

THE CONSTITUTION OF A PERFECT COMMONWEALTH

By Thomas Spence / 1798

PREFACE

Behold, ye despisers, and wonder, and perish; for I work a work in your days, a work which ye shall in no wise believe, though a Man declare it unto you.

ACTS, 13, 41.

In Nicholls's *History of Leicestershire* we find a particular account of the parish of Little Dalby, communicated by professor Martyn, in which he says the number of houses are 21, families 22, and inhabitants 123.

Labourers have in summer 1s. 2d. per day; in winter 1s. -- in harvest, together with their victuals 1s. 6d. The net expence of the poor in 1776 was 27 l. 16s. and the whole rent is 1422 l. 5s.

Thus we find this little parish, like other parishes, contains several sorts and conditions of men, as landlords and tenants, farmers and labourers, paupers, &c. and therefore may be as proper to apply the principles of this constitution to, by way of illustration, as any.

Suppose then that this constitution should be adopted, let us see how it would affect the inhabitants of Little Dalby.

1st. The first effect the constitution would have on the parish would be rendering all the land within the same the common stock or property of the parish and all the families of the land-lords, whether they be one, two, three, or more, would as such, become extinct; and if they still remained and did not emigrate would be converted from nests of worthless devouring drones to families of wealthy active citizens, which I hope would be no way detrimental either to the parish or nation at large.

2dly. Another set of drones, though not so expensive, I mean the poor, on whom the 27 l. 16s. is bestowed, would also as paupers become extinct and the money now levied for them saved, as will be seen hereafter. This change also would be no way detrimental to either the parish or nation at large.

3dly. As it is improbable that Mr. Martyn would reckon the houses and lands in the occupation of the landlords in his rent-roll, we may safely suppose such to be worth at least 100 l. a year and rate them at that value and then the rates will be 1522 l. 5s. Neither will this alteration be detrimental to the parish or nation at large.

4thly. If we suppose the administration of government according to such a constitution to be very cheap, as undoubtedly it must for reasons sufficiently obvious, a land-tax on the parish rent-rolls of 4s. in the pound may be deemed not very inadequate to its expenditure.

These things being premised, we shall soon see whether the people of Little Dalby and the nation at large have reason to be sorry or rejoice at the establishment of such a constitution.

	£	s.	d.
The whole rents of the parish, including the premises occupied by the landlords being	1522	5	0
Yields to the state at 4s. land-tax	304	9	0
And leaves to be equally divided among the 123 inhabitants of every description, and whether they be men, women or children, legitimate or illegitimate	1217	16	0
Of which the individual share is something above	9	18	0

Here we find that after a large sum is remitted to government, men, women and children of every description share equally nearly 10 l. each unincumbered with poor-rates or taxes! Was there ever such a prospect of happiness exposed to the contemplation of mankind? Who then will be the miscreant that will oppose such a system? Who on this occasion will take up a lamentation for the landed interest? Will they really be reduced to misery? And shall we have tragedies acted on the stage to draw forth our sympathy to their unparalleled sufferings? Nay, or will they not themselves rather, on due consideration, be the first to lead up the philanthropic dance of human happiness? Come then let us take an impartial view of the effect which such a revolution would produce on the different orders of mankind.

First, In respect to the landlords of every degree; are they the most happy of the human race, either in regard to their amours, marriages, family connections, health, &c? Does not the pride and etiquette of birth and family act the inexorable tyrant over their most tender feelings, destroy love and friendship, and even dissolve the brotherly ties of blood by unnaturally erecting one in every brood of children into a lordly tyrant over the rest? Nay, their whole economy among themselves, without regard to others, is a system of violence on nature, justice and humanity. What kind of treatment then must the rest of mankind expect from a combination of such unnatural monsters?

What will then be the fate or feelings of this class under the new regimen? Why, they will, from insatiable, proud, jealous and unhappy

victims to gaudy bondage, become wealthy, industrious, familiar and happy citizens. They will bring up their children to trades, employments, and useful habits; and will at the regeneration of things (even when their lands are sequestered) be still the richest inhabitants of the community from the valuable effects they would still retain, consisting of money, plate, jewels, furniture, apparel, corn, cattle, carriages, horses, &c. Thus would they have left an ample fund for industry to work upon. They will also, as well as others, to enliven and succour the efforts of industry, be entitled to as many shares of the parochial revenues as their families consist of souls. Let us then leave them to their happy lot, and contemplate the cases of the other classes.

Secondly, Of the farmers, merchants, and master mechanics. -- We know that if these have any landed property, their possessions would be sunk in the common stock of which they and their families would become joint proprietors, and it would in general be a change to their advantage. The universal abolition of taxes and the regular returns of their family dividends would also be an eternal prop and spur to their industry, and enable them to sell their respective produce, wares and manufactures at such low rates as to insure both a very extensive foreign and domestic trade. -- Commerce would then be so steady and permanent, that bankruptcies would rarely, if ever, happen and jails and extreme misery could never, as now, be the consequence of innocent inability to pay. Would not these reflections be a source of great consolation and remove from the minds of tradesmen a gloomy cloud of black apprehensions?

Thirdly, The labouring class, whether in agriculture or mechanical occupations, would be far from suffering by the change. The abolition of the taxes which penetrate through and through, and thus enormously enhance the price of every article they purchase, would certainly never hurt them! All things would be on that account incalculably cheaper. They would also receive the dividends of rents according to the number of their households. Hereby they would be enabled now and then to be hospitable to one another, to entertain a friend, to relax a little now and then from incessant labour, to appear clean and decent in apparel, and comfortable in their habitations, to educate their children, and in a word, to be respectable and happy citizens. Such also as aspired to become masters would have an opportunity of saving money for that purpose. It would not be as now, once down and aye down. No, there would then be a possibility of rising again.

There would also, instantaneously, be a great improvement in the morals of this class. From the vices and miseries of hopeless grovelling poverty, they would at once be elevated to the virtues, consequence, and happiness of mediocrity. They would be relieved from the most gloomy of prospects, that of bringing up children to be whores and soldiers for

the quality and of making their exit from a degraded life either in a ditch or a workhouse. In short, sentiments and conduct becoming the dignity of human nature would universally be the result of this happy constitution.

Fourthly, The paupers, the blind and the lame, the helpless old, and the orphan young, would certainly have reason to rejoice in this all-cheering constitution. For they would always find some relation or friend who, for the sake of their parochial annuity, would give them a place by their fire-side. Nor would any be so miserably poor as to make it altogether an object of consideration, whether the stipend of a poor relation was quite adequate to their maintenance. - Thus therefore would relations live and die together in the eternal bonds of amiable friendship.

Fifthly, The young unmarried people of both sexes, how would they be affected by this constitution? Why, the young men would certainly be no worse of 10 l. a year, during their apprenticeships, to keep them in decent cloaths, or to serve, if need be, as a premium to their master, nor yet after they were out of their time, would they find such an annuity an incumbrance. Young tradesmen and mechanics, and farmers too, have particular occasion for money to buy tools and stock and if they should think of marriage, as such a favourable state of things would invite all people to, money would be found to be useful an hundred ways.

But to crown the whole, let us see how it will affect the youthful of the fair sex. Will 10 l. a year perniciously affect them? Will they be worse educated, worse clothed, or imbibe meaner sentiments? Will the having something of their own to manage, infect their young minds with a stronger repugnance to economy? No, they will rather on the contrary contract an early bias to frugality and domestic life, and use their utmost endeavours to become notable housewives, as the prospect of marriage, in such a land of bliss, would soon open to their view. The whole horizon of love will glow with felicity, no more to be clouded with ill-boding and gloomy apprehensions. The hopes of a family would be but the hopes of increased happiness, and the quality, whose voluptuous manners have such baneful influence on all beneath them, will now become extinct and virtue, frugality, and industry, become the perpetual administrators of happiness to the whole human race.

Objection. Though the inhabitants of Little Dalby, as you state, would share 10 l. a head annually, yet many parishes may have a greater population in proportion to their rents, and then they must share less. And besides the increased expences of the state, together with the heavy local expenditure of a parish, respecting its police, buildings, roads, &c. might demand a much greater drawback from the rentals than 4s. in the pound, which would considerably reduce the individual dividends.

Answer. Public works and expences, as well as an encreased population may certainly affect the people's dividends: But as public expences would be entirely under their own controul, they would take care they would neither be enormous nor wasteful. And whatsoever casualties should arise, yet I am confident that at the worst their rentals would not only be amply sufficient for all public exigencies, but leave a considerable surplus, to be dealt back again among the people. But we have not yet considered what mines there may be in Little Dalby to encrease its revenue; neither what improvements might be made in the soil, or what wood there is to fell. And we know that many parishes are very rich in such resources, as well as in buildings, fisheries, &c. so that many parishes will be found considerably more wealthy than Little Dalby is in respect to its population. But after all, here is the grand consolation under this constitution, that however little they may share again of the public revenues, yet they have no taxes to pay, are entirely their own masters, and have their fate in all political respects in their own hands. No interested few can warp the public affairs to their own advantage, cramp their liberties, or direct them how to think. In a word, a people under such a constitution may be as free as they please, as economical as they please, and as happy as this mortal state will allow.

It is in every body's power to make calculations and estimates, similar to this of little Dalby, in reference to this constitution, and how it would influence the happiness of the people of any parish that may conveniently come under their review.

Those who may have any thing to object against this constitution and its effect on the human race, either in theory or practice, let them come forward and speak out. It is time that philosophy should prepare some healing plan, built on immutable truth and justice, to save the convulsed world from misery and desolation.

A smattering of the Rights of Man has now pervaded all nations and rendered them very unhappy. The rich know not what to fear and the poor know not how far their rights extend or how far they are practicable. This is the time then for intelligent minds to employ themselves on this grand object. Imperfect systems will not now be able long to resist the reiterated attacks of truth. The dark ages will never more return; wherefore then should we prolong anarchy by childishly resisting the growing empire of reason.

When a person sits down as a philosopher, or in other words as a man to the study of any science or branch of knowledge, he should certainly do so as much unconcerned about the issue of the investigation with respect to the interest of himself, or any party or class of men, as an upright judge sits down to hear a cause, or as a boy to work a question in

arithmetic. And dare any say that we shall not sit down to politics in the same unbiassed manner?

This is undoubtedly the most likely way to arrive at the truth, and to make us adepts in the science we aim at. Surely you would not confine your pupil in arithmetic or mathematics to such and such a result of your problem, whether in truth it can be so according to rule or right reason? Nor oblige a judge to make up his mind concerning the determination of a cause before he heard it? If then we are not to sit down to politics in the same free state of mind as to our other studies, for God's sake, I say, speak out and tell us to which side we are to incline at the expence of truth?

I say, are we at the price of our sacred rights and interests to do violence to truth in favour of canibals? Are we to determine right or wrong, that we and our children shall and ought to be less in the scale of animal beings than worms and caterpillars? Shall we say that Indians have an indisputable right to fish, hunt, graze, &c. and must civilized men be entirely disinherited of their natural property without an equivalent? Being so rich in a state of nature, do we shrink into abject servile poverty and forfeit our title to all abundance of natural goods the moment we join civilized society? Detested be the mode of education that would confine us to believe so! Sophists come forward! Speak out, and tell us how we are to study the chief of sciences, the science of the Rights of Man! Tell us how to think, ay, and likewise how to feel! Tell us whether we shall study as with the unprejudiced minds of untainted youth, or with the determined, mercenary, warped sophistry of our critical literati?

Shall we, ye leaders of the blind, study with a Pitt out of office or with a Pitt in office? As nature is the same whatsoever minister shall reign, so are the truths deducible from nature. And whenever I study, let who will reign, it shall be to discover the truth, and the whole truth, so help me God!

Wherefore having discharged my duty to mankind, in pointing out to the best of my apprehension, the only means by which they may be happy, I hold myself guiltless, and leave it to their choice to be free or enslaved; independent or influenced; to eat their own victuals or give them to the thankless.

T. SPENCE.

THE CONSTITUTION, &c.

Declaration of Rights

The ***** people convinced that forgetfulness of, and contempt for, the natural Rights of Man, are the only causes of the crimes and misfortunes of the world have resolved to expose, in a declaration, their sacred and inalienable rights, in order that all citizens, being always able to compare the acts of the government with the ends of every social institution, may never suffer themselves to be oppressed and degraded by tyranny; and that the people may always have before their eyes the basis of their liberty and happiness; the magistrates the rule of their duty; and legislators the object of their mission.

They acknowledge therefore and proclaim, in the presence of the SUPREME BEING, the following Declaration of the Rights of Man and Citizens:--

ARTICLE 1. The end of society is common happiness. Government is instituted to secure to man the enjoyment of his natural and imprescriptible rights.

2. These rights are equality, liberty, safety, and property natural and acquired.

3. All men are equal by nature and before the law; and have a continual property in and right to the earth and its natural productions.

4. The law is the free and solemn expression of the general will. It ought to be the same for all, whether it protects or punishes. It cannot order but what is just and useful to society. It cannot forbid but what is hurtful.

5. Social laws, therefore, can never proscribe natural rights. And every man, woman and child in society shall retain their primogenious right to the soil of their respective districts.

6. Thus, after deducting the land tax for support of the state, and all local contingent expences, the residue of the rents ought to be equally divided among all living inhabitants of every age and sex having right by residence.

7. Except upon this maxim, society has no just foundation.

8. All citizens are equally admissable to public employments. Free people know no other motives of preference in their elections than virtue and talents.

9. Liberty is that power which belongs to a man of doing every thing that does not hurt the rights of another: Its principle is nature: Its rules

justice: Its protection the law: and its moral limits are defined by this maxim, "Do not to another what you would not wish done unto yourself."

10. The right of manifesting one's thoughts and opinions, either by the press or in any other manner: the right of assembling peaceably and the free exercise of religious worship cannot be forbidden. The necessity of announcing these rights supposes either the presence or the recent remembrance of despotism.

11. Whatever is not forbidden by the law cannot be prevented. No one can be forced to do that which the law does not order.

12. Safety consists in the protection granted by the society to each citizen for the preservation of his person, his rights, and his property.

13. The law avenges public and individual liberty of the abuses committed against them by power.

14. No person can be accused, arrested, or confined, but in cases determined by the law and according to the forms which it prescribes. Every citizen summoned or seized by the authority of the law ought immediately to obey; he renders himself culpable by resistance.

15. Every act exercised against a man to which the cases in the law do not apply, and in which its forms are not observed, is arbitrary and tyrannical. Respect for the law forbids him to submit to such acts; and if attempts are made to execute them by violence, he has a right to repel by force.

16. Those who shall solicit, dispatch, sign, execute, or cause to be executed, arbitrary acts, are culpable, and ought to be punished.

17. Every man being supposed innocent until he has been declared guilty, if it is judged indispensable to arrest him, all severity not necessary to secure his person ought to be strictly repressed by the law.

18. No one ought to be tried and punished until he has been legally summoned, and in virtue of a law published previous to the commission of the crime. A law which should punish crimes committed before it existed would be tyrannical. The retroactive effect given to a law would be a crime.

19. The law ought not to decree any punishments but such as are strictly and evidently necessary. Punishments ought to be proportioned to the crime and useful to society.

20. The right of property is that right which belongs to every citizen to enjoy and dispose of according to his pleasure, his property, revenues, labour, and industry. - Here his property in land is excepted, which being eternally incorporated with that of his fellow-citizens is inalienable.

21. No kind of labour, culture, or commerce, can be forbidden to the industrious citizen.

22. Every man may engage his services and his time, but he cannot sell himself nor his right to the land. - His person and his claim to the earth are not alienable property. The law does not acknowledge servitude; there can exist only an engagement of care and gratitude between the man who labours and the man who employs him.

23. No individual or community can be deprived of the smallest portion of their property without their consent, except when the public necessity, legally ascertained, evidently require it and upon condition of a just indemnification.

24. No public revenue can be established, but for general utility and to relieve the public wants. Every citizen has a right to concur in the establishment of such revenue, to watch over the use made of it, and to call for a statement of expenditure.

25. Public aids are a sacred debt. The society is obliged to provide for the subsistence of the unfortunate, either by procuring them work or by securing the means of existence to those who are unable to labour.

26. Instruction is the want of all and the society ought to favour, with all its power, the progress of public reason; and to place instruction within the reach of every citizen.

27. The social guarantee consists in the actions of all, to secure to each the enjoyment and preservation of his rights. This guarantee rests on the national sovereignty.

28. The social guarantee cannot exist, if the limits of public functions are not clearly determined by the law and if the responsibility of all public functionaries is not secured.

29. The sovereignty resides in the people; it is one and indivisible, imprescriptible and inalienable.

30. No proportion of the people can exercise the power of the whole; but each section of the sovereign assembled ought to enjoy the right of expressing its will in perfect liberty. Every individual who arrogates to

himself the sovereignty, or who usurps the exercise of it, ought to be put to death by free men.

31. A people have always the right of revising, amending, and changing their constitution. One generation cannot subject to its law future generations.

32. Every citizen has an equal right of concurring in the formation of the law and in the nomination of his mandatories or agents.

33. Public functions cannot be considered as distinctions or rewards, but as duties.

34. Crimes committed by the mandatories of the people and their agents ought never to remain unpunished. No one has a right to pretend to be more inviolable than other citizens.

35. The right of presenting petitions to the depositories of public authority belongs to every individual. The exercise of this right cannot, in any case, be forbidden, suspended, or limited.

36. Resistance to oppression is the consequence of the other rights of man.

37. Oppression is exercised against the social body when even one of its members is oppressed. Oppression is exercised against each member when the social body is oppressed.

38. When the government violates the rights of the people, insurrection becomes to the people, and to every portion of the people, the most sacred and the most indispensable of duties.

Of the Republic

1. The ***** republic is one and indivisible.

Of the Distribution of the People

2. The ***** people is distributed for the exercise of its sovereignty and for the management of its landed property into parishes or districts.

3. It is distributed for administration and for justice into counties or departments.

Of the State of Citizens, proprietary, local or general

4. Every man born or domiciliated in *****, of the age of twenty-one years complete, is a general citizen.
5. Every man is a local citizen or parishioner in the parish or district wherein he last dwelt a full year; and if of the age of twenty-one years, may vote in its local or national concerns.
6. Every man, woman, and child is a proprietary citizen in the parish or district in which they have acquired the title of local citizen, either on account of their own residence, if adults, or of their parents, if infants, and have a full and equal right to share in the revenues of the landed property within the district.
7. The exercise of the rights of a local citizen in any district and all the profits attending the same is lost to a man and his family on his removal into another district and acquiring there the privileges of a local citizen.
8. A local citizen of age to vote is, of course, a general or national citizen.
9. The exercise of the rights of a citizen as a man, with respect to voting or public employments, is suspended by the state of accusation, and by condemnation to punishments, infamous or afflictive, till re-capacitation; but his proprietary right as a human being to a share of the revenue of his district can never be annulled but by death or banishment.

Of the Sovereignty of the People

10. The sovereign people is the universality of ***** citizens.
11. It nominates directly its deputies.
12. It delegates to electors the choice of administrators, of public arbitrators, of criminal judges, and judges of appeal.
13. It deliberates on the laws.

Of the Parishes or Districts

14. The land with its appurtenances is the natural common or estate of the inhabitants; a parish or district is therefore a compact portion of the country, designedly not too large, that it may be easily managed by the inhabitants with respect to its revenue and police.
15. A parish can levy no tolls nor assessment, but the rents of its district.
16. Their police appertains to them.

17. They nominate their own officers.
18. They support a public school.
19. The elections are made by ballot or open vote, at the option of each voter.
20. A parish cannot, in any case, prescribe a uniform mode of voting.

Of the National Representation

21. The whole number of the parishes or districts is the sole basis of the national representation.
22. There is one deputy for every so many parishes.
23. The nomination is made by the absolute majority of individual suffrages.
24. Each parish casts up the suffrages and sends a commissioner for the general casting up to the place pointed out as the most central.
25. If the casting up does not give an absolute majority, a second vote is proceeded to and the votes are taken for the two citizens who had the most voices.
26. In case of equality of voices, the eldest has the preference, either to be on the ballot or elected. In case of equality of age, lot decides.
27. Every ***** citizen, exercising the rights of citizens, is eligible through the extent of the republic.
28. Each deputy belongs to the whole nation.
29. In case of the non-acceptance, resignation, forfeiture, or death of a deputy, he is replaced by the parishes who nominated him.
30. A deputy who has given in his resignation cannot quit his post, but after the admission of his successor.
31. The ***** people assemble every year in their parishes, on the 1st of May, for the elections.
32. They proceed, whatever be the number of citizens present having a right to vote.

Of Electoral Assemblies

33. The citizens met in their parishes, nominate a certain number of electors for the county.

Of the Legislative Body

34. The legislative body is one, indivisible and permanent.

35. Its session is for a year.

36. It meets the 1st of July.

37. The national assembly cannot be constituted if it do not consist of one more than the half of the deputies.

38. The deputies cannot be examined, accused, or tried at any time for the opinion they have delivered in the legislative body.

39. They may for a criminal act, be seized, en flagrant delicto; but a warrant of arrest, or a warrant summoning to appear, cannot be granted against them, unless authorised by the legislative body.

Holding of the Sittings of the Legislative Body

40. The sittings of the national assembly are public.

41. The minutes of the sittings are printed.

42. It cannot deliberate, if it be not composed of - members at least.

43. It cannot refuse to hear its members speak in the order in which they have demanded to be heard.

44. It deliberates by a majority of the members present.

45. Fifty members have a right to require the appeal nominal.

46. It has the right of censure on the conduct of its members in its bosom.

47. The police appertains to it in the place of its sittings and in the external circuit which it has determined.

Of the Functions of the Legislative Body

48. The legislative body proposes laws and passes decrees.

49. Under the general name of laws are comprehended the acts of the legislative body, concerning the legislation civil and criminal: the

general administration of the national revenues, and the ordinary expences of the republic; the title, the weight, the impression, and the denomination of money; the declaration of war; the public honours to the memory of great men.

50. Under the particular name of decrees, are included the acts of the legislative body, concerning the annual establishment of the land and sea forces; the permission or the prohibition of the passage of foreign troops through the ***** territory; the introduction of foreign naval forces into the ports of the republic; the measures of general safety and tranquility; the annual and momentary distribution of public succours and works; the orders for the fabrication of money of every kind; the unforeseen and extraordinary expences; the measures local and particular to an administration or any kind of public works; the defence of the territory; the ratification of treaties; the nomination and the removal of commanders in chief of armies; the prosecution of the responsibility of members of the council and the public functionaries; the accusation of persons charged with plots against the general safety of the republic; all change in the partial distribution of the ***** territory; national recompenses.

Of the Formation of the Law

51. The plans of law are preceded by a report.

52. The discussion cannot be opened and the law cannot be provisionally resolved upon till fifteen days after the report.

53. The plan is printed and sent to all the parishes of the republic, under this title, law proposed.

54. Forty days after the sending of the law proposed, if in more than one half of the counties or departments the tenth of the parishes have not objected to it, the plan is accepted, and becomes law.

55. If there be an objection, the legislative body convokes the parishes.

Of the Entitling of Laws and Decrees

56. Laws, decrees, judgments, and all public acts, are entitled: -- In the name of the ***** people, the year of the ***** republic.

Of the Executive Council

57. There is one executive council composed of twenty-four members.

58. The electoral assembly of each county nominates one candidate. The legislative body chooses the members of the council from the general list.

59. One half of it is renewed by each legislature in the last month of the session.

60. The council is charged with the direction and superintendence of the general administration. It cannot act, but in execution of the laws and decrees of the legislative body.

61. It nominates, not of its own body, the agents in chief of the general administration of the republic.

62. The legislative body determines the number and functions of these agents.

63. These agents do not form a council. They are separated without any intermediate correspondence between them; they exercise no personal authority.

64. The council nominates, not of its own body, the external agents of the republic.

65. It negotiates treaties.

66. The members of the council, in case of malversation, are accused by the legislative body.

67. The council is responsible for the non-execution of laws and decrees and for abuses which it does not denounce.

68. It recalls and replaces the agents in its nomination.

69. It is bound to denounce them, if there be occasion, before the judicial authorities.

Of the Connection of the Executive Council with the Legislative Body

70. The executive council resides near the legislative body. It has admittance and a separate seat in the place of sittings.

71. It is heard as often as it has an account to give.

72. The legislative body calls it into the place of its sittings, in whole or in part, when it thinks fit.

The Administrative and County Bodies

73. There is a central administration in each county or department.
74. The officers and administrators are nominated by the electoral assemblies of the county.
75. The administrations are renewed one half every year.
76. The administrators and county officers have no character of representation; they cannot, in any case, modify the acts of the legislative body or suspend the execution of them.
77. The legislative body determines the functions of the county officers and administrators, the rules of their subordination, and the penalties they may incur.
78. The sittings of administrations are public.

Of Civil Justice

79. The code of civil and criminal laws is uniform for all the republic.
80. No infringement can be made of the right which citizens have to cause their differences to be pronounced upon by arbitrators of their choice.
81. The decision of these arbitrators is final, if the citizens have not reserved the right of objecting to them.
82. There are justices of the peace elected by the citizens in the parishes.
83. They conciliate and judge without expence.
84. There are public arbitrators elected by the electoral assemblies.
85. Their number and their circuits are fixed by the legislative body.
86. They take cognizance of disputes which have not been finally determined by the private arbitrations of the justices of the peace.
87. They deliberate in public; they give their opinions aloud; they pronounce in the last resort, on verbal defences, or simple memorials, without procedures, and without expence; they assign the reasons of their decision.
88. The justices of the peace and the public arbitrators are elected every year.

Of Criminal Justice

89. In criminal cases, no citizen can be tried but by an examination received by a jury or decreed by the legislative body; the accused have counsel chosen by themselves or nominated officially; the process is public; the fact and the intention are declared by a jury of judgment; the punishment is applied by a criminal tribunal.

90. The criminal judges are elected every year by the electoral assemblies.

Of the Tribunal of Appeal

91. There is one tribunal of appeal for all the republic.

92. This tribunal does not take cognizance of the merits of the case; It pronounces on the violation of forms and an express contravention of the law.

93. The members of the tribunal are nominated every year by the electoral assemblies.

Of the National Treasury

94. The national treasury is the central point of the receipts and expences of the republic.

95. it is supplied only by a land tax of so much in the pound, assessed from time to time on the rent-rolls of the parishes, Dy the legislative body, as occasion requires.

96. This assessment being sent by the respective parishes without expence, renders revenue laws and officers unnecessary.

97. The affairs of the treasury are administered by accountable agents nominated by the executive council.

98. These agents are superintended by commissioners nominated by the legislative body, not of its own members, and responsible for abuses which they do not denounce.

On Accountability

99. The accounts of the agents of the national treasury and of the administrators of the public money are given in annually to responsible commissioners nominated by the executive council.

100. Those verifications are superintended by commissioners in the nomination of the legislative body, not of its own members, and responsible for errors and abuses which they do not denounce; the legislative body passes the accounts.

Of the Force of the Republic

101. The general forces of the republic is composed of the whole people.

102. The republic maintains in its pay, even in times of peace, an armed force by sea and land.

103. All the ***** are soldiers; they are all exercised in the use of arms.

104. There is no generalissimo.

105. Difference of ranks, their distinctive marks and subordination, subsist only with relation to service and during its continuance.

106. The public force employed for maintaining order and peace in the interior does not act but on the requisition in writing of the constituted authorities.

107. The public force employed against enemies from without acts under the orders of the executive council.

108. No armed bodies can deliberate. Of the Revision of the constitution

109. If in one more than the half of the counties or departments, the tenth of the parishes of each, regularly assembled, demand the revision of the constitutional act or the change of some of its articles, the legislative body is bound to convoke all the parishes of the republic, to know if there be ground for a revision of the constitution.

110. The assembly of revision is formed by two members from each county or department, all chosen in the same manner as the legislative body.

111. The assembly of revision exercises no function of legislation or of government; it confines itself to the revision of the constitutional laws.

112. All the authorities continue the exercise of their functions, till the change proposed in the assembly of revision shall have been accepted by the people and till the new authorities shall have been put in motion.

113. The assembly of revision addresses immediately to the parishes the plan of reform which it has agreed upon. It is dissolved as soon as its

plan has been addressed. Of the Correspondence of the ***** Republic with other Nations

114. The ***** people is the friend and the natural ally of every free people.

115. It does not interfere in the government of other nations. It does not suffer other nations to interfere in its own.

116. It gives an asylum to foreigners banished from their country for the cause of liberty; it refuses it to tyrants.

117. It does not make peace with an enemy that occupies its territory. Of the Guarantee of Rights

118. The constitution guarantees to all the ***** equality, liberty, safety, property parochial and private, the free exercise of worship, a common instruction in parochial and national schools, public succours, the indefinite liberty of the press, the right of petition, the right of meeting in popular societies, the enjoyment of all the rights of man.

119. The ***** republic honours loyalty, courage, age, filial piety, misfortune. It puts the deposit of its constitution under the guard of all the virtues.

120. The declaration of rights, and the constitutional act, are engraven on tables in the bosom of the legislative body.