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MARYLAND GAZETTE.

THURSDAY, MAY 16, 1793.

ABSTRACT of the NEW CONSTITUTION of FRANCE.

THE object (it begins) of all union of men in ſociety, being the maintaining of natural, civil, and political rights, theſe rights ought to be the baſis of the ſocial compact. The acknowledgment and declaration of them ought to precede the conſtitution which aſſures the guaranty of them.

Art. 1. Natural, civil, and political rights, are liberty, equality, ſecurity and property, the ſocial contract, and reſiſtance of oppreſſion.

2. Liberty conſiſts in the power of doing every thing which is not contrary to the right of another. Thus, the exerciſe of this natural right has no other limits than thoſe which ſecure to the members of the ſame ſociety the enjoyment of the ſame right.

3. Every citizen ought to ſubmit to the law, which is the expreſſion of the general will. Whatever is not forbidden by the law, cannot be prohibited; and none can be conſtrained to do what it does not enjoin.

4. Every man has the liberty of manifeſting his thoughts, and his opinions.

5. The liberty of the preſs, and every other means of making known his ſentiments, cannot be forbidden, ſuſpended or limitted.

6. Every citizen is free in the exerciſe of his religion.

7. Equality conſiſts in the enjoyment of the ſame rights by every citizen.

8. The law is equal to all, whether it protects or puniſhes.

9. All citizens are equally admiſſible to all appointments. Free people know no other motive of preference than pre-eminence of talents and virtue.

10. Security conſiſts in the protection granted to all the citizens, for the preſervation of their perſons, of their fortunes and of their rights.

11. None can be accuſed, ſtopped or detained, but in caſes ſpecified by the law, and according to the forms it has preſcribed.

12. The citizens againſt whom arbitrary acts may be exerciſed, have the right to reſiſt them by force; but every man accuſed or arreſted in virtue of the law, ought to obey it inſtantly. He renders himſelf guilty by reſiſtance. [N. B. A miſtake in the order.]

13. Thoſe who ſolicit, expedite, execute, or cauſe to be executed, arbitrary orders, are guilty, and ought to be puniſhed.

14. Every man ought to be preſumed innocent, till he has been declared guilty; if it is found neceſſary to arreſt [illegible], every rigour not requiſite to ſecure his perſon, ought to be ſeverely interdicted by the law.

15. None can be puniſhed but in virtue of a law eſtabliſhed and promulgated anterior to the crime, and legally applied.

16. Every law which puniſhes crimes anterior to its promulgation, is an arbitrary act. Every retroſpective effect of law is a crime.

17. The law ought only to inflict neceſſary puniſhment proportioned to the crimes, and uſeful to ſociety.

18. The right of property is, that every man may diſpoſe of his ſubſtance, his talents and his induſtry.

19. No kind of labour or induſtry is prohibited to citizens, who may buy, ſell or tranſport, it freely.

20. A citizen, however, cannot ſell himſelf, his perſon not being alienable property.

21. None can be deprived of his right of property, but when public neceſſity, legally proved, evidently demands it, and on condition of a juſt and previous indemnity.

22. No contribution can be levied but for the public good: all citizens have a right to aſſent to its eſtabliſhment.

23. Public inſtruction is neceſſary to all.

24. Public ſuccours are a debt due from ſociety.

25. The ſecurity of theſe rights is an act of ſovereignty.

26. Sovereignty is one, indiviſible and impreſcriptible.

27. It reſides eſſentially in the people. Each citizen is equally entitled to exerciſe ſovereignty.

28. No individual, or any union of citizens, can arrogate to themſelves the exerciſe of ſovereignty.

29. The ſocial compact cannot exiſt where the limits of powers are not exactly fixed, and where agents are not made reſponſible for their conduct.

30. All citizens are obliged to be aiding to the law.

31. Men united in ſociety ought to have a legal means of reſiſting oppreſſion.

32. There is oppreſſion when the law violates natural right. There is oppreſſion when the law is violated by public functionaries. There is oppreſſion when arbitrary acts violate natural, civil, and political rights of citizens. The manner of reſiſting oppreſſion ought to be preſcribed by the conſtitution.

33. The people have the right of changing the conſtitution. One generation has no right to ſubject to the conſtitution future generations.

After the recognition of theſe rights, on which the government is founded, the French nation is declared to form one indiviſible republic.

The diviſion into departments is retained; each department is divided into communes or diſtricts, and each commune into municipal ſections and primary aſſemblies.

Primary Aſſemblies.

In the primary aſſemblies, every man aged 21 years has a right to vote, provided that his name is inſcribed on the civic table, and that he ſhall have reſided one year in France.

The primary aſſemblies ſhall be ſo diſtributed in each department, that none ſhall conſiſt of leſs than 400, or more than 900 members. In each of theſe a ſelect committee is to be choſen by ballot, conſiſting of as many members as there are fifties of citizens in the aſſembly.

In this committee, he who has the majority of votes ſhall be preſident of the aſſembly; the three next on the liſt ſhall be ſecretaries. The duty of the ſelect committee is to keep the records, and to arrange and ſubmit the buſineſs to the aſſembly.

All elections are to be carried on in thoſe aſſemblies. The intermediate or electoral aſſemblies, have no place in this code. The elections are to be made by what is called a double ſcrutiny; each gives in a ſigned liſt of candidates equal to the number of places to be filled. Theſe bulletins, or liſts of preſentations, as they are termed, are ſent to the adminiſtration of each department. They ſelect a triple number of thoſe candidates who have moſt votes; and from thoſe ſent back to the primary aſſemblies, a definitive election is made, each citizen giving in as before a liſt of the candidates to whom he gives his preference.

In the deliberations of theſe aſſemblies the ſame mode is to be followed as in the elections. The queſtion is to be ſhaped ſo as to be anſwered by a ſimple negative or affirmative. On the day appointed for the deciſion, each citizen gives in a *bulletin*, or ſlip of paper, inſcribed with his name, and the word *yes* or *no*. Theſe are to be tranſmitted from the diſtrict to the department, where the general reſult is to be aſcertained.

Adminiſtrative Bodies.

There ſhall be in each department an adminiſtrative council of 18 members, with ſubordinate agencies.—The former are to control the revenue, and to correſpond with the executive government. The inferior adminiſtrations are not as yet organiſed.

The adminiſtrators are to be elected in the primary aſſemblies, and the half renewed every two years.

Executive Council.

I. The executive council of the republic ſhall be compoſed of ſeven general agents or miniſters, and a ſecretary.

II. There ſhall be,

1. A miniſter of legiſlation.
2. A miniſter of war.
3. A miniſter for foreign affairs.
4. A miniſter of public contributions.
5. A miniſter of the marine.
6. A miniſter of agriculture, commerce and manufactures.
7. A miniſter of works, aids, public eſtabliſhments and arts.

III. Each of the miniſters ſhall alternately preſide in the executive council, and the preſident ſhall be changed every fifteen days. To this council it belongs to execute all the laws and all the decrees paſſed by the legiſlative body.

The miniſters are to be choſen in the primary aſſemblies, and in the manner before preſcribed. Eight *ſuppleans* or ſubſtitutes, are to be choſen at the ſame time.

The members of the council to be choſen for two years. The half ſhall be renewed every year, but they may be re-elected.

The executive council are accountable to, and cannot be members of, the legiſlative body. They have no control over the national treaſury, which is to be directed by three commiſſioners appointed for that purpoſe, and elected in the ſame manner. Two hundred members are to be choſen in the legiſlative body, of whom a jury of ſeven is to *audit* each account.

Legiſlative Body.

The legiſlative body is to conſiſt of one chamber, and to be renewed annually, by elections in the manner before mentioned.

The number of deputies to be ſent from each department is to be newly fixed every ten years, according to the increaſe or decreaſe of the population.

The members of the legiſlative body ſhall not, at any time, be proſecuted, impeached or tried, for any thing which they may have ſaid or written in the exerciſe of their functions.

No propoſition ſhall paſs into a law unleſs it be firſt propoſed in the aſſembly, then referred to a committee of thirteen, and after the interval of a fortnight, if the time ſhould permit, re-debated in the aſſembly.

Cenſorſhip of People.

Under this head it is propoſed, that any citizen ſhall have the right of convoking the primary aſſembly where he reſides, to conſider of the enactment of a new, or the repeal of an exiſting law. If they agree to the propoſition, they are to addreſs the people of other aſſemblies, and the wiſh of the department thus collected, is to be tranſmitted to and decided upon by the members of the legiſlative body.

The citizens ſhall likewiſe have the right to demand an inquiry into the conduct of public functionaries, in caſe of abuſe of power and violation of the law.

A Convention.

A convention is to be ſummoned whenever any change is made in the legiſlative body. In the 20th year after the paſſing of the conſtitutional code a convention ſhall be called to reviſe and improve.

The convention cannot hold its ſittings within fifty leagues of the legiſlative body. [illegible] ſhall be formed of two members from each depar[illegible]

Adminiſtration of Juſtice.

In the civil as well as the criminal code, the trial by jury is to be eſtabliſhed. The jurors as well as judges are to be elected. The former to be taken one from every hundred citizens. The jury to conſiſt of a director, a reporter, a national commiſſioner, and a number of jurymen to be ſpecified.

The puniſhment of death is aboliſhed for all private offences.

There are to be two juries, whoſe functions correſpond with thoſe of the grand and petty juries in the Engliſh conſtitution.

Judicial cenſors are to be appointed to travel at fixed periods, and to try all queſtions of appeal.

A national jury, conſiſting of three jurors from each department, is to try all queſtions of high treaſon.

The arreſt and detention of an individual are qualified by a number of minute regulations, highly favourable to perſonal liberty.

The liberty of the preſs is declared to be indefinite.

None can be judged, either civilly or criminally, on account of writings printed or publiſhed, except it ſhall have been recogniſed and declared by a jury, 1ſt, whether there is any criminality in the writing denounced; 2dly, whether the perſon proſecuted is guilty of it.

Public Force.

The forces of the republic are placed under the control of the executive council. The public force is declared to be eſſentially obedient, as no armed body can deliberate.

The commanders in chief are to have annual and revokable commiſſions from the executive council.

The commanders of the national guards ſhall be elected annually by the citizens in each diſtrict.

Public Contributions.

The public contributions ought never to exceed the exigencies of the ſtate.

There cannot be eſtabliſhed any contribution which, by its nature, or by its mode of exaction, might be injurious to the free diſpoſal of property, to the progreſs of induſtry, and of commerce, to the circulation of capitals, or might produce the violation of the rights recogniſed, and declared by the conſtitution.

The amount ſhall be fixed each year by the legiſlative body, and cannot exceed that term. They are to be publiſhed annually.

Relation to Foreign Powers.

The French will only take up arms for the ſake of their liberty. It renounces all acceſſion of territory, unleſs by the wiſh, freely expreſſed, of its inhabitants.

The declaration of war ſhall be made by the legiſlative body; treaties of peace, commerce and alliance, ſhall be made by the executive council, and ratified by the legiſlative body, etc.

Preſented by the members forming the committee of conſtitution.

BARRERE, BRISSOT, CONDORCET, DANTON, GENSONNE, PETION, SIEYES, THOMAS PAINE, VERGNIAUD.

MADRAS, *September 8.*

TIPPOO is ſaid to be imitating the policy of Joſeph II. in blowing up and deſtroying all his fortifications throughout his ſtill extenſive territory, except thoſe of Seringapatam.

A liberal ſubſcription was opened at Calcutta, ſoon after the news of the peace, to preſent lord Cornwallis with a diamond ſtar, george, loop, &c. but no ſooner was his lordſhip acquainted with it, than he declined this honour, and put a ſtop to a ſcheme which had been a favourite object with the ſettlement.

MARGATE, *March 27.*

By an expreſs arrived this morning from Oſtend, we learn that Oſtend is evacuated.

The maſter of the boat adds, that the Auſtrians were at Bruges yeſterday, and expected to be at Oſtend this day.