of the revolution, has granted us very extensive powers to answer your demands, and to do all in our power in order to prevent this colony from becoming again the theatre of new wars.

It is not the desire of recalling a country, already laid waste and divided by internal wars, that has dictated the paternal steps which his majesty now takes: it is a father, who, after having been abandoned by his children, stretches out a helpful hand to them to extricate them from the precipice in which the most terrible revolution has thrown them—he gives this moment to Europe, and to the whole world, an example of moderation and goodness which will be recorded in history.

France, fatigued with her victories, after having made an unfortunate and imprudent trial of all kinds of governments, has recovered her happiness and hope, under the government of princes, who, during more than eight centuries, had placed her in the first rank

among the European nations, and had acquired for her an unspotted glory. We have no other ambition in view but to maintain the legitimate government, and to remain husbandmen and manufacturers. Without inquietude for the future, each one is quietly employed in industry: the same happiness is offered to you, and this is the object of our mission. Placed on a volcano, you dare not to undertake or repair any thing; your houses are fallen, your fields uncultivated, your country-seats deserted:—always uneasy about the misfortunes which may befall you on the morrow, you think only on the means of defending yourselves, and your torches are always ready to destroy each other.

Those whom you are so much afraid of, come with the olive branch in hand, to offer you security and repose. The king who sends us does not even wish to choose the means of preserving them to you; he would even fear of mistaking them: he wishes to consult you on the means which can restore them to you. Speak, and you will soon be convinced to what extent the goodness of the king, his moderation, his justice, and his love for his people, can go.

Receive, General, the assurance of our distinguished consideration.

The Commissioners of the king,

(Signed) Viscount De FONTANGES.

ESMANGART.

P. S. You surely have received, General, the copy of the Decree of the king which appoints us his Commissioners of St. Domingo: we forwarded it to you, enclosed in our letter of the 7th inst.; you will permit us to bring to your recollection, that as we sailed for the north the next day, you did not inform us of your having received it.

No. 8.

Copy of the letter written by the Commissioners of the King, to General Christophe.

At Sea, on board his majesty's frigate La Flore, in sight of the Gonaives, October 12, 1816.

General,

After twenty-five years of troubles, civil discords, wars, and battles, France, restored to herself, has again found tranquillity by throwing herself into the arms of her king. Since that epoch she has never ceased to repair the evils which those times of confusion had drawn upon her, and which the goodness of the king endeavour every day to cast into oblivion.

His majesty, in resuming the exercises of his functions, has, in his profound wisdom, perceived that it would not be the interest of his people to re-establish all that had been destroyed during the revolution; he has, on the contrary, endeavoured to restrain all the passions; he has required new sacrifices from his most faithful subjects, of which he has himself given the first example; he has confirmed by his royal will the changes which he has believed to be the national wish. Every one at present, satisfied as to the future welfare of their children, have beheld with certainty that which was only precarious, and are eager in the offices and employments which the king has respectively allotted them, to serve faithfully so good a prince.

The advantages which the king has procured for France, he wishes likewise to procure for St. Domingo; it is with this intention that he has ordered us to come and concert with the civil and military authorities upon all subjects that can contribute to the welfare of the colony.

His majesty has commanded us to come to Port au

Prince as the central and intermedial point, in order that we should communicate with the north and the south, to acquaint you all with his royal and paternal intentions.

Invested with the command of the North, you have more particularly the means, General, of explaining to the people the truth and the intentions of the king; to dissipate all doubts which malevolence, private ambition, or cupidity, could endeavour to propagate as to the intent of our mission; to inform, in the name of the king, the citizens of all classes, that the wish of his majesty is, that no person should lose any thing by his return; that all the changes which they are pleased to threaten them with, are no more his intention than to promote the general interest; that he does not intend to send any armed force in a country in which there exists already an army, generals, public functionaries, and subjects, who will be faithful to him; and that the only intention of his majesty in sending commissioners furnished with his powers, is to strengthen and sanction all that is admissible, without deteriorating from that which he owes to the dignity of his crown, to justice, and to the interests of his people.

We shall wait, General, for all the communications which you may be pleased to make to us; and we do not doubt an instant that you will embrace with eagerness the opportunity now offered you, to prove to your countrymen on so solemn an occasion, that you sincerely wish their happiness.

We think it a duty incumbent upon us to annex to our letter the Decree of the king, which orders us to come to St. Domingo; it will convince you better than all we could say or write, how beneficent and paternal are the intentions of the king.

The Commissioners of the king, the Lieutenant-Ge-

neral of the armies of the king, Commander of the royal order of St. Louis, and Officer of the royal order of the Legion of Honour,

(Signed) Viscount De FONTANGES.

The Counsellor of State, Baronet of the royal order of the Legion of Honour,

(Signed) ESMANGART.

Copy compared—the Commissioners of the king,

Viscount De FONTANGES.

ESMANGART.

No. 9.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Port au Prince, Oct. 25, 1816, Thirteenth year of Independence.

Alexander Petion, President of Hayti, to the Commissioners, &c.

Gentlemen,

I have the honour to inform you, that I have received your letter dated on board the frigate La Flore, the 13th inst. enclosing a copy of your communication to Christophe, dated at sea the 12th, and the Decree of his most Christian Majesty, which appoints you his Commissioners, enclosed in your letter of the 7th, to which I could not answer on account of your absence.

After the horrid crimes committed by French people—crimes which will for ever redden the pages of history—the independence of Hayti has solemnly been sworn on the yet smoking remains of our countrymen, by the intrepid warriors who had just conquered it. The sacred oath, taken for the first time by an exasperated people, has never ceased to thrill in all our hearts; it is renewed every year with enthusiasm; it is the palladium of public liberty; to retract it, or even to conceive the guilty thought of forgetting it, would be a disgrace and an infamy of which no Hay-

tian is capable; to alter it would be to draw upon us misfortunes well deserved; our laws imperiously forbid it to us, and as the first magistrate of the Republic, the most sacred of my obligations is to cause it to be respected. I have sworn it before heaven and men (and I never swore in vain); to make us retract that holy resolution is beyond all human power; we enjoy it, and we believe ourselves worthy of preserving it; to deprive us of it would be necessary to destroy us all. Well! if such a thing was even possible, we would submit ourselves to it, rather than peaceably renounce it.

We might have been allowed to think that our character, little known throughout France, where they are accustomed to judge of us by the reports of former planters from this colony, would perhaps have induced the French people to think that we kept on our guard only from a want of confidence in the guarantees which they could have proposed in order to tranquillize us for the future, and by thus employing formalities which might appear satisfactory to us, it would be easy for them to bring us back towards that end which they had proposed to themselves; let them consider how the mission of General Dauxion Lavaysse had frightened the minds, and also that it has not yet escaped our memoy, that this mission appeared clothed with the authenticity that the acts of governments generally have, since his instructions, which remain yet in our possession and acknowledged by him, bear the signature of the Minister of Marine. You do me the honour to repeat to me, that this mission has been disclaimed by his majesty: I agree to it, as well as on the nullity of all the other acts passed by his majesty; I shall therefore say nothing more on this subject.

Since the restoration of his majesty to the throne of France, he has had before him all the acts officially

passed in this government; none of the epochs of our revolution can be strange to him, and he ought to have been convinced by every one of them that we hold to our independence as much as to our own existence; and although we separate, his Majesty, from the misfortunes which have for so long a time afflicted us, we were induced to believe, would by acknowledging the independence of this republic, do as he did when he sanctioned other acts still more painful to him, if he had not been hindered from it by the opposition he met in the minds of his people; for, urged by the other powers to renounce the shameful traffic of the Africans, he notwithstanding claimed, in 1814, the continuation of it for five years longer; when, in 1815, he said, that this renunciation was already in his heart on re-entering into France; but that he had at that time been governed by circumstances: with a much stronger reason, why would he not deny, at this time, what interests entirely strange to him appear to require, and which would cost so much blood! it is thus that we represent to ourselves the sentiments of his most Christian Majesty; it would be in vain for you to attempt to make us alter our opinion.

The face of the world is changed, and it has been, so to speak, renewed by the French revolution during a period of twenty-five years; every one has since created to himself new habits and occupations to satisfy his ordinary necessities; proscription seems to have revived ancient pretensions which exist only in remembrance, and the most part of those interested in them are no more.

The return of peace and good order has called men back to labour and industry; the continual urgent wants of the government have deep wounds to heal; the results of the war are the same in every country: country-seats deserted, fields laid waste—all suffers

till the return of confidence, which cannot soon be re-established; this principle is of a general application, and does not, however, destroy the means which each country conceals in her bosom, nor the ways of rendering them profitable. It is an indisputable truth, that ours cannot be rendered useful but by ourselves; we must then during peace look for our resources, to encourage agriculture and manufactures; and where shall we find them if it is not in industry and commerce? The commerce of France cannot have any interest in the re-establishment of the ancient order of things; it requires to be maintained, to receive emulation, and to make useful profits for itself and its government; it requires, in order to act, only to be clear of the shackles which restrain it, to resume all the extent of its speculations.

The manufactories claim also the same advantages, and the necessary exportations, in order to support and meliorate themselves. Nobody is ignorant that if this country produces less, it makes the greatest consumptions of commodities, because the desire of the Haytians, where every one enjoys the advantages of his labour, is to secure to himself as much ease as he can.

My intention is to answer you with sincerity, since you tell me that your powers are very extensive on the execution of your mission, which you pronounce to be entirely pacific and disinterested, and that it is not the desire of his majesty to recall this country, already ransacked and laid waste by civil wars, that have induced his most Christian Majesty to take this step. This sincerity has prompted me to enter into some details in which there are no recriminations on my part, nor any refusal to grant what is just and reasonable, and at the same time very important to be previously explained.

If the intentions of his most Christian Majesty coincide on this point with ours, and that the powers with which you are invested agree with this spirit of justice and moderation, then, setting aside all private motives, and guided by the pure sentiment of truth and the desire of doing what is right, you will look upon us as a free and independent government, whose consolidated institutions repose on the will of the national love. You will not hesitate to admit it as an essential basis between us; and on entering thus into the spirit of our laws, you will facilitate me the means of corresponding with you on all the points which may reciprocally be advantageous to our respective governments.

Every thing induces me to believe that previous to your sailing from France you was well aware that we could not decently admit any other principles; by acknowledging it you will reap the most glorious fruit from your mission, and be entitled to the merited rights of our esteem and consideration.

I have the honour, gentlemen, to salute you with the most distinguished sentiments.

(Signed) PETION.

No. 10.

Port au Prince, Oct. 25th, 1816.

General,

We have landed in the city and country over which you command, fully persuaded that all that concerns the rights of man would be respected. We have had to this day no reason to disbelieve it; but we now find ourselves under the painful necessity of informing you of what is going on between the Carthaginians and Mexicans, who are in your port, and a part of our crew. The first entice away our sailors, and the others prompt the rest to insubordination. Complaints

concerning those transactions have reached us, and the only way to stop them is, we believe, to apply to your authority for redress, well persuaded that you will immediately give orders to your police officers to search for our men, and command that they be restored to us. To urge any further upon a demand of this nature would be to accuse your government of injustice.

Receive, General, the assurance of our distingnished consideration.

The commissioners of the king,

(Signed) Viscount De FONTANGES,
ESMANGART.

No. 11.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Port au Prince, Oct. 26th, 1816. *Thirteenth of the independence.*

Alexander Petion, President of Hayti, to the Commissioners of his most Christian Majesty.

Gentlemen,

I received your letter 25th inst. by which you complain of the bad conduct practised by the Carthaginians and the Mexicans in our harbour, and your crew. Your application to the authority of the government for redress will not remain unnoticed, we assure you, and we are going to give strict orders to put an end to such disturbances. I have just forwarded the most positive orders to the general of this district, not only to prevent your sailors from being enticed away under other flags, but also to prevent by armed forces the inconveniences which desertion might occasion in future.

You may rest assured, gentlemen, that in all circumstances you will find all the protection you may

stand in need of, in all that which will concerns the subordination of your crew.

Receive, gentlemen, the assurance of my distinguished consideration.

(Signed) PETION.

No. 12.

Port au Prince, Oct. 30th, 1816.

General,

We received on the 27th inst. your letter of the 25th. France, like St. Domingo, has experienced reactions. The parties which have succeeded each other, sometimes conquerors, sometimes conquered, have exercised, as is the case in all civil wars, revenge and reprisals equally blameable on both sides: but none of the different parties upon the return of his majesty, which put a stop to all those disturbances, have pretended to attribute to the king the faults and injustices of the party which he had opposed; nor to assume it as a pretext to refuse acknowledging the royal authority and its rights. Each one, on the contrary, taught by experience, has been perfectly convinced that truth and legitimacy alone could put an end to the violent dissentions and ambitious designs which for twenty-five years had rendered France so unhappy. All that had been done for the interest of one party against the other was repealed and annulled, because they were only preservative measures, which each party believed to be necessary against that which they opposed. But the sovereign and legitimate authority resuming the exercise of its functions, these precautionary measures, or, to speak more properly, of defence of the different parties, became useless. Their laws have necessarily been repealed by the return of the king, and those only have remained which the king in his wisdom has thought proper to confirm; all others have

ceased to be binding, even for those who had sworn to support them, because the effect was to cease with the cause. To maintain those laws and regulations in force would have been to perpetuate civil war; it would have been to commit hostilities after the conclusion of peace.

His majesty, fully persuaded that twenty-five years of revolution had entirely changed the manners, habits, and even the thoughts of the people, sanctioned all that was consistent with the dignity of his crown, and has given us other laws calculated upon our new character, and thus restored tranquillity to all families.

The solicitude of the king has been the same in favour of St. Domingo. Our preceding letters have without doubt well informed you of it; but the king can only sanction what appears to him just and advantageous to his people. He ought not to consult their passions, but only their wants; and the same principles will govern his future conduct relative to this country as have guided him in what he has done for France.

Not to acknowledge the kindnesses of the king, or the value of the royal sanction, without which all that you have acquired by the revolution, as rights, honours, fortune, wealth, and dignities, will for ever remain very precarious. You have communicated to us an act which would alone evidently prove to the king that he cannot and ought not to abandon you to yourselves, because by abandoning you he would leave you on the dreadful precipice upon which a great imprudence has thrown you.

When we read with reflection, and without prejudice, the first pages of the act which forms the basis of your institutions, we immediately find that this act carries with it the root of your own destruction. It will be sufficient to prove to you the truth of it, to refer you only to the three following articles.

ART. 38.

"No white man, of whatever nation he may be, shall ever set his feet on this territory under the title of master or planter."

ART. 39.

"White men who form a part of the army, those who exercise civil functions, and those who were admitted in the Republic at the publication of the Constitution of the 27th December, 1806, are acknowledged as Haytians; and no other in future after the publication of the present revision, shall ever pretend to the same right, or be employed or enjoy the right of citizen, or hold any fast property in the Republic."

ART. 44.

"All Africans, Indians, and those issued from them, born in the colonies, or in foreign countries, who come and reside in the Republic, shall be reputed Haytians, but they shall not enjoy the rights of citizen until after one year's residence."

You re-establish by these articles in a manner much more absolute than any former decree, the difference of colours which philanthropy endeavoured for more than half a century to extinguish. You commit an act of hostility towards Europe; you entirely break off with her, and you give her the right of confiscating by reprisals the property of all those who bear with you the name of Haytians: you deprive them of the right of inheritance, and all the political rights which they enjoy in all their extent, and without distinction.

By a capriciousness of which we find no example except in the history of revolutions, after having fought during twenty-five years in support of contrary principles, your first act, your fundamental law, establishes a distinction which you had endeavoured to destroy even at the expense of your blood.

If Europe judged of you by your laws, she would be far from believing this contradiction of your government, of which we are well convinced, and of which we think it incumbent upon us to give an account.

In effect you renounce all civilized nations, to adopt exclusively as the only ones to form a society with you, on one part, the barbarous powers, whom Europe at this moment is combined to repress, and on the other, the nations among which the light of civilization has not yet penetrated. If philanthropists who are not exempt from the proscription which you pronounce against colour, exclaim then against the reprisals which Europe may exercise towards them, they can answer them by showing them your Constitution: the principles will have been established by you; what right will they have to complain?

Such is, however, General, the thing you propose to the king to acknowledge; can he sanction it without failing in his duty to himself, or in what he owes to his people and to other powers; can he ever confirm it for your own interest?

The greatest desire of the king, we repeat it to you, General, is to do for this country all which is consistent with the dignity of his crown and the welfare of his people. He wishes only for that which can insure in a stable manner the happiness of the inhabitants of St. Domingo; we have requested you to point out to us the means which could insure it, and we ask it of you again. You can, General, judge for yourself, after the observations we have just submitted to you, if what you propose to us can coincide with the end at which the king aims.

You are not ignorant that there are duties incumbent on subjects to fulfill towards their king, and there are also obligations incumbent upon kings towards

their subjects. Kings cannot abandon them even in their errors, or in their misfortunes. The greater the danger in which they have precipitated themselves is, the more they ought to hasten to their succour. His majesty, more than any other king ever did, has just given to the world a proof of that paternal solicitude which ought to have, in this country as well as in France, conciliated all hearts to him.

As for us, who possess his confidence, we are fully convinced that it would be to sink you deeper into difficulty, and make a bad use of our power, to take upon ourselves to consent without restrictions to what you require of us, particularly at this moment, in which you are guided only by the impulse of passion.

We shall not answer the reproaches which you again prefer against France by recriminations; without doubt France has committed great errors; she has above all been very guilty towards her king; like all nations in the effervescence of a revolution, she has been the theatre of great excesses: but her errors, her faults, and even her crimes, will be shaded in history by a forest of laurels.

Finally, God has broken the rod which he had in his wisdom sent to punish us for our crimes, and has at length restored us our king and our legitimate princes. Let us then think only of our duties; let us only consider the means of repairing our past misfortunes.

Should we not succeed to convince you, General, and the authorities which surround you, we shall not have to reproach ourselves of not having employed in our discussion with you that moderation which will always be found in the heart of the king, when the question is to bring into his paternal arms children whom false and deceitful theories had snatched from them.

Receive, General, the assurance of our distinguished consideration.

The Commissioners of the king,

Viscount De FONTANGES.

ESMANGART.

No. 13.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Alexander Petion, President of Hayti, to the Commissioners of his most Christian Majesty.

Gentlemen,

I have received the letter you honoured me with on he 30th ult. The nineteenth century was reserved to produce extraordinary events. Providence had also decreed that it would tear asunder the band which blind-folded the most unhappy and the most oppressed portion of mankind, and which hindered them from perceiving in the great charter of nature their unalienable rights, and the object which God had intended in the creation of men. It is from the domineering minds of the parties which France has caused to succeed each other in this beautiful country, that the holy ark of the independence of Hayti has risen from the bosom of oppression and injustice. In swearing to maintain it, we were as far from thinking that it would in the least injure the authority of the king of France, as we were from the idea of foreseeing whether he could one day triumph over the French people, and consequently that he would set up against us titles which our arms had already destroyed: useless titles, which policy renounces, and which reason despises; and a great deal less necessary to his crown, than any other privileges which circumstances have compelled him to give up, without doubt through powerful motives; and we may yet add, that in resuming our non

acknowledged rights we have constantly been occupied in providing for our own security. Too happy in having shaken off the most frightful of all yokes, our greatest desire has been to enjoy the sweets of peace and liberty with all the rest of mankind; and as the resources of our country would only be illusory if we did not improve them with our own hands, we cannot employ them under any other influence than that of the spirit of brotherly love which unites us. We may appear guilty in the eyes of an interested policy, but we cannot be so before the tribunal of justice and equity which legitimate our rights.

We have never feared open observation, and so far from losing we can but gain by it, particularly if those observations are made with reflection, and without animosity. It is perhaps that which has rendered us so accessible in so delicate a cause, because we are strong of ourselves, and it is after a mature deliberation that we have established our social covenant, which is the expression of the national will.

In placing before me articles 38, 39, and 44, of our institutions, you seem to challenge us, and depart from the present question, and make out of a private cause a general one with all the European powers; this appeal to governments so enlightened would come too late, for none of them have considered the subject in the same light as you, since you call it a mark of hostility against them. These articles are found expressed in the act of our independence, in those which have followed it, and in the Constitution of December 27th, 1806. They have received a more extensive explanation in article 39 of the revision, which contains the same meaning as article 27th of the Constitution. They have then never ceased to be in force, and they have for their end nothing but our own security, which can only be contested by the French go-

vernment, as you at present do, when the other powers feel no concerns in them, although they have had constant intercourse with us; you may be convinced of the truth of this assertion by the presence of an authorised agent of the United States of America near this Republic, by the order in council of the king of England of December 14th, 1808, which has never been repealed, and by the foreign vessels which are in our harbour, into which they are admitted as ours are in theirs; you may also have observed in this city many Europeans carrying on quietly a traffic, notwithstanding the proscription of colour.

We would ask, is there any reciprocity of advantages in the commercial relations between foreigners and the island of Hayti? The question, I think, is resolved.—Is there any incompatibility concerning fast property or rights of citizens? the answer cannot be difficult.

We rely entirely on the justice of our cause, and on the purity of our intentions; and we cannot imagine that Europe will take up arms against us because we wish to be free, under the only form which can insure us to be so, or that the philanthropists who are the objects of our admiration, can disapprove of measures which they would have, beyond doubt, sanctioned themselves, if requested. If under all these circumstances they could yet resolve on our destruction, we would submit to it; and putting all our confidence in the hands of the great Ruler of the Universe, implore his mighty protection to send us new forces to defend ourselves: this is our resolution, and we cannot admit any other.

The comparison you make of us with the barbarous powers, receives its answer in the conduct which we have shown towards England and America in the course of the war in which they have lately been en-

gaged, in which no government ever gave proofs of a more strict neutrality, and greater respect for the rights of nations. The question of reprisals was never spoken, nor even thought of, on either side, against us.

It is a principle well acknowledged by all nations, that they cannot refuse the right of any government to regulate its own laws. Louis XIV., in repealing the Edict of Nantes, excluded a part of the French people from the very bosom of France; yet no power intermeddled with it, and every one more or less profited of the advantages which that emigration occasioned.

At Japan, China, and among many other well polished nations, measures of precaution have prohibited to foreigners even access to the interior of their country, and yet we behold commercial intercourse well established and flourishing, with people whose political existence does not interfere with the peace of other nations. Examples of this nature would not be difficult for us, should we wish to mention them.

However our efforts may be judged in the course of our revolution, history cannot deny that we have been sacrificed and deceived, and that our arms have, notwithstanding, been crowned with some laurels.

If your powers have not the necessary latitude to allow you to treat on the basis which I have had the honour to propose to you; or if you think it improper or inexpedient to make use of them in this case, I sincerely think that my duty forbids me any further correspondence with you on the subject of your mission.

Whatever may happen, I shall never have to reproach myself with having neglected the smallest opportunity to procure peace and happiness for my countrymen; as my firm resolution is, and shall for ever be, to render myself worthy of their confidence, and do all in my power to cause their rights and privi-

leges to be respected, even to my latest breath, without departing, for a single instant, from the principles which I have always professed.

Receive, gentlemen, the assurance of my distinguished consideration.

(Signed) PETION.

No. 14.

Port au Prince, Nov. 10, 1816.

General,

Your health being re-established, we hasten to transmit to you the answer which we have delayed on account of your indisposition.

In your letter of the 2d inst., as in every other which have preceded it, you again complain of the violence and injustice which you have experienced. We have abstained, in consequence of the pacific character with which we are invested, from stating to you any of the reproaches which we might have opposed to those which you make against some violent Frenchmen. We shall then proceed with the same moderation even to the conclusion of our mission.

You, however, agree, that during the time of the usurpation, when the king found it impossible to exercise his rights, you were reduced to the necessity of adopting a mode of government: that independence belongs to every government; and that this appearing to offer you the greatest security, had finally been adopted by the nation, but that you had done nothing against the king.

All this, General, coincides perfectly well with what we have had the honour of representing to you in our last communication. So far you have not committed any hostility against the king. The measures you then adopted were against the enemies of his crown;

it is a weapon with which you fought against them; but when the king has resumed the functions of his rights; when all the different parties have laid down their arms, when all his subjects range themselves under the protection of his laws, would you be the only ones who wish to make use of that which has been prepared against his enemies, and oppose yourselves to him? Such a conduct would provoke a new war against a legal power, which would be injured without having provoked the aggression; it would be to declare an open war. The rights of the king, as sovereign, are unquestionable; the covenant which exists between him and his people is indissoluble; in a word, his rights, which are indubitable, cannot be destroyed, nor in the least altered, by having for a moment lost the exercise of his functions. Thus, so long as the king has not pronounced it, the state of war will be permanent, and all will remain uncertain till the epoch of peace, which we can no longer foresee. All this is a truth so well acknowledged, that we need say nothing further on the subject.

If we have in our last communication pointed out to you certain articles of your Constitution, our sole intention was to make you observe, what you proposed to the king to acknowledge, by confirming your independence; and to show you, at the same time, that the fundamental law of your institutions carries with it the root of your own destruction. It has surely been far from our minds to represent to you, as you call it, an appeal to foreign governments. France, in separating herself from her king, has experienced great misfortunes; but her honour, as well as her power, are far from being lost; and the king possesses sufficient strength to defend his rights according to his own pleasure and will, without the assistance of any other power.

Our intention has not been, General, to avoid or elude debating a question, the discussion of which has nothing embarrassing for us. If, however, (we can assure you, General) we had followed our first inclination, we should have limited ourselves, after the receipt of your communication, to take leave of you, set sail, and go and give an account to the king of the perseverance with which you persisted in supporting, without explaining either the necessity, advantages, or its benefits, an independence which shows only your resolution of not acknowledging the rights and authority of his majesty; but the king who has directed us to employ with constancy in our discussions with you, all the moderation which he possesses in his heart, would have blamed us for having so suddenly quitted this territory, without having previously endeavoured to show you all the injustice of such perseverance, and the danger which the government you have adopted would necessarily be exposed to. If our arguments can bring you back to the truth, we shall have the satisfaction of not having appeared too hasty in our determinations—we shall have rendered you a signal service, and we shall have complied with the intentions as well as the orders of the king.

We are now going, previous to the close of our mission, to present you on this independence, as we have done on several articles of your Constitution, some reflections which are imposed upon us by our duty, and dictated by the interest of the colony.

To be independent we must have the certainty of being able at any time and every where to cause our independence to be respected; we must possess within ourselves sufficient strength to resist the efforts as well as the ambition of those who become jealous of the prosperity we may acquire; we must of ourselves defend our subjects within and without, and have the

power of avenging an injury sustained. If the country that wishes to declare itself independent does not possess these means within herself, if they are reduced to apply to a foreign power to obtain their support, they cease then to be independent, and their political existence is exposed every instant.

Let us now examine what is the situation of this colony. Weaker in population than the smallest province of France; trusting to your courage and your climate; you are disposed to challenge, if necessary, all the European powers, to support a pretension which no reason can at present countenance. You have within your country no resources for carrying on war; every thing must come to you from foreign countries; and if by chance, in the time of a war with any power, your communication with others should be interrupted; the climate which causes so many men to perish will also destroy your armies and draw upon you all the evils which war carries with it; the destitute situation in which you will find yourselves at the end of a certain period, will, beyond doubt, render you dependent on foreigners. You are not less so by the necessities which new habits have introduced among you, the privation of which would be painful, and would soon become insupportable to many of you. It is a certain truth, that the very day on which the king should sanction your independence, he would from that moment abandon you to the subjection of all nations.

As to your interior means of defence, every one acknowledges that you have no other, if you are threatened by an imposing force, than to conflagrate your cities and fields, and carry every where throughout the plains fire and destruction, and to retire within the mountains with your wives and children, where you must defend yourselves until death.

This, however, may be the consequence of a great

resolution; but this proves nevertheless a great weakness: for a people who have nothing to oppose to the power which attacks them but their own destruction, cannot exist without the support of a powerful protector. In your actual situation, a feigned attack by any power whatever, would reduce you to the most frightful extremity, since from the first hostile appearance, armed with the torches which ornament your arsenals, you become the most useful auxiliaries of your enemies.

If we consider all your means, we easily perceive that your independence can still less be defended without, than on your own soil: for you do not possess, beyond the reach of two cannon shot, any possibility to cause her to be respected, still less to avenge an insult which might be offered to any of the subjects of your republic, who sail under your flag. Your actual independence is then a perfect chimera, and a pretension which cannot be supported; which would become fatal to yourselves, and still more fatal to the people whose interest you pretend to espouse; and if the king, provoked with the resistance he finds in you, should yield to your foolish pretensions, he would soon after be but too well revenged of you.

In exposing to you, General, with the greatest sincerity, the true political situation of your country, our only aim is to open your eyes on what ought to be your dearest interests. There is no glory to sustain without necessity: a contention in which sooner or later one has the certainty of sinking under, and of bringing destruction on the people. It is a blameable temerity, and as contrary to humanity as it is to reason.

Finally, General, wishing to draw as near as possible to that independence which alone, as you say, can secure the happiness of the people under your com-

mand, we will now inform you of the concessions which we could subscribe in the name of the king: they are as as follow:

ART. 1.

It would be declared in the name of the king, that slavery should be abolished in St. Domingo, and never be re-established.

ART. 2.

That civil and political rights should be granted to all citizens, on the same footing as in France, and under the same conditions.

ART. 3.

That the army should be maintained on the same footing as it is at present, viz. general, superior, and inferior officers would be confirmed by the king in their respective ranks; and all should enjoy the same pay, honours, and distinctions which the armies of the king enjoy in France.

ART. 4.

That the king of France should never send any European troops to St. Domingo. The defence of the colony should always be confided to the courage and the fidelity of the natives, who would never be employed out of the colony.

ART. 5.

The President of the Republic, and the Senators would preserve their prerogatives, and the Senate their privileges. It would follow from thence that the administrative and judiciary authorities would provisionally remain such as they are, except the modifications which the President might propose and resolve, agreeing on this with the Commissioners of his majesty; and in case of any alterations in future, they should be made only conformable to the mode which should be agreed upon in the revision of the constitutional act.

ART. 6.

That former planters should not come and reside in the colony without abiding by the laws and regulations which would be established; especially to those which should be enacted concerning the situation of persons and civil rights.

ART. 7.

That the actual authorities, jointly with the Commissioners of the king, would establish general regulations on the properties, to put an end to uncertainties, and prevent by that the creation of new disturbances to delay again the re-establishment of the colony.

ART. 8.

That the actual President should be appointed Governor General of the colony, and the actual Commandant General of the army should be appointed Lieutenant General of the government: both preserving the powers which they respectively enjoy at present in their offices, except the modifications which the state of things might require; but this would be executed only by their consent: they would be in future appointed by the king, on the presentation of three candidates by the Senate.

ART. 9.

That the ports should continue to be opened to all powers, under the conditions at present established for foreigners. The Senate, according to circumstances, and at the request of the Governor General, representing the person of the king, could alone modify the conditions.

ART. 10.

The king would use his influence, near his holiness the pope, to obtain a bishoprick for this colony, and all the spiritual favours which afford to the people a greater degree of consolation.

ART. 11.

All the concessions of the king would extend to the north, the south, and the west.

ART. 12.

The constitutional act would be revised by the Senate within a year, together with the Commissioners of the king, to make it correspondent with all the dispositions and orders which they might think proper to establish. The king would be requested to sanction it after the revision, and secure it for him and his successors.

After such concessions, it will be proved to the whole world that instead of a fictitious independence, the king has offered you a real one, and so much more durable, that it will give suspicions to no person, that it will hurt no interest, and that it will be supported within by yourselves, and will receive from without a powerful protection. Indeed, is there a people more independent than those who have the choice of their magistrates, of their generals, and of their public functionaries; who tax themselves, who compose their army when they have the certainty that it will never be employed in foreign services; and who, to support these prerogatives, receive the help of a great prince who commands a warlike nation of twenty-four millions of men? Not to acknowledge the advantages of such concessions is to show a disposition to renounce the substance for the shadow.

How then can the king acknowledge the independence of a country where there exists two different powers, enemies to each other, under two different sorts of government; entirely opposed to each other, and possessing nearly the same strength; where one (the fate of battles being precarious) may sink under the efforts of the other? The king, by sanctioning now

your independence, must also acknowledge in truth your republic; and if in spite of your courage and your resolution, and in consequence of the very extraordinary chances of war, you happened to be defeated, this republic would then immediately be replaced by a phantom of monarchy, horribly absolute; and if the king had condescended to your wishes, he would have sealed the destruction and the miseries of his subjects.

We hope, General, that you will appreciate the intentions which have dictated our observations; they are the consequence of the sincere desire which we have of seeing this colony enjoying peace and happiness, and thus to fulfil one of the dearest wishes of the king. We shall proceed even to the foot of the throne with our pacific mission, and we shall there beseech the king, however just his displeasure be, to leave the people of this colony the necessary time to reflect on these new propositions, and consider in their wisdom which can afford them the greatest advantages; either what you yourselves asked, or what the king wished to grant you. His majesty, who expected to find in this country, as he found in all the rest of his dominions, grateful children and faithful subjects, will be painfully disappointed should he find himself under the terrible necessity of speaking as a king when his intentions would have been to speak as a father.

As for us, General, our stay in this country becoming useless, and we may add inconvenient, we shall set sail as soon as you shall have informed us of the reception of this communication, sincerely thankful for the kind reception we have received from you, of which we shall not fail to give an account to the king. We shall then depart with the sincere regret of not having succeeded in our endeavours to restore peace and happiness to this colony and its inhabitants; and

if in future they are not so happy as they might have been—if new misfortunes come again to desolate them, they may attribute their sufferings to your refusal and persistence in not having accepted the concessions we have proposed to you, but never to the heart and justice of the king.

Receive, General, the assurance of our distinguished consideration.

The Commissioners of the king,

Viscount De FONTANGES.

ESMANGART.

No. 15.

Liberty. REPUBLIC OF HAYTI. *Equality.*

Port au Prince, Nov. 10, 1816. *Thirteenth year of the independence.*

Alexander Petion, President of Hayti, to the Commissioners of his most Christian Majesty.

Gentlemen,

I have received the letter you have done me the honour to write to me under this date, through which I have observed a full repetition of the same principles and the same ideas as those expressed in all your preceding communications, and which tend to induce the inhabitants of this island to acknowledge the sovereignty of the king of France. I believe I have fully answered all your observations therein contained, in the course of our correspondence; and if the expressions of the oath I have taken in presence of the nation (according to our laws) were not so deeply impressed on my heart, I should have only to peruse them over again to be convinced that I have done my duty, and that it is the decided national will that I announced to you, when I informed you that no alteration in the form of our government was admissible.

You appear, although without wishing to acknowledge it, to justify the choice of government we have adopted for our own security, even from the very first epoch when we swore to maintain it. Circumstances having been altered in France, you conclude from thence that ours must likewise be altered: it would be more congenial with justice to infer, that, if the motives were lawful in their principles, it would also be more natural to acknowledge them now, than to refute them. By that solemn act of the will of the king of France all the consequences of the misfortunes which you foresee, would be destroyed. The precautions which you take in the system of the mixed government which you propose to us would even become useless; nothing could alter the prosperity of this republic in her connexions honourably calculated with the French government, and all distrust would be at an end.

The people of Hayti, in declaring their independence, have declared it in the face of the universe, and not in the face of France alone. Nothing can ever induce them to retrograde from this firm resolution; they know but too well by their past misfortunes, by their wounds, which are yet bleeding, that their security cannot be expected but from within themselves, and without diversion; they have measured all the strength and the extent of their conduct, and they would now prefer devoting themselves to death rather than to retrograde. They have no intention of committing an act of hostility against any government.

It is in the name of the nation, whose chief and interpreter I am, that I have spoken to you. I shall never expose their sovereignty, and my responsibility is to comply strictly with the intentions of the social covenant they have established. The people of Hayti wish to be free and independent; I sincerely agree with them on this point: this is the cause of my refusal

refusal and of my opposition. It belongs to the nation to alter our institutions, and not to the Chief.

In announcing your departure, I receive, gentlemen, with satisfaction, the assurance on your part that you have met, during your stay in this Republic, with that kind reception and regard which were due to you.

Receive, gentlemen, the assurance of my distinguished consideration.

(Signed) PETION.

Liberty. REPUBLIC OF HAYTI. *Equality.*

A LAW,

Enacted by the Representatives, dated April 25, 1817, *concerning the districts and parishes of the Departments of the West and South of the Republic; the exact distances of each Department to the capital; proposed by the House of Representatives of the Departments, in their sitting of April* 25, 1817—*Fourteenth year of Independence.*

Art. 1.

The Departments of the West and South of the Republic contain twenty-six counties and seventeen parishes.

Art. 2.

The counties are the places where are a justice of the peace, a commandant of the place, the judiciary officers, and the Council of Notables.

The parishes are boroughs or hamlets, where there is only one church built, or to be built.

Art. 3.

The counties of the said departments are known and named in the following order, as to what concerns their topographical position, viz.:

Counties.	Legal distances.
Mirebalais, ...	15 leagues.
Croix des Bouquets, ...	3
Port au Prince	—
Leogane	8
Grand Guave	13
Petit Guave	17
Miragoane	23
L'Anse à Veau	31
Petit Trou	35
Corail	53
Jeremie	60
Abricots	66
Dalmarie	72
Anse D'Hainault	75
Tiburon	72
Coteaux	62
Port Salut	56
Torbech	53
Cayes	50
Cavaillon	43
St. Louis	40
Acquin	33
Baynet	25
Jacmel	20
Marigot	27
Saltrou	35

ART. 4.

The parishes of the said Departments are, Les Grands Bois, St. Michel, Petite Riviere de Nippes, Baraderes, Pestel, Petit Trou, des Roseaux, Troubonbon, L'Anse l'Eclere, Petite Riviere de Dalmarie, les Trois, les Anglais, La Chardonniere, Port à Piment, Roche à Bateau, L'Etron de Pore, Côtes De Fer, Cayes de Jacmel.

Passed and delivered at Port au Prince, the day, month and year as above.

The President of the Chamber,

(Signed PIERRE ANDRE.

DUBREUIL, Secretary.

The Senate decrees the acceptation of the law bearing the title of Legal Distances of each county and parish of the Departments of the West and South, to the capital; which shall be, within twenty-four hours, dispatched to the President of Hayti, to receive his sanction and its execution, according to the established mode expressed in the Constitution.

At the Government House, Port au Prince, June 24, 1817, and 14th of Independence.

(Signed) SIMON, President.

J. B. BAYARD, Secretary.

In the name of the Republic, the President of Hayti orders that the above law of the legislative body be sealed with the seal of the Republic, and printed, published, and executed.

Given in the National Palace of Port au Prince, June 27, 1817, and the 14th year of Independence.

(Signed) PETION.

CONSTITUTION OF HAYTI,

December 27, 1806, *and its Revision of June* 2, 1816—*Thirteenth Year of Independence.*

Report made to the Constituent Assembly, by its Committee, in its sitting of the 27th December, 1806.

In order to render a revolution useful, we must, after having been revenged of the tyrant, deprive tyranny of the means of reproduction. Such has been the wish as well as the object of the people, in calling

upon you to give them a Constitution. Appointed by you, citizens, to suggest the most proper principles and laws, to establish and insure the liberty and happiness of our country, we submit to you the result of our researches.

It is an indisputable truth, that the best system of government is that, which, being the best adapted to the character and habits of the people for whom it is calculated, procures them the greatest degree of happiness; but it is equally evident and certain, that there are principles common to evey good constitution: the most essential is the division of powers, since their concentration in the same hands is what constitutes despotism.

We then propose to you, citizens, to establish a Senate, whose members shall be elected, for this time only, by the Constituent Assembly; and shall be in future taken from among the public functionaries, whom the people shall have appointed. Thus the Senate will be composed of officers who shall have distinguished themselves in services rendered to their country, and citizens, who, by their talents and virtues, shall have deserved the public confidence.

The advantages which will result from this Constitution, are, that our laws shall no longer be the expression of the caprice and the will of an individual, always inclined by his passions to separate his private from the general interest. They will be the productions of upright and learned men: they will be submitted to a severe and strict examination, and to a public discussion. Those who shall have dictated them as senators will be compelled to obey them like the rest of the citizens. The people will no longer apprehend that taxes weigh upon them beyond the necessities of the state; because they will have among their representatives defenders so much more interest-

ed to sustain them on that account, and because the weight would likewise fall upon them and their families.

It is by the division of powers, citizens, that the Americans have become numerous and flourishing, in a progression so rapid, that the annals of no people offer such an example.

The separation of powers has cast over England a splendour, which the defects of her government have not been able to tarnish.

We have, therefore, thought proper to propose to you a Senate composed of twenty-four members. This body ought not to be too numerous; the dispatch of business would suffer by it; it ought to be, however, sufficiently so, in order that the laws may meet, as much as possible, the approbation and will of the people.

The appointment to offices and to the functions of the state, which we have granted to the Senate, will always be one of the most important articles throughout the Constitution. It would be deceiving the public mind, it would be preparing the slavery of our country, to grant this important privilege to the executive power. The public functionaries ought not to be considered as the creatures of an individual; every thing ought, on the contrary, to bring to their recollection, that they are the agents and the delegates of the people, or their representatives. Thus, then, in the theory and practice of every well organized government, the right of appointing public functionaries belongs to the legislative power.

You have not forgotten what were the consequences, under Dessalines, of the prerogative of appointing to offices—which was one of his usurpations. Ambition and cupidity seized all hearts: unblameable men, until then, consented to obtain, or preserve an office, to become the support and the agents of tyranny:

others became at the will of the tyrant the instruments of his ferocity.

All chiefs, it is true, are not Dessalines; but in legislating, they should be governed by principles and not men.

He who is charged to make laws for his country, discards from him all passions as well as particular affections. The holy love of country occupies his whole heart; the present is not solely before him; his very soul runs into futurity; he associates with the generations which are to succeed him; he wishes that the political and civil laws be in harmony with the laws of nature, because he considers himself as the organ and minister of that Divine Providence which has created man to be happy at all times.

Besides, citizens, if we granted to the chief of the government even only one part of the legislative power, instead of effecting our liberty, we should establish despotism. Does not experience prove to us, that the legislative power continually aims at relaxation, whilst the executive always acquires a greater intenseness of force?

We also propose to you, citizens, that no funds shall ever come out of the public treasury, without the signature of the Secretary of State, who, placed near the Senate, will always be ready to give them an account of his operations. It is just that the people, whose contributions form the revenues of the state, should be informed of the employment made of their funds. If it was otherwise; if, as in monarchies, the public treasury should become the treasury of an individual, corruption would soon be introduced, even in the Senate, men being all alike every where; let us then have the modesty to believe that we shall not be less incorruptible in our Republic than they are elsewhere.

In the situation in which we find ourselves with other governnments, it is important to grant to the Senate the right of the management of the exterior relations, and of conducting negociations. We ought likewise to court the benevolence and cultivate the friendship of all governments. By showing them the regard and respect which are due to them, we shall have a right to expect on their part a return of noble and generous treatment.

On the article of the executive power, we have been of opinion, that the modest title of President was that which best suited to the first magistrate of the Republic. We propose to you that he be appointed for the term of four years, and that he may be indefinitely reelected: we propose to you likewise to invest him with the chief command of the army, and that he appoint functionaries of the different tribunals.

These powers and prerogatives, which exceed those possessed by the executive directory of France, render extremely important the career which he is going to run, and we already hear the voice of the people, who cry to him:

"Our representatives have appointed you to the first magistracy of the state; they wish you to be the first citizen of the Republic.—Honours, dignities, fortune, have all accumulated on your head.—If you deserve it, you will be for life surrounded with the splendour of command; but let your object be to render us happy:—remember there is always a time in which all the illusions of men disappear, and that when you shall have arrived at the term to which nature calls you as the rest of men, you will then find nothing more real and consoling than the testimony of an irreproachable conscience, and the remembrance of the services rendered to the country."

In the article concerning civil justice, you will find

dispositions which insure the security of your persons; and in that which concerns criminal justice, you will find dispositions which breathe humanity.

In allowing to every citizen the right of communicating and publishing his opinions on matters of government, we establish the liberty of the press, the palladium of public liberty.

Governed by such principles, obeying a Constitution which shall for ever be the compass which will prevent us from going astray in the route we are to follow, what shall we want more to be happy? Nothing, citizens, if we make good use of the kindnesses of that Divine Providence which has to this day protected us in all our undertakings; and which having placed us in the centre of this archipelago, with a delightful climate, on a land of a wonderful fertility, appears to have intended to render us the happiest people of the universe.

Signed Petion, Cæsa Telemaque, Theodat Trichet, Magloire Ambroise, Brunot, Blanchet, David Troy, Manigat, Bonnet, and Lyss.

Address of the Senate to the people.

Citizens,

After having once more regained your rights, and declared to the universe that you wished to live free, independent, and governed by your own laws; you have had again to fight against the tyranny which had sprung from your own bosom. The genius of liberty has triumphed, and you have given to yourselves a Constitution in which the rights of the people are stipulated. their security insured, and social order established: you are indebted to Providence for that kindness, to your courage, and to the fidelity of your chiefs who have directed you. You have thought with reason, that a Constitution framed in the tumult of arms, on the

bloody remains of Despotism, and in the midst of passions hardly extinguished, might perhaps present some errors for experience to rectify ; you had reserved to yourselves the right of revising it in the period of nine years ; this proposition has been submitted to the Senate which represents you.

Citizens, this era is arrived ; the Republic has surmounted all the obstacles and shackles which could have opposed her firm and intrepid steps ; she has raised her majestic head above all the storms which were raised against her ; nothing has resisted the accomplishment of her high destinies.

The period of our political existence has been executed under the sanction of the Senators, whose seats were taken by your election, and according to the terms of our law, under the presidency of that wise and virtuous man, whose skilful hands, and righteous and generous heart, have, conjointly with your legislators, preserved the integrity of the Republic ; the precious deposit of our laws and our national honour. With such bright examples and pure intentions, we shall find ourselves very happy if we can imitate them, and walk in the paths which they have so nobly pointed out to us.

Citizens, our duties, the happiness of the people, their rights, their liberty, and their independence, shall always receive our first attention and care ; we will never swerve from that obligation, and the love of country shall be the palladium of your representatives.

The first exercise of our authority ought to be for the welfare of the Republic ; to make an appeal to the people to consecrate for ever their rank in society, and their privileges ; to shelter themselves under the sacred shield of a firm constitution, in order that they may for ever enjoy the advantages which it ought to insure them, and teach to the world that the Republic

of Hayti is an upright government, founded upon wise and unalterable laws, where every one can exercise and enjoy the rights and privileges granted by them, and find security and protection.

In consequence, the Senate, after having maturely considered the twelfth section of the Constitution, proposes to the people, after they have conformed to the 183, 184, 185, and 186, of the same section, to revise the following:

Section I. General regulations.

Section II. Of the territory.

Section III. Of the political situation of the people.

Section IV. Of religion and morals.

Section V. The legislative power.

Section VI. The promulgation of the laws.

Section VII. Of the executive power.

Section VIII. Of the judiciary power.

And Sections X. and XI. of agriculture and commerce, as well as that of the Secretary of State.

All the articles of the above mentioned sections requiring alterations, they are pointed out to you to make the necessary amendments.

The appointed place for the sittings of the council of revision is fixed at the Grand Goave the first of the ensuing March.

This address will be read, published, and forwarded, by a messenger to the President of Hayti, for his acceptance.

At the Government-House of Port au Prince, the 6th day of February, 1816, thirteenth year of independence.

(Signed.) PANAYOTY, President.

HILAIRE, Secretary.

CONSTITUTION OF HAYTI,

December 27, 1806, *and its revision of the 2d of June,* 1816.—*Thirteenth year of independence.*

The Haytian people proclaim in the presence of the Supreme Being the present Constitution of the Republic of Hayti, which is to consecrate for ever their liberty and independence.

GENERAL REGULATIONS.

Article 1. There cannot exist any slaves on the territory of the Republic; slavery being for ever abolished.

Art. 2. All debts contracted for the acquisition of men are for ever cancelled.

Art. 3. The right of hospitality is sacred and inviolable throughout the Republic, only in cases of exception prescribed by law.

Art. 4. The government of Hayti is not hereditary; it is elective.

Art 5. The Republic of Hayti will never form any kind of enterprise with the intention of making conquests, or disturbing the peace and interior government of foreign states or islands.

Art. 6. The rights of man in society are liberty, equality, security, and property.

Art. 7. Liberty consists in doing only that which does not interfere with the rights of others.

Art. 8. Equality consists in this, that the law is the same in protecting or punishing every man.

Equality admits no distinction of birth, or any hereditary powers.

Art. 9. Security results from the uniting of all to insure the rights of each other.

Art. 10. Property is the right of enjoying and disposing of one's income, wealth, labour, and industry.

Art. 11. Property is sacred and inviolable; every

citizen, either by himself, or by his representative, is allowed the free disposition of what is acknowledged to be his own property. Whoever infringes this right renders himself criminal before the law, and responsible to the person thus disturbed in the enjoyment of his property.

Art. 12. The law is the general will expressed by the majority of the citizens, or of their representatives.

Art. 13. What is not prohibited by law cannot be hindered by law; no one can be compelled to do what the law does not command.

Art. 14. The city of Port au Prince is declared to be the capital of the Republic, and the seat of government.

Art. 15. No civil or criminal law can have a retrospective effect.

Art. 16. The sovereignty rests essentially in the generality of the citizens; no individual or partial reunion of the citizens can assume it to themselves.

Art. 17. No one can, without a legal commission, exercise any authority or fulfil any public function.

Art. 18. Public functions cannot become the property of those who exercise them.

Art. 19. The social compact cannot exist if the division of powers is not established, if their limits are not settled, and if the responsibility of public functionaries is not secured.

Art. 20. All the duties of man and of the citizen are derived from these two principles, engraved by nature in all hearts—*do unto others as you would they should do unto you;* and *do constantly to others all the good you would wish to receive from them.*

Art. 21. The obligations of every one towards society consist in defending and serving it, in obeying the laws and respecting those who are their organs.

Art. 22. No one shall be reputed a good citizen, if he is not a good child, good father, good friend, and good husband.

Art. 23. No one shall be reputed an honest man, if he does not sincerely and religiously observe the law.

Art. 24. He who openly infringes the laws, declares himself in a state of war with society.

Art. 25. He who, without openly infringing the laws, eludes them either by cunning or stratagem, injures the community, and renders himself unworthy of their kindness and esteem.

Art. 26. On the security of property depend the culture of the land, all productions, all means of labour, and all social order.

Art. 27. Every citizen owes his services to the country, to the support of liberty, equality, and property, whenever the law calls upon him to defend them.

Art. 28. The dwelling of every citizen is an inviolable asylum—during night no person has the right of entering it, except in case of fire, inundation, or calls from within. During the day they can enter it only for a special object, determined either by the law, or by an order issued by a public authority.

Art. 29. No domiciliary visit can take place but in virtue of a law or a superior order, and only for the person or object expressly mentioned in the orders for the visit.

Art. 30. No one can be prosecuted, arrested, or detained, but in the cases determined by law.

Art. 31. No one can be hindered from telling, writing, or publishing his opinions. No writings can be subject to any censure before their publication. No person is responsible for what he has published, except in cases provided by law.

Art. 32. Individual responsibility is explicitly attached to all public functionaries.

Art. 33. The Constitution guarantees the alienation of the national domains, as well as the concessions granted by the government, either as national compensation or otherwise.

Art. 34. The national festivals instituted by the laws of the Republic will be preserved, viz. that of the Independence of Hayti, the first of January in each year; that of Agriculture, the first of May; that of the Birth of *Alexander Petion*, President of Hayti, will be celebrated the second of April, in remembrance of his great virtues.

Art. 35. A General Institution shall be established and organized for public aid, to bring up foundlings and orphans, to assist the aged and infirm poor persons, and to procure work for those who cannot procure it for themselves.

Art. 36. There shall also be established and organized a Public Instiution, free to all citizens, as it respects that kind of instruction necessary for all men, the establishment of which shall be gradually distributed with a combined reference to the divisions of the republic.

Art. 37. Codes of civil, criminal, and penal laws shall be instituted, as also those respecting the practice of law and of commerce, uniform throughout the republic.

Art. 38. No white person, of whatever nation, shall set foot on this territory as a master or a proprietor.

Art. 39. Those whites are acknowledged Haytians who form a part of the army, who hold civil offices, and those who have been admitted into the republic at the publication of the Constitution of the 27th December, 1806, and no other, after the publication of this present revision, shall hereafter pretend to the

same right, or be employed, or possess the right of citizenship, or hold property in the republic.

SECTION II.

Of the Territory.

Art. 40. The island of Hayti (formerly St. Domingo) with the adjacent islands, compose the territory of the republic.

Art. 41. The Republic of Hayti is one and indivisible; it is divided into departments, as follows:—the Department of the South, the West, the East, and the North, the limits of which are known and designated by the law of the Central Assembly of St. Domingo, dated the 10th July, 1801: the other Departments will be designated by a law which will assign their boundaries.

Art. 42. The departments will be divided into districts and counties; the number and limits shall likewise be fixed by law.

Art. 43. The legislative power can change and assign the boundaries of the departments, districts, and counties, whensoever it shall think proper.

SECTION III.

Political Relation of the Citizens.

Art. 44. All Indians, Africans, and their descendants, born in the colonies or elsewhere, who shall hereafter reside in this republic, shall be acknowledged as Haytians; but they shall not enjoy the rights of citizenship, until they shall have resided one year within the limits of the republic.

Art. 45. No Haytian shall commence his military career except as a private soldier.

Art. 46. The exercise of the right of citizenship will be lost to those who are condemned to ignominious or corporal punishments.

Art. 47. The exercise of the right of citizenship is suspended:

1st. By judiciary prohibition, on account of violent passions, madness, or imbecility.

2d. By being in the condition of an insolvent debtor, or immediate heir, the defender of a pretended free gift, either in whole or in part of the succession of a person failed.

3d. By being a domestic.

4th. By being under a criminal accusation.

5th. By being outlawed, as long as the sentence is not reversed.

SECTION IV.

Of Religion and Morals.

Art. 48. The Catholic, Apostolic, and Roman religion being that of all the Haytians, is also declared to be that of the government; it shall be particularly protected, as well as its clergy.

Art. 49. All other religious denominations are tolerated in the republic, conforming themselves to the laws.

Art. 50. The Constitution grants to the President of Hayti the power of soliciting hereafter his holiness the Pope to permit a bishop to reside in this republic, to educate for the ministry those of the young Haytians whose inclinations may lead them to receive the ecclesiastic orders.

Art. 51. The executive power assigns to each minister of religion the extent of his spiritual administration. Clergymen can in no instance form a body in the republic.

Art. 52. Marriage, by its civil and religious institution tending to promote purity of morals, those husbands who shall practise the virtues which their situation requires, shall always be distinguished and particularly protected by the government.

Art. 53. The rights of children born of unmarried parents shall be regulated by laws which will tend to spread social virtues, and to encourage and cement the bonds of families.

SECTION V.

Legislative Power.

Art. 54. The legislative power consists of a House of Representatives of the different districts, and a Senate.

House of Representatives.

Art. 55. No law shall be published until its plan shall have been proposed by the executive power, discussed and adopted by the House of Representatives, and decreed by the Senate.

Art. 56. The House of Representatives shall consist of three members from the capital of the republic (or the seat of government) two from the principal city of each department, and of one member from each county.

Art. 57. The House of Representatives shall lay the public taxes, determine their nature, the quota, and the mode of collection.

Art. 58. It will enact laws and regulations, according to the forms established by the Constitution, upon the administration;

Will form and maintain the army;

Make laws and regulations on the mode of its organization and government;

Determine the value, the weight, and the stamp of coin;

Establish the standard of weights and measures, which shall be uniform throughout the republic;

Determine definitively the alienation of the national domains;

Enact all the necessary laws to enforce the execu-

tion of the powers limited and appointed by the Constitution;

Determine the formation and privileges of a Council of Notables in each district, to enact laws of local administration, which shall not have been provided for by the general laws;

Finally, the House of Representatives shall exercise the legislative power jointly with the Senate.

Art. 59. No person shall be admitted in the house as a representative without being a freeholder and at least twenty-five years of age.

Art. 60. The representatives of the several counties represent the whole nation, and cannot receive any personal order.

They shall exercise their powers as representatives five years, and shall be elected as follows:

Art. 61. Every five years from the first to the tenth of February, county meetings shall assemble in each county, or shall be called together by an address of the President of Hayti, and each county meeting shall elect from among the citizens of the county the number of delegates prescribed by article 56.

Art. 62. They shall elect besides one substitute to supply the place of the delegate in case of death, resignation, or removal; which delegates thus elected shall assemble at the government house to form the House of Representatives.

Art. 63. County meetings cannot exercise any other functions than those which are prescribed to them by the Constitution: the mode of electing belongs to them; and the elections are made by tickets.

Art. 64. Any citizen convicted of having sold or bought a vote, is excluded for twenty years from all public offices; and in case of repetition, he shall be excluded from them for ever.

Art. 65. The delegate of the executive power at

the civil court of each department, his substitutes and notaries performing his functions in the counties, are bound, under the penalty of removal, to inform the executive power of the opening and closing of the county meetings.

They cannot interfere in their opertions, nor enter in the place of their assembly; but they can demand a communication of the minutes of each meeting in the succeeding twenty-four hours; and they are bound to report to the executive the infractions which may be made on the Constitution.

In all cases the House of Representatives pronounces on the validity of the operations of the county meetings.

Art. 66. The age of majority is required to vote in the county meetings.

Art. 67. County meetings shall not last longer than ten days.

Art. 68. A representative may be indefinitely reelected.

Art. 69. As soon as notice shall be given to a representative of his election, he shall repair to Port au Prince to exercise the rights with which he is invested: the absolute majority of the representatives assembled form the House of Representatives.

Art. 70. The stated place for the sittings of the House of Representatives is appointed in the capital of each department.

Art. 71. The representatives shall assemble on the first day of April in each year at the place appointed for their deliberations.

Art. 72. Their session shall not last longer than three months.

Art. 73. The House shall annually receive the report of the Secretary of State concerning the account of expenditures, to be transmitted to it by the Presi-

dent of Hayti; discuss and approve it according to circumstances, and order its publication.

Art. 74. During the interval from one session to another, the President has power to call an extra session in cases of urgent necessity.

Art. 75. The opening of each session of the House of Representatives shall be made by the President in person.

Art. 76. If in case of invasion, or any other hinderance, so that the legislative body should be prevented from assembling in Port au Prince, the Senate shall determine the place of its meeting.

Art. 77. The House of Representatives has the power of police over its members; but it cannot pass a more severe sentence than censure or arrest for fifteen days.

Art. 78. The sittings of the House are public: it can, however, deliberate with closed doors, and its deliberations shall be rendered public by a journal under the title of "Bulletin of Laws."

Art. 79. All decisions in the House are taken by sitting and standing; in case of doubt they can be made by nominal appeal, but then the votes are secret.

Art. 80. The members of the House receive a compensation at the rate of two hundred dollars per month, and one dollar for every league of the journey they take to reach the seat of government, which compensation is charged to their respective counties, in the form which will be prescribed by law.

Art. 81. There shall be an incompatibility between the functions of a member of the House of Representatives, and all other public functions in the pay of government.

Art. 82. No motion can be discussed or adopted by the House of Representatives, but in observance of the following regulations:

Every motion shall be read three times before the House.

The interval between each reading cannot be less than five days; the discussion upon it shall be opened immediately after each reading: nevertheless, after the first and second reading the House can decide that there is room for postponement, or reject all deliberations upon it.

Every motion shall be notified to the members of the House two days before the second reading takes place.

Art. 83. After the third reading the House will decide whether there is room for postponement.

Art. 84. All motions submitted to the House for discussion, and definitely rejected after the third reading, cannot be proposed again till after the lapse of one year.

Art. 85. Motions acknowledged and declared urgent by a previous deliberation of the House, shall be exempt from the formalities prescribed by the preceding articles.

Art. 86. The House of Representatives shall send to the Senate, within twenty-four hours, the laws enacted by them, which cannot be put in force until after the concurrence of the Senate.

Art. 87. Any law rejected by the Senate can again be presented by the House after a delay of one year.

Art. 88. At any time a motion forming part of a project of law already rejected, can nevertheless be presented again in a new project.

Art. 89. The members of the House or of the Senate can at no time be prosecuted, accused, or impeached, for what they may have said or written while in the exercise of their official duties.

Art. 90. Any civil action can be instituted against the members of the House; but an order for imprisonment cannot be exercised against them.

Art. 91. For criminal deeds they can be seized in the act, but notice must be, without delay, given to the House; and the suit cannot be continued until it shall have ordered the prosecution to be carried on.

Art. 92. When not taken in the act, the members of the House of Representatives cannot be brought before the police, nor be put under arrest, until the House shall have ordered the prosecution.

Art. 93. In the case of the two preceding articles, a member of the House cannot be cited before any other tribunal than the Supreme Court.

Art. 94. They may be cited before the same court for treason, misdemeanor, plots to overthrow the Constitution, and designs against the interior safety of the Republic.

Art. 95. No denunciation against a member of the House can authorise a prosecution, if it is not reduced to writing, signed, and addressed to the House.

Art. 96. If after having taken the denunciation into consideration, according to the forms prescribed by article 79, the House admits it, it will be declared in these terms: "The denunciation against for having under date of signed by is admitted."

The culprit is then called; the House grants him a delay, and when he appears he is heard in the interior of the hall of the sittings.

Art. 97. Whether the culprit appears or not, after the delay, the House, upon examination of the facts, will declare whether there is cause or not for prosecution.

Art. 98. All deliberations concerning an accusation made against a member of the House shall be taken by ballot.

Art. 99. An accusation admitted against a member

of the House carries with it the suspension of his functions.

Art. 100. If he is acquitted by the court he shall resume his functions.

Senate.

Art. 101. The Senate shall be composed of twenty-four members, and shall never exceed that number.

Art. 102. The House of Representatives shall appoint the Senators, whose duties shall last nine years.

Art. 103. No one shall be admitted Senator under thirty years of age.

Art. 104. Every citizen can be eligibl to the office of Senator by his virtues, talents, and patriotism.

Art. 105. Military functions alone are not incompatible with those of a Senator.

Art. 106. A military man appointed Senator cannot pretend to the two offices; he will then choose between the indemnity of a Senator or that of his military rank.

Art. 107. At the session which shall precede the time of electing Senators, the executive will form a list of three candidates for every Senator to be elected, taken from the generality of the citizens, which it shall present to the House of Representatives.

Art. 108. The House shall elect from among the candidates thus proposed, the number of Senators required to form the Senate, and their election shall be made by ballot.

Art. 109. The same mode of election shall be used in case of death, resignation, &c. of the Senators, and the appointment to vacant seats shall be made within eight days at the furthest.

Art. 110. The Senate shall inform the President of Hayti of the election of the new Senators; who shall repair to the performance of their duties within fifteen days after the notification of their election.

Art. 111. The Senators thus to be elected can in no instance be taken from the members of the House then on duty.

Art. 112. A Senator cannot be re-elected except after an interval of three years.

Art. 113. The Constitution shall be deposited under the care of the Senate.

Art. 114. The Senate shall be permanent, and cannot adjourn during the session of the House of Representatives.

Art. 115. The sittings of the Senate are fixed at Port au Prince, except in the cases mentioned in article 76.

Art. 116. Their sittings are public, but they may sit with closed doors when they think it proper.

Art. 117. A majority of the members, when assembled, shall constitute the Senate.

Art. 118. The Senate shall by a message inform the executive of the opening of their sittings.

It informs by the same message the House of Representatives, and the President of Hayti, of the appointments to be made to fill vacancies of its body, by death, resignation, &c. of one or more of its members.

Art. 119. The Senate shall install its new members, and receive their oath of fidelity.

Art. 120. The Senators shall receive from the public Treasurer an annual compensation of sixteen hundred dollars.

Art. 121. The Senate shall correspond directly with the President of Hayti, on all that concerns the general administration of public business, but can in no instance make him accountable to their body for any acts of his administration.

Art. 122. All private correspondence respecting public affairs is prohibited between Senators and members of the House of Representatives.

Art. 123. It is the duty of the Senate alone to elect the President of Hayti: any other election is illegal, and an infringement of the Constitution.

Art. 124. The Senate, upon the denunciation of the executive, or of the House of Representatives, can issue warrants against accountable agents and members of the judiciary body; who cannot be judged by the ordinary tribunals without this formality.

Art. 125. The Constitution grants to the Senate the power of sanctioning or rejecting all treaties of peace, alliance, or commerce, concluded by the President of Hayti with foreign powers, as well as declarations of war.

Art. 126. The Senate decrees the sums which ought to be appropriated to each part of the public services from the budget presented by the Secretary of State.

Art. 127. Neither the Senate nor the House of Representatives can delegate the powers vested in them by the Constitution.

Neither can they interfere in judiciary causes, nor in the prerogatives of the executive authority.

Art. 128. The responsibility resting essentially on the Secretary of State, or on the other great functionaries, the Senate and the House of Representatives can call them to hear either on the acts of their administration, or on the inexecution of the laws which concern them.

The delinquent functionaries thus admitted by the present article, called by the Senate and representatives to give an account of their conduct, shall be heard in a committee of the whole; and if the result of their conduct proves a misdemeanour, embezzlement, or any other offence tending to overthrow the Constitution, and to endanger the safety of the state, the Senate shall issue a decree of accusation against them.

Art. 129. The said functionaries thus found guilty

are suspended from their functions, and referred to the supreme court, there to be judged according to law.

Art. 130. A functionary acquitted by the supreme court will immediately resume the exercise of his functions.

Art. 131. The Senators, and the members of the House, while on duty or not, ought to command the respect of the citizens.

The national and legislative guarantee, as well as their responsibility to the nation, is common to both houses, as provided in articles 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, and 100.

Art. 132. Every law submitted to the Senate by the House of Representatives shall undergo the formalities prescribed by articles 82, 83, 84, and 85.

Art. 133. All the laws concurred in by the Senate shall bear this preamble: "The Senate decrees the adoption of (such law, bearing such title) which shall be within twenty-four hours forwarded to the President of Hayti, to receive his sanction, according to the forms ordered by the Constitution."

Art. 134. In case of the rejection of a law by the Senate, proposed by the House of Representatives, the Senate shall not be obliged to explain their motives.

Art. 135. The Senate possesses the same power of police over its members as prescribed in article 77 for the members of the House of Representatives.

Art. 136. When the Senate shall adjourn, it will leave a permanent committee; and this committee cannot pass any decisive decree but for its convocation.

SECTION VI.

Promulgation of the laws.

Art. 137. The President of Hayti shall cause all the laws and decrees made by the legislative body to be sealed within two days after his sanction.

Art. 138. The promulgation of the laws and acts of the legislative body shall be made in the following words:

"In the name of the Republic, the President of Hayti orders that the present (law or decree) be invested with the seal of the Republic, published, and put into execution."

Art. 139. Every law is binding twenty-four hours after its promulgation for the capital; after three days for its district; after eight days for the other districts of the department, and after a month throughout the Republic.

Art. 140. In no instance shall the promulgation of the acts of the legislative body be suspended.

SECTION VII.

Executive power.

Art. 141. The executive power is vested in a magistrate, who assumes the title of President of Hayti.

Art. 142. The Presidency of Hayti is for life.

Art. 143. The President, before entering upon the duties of his office, shall take before the Senate the following oath:

"I swear, in presence of the nation, to fulfil the duties of President of Hayti, to maintain to the best of my power the Constitution, and to respect and cause to be respected, the rights and the independence of the people of Hayti."

Art. 144. If the President shall not have taken the afore-mentioned oath within fifteen days after the notice of his election, he shall be considered as having declined the appointment, and the Senate shall within twenty-four hours after proceed to a new election.

Art. 145. To be eligible to the Presidency a person must have reached the thirty-fifth year of his age.

Art. 146. Any citizen of the republic is eligible to the situation of President of Hayti.

Art. 147. In case of a vacancy of the Presidency by death, resignation, or removal from office, the Secretary or Secretaries of State in Council shall exercise the executive authority till the election of a new President.

Art. 148. If the Senate be not in session, its permanent committee shall call an extra session, in order to proceed without delay to the election of a President.

Art. 149. The President makes provision, according to law, for all that relates to the internal or external security of the republic.

Art. 150. He may issue proclamations, according to law, and for their execution.

Art. 151. He has the command of the sea and land forces.

Art. 152. He watches and causes to be executed the laws in every tribunal of justice, by delegates appointed by him, whom he can remove at will.

Art. 153. He can propose laws, those, however, excepted, which concern the assessment, quota, duration, and manner of collecting public taxes, and their increase or diminution; these are discussed, adopted or rejected by the Legislature, which, in case of rejection, gives its reasons for refusal.

Art. 154. The projects proposed by the President are reduced into articles, and at any time, even during their discussion, the President can withdraw them; he can modify and present them again at the ensuing session.

Art. 155. He can also conclude any treaty of commerce, alliance, or peace with foreign nations, as well as declare war; which, however, shall have no force till after having received the sanction of the Senate.

Art. 156. He can appoint agents near foreign powers or governments, whom he can recall at pleasure.

Art. 157. He will appoint all the civil and military

functionaries, and designate the place of their respective residence.

Art. 158. All exterior relations, and all that concerns them, belong exclusively to the President of Hayti.

Art. 159. If the President of Hayti is informed of any conspiracy against the interior security of the state, he can issue warrants of arrest against the authors and their accomplices; but he is obliged, under the penalties pronounced by law against arbitrary arrests, to refer them within two days to the competent tribunal for prosecution.

Art. 160. The President of Hayti shall be allowed annually the salary of forty thousand dollars.

Art. 161. The executive shall oversee the receipts and expenditures of the revenues, and give all necessary orders concerning them.

Art. 162. He will also, by agents appointed by him, watch over the mint.

Art. 163. The Senate alone has power to examine and decide upon the conduct of the President of Hayti.

Art. 164. The Constitution grants to the President of Hayti the right of pointing out the citizen who is to succeed him.

This choice shall be communicated to the Senate in the hand writing of the President, sealed and addressed to the Senate, which shall not be opened till after the vacancy of the Presidency.

This letter shall be deposited in a particular box, locked up with two different keys, one of which shall remain in the hands of the President of Hayti, and the other in those of the President of the Senate.

Art. 165. The President can at will withdraw his appointment and propose another, with the same formalities as before.

Art. 166. The Senate can admit or reject the person thus proposed by the President to succeed him; and in case of rejection the Senate will proceed within twenty-four hours to the election of a President.

Art. 167. There shall be attached to the President of Hayti, a Secretary-General, charged with personal concerns.

SECTION VIII.

Of the Judiciary Power.

Art. 168. A Chief Justice shall be appointed, charged with the administration of justice, and whose prerogatives shall be determined by law.

Art. 169. The judges cannot interfere in the exercises of the legislative functions, nor can they make any regulations.

Art. 170. They can neither retard nor suspend the execution of any law, nor call before their tribunals, on account of their functions, any officers of the administration.

Art. 171. The judges can be divested of nothing which the law assigns them, by any commission or any other privileges than those which are already determined by an anterior law.

Art. 172. The judges, the delegates of the executive and their substitutes, near the different tribunals, are paid by the state.

Art. 173. The judges cannot be removed but for trespasses in their functions, legally proved, nor suspended but by a well-grounded accusation.

Art. 174. The judges, the delegates of the executive, and their substitutes, cannot be called from their official duties for any other public services, except in case of imminent danger.

Art. 175. Connexions in direct line, as fathers, brothers, uncles, nephews, first cousins, and all the

connexions in these divers degrees, cannot, at the same time, be members of the same tribunal.

Art. 176. The sittings of the tribunals shall be public; the judges can deliberate in private; but the judgments shall be pronounced in a loud voice; they shall be explained.

Art. 177. No citizen, who shall not be at least twenty-five years of age, can hold the office of a judge or be appointed delegate of the executive.

Of Civil Justice.

Art. 178. The right of settling differences by arbitration shall be allowed to every citizen; each party concerned will appoint his arbiter, and these will then give their decision.

Art. 179. The decision of these arbiters shall be without appeal, unless the parties have previously agreed otherwise.

Art. 180. The legislative power shall determine by a law the number of justices of the peace and their assistants in each department.

Art. 181. The law also determines those cases in which there is no appeal from the decision of the justices of the peace, and their assistants, and points out to them others in which an appeal can be made.

Art. 182. The causes whose decision do not belong to the justices of the peace, can be brought before them for conciliation; and if the justice of the peace cannot reconcile them, he refers them to the civil tribunal.

Art. 183. The law shall determine the number of courts in each department, the places where they shall be held, the mode of their organization, and the extent of their jurisdiction.

Art. 184. There shall be attached to each civil tribunal a delegate of the executive, a substitute, and a recorder.

Art. 185. The decisions of the civil court are final in the cases determined by law, on the appeals from judgments, whether from justices of the peace, from arbiters, or courts of other tribunals.

Of Criminal Justice.

Art. 186. No person shall be apprehended but to be brought before a police officer; and no one shall be put under arrest, or detained by a writ issued by the police officers, or by the executive, as expressed in Article 159, or by virtue of a writ of habeas corpus issued by a court or by an order from the legislative authority; and in those cases which belong to its cognizance, or in virtue of a sentence of condemnation to prison.

Art. 187. In order to put in execution the act which orders the arrest, it is necessary, 1st, to express plainly the causes of the arrest and the law in conformity to which it is ordered: 2d, it must be notified to the person who is the object, and a copy left with him.

Art. 188. And person so seized and carried before the police officer, shall immediately be examined, or at least in the course of the same day at furthest.

Art. 189. If the result of the examination proves that there is no cause for accusation, the person so arrested shall immediately be released; and if there is cause for imprisonment, he or she shall be carried there as soon as possible, of which delay in no instance shall exceed three days.

Art. 190. No person arrested shall be detained, if a sufficient security be given in the cases in which the law admits a bail.

Art. 191. No person in cases in which his detention is authorized by law, can be detained or conducted to any other place than those legally and publicly appointed as prisons.

Art. 192. No keeper or gaoler can admit or detain any person, except by virtue of a writ in the forms prescribed in Articles 159 and 161 of a writ of habeas corpus, of a decree of accusation, or of a condemnation to prison, and without the transcription has been carried on his register.

Art. 193. Every keeper or gaoler shall be bound, and nothing can excuse him from it, to present the person detained to the civil officer having authority over the house of detention, whenever that officer may require it of him.

Art. 194. Interviews with the person detained cannot be prohibited to his relations and friends, bearing a permission from the officer, who shall always be allowed to grant it, except in cases in which the gaoler can present an express order from the judge, and inscribed on his register, ordering him to keep the prisoner in close confinement.

Art. 195. Every person, of whatever office or employment they may be, except those to whom the law grants the power of arrest, who shall give, sign, execute, or shall cause to be executed, an order of arrest against an individual, or whomsoever in cases even of arrest authorized by law, shall conduct, receive, or detain, any person in any place of confinement not publicly and legally appointed; and all keepers or gaolers who shall be guilty of infringing any of the preceding articles, shall be prosecuted as guilty of the crime of arbitrary detention.

Art. 196. All violence employed in arrests, detentions, or executions, other than those prescribed by law, are criminal.

Art. 197. The law shall determine the number of criminal courts in each department, the places where they shall be held, their mode of organization, and the extent of their jurisdiction.

Art. 198. Civil judges can exercise the functions of criminal judges.

Art. 199. The legislative body can regulate the trial by jury in criminal cases.

Art. 200. There shall be established a Court of Errors for the whole republic. Its mode of organization and prerogatives shall be determined by law.

Art. 201. The executive shall decide on the application of the interested parties, and without prejudice, of their respective rights, the acts and judgments in which the judges shall have exceeded their powers.

Art. 202. The Court of Errors shall annul all illegal decisions, and impeach the offenders, after having called and heard them.

Art. 203. This court cannot pronounce on the merits of the cause, but must refer it to the competent tribunal, which is to give its final decision.

Art. 204. Military offences shall be submitted to courts martial, and, under particular forms of judgment, determined by law.

Supreme Court.

Art. 205. There shall be a Supreme Court to pronounce on accusations admitted by the legislative authority, whether against its own members or against the President of Hayti, or against the Secretary or Secretaries of State, or any other high public officers.

Art. 206. The Supreme Court shall assemble only by virtue of a proclamation of the Senate.

Art. 207. It shall meet at the place which shall be assigned to it, which shall not be more than the distance of twelve leagues from that in which the Senate sits.

Art. 208. When the Senate shall have proclaimed the formation of the Supreme Court, it will be formed

out of a number of judges taken by vote in the different tribunals of the departments.

Their number cannot be less than fifteen, and the Chief Justice shall preside.

Art. 209. In case the Chief Justice shall be suspended by a decree of accusation, the President of Hayti shall appoint from among the great public functionaries, the one who shall preside in the Supreme Court.

Art. 210. The judgments rendered by the Supreme Court being without appeal, the accused shall have the right of challenging one-third of the members, and the judgments shall be rendered by the two-thirds.

SECTION IX.

Of the Armed Force.

Art. 211. The armed force must essentially be obedient; it can never have power to deliberate: and cannot be put in movement except for the maintainance of public order, for the protection of the citizens, and for the defence of the republic.

Art. 212. The army shall be divided into national guards, under pay, and a non-embodied national guard, without pay.

Art. 213. The non-embodied national guard shall never go out of the limits of its parish, except in cases of imminent danger, and under the command and responsibility of the military commander of the place.

Out of the limits of its parish, it shall be under pay, and be subject in those cases to military discipline; in all other circumstances it is only subject to the law.

Art. 214. The army shall be recruited after the mode prescribed by law.

SECTION X.

Of Agriculture and Commerce.

Art. 215. Agriculture, the chief source of prosperity to the states, shall be encouraged and protected.

Its increase and duration depend equally upon the confidence and justice which ought reciprocally to exist between the proprietor and the cultivator.

Art. 216. The police of the country shall be subject to particular laws.

Art. 217. Commerce, another great cause of prosperity to the nation, shall not be obstructed by shackles, but shall receive the greatest protection.

Art. 218. The person and commercial establishments of strangers shall be placed under the loyalty and safeguard of the nation.

SECTION XI.

Of the Secretary of State.

Art. 219. There shall be a Secretary of State appointed by the President of Hayti, who shall reside in the capital of the Republic.

Art. 220. The law shall fix the prerogatives and emoluments of the Secretary of State.

Art. 221. The detailed accounts concerning the public expenditures, signed and certified by the Secretary of State, shall be closed on the 31st December in each year, to be presented to the House of Representatives at the opening of each session.

The same shall be done with respect to the receipts of the different contributions, and all the public revenues of the state.

Art. 222. The accounts of the expenditures and receipts shall be specified according to their respective nature; they will show the sums received and expended, year by year, in each part of the general administration.

Art. 223. The Secretary of State and Chief Justice shall respectively be responsible for their neglect in the execution of the laws enacted by the legislative body, as well as for the acts of the executive authority.

Art. 224. These two great functionaries shall be the organs appointed to transmit the addresses from the executive to the Senate and House of Representatives.

Art. 225. On the representation of the President of Hayti the House of Representatives will appoint assistant Secretaries of State if the public service shall require it.

SECTION XII.

Revision of the Constitution.

Art. 226. Should experience prove the inconveniences of some articles of the Constitution, the Senate shall propose its revision.

Art. 227. After the expiration of nine years, at three different periods at least of three years each, when the Senate shall have demanded the revision of the Constitution, an assembly of revision shall then be convoked.

Art. 228. To elect the assembly of revision, the parishes will assemble in their respective places of election, and each will appoint an elector.

Art. 229. The electors thus chosen by their respective parishes shall meet within ten days after their election, at the chief city of their department, to constitute an electoral assembly.

Art. 230. The electoral assemblies shall appoint within ten days after their reunion the same number of members as their respective departments sends to the Senate.

Art. 231. The deputies elected to compose the assembly of revision shall assemble at the place designated by the Senate, there to proceed to the discussion of the articles of the Constitution, the revision of which shall have been demanded.

Art. 232. The place appointed for the sittings of the assembly of revision shall be twelve leagues from that in which the Senate holds its sittings.

Art. 233. The assembly of revision can change the place of its sittings appointed by the Senate, observing the required distance.

Art. 234. The citizens who shall be members of the Senate at the time of the convocation of the assembly of revision, cannot be appointed members of that assembly.

Art. 235. To entitle to a membership of the council of revision requires the necessary qualifications of a Senator.

Art. 236. The assembly of revision shall not exercise any of the functions assigned to the legislative or executive authorities; it will confine its labours solely to the constitutional articles which the Senate shall have pointed out to it.

Art. 237. All the articles of the Constitution, without exception, shall continue in force until the amendments proposed by the council of revision shall have been presented and adopted by the Senate.

Art. 238. The members of the council of revision shall deliberate together.

The deliberations shall be decided by the majority of votes.

This assembly shall immediately inform the Senate of the amendments made by them.

It shall be dissolved as soon as the amendments have been addressed to the Senate.

Art. 239. In no instance shall the sittings of the assembly of revision exceed three months.

Art. 240. The members of the assembly of revision cannot be called to an account, accused, or impeached, at any time, for what they may have said or written while in the exercise of their duties.

During the continuance of their functions, they cannot be sued, except by a decision of the members composing that same assembly of revision.

Art. 241. The council of revision shall exercise the power of police over the parish where they hold their sittings.

Art. 242. The members of the assembly of revision shall receive during their session the same treatment as the members of the Senate.

SECTION XIII.

Of the execution of the Constitution.

Art. 243. The Constitution shall immediately be put in force.

Art. 244. During the time that the members who shall have been appointed by the constitutional assembly meet at Port au Prince to the number prescribed by the Constitution, the constitutional assembly will form itself into a legislative body, and will exercise all the legislative acts ascribed to the Senate.

Art. 245. As soon as the Senators shall have assembled at Port au Prince, they shall give notice to the legislative assembly, who shall immediately dissolve.

N. B. Articles 80 and 201 are thus understood.

Art. 80. The members of the House of Representatives shall receive a compensation of two hundred dollars per month during their session, and a dollar for every league they travel to reach the seat of government; which compensation is at the expense of their respective counties according to the mode which shall be established by law.

Art. 201. The executive shall denounce to that court, without prejudice to the parties interested, the acts and judgments in which those judges shall have exceeded their powers.

(Signed by the President and members of the Assembly.)

The revision took place at Grand Goave, June 2d, 1816. Year 13th.

The assembly of revision considering its official duties accomplished, declares itself dissolved: in consequence it decrees that the deputies Boisrond, Eloy, and Brice, are appointed to present to the Haytian Senate the present act of revision.

At Grand Goave, June 2d, 1816. Year 13th of independence.

(Signed) A. D. LABOURIN, President.

LA FARGUE and DOUGE, Secretaries.

Copy compared with the original, deposited, and registered in the public records.

At the National-house of Port au Prince, June 23d, 1816. Year 13th of the independence of Hayti.

(Signed) I. B. BAYARD, President.

P. SIMON, Secretary.

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To Mr. Oc^{nd} Mr.
Burgess By John G.
Paul Oct. 28. 1818.