

CONSTITUTION OF HAYTI.

WE, H. Cristophe, Clervaux, Vernet, Gabart Petion, Guffard, Toussaint Brave, Raphael, Romain, Lalondrie, Caprix, Magny, Daut, Conge, Magloire Ambrise, Yayou, Jean Louis-Francois, Gerin, Moreau, Ferru, Bavelais, Martial Besse—  
As well in our own name as in that of the people of Hayti, who have legally constituted us faithful organs and interpreters of their will in presence of the Supreme Being, before whom all mankind are equal, and who has scattered so many species of creatures on the surface of the earth for the purpose of manifesting his glory and his power by the diversity of his works; in the presence of all nature by whom we have been so unjustly, and for so long a time, considered as outcast children,

Do declare that the tenor of the present constitution is the free, spontaneous and invariable expression of our hearts, and the general will of our constituents, and we submit it to the sanction of his Majesty the Emperor, JACQUES DESSALINES, our deliverer, to receive its speedy and entire execution.

Preliminary Declaration.

ART. 1. The people inhabiting the island formerly called St. Domingo, hereby agree to form themselves into a free state, sovereign and independent of any other power in the universe, under the name of Empire of Hayti.

2. Slavery is forever abolished.

3. The citizens of Hayti are brothers at home; equality in the eye of the law is incontestably acknowledged, and there cannot exist any titles, advantages, or privileges, other than those necessarily resulting from the consideration and reward of services rendered to liberty and independence.

4. The law is the same to all, whether it punishes, or whether it protects.

5. The law has no retractive effect.

6. Property is sacred, its violation shall be severely prosecuted.

7. The quality of citizen of Hayti is lost by emigration and naturalization in foreign countries and condemnation to corporal or disgraceful punishments.—The first case carries with it the punishment of death and confiscation of property.

8. The quality of citizen is suspended in consequence of bankruptcies and failures.

9. No person is worthy of being a Haytian who is not a good father, a good son, a good husband, and especially a good soldier.

10. Fathers and mothers are not permitted to disinherit their children.

11. Every citizen must possess a mechanic art.

12. No whiteman of whatever nation he may be, shall put his foot on this territory with the title of master or proprietor, neither shall he in future acquire any property therein.

13. The preceding article cannot in the smallest degree affect white women who have been naturalized Haytians by government, nor does it extend to children already born or that may be born of the said women. The Germans & Polanders naturalized by government are also comprised in the dispositions of the present article.

14. All acception of color among the children of one and the same family, of whom the chief magistrate is the father, being necessarily to cease, the Haytians shall henceforward be known only by the generic appellation of Blacks.

Of the Empire.

15. The Empire of Hayti is one and indivisible. Its territory is distributed into six military divisions.

16. Each military division shall be commanded by a general of division.

17. These generals of division shall be independent of one another, and shall correspond directly with the Emperor or with the general in chief appointed by his majesty.

18. The following islands are integral parts of the Empire: viz. Samana, La Tortue, La Gonave, Les Cayemites, La Saone, L'Isle-a-Vache, and other adjacent islands.

Of the Government.

19. The Government of Hayti is entrusted to a first Magistrate who assumes the title of Emperor and commander in chief of the army.

20. The people acknowledge for Emperor and Commander in Chief of the army, JACQUES DESSALINES, the avenger and deliverer of his fellow citizens. The title of his Majesty is conferred upon him, as well as upon his august spouse the Empress.

21. The person of their Majesties are sacred and inviolable.

22. The State will appropriate a fixed annual allowance to her Majesty the Empress, which she will continue to enjoy even after the decease of the Emperor, as princess dowager.

23. The crown is elective, not hereditary.

24. There shall be assigned by the state an annual income to the children acknowledged by his Majesty the Emperor.

25. The male children acknowledged by the Emperor, shall be obliged in the same manner as other citizens, to pass successively from grade to grade, with this only difference, that their entrance into service shall begin at the fourth demi brigade, from the period of their birth.

26. The Emperor designates, in the manner he may judge expedient, the person who is to be his successor either before or after his death.

27. A suitable provision shall be made by the state to that successor from the moment of his accession to the throne.

28. The Emperor, and his successors, shall, in no case and under no pretext whatsoever, have the right of attaching to their persons any particular privileged body, whether as guards of honour, or under any other denomination.

29. Every successor deviating from the dispositions of the preceding article, or from the principles consecrated in the present constitution, shall be considered and declared in a state of warfare against the society.

In such a case, the counsellors of state will assemble in order to pronounce his removal, and to choose one among themselves who shall be judged the most worthy of replacing him; and if it should happen that the said successor oppose the execution of this measure, authorised by law, the Generals, counsellors of State, shall appeal to the people and the army, who will immediately give their whole strength and assistance to maintain Liberty.

30. The Emperor makes, seals and promulgates the laws; appoints and revokes, at will, the Ministers, the General in Chief of the Army, the Counsellors of State, the Generals and other agents of the Empire, the sea officers, the members of the local administrations, the Commissioners of Government near the Tribunals, the judges, and other public functionaries.

31. The Emperor directs the receipts and expenditures of the State, surveys the Mint, of which he alone orders the emission, and fixes the weight and the model.

32. To him alone is reserved the power of making peace or war, to maintain political intercourse, and to form treaties.

33. He provides for the interior safety and for the defence of the State; and distributes at pleasure the sea and land forces.

34. In case of conspiracies manifesting themselves against the safety of the state, against the constitution, or against his person, the Emperor shall choose the authors or accomplices to be arrested and tried before a special Council.

35. His Majesty has alone the right to absolve a criminal or commute his punishment.

36. The Emperor shall never form any enterprise with the view of making conquests, nor to disturb the peace and the interior administration of foreign colonies.

37. Every public act shall be made in these terms:

"THE EMPEROR I. OF HAYTI, AND COMMANDER IN CHIEF OF THE ARMY, BY THE GRACE OF GOD, AND THE CONSTITUTIONAL LAW OF THE STATE."

Of the Council of State.

38. The Generals of Division and of Brigades, are of right members of the Council of State, and they compose it.

Of the Ministers.

39. There shall be in the Empire two ministers and a secretary of state. The minister of finances having the department of the interior, and the minister of war having the marine department.

40-44. [Interior regulations respecting the ministry.]

Of the Tribunals.

45. No one can interfere with the right which every individual has of being judged amicably by arbitrators of his own choosing whose decisions shall be acknowledged legal.

46. There shall be a justice of peace in each commune. Any suit amounting to more than one hundred dollars shall not come within his cognizance. And when the parties cannot conciliate themselves at his tribunal they may appeal to the tribunals of their respective districts.

47. There shall be six tribunals established in the cities hereafter designated, viz. at St. Marc, at the Cape, at Port au Prince, Aux Cayes, L'Anse-a-Vaux, and Port de Paix. The Emperor determines their organization, their number, their competence and the territory forming the district of each. These tribunals take cognizance of all affairs purely civil.

48. Military crimes are submitted to special councils and to particular forms of judgment.

49. Particular laws shall be made for the national transactions, & respecting the civil officers of the state.

Of Worship.

50. The law admits of no predominant religion.

51. The freedom of worship is tolerated.

52. The state does not provide for the maintenance of any religious institution, nor of any minister.

Of the Administration.

53. There shall be in each military division a principal administration, whose organization and inspection belongs essentially to the minister of finances.

General Dispositions.

Act. 1. To the Emperor and Empress belong the choice, the salary, and the maintenance of the persons composing their court.

2. After the decease of the reigning Emperor when a revision of the constitution shall have been judged necessary, the council of State will assemble for that purpose, and shall be presided by the oldest member.

3. The crimes of high treason, the delapidations of the ministers and generals, shall be judged by a special council, called and presided by the Emperor.

4. The armed force is essentially obedient, no armed body can deliberate.

5. No person shall be judged without having been legally heard in his defence.

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

7. It cannot be entered but in case of conflagration, inundation, or reclamation from the interior, or by virtue of an order from the Emperor or from any other authority legally constituted.

8. He deserves death who gives it to his fellow.

9. Every judgment to which the pain of death or corporal punishment is annexed, shall not be carried into execution until it has been confirmed by the Emperor.

10. Theft shall be punished according to the circumstances which may have preceded, accompanied, or followed it.

11. Every stranger inhabiting the territory of Hayti shall be, equally with the Haytians, subject to the correctional and criminal laws of the country.

12. All property which formerly belonged to any white Frenchman is incontestably and of right confiscated to the use of the state.

13. Every Haytian, who, having purchased property from a white Frenchman, may have paid part of the purchase money stipulated in the act of sale, shall be responsible to the domains of the state for the remainder of the sum due.

14. Marriage is an act purely civil, and authorised by the government.

15. The law authorises divorce in all cases which shall have been previously provided for and determined.

16. A particular law shall be issued concerning children born out of wedlock.

17. Respect for the chiefs, subordination and discipline are rigorously necessary.

18. A penal code shall be published and severely observed.

19. Within each military division a public school shall be established for the instruction of youth.

20. The national colours shall be black and red.

21. Agriculture, as it is the first, the most noble, and the most useful of all the arts, shall be honored and protected.

22. Commerce, the second source of the prosperity of states, will not admit of any impediment: it ought to be favored and specially protected.

23. In each military division a tribunal of commerce shall be found, whose members shall be chosen by the Emperor from the class of merchants.

24. Good faith and integrity in commercial operations shall be religiously maintained.

25. The government assures safety and protection to neutral nations and friends who may be desirous of establishing a commercial intercourse with this island, they conforming to the regulations and customs of the country.

26. The Counting-houses and the Merchandize of foreigners shall be under the safeguard and guarantee of the state.

27. There shall be national festivals for celebrating independence, the birth day of the emperor and his august spouse, that of agriculture and of the constitution.

28. At the first firing of the alarm gun, the cities will disappear, and the nation rise.

We, the undersigned, place under the safe-guard of the magistrates, fathers and mothers of families, the citizens, and the army, the explicit and solemn covenant of the sacred right of man and the duties of the citizens.

We recommend it to our successors, and present it to the friends of liberty, to philanthropists of all countries, as a signal pledge of the Divine Bounty, who in the course of his immortal decrees, has given us an opportunity of breaking our fetters, and of constituting ourselves a people, free, civilized, and independent.

Signed,  
H. CRISTOPHE, &c. (as before)

Having seen the present constitution:—

We JACQUES DESSALINES, Emperor I. of Hayti, and Commander in Chief of the army, by the grace of God and the constitutional law of the state.

Accept it wholly, and sanction it, that it may receive, with the least possible delay, its full and entire execution throughout the whole of our Empire. And we swear to maintain it and to cause it to be observed in its integrity to the last breath of our life.

At the Imperial palace of Dessalines, the 20th May, 1805, second year

of the Independence of Hayti, and of our reign the first.

DESSALINES.

By the Emperor.  
JUSTE CHARLATTE, Sec. Gen.

BOSTON, July 10.

On Monday evening, we had a smart shower, attended with some hail, heavy thunder, and very vivid lightning.—The vegetable Kingdom, which had so long drooped, is much refreshed; and the atmosphere, impregnated with vapors by a draught of several weeks, cleared.

The brig Halcyon, captain Fettyplace, lying in the stream, was struck by the lightning, and had her top gallant-mast & topmast considerably injured; it then went down into the fore-castle, and returning again, passed over the taffrel, into the water.—The mate and three hands were knocked down, but received no material injury.

We also learn that the meeting house in Roxbury, was damaged by the lightning.

We hear from the country that the hail did considerable damage to windows, corn-fields, &c.

Messrs Adams & Rhodes

I send you for publication, a copy of a protest made by the late captain Isaac Bridges, of this town, his mate & crew, before the American Consul at Fayal. This worthy but unfortunate man, died of this wound at said island on the 18th April last, after languishing ten days in extreme distress. It may be some satisfaction for his friends to learn, that the honors paid him at his interment exceeded any tribune of the kind ever witnessed at Fayal. Their excellencies the governor and the grand judge, all the military and civil officers, foreign consuls and merchants—in short, all the respectable people of the place, filled with emotions of pity for the unhappy fate of the deceased, and fired with indignation against the privileged assassin who was the author of it, composed the melancholy procession.

Anno Domini, 1805.

Consuls-Office, District of Fayal, April 2, 1805

BE it made known and made manifest unto all persons whom these presents may concern, that on this present day, the second of April, in the year of our lord, one thousand eight hundred and five, at the lodging house of Isaac Bridges, master of the brig Hannah, of Newburyport, John Street, Vice Consul, for the United States of America of the Island of Fayal and Azores, came at his request, he the said captain being unable to appear in my Consular office, declared that he sailed from Newburyport on the thirteenth of March, in the said brig, sound and staunch, for these islands, loaded with American produce, and other articles not prohibited by the treaty between the belligerent powers; that nothing material occurred during his voyage, till the thirteenth of said March, in lat. 29, with a heavy sea running, which caused the vessel to make much water; he, the said captain Bridges, observed a vessel at the stern; that a short time after, the said vessel fired a gun to leeward; he, the said captain immediately shewed his colors and took in sail to let him come up, and soon observed that said vessel was an English cutter. At half past one P.M. he hailed captain Bridges, and ordered to send his boat on board of him, but the sea being very turbulent, he, the said Bridges, observed to said cutter that his boat was too small, and at the time he would not trust himself in it, particularly not knowing how to swim, that if they wished to search his brig they might come and do it at their own peril. They returned in answer, that he, the said captain should not leave his boat out, they immediately would fire on him, and said captain Bridges, observing such obstinacy, told them to fire and be damned, and that he knew the neutral laws and the treaty between England and the United States. Soon after, said cutter fired several muskets upon him, said Bridges, though he had the main-top-sail on the cap aback, the fore-top-sail cued up, by the bye, said cutter came round said brig Hannah, and fired a second time, musket & great guns, and at the third time that she fired, he, the said Bridges, received two severe wounds in the thigh and groin, and his life being in great danger, in consequence of said wounds, he, the said captain desired me to take his protest, as he does protest against the barbarous proceedings of the captain of said cutter, whose name he declares to be PHILIP LE ROUX, and said cutter, Providence, of London, not only for his life, but for all loss, costs and damages whatever, that the said brig may sustain in the disposal of her cargo, which he also declares to be under his consignment and care. All which being solemnly sworn on the Holy Evangelists of Almighty God, by said Isaac Bridges, his mate, Joseph Cazeau, Phillip Pepple, Anthony Robert, William Brown, John Colere, mariners, to be true.

ISAAC BRIDGES, capt.  
JOSEPH CAZEAU, mate,  
PHILIP PEPPLE,  
ANTHONY ROBERT } mariners.  
WM. BROWN  
JOHN COLERE

I do hereby certify, that the above is a true and faithful copy, taken from the original, deposited in this my Consular office. In witness thereof, I have set my hand, and affixed my seal of office, this 27th day of May, 1805.

(L.S.) JOHN STREET.

NEW-YORK, July 15.  
To the Citizens of New York.

The board of health find it expedient, at the present critical period of the season, to call the attention of their fellow citizens to the measures, which are now in operation for the purpose of providing, against malignant and pestilential diseases. They consider this duty the more important, as they are anxious to diffuse information on this subject, to prevent undue apprehensions, to secure the vigilance and co-operation of every good citizen and to attach that degree of confidence which is requisite to the success of their exertions.

The system of measures, which is now in full operation may be divided into external and internal, or to such as are intended to guard against foreign and domestic causes of disease.

The external precautions comprehend the regulations of commerce and shipping. All vessels arriving from any part of the world, (except the ports of the United States, lying to the North East of Sandy Hook) are strictly examined at the quarantine ground and made subject to the directions of the health officer under a penalty not exceeding two thousand dollars or twelve months imprisonment.

All vessels arriving from a place, where a malignant or pestilential fever was prevailing, at the time of departure or if, during the voyage, any person has died or been sick on board, with such fever, are absolutely prohibited from approaching the city, nearer than the quarantine ground, until the first day of October, under a penalty not exceeding two thousand dollars, or imprisonment for a time not exceeding three years. No persons arriving in such or any other vessel at the quarantine ground, is allowed to proceed to the city, nor is any part of the cargoes of such vessels allowed to be conveyed to the city, without a permit in writing from the health officer, under the same penalty.

The governor, or in his absence the mayor, or in the absence of both, the recorder, may designate other descriptions of vessels that may become liable to quarantine, and may prohibit or regulate the intercourse by land, or ferries with all sickly or suspected places.

For the sake of additional security, all vessels arriving from any port in the West Indies, in South America, in the United States southward of Savannah in Georgia, in the Mississippi, in the Mediterranean, in Africa or in Asia, (except Canton or Calcutta) although no malignant or pestilential fever was prevailing at such ports at the time of departure, although no person had died or been sick on board with such fever, and although the health officer, after examination had given his permit to proceed, are prohibited from approaching within three hundred yards of that part of the island of New York, which lies southward of a line drawn from the house of William Bayard, on the North River, to Stuyvesant's dock, on the East River, under a penalty not exceeding two thousand dollars, or imprisonment for a time not exceeding three years.

The mayor or board of health may order to the quarantine ground or other place of safety; any vessel at the wharves in the vicinity of the city, which they may deem prejudicial to the public health, and when the owner, consignee or commander of such vessel cannot be found, they may remove them at the expense of such owner, &c. under the penalty of one thousand dollars and one year's imprisonment. The board of health may likewise order the removal of persons and things infected by or tainted with pestilential matter, to such place as they may think proper, and any one who resists their authority, in this respect, is liable to a fine of one hundred dollars.

Many articles of a suspicious kind are particularly excluded. Hides are excluded between the first of June and the first of November, under the penalty of being sold for the use of the health office. Foreign cotton is prohibited within the same period; but that which is the produce of the United States; is only excluded from that part of the city, which lies south of the outlet of Lispenard's meadow and Ferry-street, near Corlaer's Hook. Damaged coffee is specially prohibited.

No communication with vessels at quarantine is allowed without special permit, under a penalty not exceeding two hundred dollars. All persons sick, of whatever description, found on board such vessels, are conducted to the marine hospital, and there detained till their recovery or death. All vessels found to be filthy or even suspected to be so, are washed, cleansed, ventilated at the quarantine ground; and in case of disobedience to the directions of the health officer in this respect, the master, owner or consignee is liable to a fine not exceeding one thousand dollars. All wearing apparel, bedding, &c. are washed and cleaned, or, if it be thought proper, destroyed.

The above may be considered as a summary of the external precautions. The internal comprehends those laws and regulations, which respect the removal of nuisances and the preservation of cleanliness, the principal of which are as follows:

No dead animal shall be left exposed, in any place within the first eight wards of the city, under the penalty of ten dollars.

No pickled or salted beef shall be deposited in any place to the southward of Lispenard's meadow and Grand-street, between the first of June and the first of November, under a penalty not exceeding