

# The Constitution of 1791

National Assembly

*September 3, 1791*

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## [Preamble]

The National Assembly, wishing to establish the French Constitution upon the principles it has just recognized and declared, abolishes irrevocably the institutions which were injurious to liberty and equality of rights.

Neither nobility, nor peerage, nor hereditary distinctions, nor distinctions of orders, nor feudal regime, nor patrimonial courts, nor any titles, denominations, or prerogatives derived therefrom, nor any order of knighthood, nor any corporations or decorations requiring proofs of nobility or implying distinctions of birth, nor any superiority other than that of public functionaries in the performance of their duties any longer exists.

Neither venality nor inheritance of any public office any longer exists.

Neither privilege nor exception to the law common to all Frenchmen any longer exists for any part of the nation or for any individual.

Neither jurandes nor corporations of professions, arts, and crafts any longer exist.

The law no longer recognizes religious vows or any other obligation contrary to natural rights or the Constitution.

## TITLE I

### FUNDAMENTAL PROVISIONS GUARANTEED BY THE CONSTITUTION

The Constitution guarantees as natural and civil rights:

1st, That all citizens are admissible to offices and employments, without other distinction than virtues and talents;

2nd, That all taxes shall be assessed equally upon all citizens, in proportion to their means;

3rd, That similar offences shall be punished with similar penalties, without any distinction of persons.

The Constitution guarantees likewise as natural and civil rights:

Liberty to every man to come and go without being subject to arrest or detention, except according to the forms determined by the Constitution;

Liberty to every man to speak, write, print, and publish his opinions without having his writings subject to any censorship or inspection before their publication, and to worship as he pleases;

Liberty to citizens to assemble peaceably and without arms in accordance with police regulations;

Liberty to address individually signed petitions to the constituted authorities.

The legislative power may not make any laws which infringe upon or obstruct the exercise of the natural and civil rights recorded in the present title and guaranteed by the Constitution; but, since liberty consists of being able to do only whatever is not injurious to the rights of others or to public security, the law may establish penalties for acts which, assailing either public security or the rights of others, might be injurious to society.

The Constitution guarantees the inviolability of property, or a just and previous indemnity for that of which a legally established public necessity requires the sacrifice. Property reserved for the expenses of worship and for all services of public benefit belongs to the nation, and is at its disposal at all times. The Constitution guarantees conveyances which have been or may be made according to the forms established by law.

Citizens have the right to elect or choose the ministers of their religions.

A general establishment for public relief shall be created and organized to raise foundlings, relieve the infirm poor, and furnish work for the able-bodied poor who have been unable to procure it for themselves.

Public instruction for all citizens, free of charge in those branches of education which are indispensable to all men, shall be constituted and organized, and the establishments thereof shall be apportioned gradually, in accordance with the division of the kingdom.

National festivals shall be instituted to preserve the memory of the French Revolution, to maintain fraternity among the citizens, and to bind them to the Constitution, the Patrie, and the laws.

A code of civil law common to the entire kingdom shall be drafted.

## TITLE II OF THE DIVISION OF THE KINGDOM AND OF THE STATUS OF CITIZENS

1. The kingdom is one and indivisible; its territory is divided into eighty-three departments, every department into districts, every district into cantons.

2. The following are French citizens:

Those born in France of a French father;

Those who, born in France of a foreign father, have established their residence in the kingdom;

Those who, born in a foreign country of a French father, have established themselves in France and have taken the civic oath;

Finally, those who, born in a foreign country and descended in any degree whatsoever from a French man or a French woman expatriated because of religion, come to reside in France and take the civic oath.

3. Those who, born outside the kingdom, of foreign parents, reside in France become French citizens after five years of continuous domicile in the kingdom if, in addition, they have acquired real estate, married a French woman, or founded an agricultural or commercial establishment, and if they have taken the civic oath.
4. The legislative power may, for important reasons, bestow naturalization upon a foreigner, without other qualifications than establishment of a domicile in France and taking of the civic oath therein.
5. The civic oath is: I swear to be faithful to the nation, to the law, and to the King, and to maintain with all my power the Constitution of the kingdom, decreed by the National Constituent Assembly in the years 1789, 1790, and 1791.
6. French citizenship is lost:
  - 1st, By naturalization in a foreign country;
  - 2nd, By condemnation to penalties which entail civic degradation, as long as the condemned person is not reinstated;
  - 3rd, By a judgment of contempt of court, as long as the judgment is not rescinded;
  - 4th, By affiliation with any foreign order of knighthood, or with any foreign corporate body which implies either proofs of nobility or distinctions of birth, or which requires religious vows.
7. The law considers marriage only as a civil contract. The legislative power shall establish for all inhabitants, without distinction, the method by which births, deaths, and marriages are to be declared, and it shall designate the public officials who are to receive and preserve the records therefor.
8. French citizens, considered with respect to local relations which derive from their association in cities and in certain arrondissements of rural territory, constitute the communes. The legislative power may establish the extent of the arrondissement of every commune.
9. The citizens composing a commune have the right to elect at stated times, according to the forms determined by law, those among them who, under the title of municipal officials, are responsible for administering the immediate affairs of the commune. Some functions relative to the general interest of the State may be delegated to the municipal officials.
10. The rules which municipal officials are required to follow in the performance of their municipal duties and of those delegated to them for the general welfare shall be established by

law.

### TITLE III OF PUBLIC POWERS

1. Sovereignty is one, indivisible, inalienable, and imprescriptible. It appertains to the nation; no section of the people nor any individual may assume the exercise thereof.
2. The nation, from which alone all powers emanate, may exercise such powers only by delegation. The French Constitution is representative; the representatives are the legislative body and the King.
3. The legislative power is delegated to a National Assembly, composed of temporary representatives freely elected by the people, to be exercised by it, with the sanction of the King, in the manner hereinafter determined.
4. The government is monarchical; the executive power is delegated to the King, to be exercised, under his authority, by ministers and other responsible agents in the manner hereinafter determined.
5. The judicial power is delegated to judges who are elected at stated times by the people.  
[...]

#### **Section 2. Primary Assemblies—Selection of the Electors**

1. In order to constitute the National Legislative Assembly, the active citizens shall meet every two years in primary assemblies in the cities and cantons. The primary assemblies shall be formed, without need of sanction, on the second Sunday in March, if they have not been convoked previously by the public functionaries determined by law.
2. In order to be an active citizen it is necessary:
  - To have been born, or to become, a Frenchman;
  - To be fully twenty-five years of age;
  - To be domiciled in the city or canton for the period determined by law;
  - To pay, in any part of the kingdom whatsoever, a direct tax equal at least to the value of three days' labor, and to present the receipt therefor;
  - Not to be in a position of domesticity, that is to say, a servant for wages;
  - To be, inscribed upon the roll of the National Guard in the municipality of his domicile;
  - To have taken the civic oath.
3. Every six years the legislative body shall establish the minimum and maximum of the value of a day's labor, and the departmental administrators shall effect the local determination thereof for every district.

4. No one may exercise the rights of active citizenship in more than one place or by proxy.

5. The following are excluded from the enjoyment of the rights of active citizenship:

Those who are under indictment;

Those who, having been proved by authentic evidence to be bankrupt or insolvent, do not produce a general release from their creditors.

6. The primary assemblies shall choose electors in proportion to the number of active citizens domiciled in the city or canton.

One elector shall be chosen for every hundred active citizens, present or not, at the assembly.

Two shall be chosen for from 151 to 250, and so on.

7. No one may be chosen as an elector if, in addition to the qualifications necessary for active citizenship, he does not fulfill the following requirements:

In cities of more than 6,000 inhabitants, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the local value of 200 days' labor, or of being tenant of a dwelling assessed on said same rolls at a revenue equal to the value of 150 days' labor;

In cities of fewer than 6,000 inhabitants, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the local value of 150 days' labor, or of being tenant of a dwelling assessed on said same rolls at a revenue equal to the value of 100 days' labor;

And in rural districts, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the local value of 150 days' labor, or of being farmer or métayer of properties assessed on said same rolls at the value of 400 days' labor.

With regard to those who are at the same time proprietors or usufructuaries on the one hand, and tenants, farmers, or métayers on the other, their revenues from such divers titles shall be cumulated up to the rate necessary to establish their eligibility.

### **Section 3. Electoral Assemblies—Election of Representatives**

1. The electors chosen in each and every department shall assemble to elect the number of representatives whose election is assigned to their department, and a number of substitutes equal to one-third of that of the representatives...

2. The representatives and the substitutes shall be elected by absolute majority of votes, and they may be chosen only from among the active citizens of the department.

3. All active citizens, whatever their position, profession, or tax, may be elected representatives of the nation.

4. Ministers and other agents of the executive power who are revocable at will, commissioners of the National Treasury, collectors and receivers of direct taxes, supervisors of the collection and administration of indirect taxes and national domains, and those who; under any denomination whatsoever, are connected with the military and civil household of the King shall be obliged to choose between their offices and that of representative. Administrators, subadministrators, municipal officials, and commandants of the National Guards likewise shall be required to make their choice.

5. The performance of judicial duties is incompatible with those of representative of the nation, throughout the entire duration of the legislature.

Judges shall be replaced by their substitutes, and the King shall provide, by warrants of commission, for the replacement of his Commissioners at the courts.

6. The members of the legislative body may be re-elected to the following legislature, but thenceforth they may be elected only after an interval of one legislature.

7. The representatives elected in the departments shall not be representatives of a particular department, but of the entire nation, and no mandate may be given them.

[...]

## CHAPTER II

### Of Monarchy, the Regency, and the Ministers

#### **Section 1. Monarchy and the King**

1. Monarchy is indivisible, and is delegated hereditarily to the reigning family, from male to male, by order of primogeniture, to the perpetual exclusion of women and their descendants.

2. The person of the King is inviolable and sacred; his only title is King of the French.

3. There is no authority in France superior to that of the law; the King reigns only thereby, and only in the name of the law may he exact obedience.

4. On his accession to the throne, or as soon as he has attained his majority, the King, in the presence of the legislative body, shall take oath to the nation to be faithful to the nation and to the law, to employ all the power delegated to him to maintain the Constitution decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, and to have the laws executed. If the legislative body be not in session, the King shall have a proclamation published, in which said oath, and the promise to reiterate it as soon as the legislative body has assembled, shall be set forth.

5. If, one month after the invitation of the legislative body, the King has not taken said oath, or if, after having taken it, he retracts it, he shall be deemed to have abdicated the throne.

6. If the King places himself at the head of an army and directs the forces thereof against the nation, or if he does not, by a formal statement, oppose any such undertaking carried on in his name, he shall be deemed to have abdicated the throne.

7. If the King, having left the kingdom, does not return after invitation has been made by the legislative body, and within the period established by proclamation, which may not be less than two months, he shall be deemed to have abdicated the throne. The period shall date from the day of publication of the proclamation of the legislative body in the place of its sessions; and the ministers shall be required, on their responsibility, to perform all acts of the executive power, exercise of which by the absent King shall be suspended.

8. After express or legal abdication, the King shall be classed as a citizen, and as such he may be accused and tried for acts subsequent to his abdication.

[...]

## **Section 2. The Regency**

1. The King is a minor until he is fully eighteen years of age, and during his minority there shall be a regent of the kingdom.

2. The regency appertains to the kinsman of the King nearest in degree, according to the order of succession to the throne, and fully twenty-five years of age, provided that he is a native Frenchman, that he is not heir presumptive to another crown, and that he has previously taken the civic oath. Women are excluded from the regency.

3. If a minor king has no kinsman who combines the qualifications above stated, the regent of the kingdom shall be elected as provided in the following articles.

4. The legislative body may not elect the regent.

5. The electors of each and every district shall meet at the chief town of the district, following a proclamation made in the first week of the new reign by the legislative body, if it is in session; and if it is in recess, the Minister of Justice shall be required to make such proclamation within the same week.

6. The electors in each and every district shall elect, by individual ballot and absolute majority of votes, an eligible citizen domiciled in the district, to whom they shall give, by the procès-verbal of the election, a special mandate limited to the single function of electing the citizen whom he, in his mind and conscience, deems the most worthy of being regent of the kingdom.

7. The mandatory citizens elected in the districts shall be required to assemble, not later than forty days after the accession of the minor King to the throne, in the city where the legislative body holds its sessions; and there they shall form the electoral assembly, which shall proceed to the election of the regent.

8. The election of the regent shall be effected by individual ballot and absolute majority of votes.  
[...]

14. As soon as the regent has taken oath, the legislative body shall determine his stipend, which may not be changed throughout the duration of the regency.

[...]

17. The custody of the minor King shall be entrusted to his mother; and if he has no mother, or if she has remarried at the time of her son's accession to the throne, or if she remarries during the minority, the custody shall be conferred by the legislative body. Neither the regent, his descendants, nor women may be elected to the custody of the minor King.

[...]

#### **Section 4. The Ministers**

1. The choice and dismissal of ministers appertains solely to the King.

2. The members of the present National Assembly and of subsequent legislatures, the members of the Court of Cassation and those who serve on the Grand Jury may not be promoted to the ministry or receive any positions, gifts, pensions, stipends, or commissions from the executive power or its agents throughout the duration of their functions, or for two years after having ceased the performance thereof. The same shall apply to those who are merely enrolled on the list of the Grand Jury, throughout the entire duration of their enrollment.

3. No one may enter upon the duties of any office, either in the bureaux of the ministry or in those of the management or administration of public revenues, or, in general, any employment at the disposal of the executive power, without taking the civic oath or proving that he has taken it.

4. No order of the King may be executed unless it has been signed by him and countersigned by the minister or administrator of the department [of government].

5. The ministers are responsible for all offences committed by them against national security and the Constitution;

For every attack upon property and individual liberty;

For all dissipation of revenues reserved for the expenses of their department.

6. In no case may an order of the King, verbal or written, exempt a minister from his responsibility.
7. Ministers are required to present to the legislative body annually, at the opening of the session, an estimate of the expenditures that are to be made in their department, to render account of the use of the sums intended therefor, and to indicate whatever abuses have appeared in the several branches of the government.
8. No minister, in office or out of office, may be prosecuted criminally because of his administration, without a decree of the legislative body.

### CHAPTER III Of the Exercise of the Legislative Power

#### **Section 1. Powers and Functions of the National Legislative Assembly**

1. The Constitution delegates to the legislative body exclusively the following powers and functions:

- 1st, Proposal and enactment of laws; the King may only invite the legislative body to take a matter under consideration;
- 2nd, Establishment of public expenditures;
- 3rd, Establishment of public taxes, and determination of the nature, quota, duration, and method of collection thereof;
- 4th, Assessment of the direct tax among the departments of the kingdom, supervision of the use of all public revenues, and having account rendered thereof;
- 5th, Ordering the creation or suppression of public offices;
- 6th, Determination of the title, weight, stamp, and denomination of monies;
- 7th, Permission or prohibition of the introduction of foreign troops upon French territory and of foreign naval forces into the ports of the kingdom;
- 8th, Legislation annually, upon the proposal of the King, concerning the number of men and vessels of which the land and naval forces are to be composed, the pay and number of persons of every rank, the rules for admission and promotion, the forms of enrollment and discharge, the formation of ship crews, the admission of foreign troops or naval forces into the service of France, and the stipend of troops in case of demobilization;
- 9th, Legislation concerning the administration and ordering the alienation of the national domains;
- 10th, Prosecution, before the National High Court, of the responsibility of ministers and of the principal agents of the executive power; accusation and prosecution, before said same court, of those charged with attacks upon and conspiracy against the general security of the State or against the Constitution;
- 11th, Establishment of laws according to which purely personal tokens of honor or decorations shall be granted to those rendering services to the State;

12th, The legislative body alone has the right to award public honors to the memory of great men.

2. War may be declared only by a decree of the legislative body, rendered upon the formal and requisite proposal of the King, and sanctioned by him.

In case of imminent or actual hostilities, or of an ally to be supported or a right to be maintained by force of arms, the King shall immediately notify the legislative body thereof and shall make known the causes therefor. If the legislative body is in recess, the King shall convoke it immediately.

If the legislative body decides that war is not to be made, the King shall take measures immediately to effect the cessation or prevention of hostilities, the ministers remaining responsible for delays.

If the legislative body finds that the hostilities commenced are a culpable aggression on the part of the ministers, or of any other agent of the executive power, the perpetrator of the aggression shall be prosecuted criminally.

Throughout the entire course of the war the legislative body may request the King to negotiate peace; and the King is required to comply with such request.

As soon as the war has ended, the legislative body shall establish the period within which the troops raised in excess of the peace footing shall be demobilized and the army reduced to its ordinary footing.

3. Ratification of treaties of peace, alliance, and commerce appertains to the legislative body; and no treaty shall be effective without such ratification.

4. The legislative body has the right to determine the place of its sessions, to continue them as long as it deems necessary, and to adjourn itself. If it is not assembled at the beginning of every reign, it shall be required to convene without delay.

It has the right of police in the place of its sessions and over the external precincts determined by it.

It has the right of discipline over its members; but it may not pronounce punishment more severe than censure, arrest for a week, or imprisonment for three days.

It has the right, for its security and for the maintenance of the respect due it, to dispose of the forces which, with its consent, are established in the city where it holds its sessions.

5. The executive power may not have any body of troops of the line pass or sojourn within a distance of 30,000 toises of the legislative body, except upon its requisition or with its authorization.

## **Section 2. Holding of Sessions and Form of Deliberation**

1. The deliberations of the legislative body shall be public, and the procès-verbaux of its sessions shall be printed.

2. Nevertheless, the legislative body may at any time form itself into Committee of the Whole. Fifty members shall have the right to require this.

Throughout the duration of the Committee of the Whole, spectators shall retire, the chair of the president shall be vacant, and order shall be maintained by the vice-president.

3. No legislative act may be deliberated upon and enacted except in the following form.

4. There shall be three readings of the draft decree at three intervals, each of which may not be less than a week.

5. The discussion shall open after each reading; nevertheless, after the first or second reading, the legislative body may declare that there is ground for adjournment or that there is no need for deliberation; in the latter case, the draft decree may be presented again in the same session.

Every draft decree shall be printed and distributed before the second reading may be given.

6. After the third reading, the president shall be required to bring the matter under deliberation, and the legislative body shall decide whether it is ready to render a definitive decree or whether it wishes to postpone the decision in order to obtain further elucidation.

7. The legislative body may not deliberate unless the sitting is composed of at least two hundred members, and no decree may be passed except by absolute majority of votes.

8. No proposed law which, submitted to discussion, has been rejected after the third reading may be presented again during the same session.

9. The preamble of every definitive decree shall state:

1st, the dates of the sessions at which the three readings of the project have taken place;

2nd, the decree by which, after the third reading, it has been resolved to decide definitively.

10. The King shall refuse to sanction a decree the preamble of which does not attest observation of the above forms; if any such decrees be sanctioned the ministers may not seal or promulgate them, and their responsibility in this connection shall continue for six years.

11. Decrees recognized and declared urgent by a previous deliberation of the legislative body are excepted from the above provisions; but they may be modified or revoked in the course of the same session.

The decree by which a matter is declared urgent shall state the motives therefor, and mention shall be made of such previous decree in the preamble of the definitive decree.

### **Section 3. Royal Sanction**

1. The decrees of the legislative body are presented to the King, who may refuse his consent thereto.

2. In case the King refuses his consent, such refusal shall be only suspensive. When the two legislatures following the one in which the decree was introduced have again successively presented the same decree in the same terms, the King shall be deemed to have given his sanction.

3. The consent of the King to every decree is expressed by the following formula, signed by the King:

The King consents and will have executed.

The suspensive refusal is expressed thus:

The King will examine.

4. The King is required to express his consent to, or refusal of, every decree within two months of its presentation.

5. No decree to which the King has refused his consent may be presented to him again by the same legislature.

6. Decrees sanctioned by the King and those presented by three consecutive legislatures shall have the force of law and shall bear the name and title of laws.

7. Nevertheless, the following shall be executed as laws without being subject to sanction:

Acts of the legislative body concerning its constitution in deliberative assembly;

Its internal police, and that which it may exercise in the external precincts it has determined;

Verification of the powers of its members present; Injunctions to absent members;

Convocation of tardy primary assemblies;

Exercise of constitutional police over administrators and municipal officials;

Questions of eligibility or of the validity of elections.

Likewise, neither acts relative to the responsibility of ministers nor decrees showing that there is cause for accusation are subject to sanction.

8. Decrees of the legislative body concerning the establishment, prorogation, and collection of the public taxes shall bear the name and the title of laws. They shall be promulgated and executed without being subject to sanction, except for provisions establishing penalties other than fines and pecuniary restraints.

Said decrees may be rendered only after observing the formalities prescribed by articles 4, 5, 6, 7, 8, and 9 of section 2 of the present chapter; and the legislative body may not insert therein any provisions foreign to their purpose.

#### **Section 4. Relations of the Legislative Body with the King**

1. When the legislative body is definitively constituted, it shall send a deputation to the King to inform him of such fact. Every year the King may open the session and propose the matters which he believes ought to be taken under consideration during the course thereof; nevertheless, such formality need not be considered necessary for the functioning of the legislative body.
2. When the legislative body wishes to adjourn for more than two weeks, it is required to inform the King thereof, at least a week in advance, by a deputation.
3. At least a week before the end of every session, the legislative body shall send a deputation to the King to announce the day on which it proposes to terminate its sittings. The King may come to close the session.
4. If the King finds it important for the welfare of the State that the session be continued, or that adjournment not take place or be only for a shorter time, he may send a message to that effect, upon which the legislative body is required to deliberate.
5. The King shall convoke the legislative body during the interval of its sessions whenever the interest of the State appears to him, to require it, as well as in cases anticipated and determined by the legislative body before its adjournment.

[...]

10. The ministers of the King shall have entrée to the National Legislative Assembly; they shall have a designated place therein. They shall be heard, whenever they request it, concerning matters relative to their administration, or when they are required to give elucidations.

Likewise, they shall be heard on matters not related to their administration when the National Assembly grants them permission to speak.

### **CHAPTER IV**

#### **Of the Exercise of the Executive Power**

1. The supreme executive power resides exclusively in the hands of the King.

The King is the supreme head of the general administration of the kingdom; the task of supervising the maintenance of public order and tranquillity is entrusted to him.

The King is the supreme head of the army and navy.

The task of watching over the external security of the kingdom and of maintaining its rights and possessions is delegated to the King.

2. The King appoints ambassadors and other agents of political negotiations...
3. The King has letters patent, warrants, and commissions delivered to public functionaries or others who are to receive them.

4. The King has the list of pensions and gratuities drawn up in order to be presented to the legislative body at each of its sessions, and decreed if necessary.

### **Section 1. Promulgation of Laws**

1. The executive power is charged with having the laws sealed with the seal of State, and with having them promulgated.

It is likewise charged with having promulgated and executed acts of the legislative body which do not require the sanction of the King.

2. Two original copies of every law shall be made, both signed by the King, countersigned by the Minister of Justice, and sealed with the seal of State. One shall remain deposited in the archives of the Seal, and the other shall be placed in the archives of the legislative body.

...

5. The executive power is required to dispatch the laws to the administrative bodies and the courts, to have such dispatch certified, and to give proof thereof to the legislative body.

6. The executive power may not make laws, even provisional ones, but only proclamations, in conformity with the laws, in order to decree them or to recall their observance.

### **Section 2. Internal Administration**

1. In each and every department there shall be a superior administration, and in each and every district a subordinate administration.

2. The administrators have no representative character. They are agents, elected at stated times by the people to perform administrative duties under the supervision and authority of the King.

3. They may not interfere with the exercise of the legislative power, suspend the execution of laws, or encroach in any manner upon the judicial order or upon military arrangements or operations.

4. The administrators are essentially responsible for assessing the direct taxes and supervising the income deriving from all public taxes and revenues in their territory. Determination of the rules and method of their functions in the aforementioned matters, as well as in all other aspects of the internal administration, appertains to the legislative power.

5. The King has the right to annul acts of departmental administrators which are contrary to law or to orders he has addressed to them. He may suspend them from office in case of persistent disobedience, or if their actions compromise public security or tranquillity.

6. The departmental administrators, likewise, have the right to annul acts of district subadministrators which are contrary to law, to decrees of the departmental administrators, or to orders which these latter have given or dispatched to them. Likewise, they may suspend subadministrators from office in case of persistent disobedience, or if these latter compromise

public security or tranquillity by their acts, provided that notification thereof be given the King, who may annul or confirm the suspension.

7. When departmental administrators have not used the power delegated to them in the preceding article, the King may annul directly the acts of subadministrators and suspend them in the same cases.

8. Whenever the King has pronounced or confirmed the suspension of administrators or subadministrators, he shall notify the legislative body thereof. Said body may annul or confirm the suspension, or even dissolve the guilty administration and, if necessary, may send all the administrators, or any of them, to the criminal courts, or bring writ of indictment against them.

### **Section 3. Foreign Relations**

1. The King alone may maintain political relations abroad, conduct negotiations, make preparations for war in proportion to those of neighboring states, allocate land and sea forces as he deems advisable, and regulate the direction thereof in case of war.

2. Every declaration of war shall be made in these terms: On the Part of the King of the French, in the name of the Nation.

3. Conclusion and signature, with all foreign powers, of all treaties of peace, alliance, and commerce, and other conventions that he deems necessary for the welfare of the State appertain to the King, subject to ratification by the legislative body.

## **CHAPTER V** **Of the Judicial Power**

1. Under no circumstances may the judicial power be employed by the legislative body or the King.

2. Justice shall be rendered gratuitously by judges elected at stated times by the people and instituted by letters patent of the King, who may not refuse them.

They may not be removed except for duly determined forfeiture or suspended except by acknowledged indictment.

The public prosecutor shall be chosen by the people.

3. The courts may not interfere with the exercise of the legislative power, suspend the execution of laws, encroach upon administrative functions, or summon administrators before them for reasons connected with their duties.

4. No commission or other attributions and evocations than those determined by law may deprive citizens of the judges legally assigned to them.

5. The right of citizens to terminate their disputes definitively by means of arbitration may not be impaired by acts of the legislative power.

6. The ordinary courts may not entertain any civil action unless proof be given that the parties have appeared, or that the plaintiff has summoned his adversary, before mediators to obtain conciliation.

7. In cantons and cities there shall be one or more justices of the peace. The number thereof shall be determined by the legislative power.

8. Regulation of the number and jurisdiction of the courts and the number of judges of which every court is composed appertains to the legislative power.

9. No citizen may be tried in criminal matters except upon an indictment received by the jurors or issued by the legislative body in cases where prosecution of the indictment appertains thereto.

After the indictment is admitted, the fact shall be recognized and declared by the jurors.

The accused shall have the privilege of rejecting up to twenty of same without specifying reasons.

The jurors who declare the fact may not be fewer than twelve in number.

Application of the law shall be made by the judges.

Inquiry shall be public, and the assistance of counsel may not be refused the accused.

No man acquitted by a legal jury may be apprehended or accused again for the same act.

10. No man may be arrested except to be brought before police officers; and no one may be placed under arrest or detained except by virtue of a warrant from police officers, an order of arrest from a court, a writ of indictment from the legislative body in case pronouncement thereof appertains to it, or of a sentence of condemnation to prison or correctional detention

11. Every man arrested and brought before the police officer shall be examined immediately, or within twenty-four hours at the latest. If the examination shows that there is no ground for inculpation against him, he shall be set at liberty immediately; or if it is necessary to send him to jail, he shall be taken there as soon as possible, and within three days at most.

12. In any case in which the law permits his remaining free under bail, no arrested man may be confined if he provides sufficient bail.

13. In case his detention is authorized by law, no man may be brought to or confined in any places other than those legally and publicly designated to serve as jail, courthouse, or prison.

14. No custodian or jailer may receive or detain any man except by virtue of a warrant or order of arrest, writ of indictment, or sentence mentioned in article 10 above, and unless a transcript thereof has been made upon his register.

15. Every custodian or jailer is required to present the person of the prisoner to the civil official in charge of the jail, whenever said official requires it; and no order may grant dispensation therefrom.

Likewise, the presentation of the person of the prisoner may not be refused his kinsmen and friends bearing an order from the civil official, who shall always be required to grant it, unless the custodian or jailer presents an order of the judge, transcribed upon his register, to hold the accused incommunicado.

16. Any man, whatever his position or employment, other than those to whom the law gives the right of arrest, who gives, signs, executes, or has executed an order to arrest a citizen, or anyone who, even in the case of arrest authorized by law, conducts, receives, or retains a citizen in a place of detention not publicly and legally designated as such, and any custodian or jailer who contravenes the provisions of articles 14 and 15 above shall be guilty of the crime of arbitrary imprisonment.

17. No man may be questioned or prosecuted because of writings he has had printed or published concerning any matter whatsoever, unless he has intentionally incited disobedience to the law, disparagement of the constituted authorities, resistance to their acts, or any of the acts declared crimes or offences by law.

Censure of acts of the constituted authorities is permitted; but intentional calumnies against the probity of public functionaries and the rectitude of their intentions in the performance of their duties may be prosecuted by those who are the object thereof.

Calumnies and insults against any persons whomsoever relative to their private life shall be punished when suit is entered thereby.

18. No one may be tried, by either civil or criminal procedure, for printed or published writings, unless a jury has recognized and declared: 1st, whether an offence is contained therein; 2nd, whether the accused is guilty.

19. A single Court of Cassation for the entire kingdom shall be established near the legislative body. Its functions shall be to pronounce:

Upon petitions in cassation against judgments rendered in the last resort by the courts;

Upon petitions for removal from one court to another because of legitimate suspicion;

Upon rulings of judges and suits against an entire court.

20. In matters of cassation the Court of Cassation may never have cognizance of the basis of suits; but after having quashed the judgment rendered upon a proceeding in which forms have been violated, or which contains an express contravention of the law, it shall refer the basis of the trial to the court which is to have cognizance thereof.

21. When, after two cassations, the judgment of the third court is protested in the same manner as the first two, the question may not be discussed further in the Court of Cassation without having been submitted to the legislative body, which shall pass a decree declaratory of the law, to which the Court of Cassation shall be required to conform.

22. The Court of Cassation shall be required to send annually to the bar of the legislative body a deputation of eight of its members, who shall present thereto a statement of the judgments rendered, accompanying each of which shall be an abridged account of the suit and the text of the law determining the decision.

23. A National High Court, composed of members of the Court of Cassation and Grand Jurors, shall have cognizance of offences of ministers and principal agents of the executive power, and of crimes against the general security of the State, when the legislative body has rendered a writ of indictment.

It shall assemble only upon proclamation of the legislative body, and at a distance of at least 30,000 toises from the place where the legislative body holds its sessions.

24. Executory writs of judgments of courts shall be expressed as follows

“N. (the name of the King), by the grace of God and the constitutional law of the State, King of the French, to all here and hereafter, greeting. The court of has rendered the following judgment:

(Here the judgment, containing the names of the judges, shall be copied.)

“We command and order all bailiffs, upon this requisition, to execute the said judgment, our commissioners at the courts to take it in hand, and all commandants and officers of the public force to lend assistance when legally required so to do. In testimony whereof, the present judgment has been signed by the president and the clerk of the court.”

25. The functions of the King’s Commissioners at the courts shall be to require observation of the laws in the rendering of judgments, and the execution of judgments rendered.

They shall not be public prosecutors, but they shall be heard in all indictments, and shall require regularity of forms during the course of the proceedings and application of the law before the sentence.

26. The King’s Commissioners at the courts shall denounce to the foreman of the jury, either ex-officio or according to orders given them by the King:

Attacks upon the individual liberty of citizens, the free circulation of provisions and other articles of commerce, and the collection of taxes;

Offences whereby the execution of orders given by the King in the performance of the functions delegated to him is disturbed or obstructed;

Attacks upon international law;

And resistance to the execution of judgments and of all executory acts emanating from the constituted authorities.

27. The Minister of Justice shall denounce to the Court of Cassation, through the King's Commissioner and without prejudice to the right of the interested parties, acts whereby judges have exceeded the limits of their power.

The court shall annul them; and if they occasion forfeiture, the fact shall be communicated to the legislative body, which shall render writ of indictment if necessary, and shall send the accused before the National High Court.

#### TITLE IV OF THE PUBLIC FORCE

1. The public force is instituted to defend the State against enemies from abroad, and to assure the maintenance of order and the execution of the laws within.

2. It is composed:

    Of the land and sea forces;

    Of troops specially intended for internal service;

    And, subsidiarily, of the active citizens who are inscribed on the roll of the National Guard, and those of their children who are capable of bearing arms.

3. The National Guards are neither a military body nor an institution within the State; they are the citizens themselves, summoned to the service of the public force.

[...]

6. The officers are elected at stated times, and they may be reelected only after an interval of service as soldiers.

    No one shall command the National Guard of more than one district.

7. All branches of the public force employed for the security of the State against enemies from abroad shall act under the orders of the King:

8. No body or detachment of troops of the line may act in the interior of the kingdom without a legal requisition.

9. No agent of the public force may enter the house of a citizen except for the execution of police and court warrants, or in cases expressly anticipated by law...

11. If disorders disturb an entire department, the King, on the responsibility of his ministers, shall give the necessary orders for execution of the laws and re-establishment of order, but upon condition of informing the legislative body thereof if it is in session, and of convoking it if it is in

recess...

13. The land and sea forces and the troops intended for internal security are subject to special laws, both for the maintenance of discipline and for the form of trials and the nature of penalties in military offences.

## TITLE V OF PUBLIC TAXES

1. Public taxes shall be deliberated upon and established annually by the legislative body, and unless expressly renewed, they may be effective only until the last day of the following session.

2. Under no pretext may the funds necessary for the payment of the national debt and the civil list be refused or suspended...

3. Detailed accounts of the expenditure of ministerial departments, signed and certified by the ministers or general managers, shall be rendered public by being printed at the beginning of the sessions of every legislature...

4. The departmental administrators and subadministrators may not establish any public tax, or make any assessment beyond the time and sums established by the legislative body, or, without authorization therefrom, deliberate upon or allow any local loan at the expense of the citizens of the department.

5. The executive power shall direct and supervise the collection and payment of taxes, and shall give all necessary orders for such purpose.

## TITLE VI OF THE RELATIONS OF THE FRENCH NATION WITH FOREIGN NATIONS

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

The Constitution does not admit the right of aubaine.

Foreigners, established in France or not, may inherit from their French or foreign kinsmen.

They may contract, acquire, and receive property situated in France, and may dispose of it, in the same manner as any French citizen, by all the methods authorized by law.

Foreigners in France are subject to the same criminal and police laws as French citizens, except for conventions arranged with foreign powers; their persons, property, business, and religion are likewise protected by law.

## TITLE VII OF THE REVISION OF CONSTITUTIONAL DECREES

1. The National Constituent Assembly declares that the nation has the imprescriptible right to change its Constitution; nevertheless, considering that it is more in conformity with the national interest to use only the right of reforming, by the means provided in the Constitution itself, those articles which experience has proven unsatisfactory, decrees that it shall be effected by an Assembly of Revision in the following form.
2. When three consecutive legislatures have expressed a uniform wish for the amendment of some constitutional article, there shall be occasion for the requested revision.
3. Neither the ensuing legislature nor the one thereafter may propose the reform of any constitutional article.
4. Of the three legislatures which successively may propose changes, the first two shall deal with such matters only during the last two months of their final session, and the third at the end of its first annual session, or at the beginning of the second.

Their deliberations on said matters shall be subject to the same forms as legislative acts; but the decrees whereby they have expressed their wish shall not be subject to the sanction of the King.

5. The fourth legislature, augmented by 249 members elected in the departments by doubling the ordinary number which each has furnished on the basis of its population, shall constitute the Assembly of Revision.

Said 249 members shall be elected after the election of the representatives to the legislative body has been completed, and a separate procès-verbal thereof shall be made.

The Assembly of Revision shall be composed of only one chamber.

6. Members of the third legislature which has requested the amendment may not be elected to the Assembly of Revision.
7. The members of the Assembly of Revision, after having pronounced in unison the oath to live free or to die, shall individually take oath to restrict themselves to making laws on the matters submitted to them by the uniform wish of the three preceding legislatures; to maintain, moreover, with all their power, the Constitution of the kingdom decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, and to be faithful in all things to the nation, to the

law, and to the King.

8. The Assembly of Revision shall then be required to devote itself immediately to the matters submitted for its examination; as soon as its work is completed, the 249 members elected in augmentation shall retire, without power, under any circumstances, to participate in legislative acts.

[Miscellaneous Provisions]

The French colonies and possessions in Asia, Africa, and America, although constituting part of the French dominion, are not included in the present Constitution.

None of the powers established by the Constitution has the right to change it, in whole or in part, excepting reforms made therein by way of revision, in conformity with the provisions of Title VII above.

The National Constituent Assembly entrusts the safekeeping thereof to the fidelity of the legislative body, of the King, and of the judges, to the vigilance of fathers of families, to wives and to mothers, to the affection of young citizens, to the courage of all Frenchmen.

Decrees rendered by the National Constituent Assembly; but not included in the Constitutional Act, shall be executed as laws; and previous laws which they have not abrogated shall likewise be observed, in so far as the one or the other has not been revoked or modified by the legislative power.

The National Assembly, having heard the reading of the above Constitutional Act, and having approved it, declares that the Constitution is completed and that nothing may be altered therein.

A deputation of sixty members shall be appointed immediately to present the Constitutional Act to the King within twenty-four hours.