

FRANCE.

ORGANICK SENATUS CONSULTUM. Extract from the Registers of the Conservative Senate, Floreal, year 12. The Conservative Senate, assembled to the number of members prescribed by the 9th article of the Constitution, having seen the project of the Senatus Consultum drawn up according to the 27th article of the Organic Senatus Consultum, dated Thermidor 16th, year 10, and after having heard on the motives of the said project the orators of government, and the report of its special commission, nominated in the sitting of the 26th of this month, and having deliberated on the adoption of it to the number of voices, prescribed by the 50th article of the Organic Senatus Consultum, of the 16th of Thermidor, year 10, decrees as follows:

TITLE I. ART. The government of the republic shall be intrusted to an emperor, who assumes the title of emperor of the French. Justice shall be administered in the name of the emperor, by officers of the French.

TITLE II.—OF HEREDITAMENT. 3. The imperial dignity shall be hereditary, in the direct, natural, and legitimate descent of Napoleon Bonaparte, from male to male, by order of primogeniture, and to the perpetual exclusion of females and their descent.

4. Napoleon Bonaparte may adopt the children or grand children of his brothers, provided they have attained to the age of 18 years complete, and that he himself has no male heirs at the time of adoption. His adopted sons enter into the line of his direct descent. If he has any male children posterior to adoption, his adopted sons can succeed only after the natural and legitimate descendants. Adoption is interdicted to the successors of Napoleon Bonaparte and their descendants.

5. Failing a natural or legitimate heir, or adopted heir of Napoleon Bonaparte, the imperial dignity shall devolve to and be conferred on Joseph Bonaparte and his natural and legitimate descendants, in order of primogeniture, to the perpetual exclusion of females and their descendants.

6. Failing Joseph Bonaparte and his male descendants, the imperial dignity shall devolve to and be conferred on Louis Bonaparte and his natural and legitimate descendants, in the orders of primogeniture, from male to male, and to the perpetual exclusion of females and their descendants.

7. Failing a natural and legitimate heir, or adopted heir of Napoleon Bonaparte, failing a natural or legitimate heir of Joseph Bonaparte and his male descendants, of Louis Bonaparte & his male descendants an organick Senatus Consultum, proposed to the senate by the titularies of the great dignities of the empire, and submitted to the acceptance of the people, shall nominate the emperor, and regulate in his family the order of hereditament, from male to male, to the perpetual exclusion of females and of their descendants.

8. Until the moment of the election of the new emperor, the affairs of the state shall be governed by the ministers, who shall form in council the government, and who shall deliberate by a majority of voices. The secretary of state shall keep a journal of the deliberations.

Title III.—Of the Imperial Family. 9. The members of the imperial family in the order of hereditament shall bear the title of French princes. The eldest son of the emperor shall be styled imperial prince.

10. The mode of education for the French princes shall be regulated by a senatus consultum.

11. They are members of the senate, and of the council of state, when they have attained to their eighteenth year.

12. They cannot marry without the consent of the emperor. The marriage of a French prince without the consent of the emperor, incurs the privation of all right of inheritance, both for the individual who has contracted it, and for his descendants.

13. The acts which attest the birth, the marriage, and deaths of members of the imperial family, shall be transmitted, by order from the emperor, to the Senate, who shall order them to be inscribed in their journals, and deposited among their archives.

14. Napoleon Bonaparte shall establish by statutes to which his successors are bound to conform—1st. The duties of the individuals of both sexes who are members of the imperial family, toward the emperor—2d. An organization of the

Imperial Palace, conformably to the dignity of the throne and the grandeur of the nation.

15. The civil list remains regulated in the same manner as it was by the first and fourth articles of the decree of May

26.—The Princes Joseph and Louis Bonaparte, and in future the younger natural and legitimate sons of the Emperor, shall be treated agreeable to the articles 1, 10, 11, 12, and 13 of the decree of December 21, 1790. The Emperor may fix the jointure of the Empress, and refer it to the civil list. His successors can introduce no change in the dispositions made in this respect.

16. The Emperor shall visit the departments. Palaces shall therefore be established in the four principal points of the empire: these palaces shall be fixed, and their dependencies established by a law.

Title IV.—Of the Regency.

17. The Emperor is a minor till the age of eighteen years complete; during his minority there shall be a regency of the empire.

18. The Regent must be at least twenty-one years of age, complete; females are excluded from the Regency.

19. The Emperor chooses the regent from among the French Princes who have attained to the age prescribed by the preceding article; and failing them, from among the titularies of the great dignities of the empire.

20. Failing designation on the part of the emperor, the regency shall devolve to the Prince nearest in degree in the order of inheritance, who has attained to twenty five years complete.

21. In cases where the emperor has not chosen the regent, if none of the French Princes have attained to the age of twenty five years complete, the senate shall choose the regent from the titularies of the great dignities of the empire.

22. When, on account of the minority of a Prince called to the Regency in the order of inheritance, it has been conferred on a more distant relation, or one of the titularies of the great dignities of the Empire, the Regent who shall exercise the exercise of the functions shall continue them till the majority of the emperor.

23. No Organic Senatus Consultum can be passed during the regency, nor before the end of the third year after the majority.

24. The regent shall exercise, till the majority of the emperor, all the attributes of the imperial dignity; he cannot, however, nominate to the great dignities of the empire, nor to the places of the great offices that may be vacant at the period of the regency, or which may become vacant during the minority, nor use the prerogatives reserved for the emperor of raising citizens to the rank of senator. He cannot dismiss either the grand Judge or the Secretary of State.

25. He is not personally responsible for the acts of his administration.

26. Acts of the Regency are in the name of the Emperor under seal.

27. The Regent can propose no project of a law or Senatus Consultum, and can adopt no regulation of public administration, until he has consulted the council of regency, composed of the titularies of the dignities of the empire. He cannot declare war or sign treaties of peace, alliance or commerce, until after deliberation in the council of regency; the members of which in the case only have a deliberate voice. The decision shall be by a majority of voices, and if there be an equality that of the regent shall determine it.—The minister of foreign relations shall have a seat in the council of regency, when the council deliberate on affairs relating to his department. The Grand Judge, Minister of Justice, may be called to it by order of the regent. The Secretary of State shall keep a journal of the deliberations.

28. The regency can confer no right on the person of the minor emperor.

29. The salary of the regent is fixed at a fourth of the amount of the civil list.

30. The care of the minor emperor is entrusted to his mother; and failing her, to the prince chosen for that purpose by the predecessor of the minor emperor. Failing the mother of the minor emperor, and a prince chosen by the emperor, the senate shall intrust the care of the minor emperor to one of the titularies of the great dignities of the empire. Neither the regent, nor his descendants or female, can be chosen to take charge of the minor emperor.

31. In case Napoleon Bonaparte shall use the faculty conferred on him by the 4th article of Title II, the act of adoption shall be performed in the presence of the titularies of the great dignities of the empire; shall be received by the Secretary of State, and immediately transmitted to the senate to be inscribed in the journals, and deposited among the archives, when the emperor nominates either a regent for the minority, or a prince to take charge of the minor emperor, the same formalities shall be observed; the acts of nomination, either of a regent for the minority, or a prince to take charge of the minor emperor, are revocable; at the pleasure of the emperor; every act of adoption, nomination, which has not been inscribed in the journals of the senate, before the death of the emperor, shall be null and void.

TITLE V.—OF THE GREAT DIGNITIES OF THE EMPIRE.

32. The great dignities of the empire are those of grand elector, arch chancellor

of state, arch treasurer, eo stable and grand admiral.

33. The titularies of the grand dignities of the empire are nominated by the French princes and take precedence immediately after them. The period of their reception determines the rank which they respectively hold.

34. The grand dignities of the empire cannot be removed.

35. The titularies of the great dignities of the empire are senators and counselors of state.

36. They form the grand council of the emperor; they are members of the privy council; they compose the grand council of the legion of honor. The present members of the grand council of the legion of honor shall retain during life, their titles, functions and prerogatives.

37. The emperor presides in the senate and council of state. When the emperor does not preside in the senate or council of state, he shall nominate one of the great dignities of the state to be President.

38. All acts of the senate and legislative body are passed in the name of the emperor, and promulgated or published under the imperial seal.

39. The grand elector performs the functions of chancellor—1st. In convoking the legislative body, the electoral colleges, and the cantonal assemblies, 2d. In promulgating senatus consulta for dissolving the legislative body, and the electoral colleges. The grand elector presides in the absence of the emperor, when the senate proceeds to the nomination of senators, legislators or tribunes. He may reside in the palace of the senate. He makes known to the emperor the remonstrances presented by the electoral colleges or the cantonal assemblies in regard to the preservation of their prerogatives.—When a member of an electoral college is denounced, agreeably to the 21st article of the organic senatus consultum, of the 16th Thermidor, year 10, as having committed an act contrary to the honor or the good of his country, the grand elector will have the college examine its will. He shall report the will of the college to the emperor. The grand elector presents the members of the senate, of the council of state, and of the legislative body, to take the oath before the emperor. He administers the oath to the presidents of the electoral colleges, of the departmental and cantonal assemblies. He presents the solemn deputations of the senate, the council of state, the legislative body, tribunate, and electoral colleges, when admitted to an audience of the emperor.

PARIS, June 10.

Letters from Constantinople, of the 30th April, state that the French minister General Brune was highly satisfied with his last conference of the Reis Effendi, on the subject of the indemnifications he had required in favour of his countrymen on whose property an embargo was laid during last war; in this audience the imperial duties on French merchandise were definitively settled to the satisfaction of both parties. A slight coolness had before subsisted between the French ambassador and the Ottoman minister which has entirely ceased since this conference. It is added that the Russian ambassador had lately paid a visit to general Brune. Some time had elapsed since these ministers had seen each other before.

By advices from Berne we find that H. E. the Landammann, after announcing to the different Cantons the change which has taken place in France, added that he conceived it to be his duty and the interest of the country to send an extraordinary courier to H. I. M. with the compliment of the Helvetic confederation.

A Flotilla of 50 sail, 10 of which were Gun Boats sailed from Calais on the 14th inst. for Boulogne where it arrived in safety, in spite of the English attempting to lay obstacles in its way.

His Imperial Majesty has addressed to Consuls Cambaceres and Lebrun, the following letter:

Citizen Consul Cambaceres.—Your title is about to be changed; but your functions and my confidence remain the same. In the high dignity of Arch-Chancellor, with which you are going to be invested, you will manifest, as you have done in that of Consul, the wisdom of your counsels, and those distinguished talents which have given you so important a share in all the good that I can have done.

"I have nothing therefore to request of you but the continuation of the same sentiments for the State and me."

(Signed) "NAPOLEON. Done at the Palace of St. Cloud, 26th Floreal, Year 12, May 18, 1804."

At the end of the Mandate which the Cardinal Archbishop of Paris has just published, ordering public prayers, on account of the accession of the Emperor, we read the following letter which His Imperial Majesty has written to his Eminence.

"My Cousin, the happiness of the French has ever been the object of my

dearest thoughts and their glory that of all my labours. Called by divine Providence and by the constitution of the republic to the Imperial power, I see in this new order of things only greater means to secure at home and abroad the national dignity and prosperity. I rely with confidence on the powerful succour of the Most High. He will inspire his ministers with the desire of seconding me with all the means in their power. They will enlighten the people with wise instructions, by preaching to them the love of their duties, obedience to the laws, and the practice of all christian and civil virtues. They will call down the blessings of Heaven upon the nation and the supreme Chief of the State. I write this letter to you then to tell you that as soon as you have received it, you shall cause to be sung Vene Creator, and the Te Deum in all the churches of your diocese; that you shall invite to the prayers which will be read in your church, the authorities which are accustomed to assist at such ceremonies and that you shall cause to be read during the exhortation in all the churches of your diocese, the organic senatus consultum of the 28th Floreal last. Assuring myself that you will excite by your example the zeal and piety of all the faithful of your diocese, I pray God to keep you, My cousin, in his holy and worthy care.

Written at St. Cloud, the 1st Prairial year 12. (Signed) NAPOLEON.

LETTER OF GENERAL MOREAU TO THE FIRST CONSUL.

Temple, 17th Ventose, Year 12. A month has nearly elapsed since I am detained as an accomplice of Georges and Pichegru, and perhaps I am detained to appear before the tribunals to exonerate myself from the crime of an attempt against the safety of the State, and the Chief of the Government.

I was far from thinking, that after having passed through the revolution and the war, exempt from the least reproach of ambition and of ambition; and especially when, at the head of the great victorious armies, I might have had the means of gratifying those passions, that I would be at a moment when, living as a simple citizen, occupied with my family, and being a very small number of my kind, I should be accused of such folly. No doubt but my former connections with General Pichegru have given rise to this accusation.

Before speaking in my justification, permit me, General, to go back to the source of that connection, and I doubt not but I can convince you that the intercourse which one may preserve with an ancient chief and an ancient friend, though divided in opinion, and having served different parties, is far from being criminal.

Gen. Pichegru came to take command of the army of the North in the beginning of the year 2—I then had been general of brigades for about six months. I was fighting, ad interim the functions of divisionary. Satisfied with some success, and of my dispositions at the outset, he speedily obtained for me the grade I was fulfilling.

On entering upon the campaign, he gave the command of half the army, and entrusted me with most important operations.

Two months before the close of the campaign, his health obliged him to absent himself; Government charged me, at his recommendation, with finishing the conquest of part of the Dutch Brabant and of Guilders. After the winter campaign, which rendered us masters of the remainder of Holland, he passed to the army of the Rhine, naming me for his successor; and the National Convention entrusted me with the command he had just quitted. One year afterwards I filled his place in the army of the Rhine, he being called to the Legislative Body; and from that time I ceased having frequent intercourse with him.

In the short campaign of the year 5, we took the chests of the general staff of the enemy's army; and a great quantity of papers were brought to me, which gen. De Saix, who then was wounded, amused himself in perusing. It appeared to us, by this correspondence, that Gen. Pichegru had had some connection with the French Princes. This discovery gave us much concern, and to me particularly.—We agreed to let it be forgotten. Pichegru, in the Legislative Body, could so little injure the public safety, that peace was assured. I however took some precautions for the safety of the army, in regard of an espionage that might be hurtful to it. These researches, and the decyphering, were confided to the hands of different persons.

The events of the 18th Fructidor were rumoured; the uneasiness was great; in consequence of which two officers who had knowledge of this correspondence engaged me to give notice to government; and gave me to understand that it was becoming public, and that at Strasbourg they were preparing to inform the Directory thereof.

I was a public functionary, and could not preserve a longer silence; but, without addressing myself directly to government, I wrote it in confidence to the Director Barthelemi, one of its members, requesting his opinion, and telling him that these papers, although genuine, were not sufficient judicial proof; as none of them were signed, and nearly the whole written in cyphers.

My letter arrived in Paris a few moments after Citizen Barthelemi's arrest; and the Directory, to whom it was remitted, required of me the papers I had mentioned.

Pichegru went to Cayenne and returned afterwards to Germany and England; I had no connection with him. A short time after the Peace with England, M. David, uncle of Gen. Souham, who had passed a year with him in the army of the North, wrote me that Pichegru was the only one of the Fructidorisers not returned; and he mentioned that he was surprised to hear that it was upon my opposition alone that you refused to permit his return to France. I replied to M. David, that so far from opposing, I would make it a duty to demand it. He communicated my letter to several persons; and I have the positive assurance, that this demand has been made to you.

Sometime afterwards, M. David wrote to me that he had enjoined Pichegru to ask you himself of his recall; but that he had answered, he would not demand it without the certainty of its being granted. Above all, he charged him to thank me for the answer I had made to the imputation of being opposed to his return; that he had never thought me capable of such an act; and that he even knew that in the affair of the correspondence of Kinglin, I had found myself in a very delicate situation. M. David again wrote me three or four insignificant letters upon the subject. Since his restoration he wrote to me requesting I would take some steps in his favor. I was very sorry that my distance from government would not permit me to enlighten your justice in that respect, and I doubt not but it would have been easy to remove the prejudice you might have received. I heard no more of Pichegru but very indirectly, and by persons whom the war obliged to return to France. From that period to this, during the first campaigns in Germany, and since the Peace, he has made distant overtures to me, to know if it would be possible to draw me into a coalition of the French Princes. I found all this so ridiculous, that I did not ever reply to these overtures.

As to the actual conspiracy, I can equally assure you, that I am far from having taken the smallest part in it. I acknowledge to you that I am at a loss to conceive how a handful of scattered men could hope to effect a change in the state, and to replace upon the throne a family which the efforts of all Europe, aided by civil war, could not succeed in accomplishing; and that, above all, I should be so unreasonable by concurring to the fruits of all my labor, which would have insured me perpetual reproaches.

I repeat to you, General, whatever proposition has been made to me, I have rejected, and have considered it as the basest of all follies; and that when the chances of a descent upon England have been represented to me as favorable to a change of government, I have answered that the senate was the authority to which all Frenchmen would yield obedience in case of trouble; and that I should be the first to submit to its orders.

Such overtures made to me, an isolated citizen, not wishing to preserve any kind of relation either with the army of which nine months have served under my orders, or with any of the constituted authorities, would not but meet my refusal. To become an informer was too repugnant to my character: to always judge with severity, becomes odious, and impresses a seal of reprobation on him who has rendered himself guilty of it towards persons to whom he owed gratitude, and with whom he was in ancient connections of friendship. Duty itself will sometimes yield to the voice of public opinion.

This, General, is what I had to say respecting my connections with Pichegru. It will doubtless convince you that very false and dangerous inferences have been drawn from my steps and actions, which, though perhaps imprudent, were far from being criminal; and I doubt not, had you required an explanation of the facts which I would hastened to give you, they would have prevented the regrets of ordering a detention, and to me the humiliation of being in fetters, perhaps obliged to appear before the tribunals to say I am no conspirator, & to appeal for my justification to a probity of twenty-five years which has never been impeached, and to the service to which I have rendered to my country. I shall not dwell upon these, general; I flatter myself they are not yet effaced from your memory; but I will remind you that if the desire of taking part in the French Government had been for a single moment the object of my services and of my ambition, the career was open before me in a very advantageous manner some time before your return from Egypt; and surely you have not forgot the disinterestedness I showed in seconding you on the 18th Brumaire. Our enemies since that time have kept us sunder. It is with much regret I find I am obliged to speak of myself and what I have done; but in a moment when I am accused of being an accomplice of those who are considered as acting from the impulse of England, I shall perhaps have to defend myself against her snares. I have the vanity to believe she must judge of the injuries I can do her from those I have already done.

If I obtain, general, your complete attention, I have no doubt of your justice. I shall wait your decision of my fate with the tranquility of innocence, but

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