

NEW GOVERNMENT OF HAYTI.

Translated for the FEDERAL GAZETTE.

REPORT.

Made to the constituent assembly, by the committee of the constitution, at the last meeting, the 27th of December, 1806.

To render a revolution useful, it is not enough to have executed justice on a tyrant; but it is also necessary to strike such a blow at tyranny as will effectually destroy all means of its re-production.

It is an incontestable truth that the best system of government is that which, being adapted to the character and manners of the people for whom it is instituted, is most likely to procure them the greatest proportion of happiness.

We propose to you then, fellow-citizens, to establish a Senate, the members of which shall be elected in the present instance by the constituent assembly, and shall be hereafter chosen from amongst the public functionaries, which the people shall have appointed.

See what advantages must result from this institution. Our laws will no longer be dictated by the caprice and the will of an individual, always prompted by his passions to separate his individual interest from the general good.

It is by the division of power, citizens, that the Americans have become numerous and flourishing, in such rapid progression, that the annals of no nation on earth can offer a similar example.

We have thought it our duty to propose to you to compose the senate of twenty-four members. This body ought not to be too numerous; the expedition of business would suffer by it; but it ought to be sufficiently great, that the laws may be as much as possible in conformity with the desires and the wishes of the people.

The nomination of the employments, and the functions of the state, which we have vested in the senate, must ever be one of the most essential articles in the constitution. It would be to prepare slavery for the people, to lodge this important trust in the hands of the executive; it would be to pervert the public mind.

You have not forgotten the evils which were produced under Dessalines, by this prerogative of giving places, which was one of his usurpations.

Ambition and cupidity took possession of every heart; men, until then irreproachable, consented for the purpose of obtaining or keeping places, to become the tools & the agents of tyranny; others became subject to the will of the tyrant, & were the instruments of his ferocity.

Every chief, it is true, does not resemble Dessalines; but in legislation we must depend upon principles and not upon men.

He who is deputed to form laws for his country, descends from his bosom all passions, all private affections; a holy, sacred love for his country occupies his whole heart; the present moment is not all for him; his soul darts forward to futurity; he associates himself with the generations who will succeed him; he wishes that the civil & political laws should be in unison with the laws of nature, because he looks upon himself to be the organ and the minister of that Divine Providence, who has created man to be happy.

Besides, citizens, if we delegate only a part of the legislative power to the chief of the government, instead of promoting liberty, we should establish despotism. Does not experience prove, that the legislative power tends successively to relaxation, whilst

the executive constantly acquires a greater intensity of strength?

We propose to you, fellow-citizens, that no sum should be taken from the public treasury without the signature of the secretary of state; who, placed within the cognizance of the senate, will be always prepared to render an account of his operations. It is just that the people, whose contributions form the revenues of the state, should be informed of the purposes for which they have been employed.

With regard to the situation in which we may find ourselves relative to other governments, it is important to vest in the senate the right of keeping up exterior relations and of conducting negotiations. We ought to seek the good will & cultivate the friendship of all governments.

We have thought that the modest title of president would be that most becoming to the first magistracy of the republic. We propose to you that he should be elected for four years, and that he should be indefinitely eligible to be re-elected.

These rights and these privileges, which exceed those possessed by the executive directory of France, render his career extremely important. Already we hear the voice of the people crying aloud to him: Our representatives have elected you the first magistrate of the state; they have chosen you for the first citizen; honours, dignities and fortune, they have accumulated on your head.

In the article which treats of civil justice, you will find such arrangements as will guarantee the protection of your property; and in the article which treats of criminal justice, you will find regulations which breathe humanity.

In acknowledging the right of every citizen to publish his opinions on matters of government, we make the liberty of the press the palladium of public liberty.

Governed by such principles obeying a constitution which will be the compass that shall prevent our straying from the path, it will be our duty to follow; what will be wanting to our felicity? Nothing, fellow-citizens, if we know how to make use of those benefits, which that divine Providence who has granted us his protection in all our enterprises, and who in placing us in the midst of this Archipelago, beneath a propitious sky, and upon a soil of such wonderful fertility, seems to have destined us to be the happiest people in the universe.

Signed &c. &c. &c.

CONSTITUTION.

The people of Hayti proclaim, in the presence of the Supreme Being, the present Constitution.

TITLE I.

General Dispositions.

ARTICLE I.

- 1. Slavery cannot exist on the territory of the republic. It is therefore forever abolished.
2. The republic of Hayti will never form any enterprise with a view to foreign conquest, nor to interrupt the peace nor interior police of the neighboring islands.
3. The rights of man in a state of society are liberty, equality, and protection of property.
4. Liberty consists in being permitted to do that which does not invade the rights of our neighbor.
5. Equality consists in this, that this law extends the same protection to all, and the same punishment. Equality admits no distinction of birth or hereditary privileges.
6. Security results from the concurrence of all to protect the rights of each individual.
7. Property is the right of a citizen to enjoy and dispose of his effects, and of his revenues, and the fruits of his labor and industry.
8. Private property is sacred & inviolable. Every citizen, either by himself or by his representative, has the free disposition of what ever belongs to him. Every individual who invades the right of another, renders himself criminal.
9. The law is the general will, expressed by the majority of the citizens immediately, or through their representatives.
10. No citizen can be punished for any thing not forbidden by the law, nor con-

strained to do that which the law does not oblige him.

11. No civil or criminal law can have a retrospective operation.

12. The sovereignty resides essentially in the citizens at large. No individual, nor partial union of citizens, can arrogate sovereignty to themselves.

13. No one can without a legal delegation exercise any authority, or fill any public employment.

14. Public offices cannot become the property of those who exercise them.

15. The public safety cannot be secured if the division of the powers of public functionaries is not established, the extent fixed, and their responsibility secured.

16. All the rights of men and of citizens are derived from these two principles, engraved by nature on every one's heart: "Never do to others what you would not wish them to do to you."

"Constantly dispense to others that which you would wish to receive from them."

17. The duty of every one to society is to defend it; to serve it; to live submissive to the laws, and to respect those who are the organs.

18. No one can be a good citizen if he is not a good son, a good father, a good brother, a good friend and a good husband.

19. No one is a good man if he is not honestly and religiously obedient to the laws.

20. Whoever openly violates the laws, declares himself at war with society.

21. Whoever, without openly infringing the laws, eludes them by cunning or artifice, wounds the interest of society and renders himself unworthy of their kindness & esteem.

22. On the protection of property rests the cultivation of the earth, all its productions, all the means of labor and all social order.

23. Every citizen owes his services to the country, and to the maintenance of liberty, equality and property, as often as the law calls on him to defend them.

24. The house of every citizen is an inviolable asylum.

During the night no one has the right to enter it, except in case of fire, inundation, or by the request of those within it.

During the day it may be entered for a special object, determined either by the law or by an order emanating from public authority.

25. No domiciliary visit can take place, except by virtue of an express law, and for the person or object expressly designated in the act which ordains the visit.

26. No one can be prevented from speaking, writing or publishing his thoughts.

Writings shall not be subject to any censor previous to their publication.

No one shall be punished for what he has written or published, except in cases provided for by law.

27. No white, whatever may be his nation, can set his foot on this territory with the title of master or proprietor.

28. All whites are recognized as Haytians who constitute part of the army, or are in any civil employment, and those who are admitted into the republic at the publication of the present constitution.

[To be continued.]

PHILADELPHIA, JAN. 30,

His Britannic majesty's consul general for the Middle and Southern states of America, publishes, for the information of the merchants and traders whom it doth or may concern, the two following proclamations, issued by his honor, the lieutenant governor of his majesty's island of Jamaica, and bearing date respectively on the 27th day of November, 1806.

P. BOND.

JAMAICA, ss.

By his honor lieutenant general sir Eyre Coote, Knight of the most honorable order of the Bath, and Knight of the Crescent, lieutenant governor and commander in chief in and over this his majesty's island of Jamaica, and other the territories thereon depending in America, chancellor, and vice admiral of the same.

A PROCLAMATION.

Whereas I have thought fit by my proclamation bearing date the twentieth day of August last, to permit until the thirty-first day of December next, and until six months notice be given to the contrary, the importation into, and exportation from, this island, of certain articles and things therein particularly enumerated, in vessels belonging to neutral and other states in Amity with Great-Britain, on certain conditions therein specified and described.

I do now issue this my proclamation, hereby declaring, that the permission so granted by my said proclamation, of the twentieth day of August last, shall, from and after the twenty-seventh day of May next, cease, determine, and be of no effect.

Given under my hand and seal at arms, at Saint Jago de la Vega, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and six, and of his majesty's reign the forty-sixth.

EYRE COOTE.

By his honour's command, W. CATHERART.

God Save the King.

JAMAICA, ss.

By his honor lieutenant general sir Eyre Coote, knight of the most honorable order of the bath, knight of the crescent, lieutenant governor and commander in chief in and over this his majesty's island of Jamaica, and other the territories thereon depending in America, chancellor, and vice admiral of the same.

A PROCLAMATION.

Whereas I have thought fit by my proclamation, bearing even date herewith, to declare that the permission granted by my proclamation bearing date the twentieth day of August last, for the importation into, and exportation from this island, of certain articles and things in vessels belonging to neutral and other states in amity with Great-Britain, until six months notice be given to the contrary shall from and after the twenty-seventh day of May next, cease, determine, and be of no effect.

And whereas, by an act made and passed in the last session of the present parliament, and in the forty-seventh year of his majesty's reign, intitled an act for authorising his Majesty in council, to allow during the present war and for six months after the ratification of a definitive treaty of peace, the importation and exportation of certain goods and commodities in neutral ships, into and from his majesty's territories in the West-Indies, and continent of South America: It is enacted, that from and after the passing of the said act, it shall and may be lawful for his majesty, his heirs and successors, by and with the advice of his and their privy council, to permit or authorise, the governors of the islands and territories hereinafter mentioned, in such manner and under such restrictions as to his majesty, by and with the advice of his privy council shall seem fit to permit, when the necessity of the case shall appear to his majesty, with the advice of his privy council, to require it, from time to time during the present war, and for six months after a ratification of a definitive treaty of peace, the importation into, and the exportation from any islands in the West-Indies, (in which description, the Bahama-Islands, and the Bermuda or Somer islands are included) or any lands or territories in the continent of South America, to his majesty, belonging, of any such articles, goods and commodities, as shall be mentioned in such order of his majesty in council, in any ships or vessels belonging to the subjects of any state in amity with his majesty, in such manner as his majesty, his heirs, and successors, by and with the advice aforesaid, shall direct, provided such ships or vessels shall duly enter into, report, and deliver their respective cargoes, and re-load at such ports only where regular custom-houses shall have been established.

And whereas, his majesty by his order in council, bearing date the seventeenth day of September last, has been pleased to declare, that it appears at present to be necessary to permit for a limited time, subject to be sooner terminated, varied or altered, as therein and hereinafter provided, the importation into, and exportation from the islands and territories of his majesty in the West-Indies (including the Bahama islands, and the Bermuda or Somer islands) and the lands and territories on the continent of South-America, to his majesty belonging, of certain articles, goods, and commodities, therein and hereinafter mentioned, in any ships or vessels belonging to the subjects of any state in amity with his majesty:— And his majesty has been thereupon pleased, by and with the advice of his privy council, to order, that the governors and lieutenant-governors of his majesty's islands and colonies in the West-Indies (in which description, the Bahama islands, and the Bermuda, or Somer islands are included) and of any lands or territories on the continent of South-America, to his majesty belonging, and each and every of such governors and lieutenant-governors shall be authorized, and they, and each and every of them, are thereby authorized to permit for twelve months from the date thereof, subject to be sooner terminated, varied or altered as is hereinafter provided, in any ships or vessels belonging to the subjects of any state in amity with his majesty, the importation into the said island, colonies, lands and territories respectively, of staves and lumber, and also of every kind of provisions (beef, pork, and butter, always excepted) which are of the growth or produce of the country of which such ship or vessel importing the same shall belong; and also the exportation from the said islands, colonies, lands, and territories respectively, into which such importation of staves, lumber and provisions, as aforesaid, shall be made, of rum and molasses, and of any other articles, goods and commodities, whatsoever, except sugar, indigo, cotton, wool, coffee, & cocoa: Provided always, that such ships or vessels shall duly enter into, report, deliver their respective cargoes, and re-load at such ports only where regular custom-houses have been established. And his majesty was thereby pleased further to order, that notwithstanding any thing therein before contained, the said permission and authority to import and export, shall cease determine, or be varied or altered before the expiration of the above-mentioned period of twelve months, at the expiration of six months after the notification in the London Gazette, of any order of his majesty, by and with the advice of his privy council, for revoking, varying or altering such authority or permission, or shall cease and determine at the expiration of six months after the ratification of a definitive treaty of peace.— And whereas, his majesty, has been pleased

by his order, of council, bearing date the first day of October last, to order that horses, mules, asses, neat cattle, sheep, hogs, poultry, and every other species of live stock and live provisions, to be added to the articles which his majesty, by his order in council, of the seventeenth of September last, had authorised the governors and lieutenant-governors of his majesty's islands and colonies in the West-Indies, (in which description, the Bahama islands, and the Bermuda, or Somer islands, are included) and of any lands or territories on the continent of South America to his majesty belonging, to permit to be imported into the said islands, colonies, lands, and territories, respectively, and that the said additional articles be accordingly permitted to be so imported, in the manner, for the time, and under the terms and conditions mentioned in the said order. And whereas, I am in and by the said herein before recited order of his majesty in council, of the seventeenth day of September and the first day of October, last, authorised to permit the importation into, and the exportation from, this island, of certain articles, goods, and commodities, not enumerated in my said proclamation of the twentieth day of August last, subject to the conditions and limitations in the said orders of his majesty, in council, particularly specified and contained. And whereas, it is expedient that the earliest effect be given to his majesty's gracious intentions on this behalf: I do now therefore, in pursuance of the authority vested in me by the said orders of his majesty in council, bearing date the seventeenth day of September and the first day of October, last, permit, until the seventeenth day of September next, subject to be sooner terminated, varied or altered, as is hereinafter provided, in any ships or vessels belonging to the subjects of any state in amity with his majesty, the importation into this island of staves and lumber, and also of horses, mules, asses, neat cattle, sheep, hogs, poultry, and every other species of live stock and live provisions, and also of every kind of provisions (beef, pork, and butter, always excepted) which are of the growth or produce of the country to which such ship or vessel importing the same shall belong. And also the exportation from this island of rum and molasses, and of any other articles, goods, and commodities, whatsoever, except sugar, indigo, cotton, wool, coffee, and cocoa, upon the like terms, charges, and conditions, and subject to the same rules, regulations, visitations, and searches, as are observed with respect to British vessels in the like cases: Provided always, that such ships or vessels shall duly enter into, report, deliver their respective cargoes and re-load at such ports only where regular custom-houses shall have been established: And provided also, that notwithstanding any thing hereinbefore contained, the said permission and authority to import and export, shall cease and determine, or be varied or altered before the expiration of the period hereby limited, at the expiration of six months after notification in the London Gazette, of any order of his majesty, by and with the advice of his privy council, for revoking, varying, or altering, such permission or authority or shall cease and determine at the expiration of six months after the ratification of a definitive treaty of peace.

Given under my hand and seal at arms, at St. Jago de la Vega, this twenty-seventh day of November, in the year of our lord one thousand eight hundred and six, and of his majesty's reign the forty-sixth.

EYRE COOTE.

By his honor's command, W. CATHERART, Sec. God save the King.

BERLIN, November 3.

"The general of division Savary, adjutant of his majesty the emperor, advanced on the 31st of October, with a column of 600 cavalry into Strelitz, where he made prisoner the brother of the queen of Prussia, who was in the Prussian service." The prince of Hohenlohe to the king of Prussia.

SIR,

"I have not had the good fortune to conduct the army entrusted to me over the Oder, and to ascertain them from the further pursuit of the enemy. After I had reached the neighborhood of Boitzenburg, by forced marches, on the 27th of October, and had the intention of passing those defiles, in order to reach Prenzlau on the same evening, I found them already in the enemy's possession. I forced them, but did not think it prudent to continue my march in a direct line, because the whole of my cavalry, being without forage for several days, was quite exhausted—and by break of day I have reason to expect the cavalry would be engaged, and that the issue would be unfavorable. I therefore immediately turned to the left, and in the course of the night reached the vicinity of Scornemark. I had already given orders for pushing strong patrols towards the enemy—about two in the morning these returned and brought me no information of the enemy's being at hand. At length I pushed a parole as far as Prenzlau, which brought intelligence that they had seen nothing of the enemy, and that the French patrols had not seen themselves at Prenzlau. I then continued my march for Prenzlau, where I hoped to find bread and forage, of which every one stood in need. I had no sooner reached the heights of Prenzlau than the enemy showed himself upon my right flank. An engagement immediately ensued, the enemy's superior numbers and artillery compelled me to retreat through Prenzlau. The hope of finding bread and forage here was now extinguished by the enemy's advance.