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No. XXI.

French Constitution.

The following translation has been carefully compared with an authentic original, and may be considered as correct. [See also [Article 8.]

[Concluded.]

CHAP. X.

OF FINANCES.

Public Contributions.

Art. I. The public contributions are estimated and fixed every year by the legislative body.

They may not extend beyond that sum, if they are not expressly received.

The proprietors of the funds are taxed on the amount of their income.

Those who are not holders in the funds and who by their industry are in a situation to contribute to the public expenses, pay a personal contribution.

III. The legislative body may establish such kind of contribution as it shall judge necessary; but it cannot altogether suppress the real nor the personal contribution.

IV. Every individual who, not being in the situation provided for by article V and VI, of Chapter XI of the Constitution, has not been comprised in the list of personal contributions, has the right of presenting himself before the ministerial administration to be there inscribed; the administration inscribing his name, if there be cause for so doing, and determines the amount to which that citizen shall be taxed.

V. The contributions of every kind are distributed amongst all the contributors according to their faculties.

VI. The executive directory directs and superintends the collection and the fulfilment of the contributions, and gives that end, all the necessary orders.

VII. The detailed accounts of the expense of the agents general of execution are published at the commencement of each year.

It shall contain likewise the state of the different contributions, and of all the public revenues.

VIII. The statements of those receipts and expenditures are distinguished according to their nature; they state the sums received and expended year by year, each part of the general administration.

X. Accounting of the particular expenses of the departments and relative to the trials, to the administrations, to the progress of the sciences, to all public works establishments, are, in like manner, to be made public.

XI. The administrations of department, the municipalities shall not have power to establish any public contribution, nor to make any appropriation over above the sums fixed by the legislative body or to agitate or permit, without thereto authorized by it, any loan at the expense of the citizens, the department, commune, or canton.

National Treasury and Accounts.

XII. There are five commissioners of national treasury chosen as members of the executive council by the legislative body in the same form.

XIII. The duration of their functions is five years; one of them is renewable every year.

XIV. The commissioners of the treasury are charged with the superintendence of the receipt of all the national debts.

XV. In order the payment of all public debts.

To keep an account, even of their receipts and expenditures, with all the receivers and payees who ought to account with the national treasury.

XVI. To maintain with the treasurers of departments, as with the commissioners of the correspondence necessary to the exact and regular receipt of the funds.

XVII. They can pay nothing, under pain of trespass but in virtue of a decree of the legislative corps and when the funds decreed by it agree with each object.

XVIII. Of a decision of the directory.

XIX. Of the situation of agent general of execution who orders the expense.

XX. Neither can they under the pain of trespass, exact any payment, if the warrant signed by the agent general of execution whom that species of expense may concern, does not mention the date as well as the decision of the executive directory, as of the decree of the legislative body which authorized the payment.

XXI. There shall be five commissioners of national accounts appointed at the same time, and in the same manner with the commissioners of the treasury.

XXII. They are also appointed for five years, one of which is renewable each year.

XXIII. The commissioners of accounts shall cause to be rendered at the periods fixed by law, statements of the several accounts supported by vouchers, and shall pursue the correcting and judging of those accounts.

XXIV. In case of death, disqualification, or disengagement of one of the commissioners of accounts or of the Treasury, his successor is appointed by the legislative body.

The new member is elected only for the residue of the time of his predecessor, but if that time does not exceed six months he that is thus elected shall serve five years and an half.

XXV. The legislative body forms every year a list of two hundred jurors, for auditing and judging accounts.

XXVI. The commissioners of accounts form from this list a jury of 21 citizens, of which the party accountable shall have a right to challenge 3; and the executive directory 7 others.

XXVII. If the challenges do not reduce the number of jurors to seven, the jurors not challenged, shall reduce themselves to that number by lots.

XXVIII. One of the commissioners of accounts shall present the papers to the jury, he will make all those observations that are proper, and will give the necessary orders for putting it into a stage to produce his decision.

CHAP. XI.

Exterior Relations.

Art. I. The French republic does not take arms but to maintain its liberty, preservation of its territory, the or defense of its allies.

II. War cannot be declared but by a decree of the legislative body, on the formal and necessary proposition of the executive directory.

III. The two legislative councils concur, in the ordinary forms, in the decree by which war is declared.

IV. In case of hostilities impending or commenced, of threats or preparations for war against the French republic, the executive directory is bound to declare, for the defence of the state the war or its disposition, under charge of informing the legislative body without delay.

They may affix one in that case, the commissioners of finance, and the new leg. shall receive documents which circumstances have brought.

Building, furnishing, and every possible

for post office, &c p. 1000, excepted because of duty of the taxes by land and sea, as they shall be established, and given in to districts, in case of war.

V. It is authorized to make permanent negotiations, or treaties, for the realization, it may make secret treaties.

VI. It belongs to the executive power to conclude, and to sign, or cause to be signed, with foreign powers, all treaties of peace, of alliance, of truce, of neutrality, of commerce, and other agreements necessary to the good of the state. Their treaties and agreements shall be negotiated in the name of the French republic by the diplomatic agents, appointed by the executive directory, and charged with instructions.

VII. In the case where a treaty covers secret articles, the arrangement of these articles cannot affect the public articles.

VIII. Treaties are not binding till after

having been examined and ratified by the legislative body; nevertheless secret conditions receive a provisional execution the moment they are concluded by the executive directory.

X. Neither of the legislative council, de liberte de war, or peace but in general committee, according to the law.

XI. Foreigners established or not in France, succeed their parents, foreigners, or French; they may contract, acquire, and receive estates situated in France; and there dispose of the same.

XII. Every prohibitory law of this kind, when circumstances render it necessary, especially professional and commercial firms, for a year, unless formally re-

XIII. There is neither prohibited freedom, nor any monopolies, either of monopoly of commerce, and the exercise of industry, and the arts of every description.

XIV. Every prohibitory law of this kind, when circumstances render it necessary, especially professional and commercial firms, for a year, unless formally re-

XV. The citizens have the liberty to assemble peacefully, and without arms; they are then under the superintendence of the police, and cannot form corporations, nor associations contrary to public order, or safety.

XVI. No assembly of citizens can form itself into a popular society.

XVII. No particular society can occupy itself on political questions, nor correspond with any other; nor affiliate itself—nor hold public meetings, nor compose small societies and assemblies, distinguished one from another, nor impose conditions of admission, nor eligibility nor arrogate the rights of exclusion; nor cause their members to wear any external sign of their association.

XVIII. The citizens cannot exercise their political rights but in the primary assemblies, or communes.

XIX. All the citizens are free to address to the public authorities their petitions, but they ought to be individuals, no association may present one collectively, except constituted authorities, and solemnly for an object connected with the nation.

X. The constitution guarantees inviolability, of property; or a just indemnification where the public property, legally, fairly requires that it should be confiscated.

XI. No one can wear an external mark to distinguish him from the other citizens, and which recalls his former functions, or services rendered.

XII. The members of the legislative body and all the public functionaries, carry in the exercise of their functions, the sign of the authority, with which they are vested; the law will determine the form of it.

XIII. No citizen can renounce, in whatever in part, his residence or compensation, to which he is entitled by law, on account of his public function.

XIV. No power instituted by the constitution, has the right to call people together, or in part, except the legislative body which should be called by the law, and in the manner in which they have been called.

XV. The members of the assembly of revision deliberate in common.

XVI. Those citizens who are members of the legislative body, at the time of convoking the assembly of revision, cannot be elected members of the assembly.

XVII. The members of revision, after their election to the previous assembly, may not leave which they have been called.

XV. The French people concur in the present constitution to the fidelity of the legislative body, the executive directory, the administrators and the judges, to the vigilance of fathers of families, to wives, to mothers, to the education of young citizens, to the courage of all Frenchmen.

XVI. The French people should constantly bear in mind, that on the wisdom of their choice, will principally depend the duration, the preservation, and the prosperity of the republic.

DONE, in the Committee of Eleven, the 4th Mefidier, 6 year of the Republic.

[SIGNED]
P. G. L. Baudin, (des Ardennes)
T. Berlier,
Buffy,
J. A. Greuze-la-Touche,
Daunou,
Durand Maillou,
Lanjuinais,
Le Sage, (d'Eure et Loir)
J. B. Louvet, (du Loiret)
L. M. Rivalier Lepage,
A. G. Thibaudet.

From the COLUMBIAN MIRROR.

A Publication in the Columbian Mirror of the 25th ult. signed "A Federalist" under pretence of discussing a certain act of a public servant, being evidently intended to gratify private malice and personal hatred, would not have been noticed by the person at whom they are levelled, did he not find his public character assailed by the grossest calumny and falsehood.

Show that he feels an inferior zeal for the rights of his fellow citizens, not that he shrink from an enquiry into his conduct as a servant of the public—on the contrary, he wishes it to be freely, but fairly discussed; because it involves a question important to the American people: namely, how far the two houses of Congress have a right to withhold from their constituents a knowledge of public transactions.

A question of sufficient magnitude to attract the attention of those whose leisure and talents will enable them to do full justice to the subject, and to whom he would therefore wish to confide the task of affording that conviction to the public mind, which reflection has operated on his own. But the vindication of character unjustly aspersed is a duty which every man owes himself, and however uninteresting to the public, such vindication ought to be so exercised with the calumny, at least as patiently attended to: how and contemptible personal abuse and insinuation merit no reply. A few previous remarks on the question of secrecy, are however submitted to public consideration, in order to remove the doubts of some well intentioned persons who seem to have apprehended the constitution on this subject; not that the publication alluded to contains a single proof or argument in support of the objection, so roundly made respecting this right.

The words of the constitution which are said to give to each branch of the legislature an unlimited power of concealing public transactions, and shutting up the hands, and sealing the lips of its members, are, that "each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment require secrecy."

It is really strange that this clause of the constitution expressly intended to produce publicity in the proceedings of Congress, should at this early day be contended, as deducing to them power of concealing their transactions from the public view, in every case. Had this clause not been inserted in the constitution, would congress from the nature of our government have had a right to draw a veil over all their proceedings; and would not such an attempt have raised the just indignation of the people? Let the public opinion and feelings on the determination of the Senate to keep their doors close, however—shall we then which command them to publish, be construed into an indefinite and unlimited right to conceal?

The true spirit and meaning of the clause is, that all the proceedings of the two houses shall be committed to a journal; their journals shall be published, but where the divulging a measure would tend to defeat its effect, there the two houses shall not be obliged to publish the journal of their proceedings, respecting it.

Deliberations of the legislature upon the propriety of taking into a war, or

the mode of conducting it; certain articles or treaties which by the contracting parties are stipulated to be kept secret; and in time of war, secret military plans and operations are of this nature; and the communication can be carried but little further. In such cases the public safety admits and even requires concealment; and cannot be extended beyond it.

Rules of proceeding in all deliberative bodies are established for the regular and orderly dispatch of business, and are obligatory on the members during the session, but no longer; as it is evident from the very nature of the case:

A particular justification of the act of publishing the British treaty is not intended; of this the Public will judge and pronounce its condemnation, if I merit reprehension. From their decision there lies no appeal, and it is not added with a view to divide the supposed blame; that it was the *means* a military opinion in the Senate, that the members were not bound by the injunction, that was laid upon them; that several of the members considered themselves free to exercise their own discretion on the subject, and that some of them avowed their determination of giving publicity to the treaty in such time and manner, as they thought proper.

Let it should be deemed unrighteous to tread farther on the hallowed ground of Senatorial secrecy, but more especially because no wish is entertained of impeaching the conduct, or questioning the views of others; the curious history of this vote of secrecy is not given; the vote itself has been industriously circulated, and though it is not indicated that this resolution was framed with any sinister design; it cannot have escaped an attentive observer, that it admits, any account or abstract of the treaty, to be communicated, but will not permit a copy of the whole or of any article to be given. This was—in effect, to declare, that through the most erroneous or imperfect

account of the treaty should, through mistake, or design, be palmed upon the public; no Senator should be at liberty to correct such statement, by furnishing a copy of that instrument, or of a part so misrepresented. This must have kept the public mind in a state of tantalizing uncertainty, and the situation would have been *dead*, while *the treaty* was loosed by the sword.

It would be staining the constitution of this clause still further, to say, that it authorizes either house to forbid its members to speak of, or to communicate, any information they may there receive; this principle once admitted, to what a dangerous and alarming extent might it be carried! measures, opinions and mischievous in the extreme might be attempted in Congress, and the authors and promoters of such measures never known to the constituent bodies who sent them there. The most dangerous plots against public liberty might be carried on with impunity, and without a possibility of detection, if this silence imposing power rested in Congress. Cases innumerable will suggest themselves to every reflecting mind; suffice it to state two:—
When authorities are openly chosen,

Two are at points as two dozen.
Had the same majority of the Senate which passed a vote for shutting their doors and defeated various attempts afterwards made to get them open, upon every occasion engined the members never to make known who had composed that majority: and thus presented the State Legislatures, ignorant knowing where to fix the censure of the measure, would any member of the minority have been bound to obedience?

Should a treaty contain stipulations for altering the government, and subverting the liberties of the people, (and such treaties have been), or should it go no farther than to place exclusively in the hands of a part of the government, powers which can only be constitutionally exercised by the whole; a combination under any injunction, would in one instance be treason; and in the other, a just sense of duty might impel a member to apprise his fellow citizens of the impending danger, which threatens the Constitution. In another case can there exist a legitimate authority to impose silence, and consequently no duty to obey such injunction; but even if we reject the type, sign and obvious meaning of this clause, and adhere to the literal terms in which it is expressed; say, if to those words are given latitude not favourable to contradiction, then only amount to *assent* to Congress to conceal, or to withhold their journals at discretion.

The power of Congress to impose secrecy and silence upon its members, is certainly then not found in this place to which we have been so confidently referred.

It may perhaps be supposed to be given in the preceding clause, which says, that "each house may determine the rules of its proceedings." The danger

fixed on the particular date for those regiments to assemble in battalions, for the purpose of completing, by draft, what voluntary enrolment may have supplied, adding, "in the mean time accept of any volunteers who may offer." After stating to Colonel Little the number of Infantry required from his regiment, for the western expedition, I added, "besides a proportion of Cavalry, " in case the Alexandria troop should not make a tender of their services, as you have been informed, should the other two companies you mention, to the same, this demand from your regiment will be more than satisfied: of this I will to you be immediately informed. Should such tender not be made, you will take the necessary steps to provide your quota as early as possible. It might perhaps be advisable in that case to appoint battalion, or earlier meetings of your militia, as soon as may be, to complete by draft, what voluntary enrolment may leave unsupplied; but I leave the particular arrangement of this subject to your discretion, in the meantime accept of any volunteer that may offer."

On the next day I drew up, and forwarded to the commanding officers of regiments orders for raising these two detachments, those relating to the Western expedition are as follows, viz.

Sixth Brigade Order
September 4, 1794.
The governor of the Commonwealth having directed a second detachment of Militia, amounting to 3000 Infantry, and 300 Cavalry, exclusive of commissioned officers for immediate service, to hold themselves in readiness to take the field at a moment's warning, for a tour of duty which may possibly continue until the first day of December next; of which detachment the Major General of the division has ascertained the proportion to be furnished by this brigade, to be, 1

list: Colonel, &c.

The commanding officers of regiments apportion the quotas thereof due from the public enter into their several regiments among the companies composing them; that they take care to advise officers to have the same in readiness as soon as possible. The quota due from each regiment is from Col. Little's, 2 captains, &c. Russell's, captain, &c. Lincoln's, Colonels, &c.

The commanding officer hopes for the honour of the brigade, that their quota will be furnished by voluntary enrollment, and that the receipt of a draft will not wait.

This mode, so much to be preferred, will therefore in the first instance be referred to. Particular corps as well as individuals, are exhorted on this occasion to evince their patriotism, and shew their zeal for a regular administration of the laws, by stepping forward to enforce obedience to them, should such an unhappy alternative be found absolutely necessary.

The alteration of this Federalist respecting my conduct as a militia officer is an infamous calumny, and I may add, a very impudent one too, when so positively made, amidst so many who can witness its falsehood, and who know my exertions on that occasion.

I have not the vanity to suppose that the public can feel any particular interest in what concerns my character; but I trust they will patiently listen to a short narrative of my conduct in that business; and will excuse the insertion of some documents, (though lengthy) in support of it.

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Two are at points as two dozen.

Had the same majority of the Senate which passed a vote for shutting their doors and defeated various attempts afterwards made to get them open, upon every occasion engined the members never to

make known who had composed that majority: and thus presented the State Legislatures, ignorant knowing where to fix the censure of the measure, would any member of the minority have been bound to obedience?

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from crossing & trifling up the subject of those who wished to serve, that I tried every means to persuade and animate both officers and men to turn out in support of the law. I urged the extreme danger of suffering a small part of the community to reinfatuate with the excise law. These gentlemen were meritorious officers during the whole of last war; they have served their country with reputation in the legislature and judiciary of the state; and posses in a high degree the confidence of the people among whom they live; when to important public services are added their respectability of character, and known integrity it is deemed unnecessary to multiply proofs, of which innumerable could be adduced: from their statements and the official documents above inserted, my fellow citizens will judge whether my conduct was not the very reverse of what it has been represented.

To show what farther respect is due to this wanton attack upon my character, it remains only to announce to the public the author.

After much delay and pre-

paration the volume is owned by a young gentleman, brother to (the late Honorable) Richard Blane Lee, the difficulty of finding him out, has hitherto delayed this publication. In compilation however to his youth, I forbear any lectures on misconduct, nor will I ever hold up his name in public contempt.

STEPHEN'S T. MASON.

Raberry Plain, Aug. 31st, '94.

"most dreadful and deplorable calamities. That the second requisition was for the avowed purpose of supporting the violated laws of our country: to quell insurrection in the down and prevent future mischief: by manufacturing a disaffected the strong arm of the Union, and the zeal and promptitude of her citizens, in obeying the voice of the laws. The lovers of good order and good government, have now a glorious opportunity offered of displaying and evincing their patriotism, by keeping forth under the auspices of liberty and of the law. That drafted

or forced service, on this momentous

call, would be disgraceful. It would

disonor any one to suffer himself to

be drafted. That the volunteers would

point at him in camp, and say—There

goes a mean contemptible draft, &c. &c.

That you would recommend volunteers

to turn out in honor to themselves,

their country, and every other confi-

dation that was dear to them, &c.

"

I do certify, that in consequence of

his letter, dated the 4th of September, '94, I assembled the militia of my regi-

ment in battalions, at which General

Malon attended; addressed the men, urg-

ed the necessity of supporting the law,

and did every thing in his power to pre-

pare them to turn out as volunteers.

rather than be drafted for that service.

And I further declare, that I never saw

any thing in his conduct, either public or

private, in the smallest degree indi-

cated a disposition to discourage the ser-

vice; but that he, exerted himself in a

straightforward manner to complete his quota,

and forward them to the place of general

rendezvous.

I am at a loss to know what is meant

by your "actually turning back volun-

teers" as there never was an instance

which came under my notice, of your

tossing back draft, volunteer, or any

body else, who desired to go on the ex-

pedition.

The drafted, No. 1, 2, 3, &c. which I

have made out, in the form of returns,

will give you all the information respect-

ing the details of the two brigades you

mention, and the militia of Fairfax, and

Loudoun, who actually served in the

late expedition under my command.

That heretofore, you had, on several

occasions harangued them publicly in

a style and character very different from

what your duty prompted you to use, &

appear in at the present crisis of affairs.

That they all well knew you had been

opposed to the condition; because

"you thought it had certain defects,

which ought to have been amended be-

fore adoption.—But it having been

so fully and perfectly adopted by a ma-

jority of the militia, and since nothing

had been done to amend it, it was

imperatively necessary to adopt it.

That you had accepted an unsolicited appointment;

and now appeared before them in the

character of an officer and a soldier.—

That human wisdom could not pre-

dict or frame laws perfectly adequate to go-

vern a diffuse and very extensive popu-

lation, such as we were; that some cir-

cumstances, clause, &c. would perhaps

infringe or pred. hard upon some small

remote or particular situated part of

the community; when at the same

time, the rest of the nation, who were

the great majority, were easy, happy

and contented; and could see no hard-

ship or grievance in the law. That

probably the four western counties of

Pennsylvania, have considered the ex-

cise law as pressing hard upon them

