Constitution of France

# Declaration of Rights of Man and the Citizen

The representatives of the French people proclaim the following declaration of the rights of man and the citizen.

1. Every society is the result of an agreement into which all of its members freely enter.
2. The goal of a political society can only be the greatest good for everyone.
3. Every man is proprietor of his person. This property is inalienable.
4. Every man is free to exercise his personal faculties as he sees fit, without, however, infringing upon the rights of another.
5. Thus no one need justify his thoughts or his feelings; every man has the right to speak or be silent: he may publish his thoughts or feelings as he sees fit.   
     
   Each person is free to write, print or have printed what he wishes, unless this infringes upon the rights of another.   
     
   Every writer may sell his works, or have them marketed; he may freely use the mail or any other means available for their distribution without every having to fear a breach of trust.   
     
   Letters in particular are to be considered sacred by every person who comes between the writer and the person to whom he has written.
6. Every citizen is free to determine for himself how his labor, his skills and his capital will be used. No kind of work may be forbidden to him. He may make what he wishes as he wishes; he may warehouse or transport every variety of merchandise which he may sell on either the retail or wholesale market. No individual, no group has the right to restrict these activities, still less to prohibit them. The law alone can establish the limits of this liberty, of any liberty.
7. Any man can commit his services, his time; but he cannot sell himself: his person is not an alienable property.
8. Every man may come or go, enter or leave, as and when he chooses. He may indeed leave and re-enter the republic whenever and as he chooses.
9. Every man may use his property and his assets as he thinks appropriate.
10. The liberty, property and security of citizens depend upon society’s providing them with a guarantee capable of withstanding any attack.
11. Thus, the law must have at its disposal a force capable of repressing those individual citizens who would attack the rights of others.
12. Thus, all persons who are responsible for the execution of the law, all persons who exercise any other facet of authority or public power, must be rendered incapable of interfering with the liberty of the citizenry.
13. Thus, the legal force responsible for domestic law and order must establish and secure one and the other to such a degree that there never arises any need to seek the dangerous assistance of the military.
14. The military was only created for, only exists for, and only acts in, the domain of foreign affairs. Thus soldiers must never be deployed against citizens. They may only be used against a foreign enemy.
15. All citizens are equally subject to the law. No citizen is obliged to obey any authority but that of the law.
16. The law is concerned only with the common interest. Therefore it may grant no privilege to anyone; should privileges exist, whatever their origin, they must be abolished without delay.
17. If men are not equal in means, that is, in wealth, intellect or strength etc., it does not follow that their rights are not equal. Before the law, each man is worth as much as another; the law protects them all without distinction.
18. No man is more free than another. None has a greater right to his property than another has to his. All must be equally protected, equally secure.
19. Since all citizens are equally bound by the law, it must impose equal penalties on the guilty.
20. Any citizen who is summoned or apprehended in the name of the law must obey immediately. Resistance is criminal.
21. No one is to be called to justice, apprehended or imprisoned except in those cases addressed by the law and according to the procedures that it has established.
22. Any arbitrary or illegal order is null and void. The person or persons who sought it or signed it are guilty. Those who transmitted it, executed it or had it executed are guilty. All must be punished.
23. Citizens victimized by such orders have the right to repel violence with violence.
24. Every citizen has the right to see justice done without any delay, and this as much for his person as his property.
25. Every citizen has a right to the common benefits that result from living in society.
26. Every citizen who is powerless to provide for his needs has a right to assistance from his fellow citizens.
27. The law can only be the expression of the general will. For a large population, it must be the work of a body of representatives chosen for a short period of time either directly or indirectly by all the citizens who are capable and have an interest in the commonweal. These two qualities must be clearly and positively determined by the constitution.
28. No one is obliged to pay any tax except those that have been freely established by the representatives of the nation.
29. All public authority comes from the people; its only purpose is the interest of the people.
30. The constitution of public authorities must be such that while assuring that they are always operative and always able to meet their objective, they can never deviate from it to the detriment of the interest of society.
31. A public office can never become the property of those who occupy it; office is not a right, but a duty.
32. Public office is a function of public need. The number of offices must be rigorously limited to what is necessary. It is especially absurd that there exist functionless offices in a state.
33. No citizen may be excluded from any office because of what prejudice has labeled inadequate descent. In every kind of public service, the most capable persons are to receive preference.
34. Since, at present, all service should receive remuneration and does receive remuneration, it follows that only the need for compensation or the need for charity justifies applying for pensions drawn on the public treasury.
35. Monetary compensation supposes distinguished or lengthy service to the country by men without wealth who can no longer be productively employed.
36. As for public charity, it is clear that it must only be distributed to those persons who are truly unable to provide for their needs; and this word is to be understood as referring to real needs, not the needs of vanity, for tax payers never intended to deprive themselves—sometimes of a part of what they truly require—so that a pensioner of the state live in luxury. Moreover, it is necessary that charitable assistance cease as soon as the disabilities that justified it come to an end.
37. Public officials in every branch of government will be held responsible for their conduct and breaches of trust.
38. A people always has the right to review and reform its constitution. Indeed, whatever the need, there are fixed dates when this revision will occur.

# Constitution

1. The French Republic is one and indivisible.
2. The totality of French citizens is sovereign.

## Division of the Territory

1. France is divided into — departments.  
     
   These departments are . . . . . [insert list here].
2. The boundaries of the departments can be changed or rectified by the legislative body; but in that case, the area of a department cannot exceed one hundred square myriameters (four hundred common square leagues).
3. Each department is divided into ten communes.  
     
   These communes are . . . . [insert list here].
4. The boundaries of the communes can be changed or rectified by the legislative body; but in that case, the area of a commune cannot exceed ten square myriameters (forty common square leagues).
5. The French colonies are integral parts of the Republic and are subject to the same constitutional law.
6. They are divided into departments as follows:  
     
   The island of Saint Domingo, of which the legislative body shall determine the division, into four departments at least and into six at most;  
   Guadaloupe, Marie Galante, Desirade, the Saintes, and the French part of Saint Martin;  
   Martinique  
   French Guiana and Cayenne;  
   Saint Lucia and Tabago;  
   The Isle of France, the Seychelles, Rodriguez, the settlements of Madagascar;  
   The Island of Réunion;  
   The East Indies, Pondicherry, Chandernagor, Mahé, Karikal and other settlements.

## Political Conditions of the Citizens

1. Every man born and residing in France, fully twenty-one years of age, who has had himself enrolled upon the civic register of his canton, who has lived for a year past upon the soil of the Republic, and who pays a direct land or personal property tax, is a French citizen.
2. Frenchmen who shall have made one or more campaigns for the establishment of the Republic are citizens, without condition as to tax.
3. A foreigner becomes a French citizen when, after having fully reached the age of twenty-one years and having declared an intention to settle in France, he has resided here for seven consecutive years provided he pays a direct tax, and in addition possesses real estate or an agricultural or commercial establishment, or has married a French woman.
4. Only French citizens can vote in the primary assemblies and be summoned to the offices.
5. The exercise of the rights of citizenship is lost:  
     
   By naturalization in a foreign country;  
   By affiliation with any foreign corporation which may imply distinctions of birth or which may demand religious vows;  
   By the acceptance of positions or pensions offered by a foreign government;  
   By condemnation to afflictive or infamous penalties until rehabilitation.
6. The exercise of the rights of citizenship is suspended:  
     
   By judicial inhibition because of delirium, insanity, or imbecility;  
   By the condition of bankruptcy or by the direct inheritance by gratuitous title of the whole or of part of the succession of a bankrupt;  
   By the condition of domestic service for wages either for a person or a household;  
   By the condition of accusation;  
   By a judgment of contempt of court, as long as the judgment is not annulled.
7. The exercise of the rights of citizenship is neither lost nor suspended except in the cases enumerated in the two preceding articles.
8. Every citizen who shall have resided for seven consecutive years outside of the territory of the Republic, without commission or authorisation given in the name of the Republic, is reputed a foreigner; he becomes a French citizen again only after having conformed to the conditions prescribed in article 11.
9. Young men cannot be enrolled upon the civic register unless they prove that they know how to read and write and to follow a mechanical calling.  
     
   The manual operations of agriculture belong to the mechanical callings.

## Primary Assemblies

1. The primary assemblies are composed of the citizens residing in the same canton, who pay taxes not worth less than the wages of three days of labour.  
     
   The domicile requisite for voting in these assemblies is acquired only by residence for one year and is lost only by a year of absence.
2. No one can act by proxy in these assemblies.
3. There is at least one primary assembly per commune.
4. The primary assemblies constitute themselves under the presidency of a functionary designated by the mayor of the commune.
5. If difficulties arise over the qualifications requisite for voting, the president of the assembly decides provisionally, reserving recourse to the civil tribunal of the department.
6. In every other case the college of conservators alone pronounces upon the validity of the operations of the primary assemblies.
7. No one can appear in arms in the primary assemblies.
8. Their policing belongs to themselves.
9. The primary assemblies meet:  
     
   In order to accept or reject changes in the constitutional act proposed by the college of conservators;  
   To conduct the selections of communal notables which belong to them according to the constitutional act.
10. They meet with perfect right upon 1 Germinal of each year and proceed, according as there is occasion, to the selection of a tenth of the number of citizens in the commune meeting the qualifications for voting, present or absent.
11. Whatever is done in a primary assembly that is beyond the purpose of its convocation and contrary to the forms settled by the constitution is null.
12. The primary assemblies carry on no elections other than those which are assigned to them by the constitutional act.
13. All the elections are carried on by secret ballot.
14. Every citizen who is legally convicted of having sold or purchased a vote is excluded from the primary assemblies and from every public office for twenty years; in case of repetition, forever.

## Communal Assemblies

1. The communal assemblies are composed of the citizens whose names are on the list of notables for the commune, composed by the primary assemblies, without the names struck by the college of conservators.  
     
   The domicile requisite for voting in these assemblies is acquired only by residence for one year and is lost only by a year of absence.
2. No one can act by proxy in these assemblies.
3. There is one communal assembly per commune.
4. Articles 21, 22, 23, 24, 25, 28, 29, 30, and 31, of the preceding title, upon the primary assemblies, are common to the communal assemblies
5. The communal assemblies meet to conduct the selections of departmental notables which belong to them according to the constitutional act.
6. They meet with perfect right upon 20 Germinal of each year and proceed, according as there is occasion, to the selection of a tenth of the number of citizens eligible for admittance in the assembly on the list of departmental notables.

## Departmental Assemblies

1. The departmental assemblies are composed of the citizens whose names are on the list of notables for the commune, composed by the primary assemblies.  
     
   The domicile requisite for voting in these assemblies is acquired only by residence for one year and is lost only by a year of absence.
2. No one can act by proxy in these assemblies.
3. There is one departmental assembly per department.
4. Articles 21, 22, 23, 24, 25, 28, 29, 30, and 31, of title 3, upon the primary assemblies, are common to the communal assemblies
5. The departmental assemblies meet to conduct the selections of departmental notables which belong to them according to the constitutional act.
6. They meet with perfect right upon 10 Floreal of each year and proceed, according as there is occasion, to the selection of a tenth of the number of citizens eligible for admittance in the assembly on the list of national notables.

## Legislative Body

1. The legislative power is delegated to a Legislative Body.
2. The legislative body is composed of four hundred members.
3. In no case can the legislative body delegate to one or several of its members, nor to anybody whomsoever, any of the functions which are assigned to it by the present constitution.
4. It cannot itself or by delegates discharge the executive or the judicial power.
5. The position of member of the legislative body and the discharge of any other public function, except that of archivist of the Republic, are incompatible.
6. The law determines the method of permanently or temporarily replacing the public functionaries who have been elected members of the legislative body.
7. The members of the legislative body are not representatives of the department in which they domicile, but of the entire nation, and no instructions can be given to them.
8. Members of the legislative body are selected from the list of national notables by the college of conservators.
9. The legislative body is renewed every year by a fourth.
10. Those members retiring after four years can only be re-elected after an interval of four years before they can be elected again.
11. The law determines the method of permanently or temporarily replacing the public functionaries who have been elected members of the legislative body.
12. If the Legislative Body finds itself reduced to less than two-thirds of its number, it gives notice thereof to the Grand Elector, which is required to convoke the college of conservators, to select from the list of national notables the replacements
13. The newly elected members for the legislative body meet upon 1 Prairial of each year in the commune which has been indicated by the preceding legislative body, or in the same commune where it has held its last sittings, if it has not designated another.
14. The legislative body is permanent; nevertheless, it can adjourn for periods which it designates.
15. They have respectively the right of police over their members; but they cannot pronounce any penalty more severe than censure, arrests for eight days, or imprisonment for three.
16. The sittings of both councils are public: the spectators cannot exceed in number half of the members of the legislative body.  
      
    The minutes of the sittings are printed.
17. Every decision is taken by rising and sitting; in case of doubt, the roll call is employed, but in that case the votes are secret.
18. The members of the legislative body receive an annual compensation; it is fixed for both councils at the value of three thousand myriagrams of wheat (six hundred and thirty quintals, thirty-two pounds).
19. Neither the Consul of the Exterior or the Minister for the Army can cause any body of troops to pass or to sojourn within six myriameters (twelve common leagues) of the commune where the legislative body is holding its sittings, except upon its requisition or with its authorisation.
20. The legislative body fixes the method of this service and its duration.
21. The legislative body is not to be present at any public ceremony nor does it send deputations to them.
22. The legislative body receives resolutions of the councils of state or the tribunate, and votes on them silently.
23. The Council of State and the Tribunate each send three members to tribunes in the chamber of the Legislative Body to debate proposed laws.
24. No proposition can be considered or decided upon in the Legislative Body, except in observance of the following forms.  
      
    There shall be three readings of the proposal; the interval between two of these readings cannot be less than ten days.  
    The discussion is open after each reading; nevertheless, the Legislative Body can vote that there is cause for adjournment, or that there is no occasion for consideration.  
    Every proposal shall be printed and distributed two days before the second reading.
25. After the third reading the Legislative Body decides whether or not there is cause for adjournment.
26. If the proposition has been declared urgent by a Council of State, the Legislative Body decides to approve or reject the act of urgency.
27. The resolutions of a Council of State or the Tribunate adopted by the Legislative Body are called laws.
28. The approval of the Legislative Body is expressed upon each proposition of law by this formula signed by the president and the secretaries: *The Legislative Body approves. . . . . .*
29. The refusal to approve the principle of the law is expressed by this formula, signed by the president and secretaries: *The Legislative Body cannot adopt. . . . . .*

## Tribunate

1. There is a body that attends to the interests of the people, called the Tribunate.
2. The Tribunate is composed of one member per department.
3. Tribunes are selected for five years by the college of conservators from the list of national notables.
4. The functions of president and secretary of the tribunate cannot exceed the duration of one month.
5. The law determines the method of permanently or temporarily replacing the public functionaries who have been elected members of the tribunate.
6. If the tribunate finds itself reduced to less than two-thirds of its number, it gives notice thereof to the Grand Elector, which is required to convoke the college of conservators, to select from the list of national notables the replacements.
7. The newly elected members for the tribunate meet upon 1 Prairial of each year in the commune which has been indicated by the preceding legislative body, or in the same commune where it has held its last sittings, if it has not designated another.
8. The tribunate is permanent; nevertheless, it can adjourn for periods which it designates.
9. The tribunate has the right of police over their members; but they cannot pronounce any penalty more severe than censure, arrests for eight days, or imprisonment for three.
10. The sittings of the tribunate is public: the spectators cannot exceed in number half of its members.  
      
    The minutes of the sittings are printed.
11. Every decision is taken by rising and sitting; in case of doubt, the roll call is employed, but in that case the votes are secret.
12. The tribunate presents legislative proposals to the legislative body.
13. The proposals of the tribunate are called resolutions.
14. Resolutions of the tribunate are brought to the council of state for the interior for review, before being brought to the legislative body.
15. The tribunate sends [three] members to debate resolutions in front of the Legislative Assembly.

## College of Conservators

1. There is a guardian and conserver of the constitution, called the college of conservators.
2. Members of the college of conservators are inviolable in the exercise of their office.
3. The number of members of the college of conservators shall not exceed one hundred.
4. New members are elected by the college of conservators itself to vacant seats, from among the citizens of the French Republic.
5. Any appointee to the college of conservators is guilty of high treason if he continues in his former office, as are those who continue to recognize his former office.
6. The ancestor and the descendant in the direct line, brothers, uncle and nephew, cousins of the first degree, and those related by marriage in these various degrees, cannot be at the same time members of the college of conservators, nor can they succeed them until after an interval of ten years.
7. There is near the college of conservators a guard of citizens, taken from the reserve national guard of all the departments and chosen by the college.  
     
   This guard cannot be less than fifteen hundred men in active service.
8. Meetings of the college of conservators are called by the grand elector, tribunate, or councils of state.
9. The meetings of the college of conservators are not public, except when exercising its constituent power.
10. On 10 Germinal each year, the college of conservators holds a session where it reviews the proposed lists of communal notables and strikes no more than one tenth of the names from each list.
11. On 30 Germinal each year, the college of conservators holds a session where it reviews the proposed lists of departmental notables and strikes no more than one tenth of the names from each list.
12. On 20 Floreal each year, the college of conservators holds a session where it reviews the proposed list of national notables and strikes no more than one tenth of the names from the list.
13. The college of conservators elects, from the list of national notables, members of the legislative body and the tribunate.
14. The college of conservators passes judgments on violations or attempted violations of the constitution by the legislative body, the departmental assemblies, the communal assemblies, the primary assemblies, or the court of appeals.   
      
    Complaints to this effect may be brought forward by the Council of State or by the Tribunate.
15. The decisions of the college of conservators are called *judgments*.
16. Acts that the college of conservators declares unconstitutional are null and void.
17. The judgement of approval of the college of conservators is expressed by this formula, signed by the president and his secretaries: *The Constitution approves . . . . . . .*
18. The judgement of unconstitutionality of the college of conservators is expressed by this formula, signed by the president and his secretaries: *The Constitution annuls . . . . . . .*
19. In cases in which potentially unconstitutional acts are dependent acts, or are related to such acts, the college of conservators can refer complaints to the relevant courts and order them to further investigate the matter, either before or after the college of conservators has passed a judgment regarding constitutionality.
20. The college of conservators will recurrently consider those proposals to improve the constitution and the declaration of the rights of man that it deems promising. When a majority opinion has been formed, it will be recorded in a designated collection of proposals.
21. Once every ten years, beginning in the eighteenth year of the Republic, the college of conservators will review the proposals it has collected. The college shall then draw up a constitutional reform bill which it shall officially submit to the Council of State and the Tribunate, so as to give it the widest possible publicity.   
      
    This must take place no less than three months before the annual primary assemblies.
22. After considering the collected proposals, the primary assemblies will vote on whether to authorize the college of conservators to decide on each proposal, yes or no. If a majority in the primary assemblies votes no on a proposal, it is void, and the proposal cannot be brought forward again until ten years have passed. If a majority in the primary assemblies votes yes on a proposal, the constituent power is thereby transferred to the college of conservators, which will decide on the proposal, without having the right to change or replace any of them.
23. Sessions in which the college of conservators exercises its constituent power will be devoted exclusively to this purpose. There shall not be more than a total of twelve such sessions, and at most two per decade. Minutes will be taken at these sessions, which will be collected in a special register and solemnly deposited in the archives of the college of conservators.
24. The Constitutional Jury cannot pass judgments of its own initiative.

## Executive Power

### General Provisions

1. The executive power is delegated to the ministers and councils of state, led by the Consul of the Interior and a Consul of the Exterior.
2. The positions of consul and minister and any other public position are incompatible
3. The Consuls are appointed by the Grand Elector from the list of national notables and dismissed when he thinks expedient.
4. The Consul of the Interior appoints the ministers in the domestic superintendency, the national magistrature, and the superintendency for finance from the list of national notables and dismisses them when expedient.
5. The Consul of the Exterior appoints the ministers in the superintendency for foreign affairs from the list of national notables and dismisses them when expedient.
6. The ancestor and the descendant in the direct line, brothers, uncle and nephew, cousins of the first degree, and those related by marriage in these various degrees, cannot at the same time exercise executive functions.
7. No citizen, unless he is fully thirty years of age, can be appointed consul or minister.

### Consuls

1. The Consul of the Interior oversees the police, the judicial system, the domestic life, the departmental services, the treasury, and the collection and assessment of taxes.
2. The Consul of the Exterior oversees foreign affairs and commands the military.
3. The Consul of the Exterior appoints the generals-in-chief; it cannot choose them from among the blood or marriage relations within the degrees mentioned in article [121].
4. The consuls each appoint, from the list of national notables, councils of state, and dismiss members if expedient.
5. The consuls each appoint a Chamber of Political Justice to prevent negligence, correct mistakes, and ensure rapid and regular administration, and dismiss them if expedient.
6. The chambers of political justice lay fixed penalties against ministers, councillors of state, and high judges.
7. Meetings of the chambers of political justice are private.

### Councils of State

1. The Council of State for the Interior has 50 members, and the Council of State for the Exterior has 25 members.
2. The Consuls are the presidents of their respective council of state
3. The Council of State for the Interior presents legislative proposals to the legislative body.
4. The proposals of the Council of State for the Interior are called resolutions.
5. Resolutions of the Council of State for the Interior are brought to the Tribunate for review, before being brought to the legislative body.
6. The Council of State for the Interior sends [three] members to debate resolutions in front of the Legislative Assembly.
7. The Council of State for the Interior functions as a jury of execution for already-passed laws, when ministers ask for an interpretation or a confirmation of a contested directive.
8. The Council of State for the Interior issues regulations that are binding on officials and public employees.
9. Regulations issued by the Council of State for the Interior are called orders.
10. The Council of State for the Interior adjudicates solely administrative grievances concerning the ministers, from subordinate officials or citizens.
11. All meetings of the Council of State for the Interior are public, and no more than twenty people shall be admitted to view its proceedings.
12. The Council of State for the Exterior likewise proposes laws, issues regulations, makes decisions as an executive jury, and adjudicates grievances concerning the ministers.
13. Meetings of the Council of State for the Exterior are private.

### Ministers

1. There are fourteen ministers, responsible for procuration of public service.
2. The domestic superintendency consists of ministers responsible for:   
     
   general subdelegation (sub-légation);  
   public instruction;  
   public property;  
   national insurance.
3. The national magistrature consists of ministers responsible for:  
     
   the civil and rural police;  
   the tutelary police;  
   judicial prosecution;  
   law enforcement.
4. The superintendency of finance consists of ministers responsible for:  
     
   assessment and collection of taxes;  
   the treasury
5. The superintendency of foreign affairs consists of ministers responsible for:  
     
   foreign affairs  
   the army  
   the navy   
   the colonies
6. The ministers do not form a council.
7. Each minister delegates authority to subordinate departmental and communal agents.  
     
   Departmental and communal agents are selected from the lists of departmental and communal notables, respectively.   
     
   Ministerial directives are transmitted between agents.
8. Each minister appoints a Chamber of Ministerial Justice to prevent negligence, correct mistakes, and ensure rapid and regular administration, and dismiss them if expedient.
9. The chambers of ministerial justice lay fixed penalties against ministerial agents and functionaries.
10. Meetings of the chambers of ministerial justice are private.

## Grand Elector

1. The generative power is delegated to a Grand Elector.
2. There is no authority in France superior to that of the law; the Grand Elector is its subject and it is only in the name of the law that he holds power.
3. The Grand Elector represents the unity, dignity and greatness of the people of the republic.
4. The grand elector oversees the conduct of the government.
5. The Grand Elector appoints the Consuls from the list of national notables and dismisses them when he thinks expedient.
6. The grand elector, upon his election, shall take to the nation, in the presence of the college of conservators, the oath to be faithful to the nation and the law, and to employ all the power which is delegated to him to maintain the constitution.
7. If, one month after the invitation of the college of conservators, the Grand Elector shall not have taken this oath, or if, after having taken it, he retracts it, he shall be considered to have resigned.
8. If the Grand Elector claims executive, legislative, or judicial power, he shall be considered to have resigned, and he shall be tried for high treason.
9. If the Grand Elector puts himself at the head of an army and directs the forces thereof against the nation, or if he does not by a formal instrument place himself in opposition to any such enterprise which may be conducted in his name, he shall be considered to have resigned, and he shall be tried for high treason.
10. If the Grand Elector, having left the republic, should not return after the invitation which shall be made to him for that purpose by the college of conservators and within the period which shall be fixed by the proclamation, which shall not be less than two months, he shall be considered to have resigned.  
      
    The period shall begin to run from the day when the proclamation of the conservative shall have been published in the place of its sittings.
11. After the express or legal resignation, the grand elector shall be only a member of the college of conservators.
12. Every year, each member of the college of conservators votes by secret ballot for a citizen of the French Republic, and the ballots of the vote are collected in an urn.   
      
    No more than six urns are stored, and every year the oldest urn is opened and its ballots are destroyed.
13. No ballot can contain the name of the ancestor and the descendant in the direct line, brothers, uncle and nephew, cousins of the first degree, and those related by marriage in these various degrees to a member of the college of conservators or the ruling Grand Elector, nor can they succeed them until after an interval of twenty years.
14. Upon the death, resignation, or absorption of a grand elector, the college of conservators will vote for an urn, and this urn will be opened, and the ballots will be counted.   
      
    The man with the most votes is the Grand Elector of the French Republic.   
      
    If a candidate for Grand Elector is deceased, or a foreigner, or ineligible in any other way, his votes shall be excluded.

## Judicial Power

### Primary Police and Justice in Cities and the Countryside

1. The minister of civil and rural police appoints lieutenants of police from the lists of communal notables and dismisses them when he thinks expedient.
2. The duties of police lieutenants are:  
   1. To prevent, as far as possible, offenses, and even legal disputes;  
   2. To seek the authors of offenses;  
   3. To deliver them to justice.
3. The lieutenants of police shall furthermore exercise, within the primary jurisdiction of their jurisdiction, the functions of the public prosecutor's office.
4. The college of conservators selects justices of the peace from the lists of communal notables and dismisses them only in cases of misconduct.
5. Any dispute which engages a request for justice, emerges from this moment from the competence of the police; it must be brought to the place of justice, who may also be called a justice of the peace. In general, any request for justice, in any matters, other than those which will be excepted, must be brought to the justice of the peace.
6. The function of the justices of the peace is primarily to provide an arbitral award on all court cases before them. They also consist in taking the first information or legal information, both on the requisition of police lieutenants, as public prosecutors, and on the commissions given by the superior judges.
7. Justices of the peace will not be charged with this host of extra-legal acts relating to seals, curatorship, guardianship, etc., etc., previously attributed to local judges, or to commissioners of police. Such acts will come under the administrative direction, which may employ such agents as it may authorize for this purpose.
8. If the dispute before the justice of the peace has arisen between the citizen and the police officer acting in the order of his duties, the justice of the peace, before even inquiring into the fact of the dispute, shall request if there has been, on the part of the citizen, whoever he may be, provisional obedience to the police.
9. If the citizen has refused provisional obedience to the police, he will be sentenced without further formality, and even before being heard on the fact of the protest, to a fine known as resisting the police.
10. The fine will be paid on the spot, or a valid bond will be given. After which, if provisional obedience is still useful, it will be demanded from the citizen.
11. After having fulfilled and made fulfill all the aforesaid conditions, the justice of the peace will hear and judge the parties on the fact of the dispute.
12. The contestations which shall be brought to the justice of the peace, without the concurrence of the police, those in which this contest will not have proved resistance, and that in which this resistance has been purged, as has just been said, will be judged as follows.
13. In disputes or misdemeanors for simple acts of police in light matters, the justice of the peace shall tell the parties if they want to rely on his judgment.
14. When the answer is affirmative, he will pronounce, and his sentence will be final.
15. If the parties, or one of them, do not in advance to rely on the judgment of the sole justice of the peace, the dispute shall be treated as those of the following article.
16. When the request for judicial proceedings has been made before the justice of the peace, he shall be required to ask each of the two parties for the name of an arbitrator of their choice. On their answer he will call the two arbitrators in the shortest time.
17. These two arbitrators can only be among the citizens inscribed on the lists of communal notables.
18. If the two parties want, in concert, to do without arbitrators, they can urge the judge to pronounce, promising to rely on his decision. In that case, the sentence of the justice of the peace will have the same force as if the arbitrators had been summoned.
19. The arbitrators consulted will give their opinion according to the law, in their soul and conscience. If they agree, the judge will rule like them; otherwise he will balance the two opinions, and he will proclaim according to the law, in his soul and conscience.
20. Cases that may be brought to court will be divided into two classes: Summary Cases, and Cases of Instance or Appeal. The rules necessary to separate precisely these two classes of contestations or offenses will be the subject of a particular law.
21. The summary cases will be decided definitively by the justices' arbitration or equivalent decision. Cases may be submitted by appeal to the judges of the department.
22. In the municipalities which contain from two primary assemblies up to ten, the police lieutenants will form between them a police office, in order to more effectively ensure public safety and tranquility, by enjoying the advantages of a unit center. They will even be able to appoint an annual president of the office, who will bear the title of first police officer.
23. As for the city of Paris, its immense population, the great influx of foreigners, and the business movement require special laws for the organization of its police force. These laws may extend in proportion to all cities that contain more than ten primary assemblies. They will be part of the General Police Code announced above in Article 7.
24. In municipalities where there are several primary assemblies, the lieutenants of justice or justices of the peace will likewise have a common center in a bureau of justice, freely organized by them, and whose annual president may bear the title first justice of the peace.
25. They will be required to report to this office, at least once a week, all sentences they have pronounced. The purpose of this report is to preserve unity in primary jurisprudence. The office can even exercise a kind of censorship on its members, but that will have no external effect.
26. The appeal referred to in Article 183 cannot be brought before the judicial offices.
27. Primary justice and police, as they have been established for the towns and the countryside, shall be free. But the justice sought by appeal, and the superior police will not be totally free.
28. The salaries or honoraria of the primary magistrates and the police will be considered as a charge of the commune. They will be voted every ten years by the Administrative Assembly, and paid annually by the Council, on the particular funds of the commune.

### Police and Justice in the Departments and Communes

1. There shall be, in each chief town of the department, a tribunal composed of twelve judges.
2. These twelve judges will be chosen by the electorate of the department, so that there is always at least one of each commune.
3. They will be appointed in full, at the beginning of May this year, to start work on the first day of, June.
4. For the first time, they will be among the most favored judges, lawyers, practitioners and jurists by their lives; and in the future they can only be among the lieutenants of justice and police of the department.
5. These judges may be deprived of their place only on the grounds of forfeiture or prevarication judged.
6. The twelve judges of the District Court will distribute themselves in three chambers of four members each. This distribution will be renewed every year by chance or by lot.
7. Each room will name a president from its bosom. This election will be renewed every year.
8. The first of the three chambers will be for criminal trials; the other two for civil suits.
9. The two civil chambers will have no marked attribution in advance; they will be seized indiscriminately of all civil matters, without any other rule than the option of the litigants, if they are in agreement, or the way of the lot, if the litigants do not agree of the room which must judge them.
10. All members of each chamber, with the exception of the president, shall be subject to an annual tour, and in turn, a tour of the department, to hold, at the district capitals, and in the other cities considered desirable, if there is any, the legal basis of the chamber which deputes them.
11. The tours will begin at the three times of the year when the work of the campaign is the least urgent. They will last more or less, depending on the business requirement.
12. The three judges, deputies at once by the three chambers, will begin their tour at the same time; but they will not be obliged to follow the same road, and if they are in the same city of assizes, they will not be obliged to expect one another; each judge, as soon as he is finished, will continue his tour.
13. The criminal trials, of the jurisdiction of the assizes, will be judged by the judge of the Criminal Division; the civil cases will be by one or the other of the judges deputies of the two chambers, at the option of the litigants, or by lot.
14. No judge on a tour will be able to pass a city of asylum, without opening his seat there. If the two civil judges are together in the same city, they will keep their properties separately, like the rooms they represent.
15. The three chambers of the department will, in the meantime, continue to be active: at the end of each tour, they will receive summary accounts of the operations of their judge-deputy; and this account will be deposited in the registry.
16. The causes of the proceedings or appeal of a primary sentence will be divided into two classes: those which must be brought to the assizes, and those which must be brought to the chambers of division. But both judgments will be equally final.
17. This distinction, between causes of assizes and causes of tribunal, will be established as much on their personal importance, or even real, as on the difficulty of the matter or the instruction. All those which are apt to lend themselves to prompt and expeditious forms, and whose importance does not give rise to fear of undue influence over a multitude of passions, will be put to the competence of the assizes. The causes, on the contrary, whose instruction demands the great judicial forms, or which are of great importance, will be brought to one of the chambers of the department. But it will be made a particular regulation to determine in detail, and know in advance what causes of assizes, what are the causes of the court.
18. If, nevertheless, a cause of assizes becomes acquired during the trial, the characters of a court case, it may be returned to one of the chambers of the department, or in concert by both parties, or at the request of one of them, by the Assize Judge.
19. When the parties agree to bring to court a cause of jurisdiction, the justice of the peace shall issue his schedule of appeal for the department, instead of giving it for the sitting.
20. When the parties request jointly to bring their case to another place, a certificate of invitation for that other court will be issued for that purpose by the clerk of the chamber who, without that see them, judge them or have them judged.
21. The party who wishes to appeal to the assizes or to the tribunal of a sentence of the justice of the peace shall be bound to follow the procedure prescribed by the following articles.
22. First, it shall notify its intention to both the justice of the peace and to its adverse party, and this, after eight weeks, and before the end of the month, from the day of the sentence. These two terms are de rigueur. The party who will call before eight, or who will let the month pass without appeal, will lose, in this case, the faculty to call and the sentence of the justice of the peace will be final.
23. Nevertheless, and in the sole event that the referral of the appeal beyond eight days would cause the case or evidence to lapse, the justice of the peace may dispense with the delay of eight days, and the appeal may be brought without delay.
24. The justice of the peace who has received a notice of appeal shall summon both parties to inform them of the place where their cause is to be brought, whether at the assizes, or at the tribunal.
25. If the appellant party is the public prosecutor, or if he is informed of an offense for which he has been sentenced to an offense, the appeal schedule shall be issued by the judge immediately and without further notice.
26. In any other case, the justice of the peace will issue his schedule of appeal only after having required and received from the appellant a valid bond, capable of guaranteeing the provisional deposit to be furnished before the judgment, as well as it will be decided in the following articles.
27. The judge shall, within eight days, send to the clerk's office or the court notice of the certificate he has issued, with the security provided by the appellant.
28. In the event that the parties whose case falls within the jurisdiction of the Court, would have accorded to bring them to court, and again, if they had obtained a schedule of invitation to the court from another department, the valid bond will be returned to the court to be seized of the case.
29. The appellant shall be required to submit or cause to be submitted, within two weeks, his appeal schedule to the Assize or Divisional Registry; in addition, he will require the said registry to adopt a provisional filing regulation and the fixing of the time when his case may be called to the roll.
30. The payment of the percentage of the provisional deposit and the fixing of the time when the case will be placed on the list will be notified to the party concerned, within a week.
31. The provisional deposit being intended to pay the vacancies of the judges and the registry in addition to fees, it will be fixed by the clerk, according to an authorized bylaw, where the nature of the proceedings has been consulted, and presumed time that it will be necessary to give their judgment.
32. The Registrar may require, before the investigation of a case, that the security for the provisional deposit be converted into cash.
33. The provisional deposit may not be increased in the course of the trial; its fixation will be immutable. Whatever the number of vacations of the judges and the clerk, they will have nothing more to claim from the litigants.
34. If the appellant comes to win his case, he will have his appeal on his opposite side, for the provisional deposit, as for all the other judicial costs which fall to the charge of the loser.
35. If, since the delivery of the provisional deposit and before the beginning of the investigation, the appellant withdraws his appeal, the deposit will be returned to him. If the appellant withdraws from the case, but before the judgment, he will lose only part of his deposit, in proportion to the time spent.
36. Art. 73. There will be in the administrative center of each department a Superior General Police Chamber, which will be composed of three members selected by the prefect from the lists of departmental notables, and, in addition, of the President of the criminal chamber.
37. The members of the Superior Police Chamber will also be responsible for filling the functions of the Public Prosecutor's Office with the three chambers of the court.
38. There shall be in the chief town of each district a general police chamber, to be composed of two members of the executive board of the district, at the discretion of the directory, and, in addition, the commander-in-chief of the national militia. district.
39. Art. 76. The members of the Police Chamber will also be responsible for filling the functions of the Public Prosecutor's Office at the judicial meetings.
40. The police lieutenants, appointed by the primary assemblies, will accurately complete their correspondence with the district police chamber and execute their official commissions.
41. The District Police House shall correspond with the Superior Chamber of the Department and shall be subordinate to it in all cases determined by the law.
42. A court registry shall be established ex officio in the departmental court, which shall serve at the same time as the court and the police chambers. There will be a clerk appointed by each primary assembly, to serve justice and the police under his jurisdiction; this clerk will keep his place until he is dismissed. The clerks of the department will depend on the court or the chamber from which they will serve.
43. The salaries or fixed fees of the judges of the department will be considered as a charge of the department. They will be voted every ten years by its administrative assembly, and paid annually by its directory on the own funds of the department.

### Juries

1. Any cause of action, whether civil or criminal, brought either to the assizes or to the chambers of a department court, may be tried only by the ministry of a jury.
2. No citizen may be called to serve on a jury, if he is not included in the list of communal notables.
3. When the jurors, who are entered on the roll, will be summoned to a jury, they shall be paid from their vacancies, as were before the judges, at the expense of the litigants; and this continuation of legal fees will take place until after the establishment of a new civil code.
4. The formation of the juries belongs to the prefect of the department, or in his absence, to the mayor of the commune where the judgment must be rendered. No judge may, in any case, compose a jury himself.
5. The jury, for a civil trial, will be 18 members; for a criminal trial, it will be 27.
6. The prefect, who shall have a jury to be formed, shall take it, as far as possible, from among the judicial advisers residing at the place where the trial is to be judged. He will still be careful to choose him from among the accused's peers or litigants, that is, from citizens who are in a similar position, or analogous of duties and relations of fortune and society, and which, for these reasons, the legal character of the cases to be judged must be better known.
7. If one of the parties is a foreigner, the prefect will compose, as far as possible, the jury of one half of foreigners and always, if it has the choice, by consulting the relations of peerage or parity, with the party to judge.
8. The prefect will be compelled to compose the juries, of counselors of these two classes, in the following proportion.
9. For civil suits, the jury will have five sixths of lawyers, that is to say 15 out of 18 and one sixth of councilors per election.
10. For criminal trials, the large half of the jury will be lawyers, that is, there will be 14 out of 27.
11. The trials that will be pending at such court, or before any judge, on the first day of next Vendemiaire, may be submitted by the parties to the new department courts, in accordance with the extent of the new jurisdictions, and the articles of this decree.
12. To speedily dispatch all these trials, the Chambers of the new tribunals are authorized to require from three to nine juries, according to the number of the cases which are brought to them. First, the distribution of these trials will be between the Chambers, then between the judges appointed to direct the different juries separately, and hasten their decisions. The first juries will be permanent, until there are no longer any old trials to judge. They will in fact comply with all the rules set out below.
13. Trials which begin after the period of 1 Vendemiaire shall be submitted to the decision of other juries. There will be, for this purpose, two kinds: some will only be named for a particular case; the others will be called upon to decide on an entire role of trial; they will be distinguished by the name of common-juries.
14. At the meeting, each judge will be required by one or several joint juries, depending on whether the business to be taken will require one or more roles.
15. At the court chambers, from time to time, depending on the affluence of cases, cases will also be taken for which joint juries will be required.
16. A special jury will be required in all criminal cases which are subject to criminal penalties, and in civil cases of great importance, where the litigants, by mutual consent, or a single party, agree to enlarge the deposit. provisionally, according to the rate specified in the regulations of the Registry. In the latter case, the party who has refused his consent to the increase of the provisional deposit, will not be required to repay this increase, if it comes to succumb.
17. The judge shall be required to present the list of the joint or special jury without delay to the accused or the litigants without delay.
18. If it is a criminal case, the accused or the accused in common, and if it is a civil trial, the defendant against the appeal, will be held within twenty-four hours, to remove a third of the members of the jury, and they will be forbidden to say the reasons for their choice. Thus, in a criminal trial, nine can be disqualified, and in a civil trial six.
19. If both parties to the proceedings are both accusing and accused, the judge will mention it in his indictment for the jury; and the prefect, with regard to it, will increase his nine-member jury.
20. In this case, the party who first called the appeal will only be the second party to challenge it. The two parties will have also challenged nine people from the jury. But the first will have recused only a quarter of the list presented to him, and the second will have recused one-third of the remaining number.
21. If it is only in the course of the investigation that the appellant party becomes an accused party, there will be no change to the jury.
22. Among the cases which have been distinguished by the name of court cases, those which, by their nature, are of long and difficult instruction, and those which, either by obscurity, old laws, or by the complication of the old procedure still in force, engage in many writings and discussions, will require from the jury, an essential preliminary formality.
23. This formality imposed on the jury consists of dividing, for these sorts of causes into two parts. One, to be the instruction board and the other the discussion board.
24. The investigating council shall consist of only two members of the jury, to which will be added the judge in charge of the case. The other members of the jury will form the decision-making council. The investigating counsel, charged, as such with the report of the trial, will not retain the right of suffrage for any of the decisions in the case.
25. The board of inquiry, or if there is none, the trial judge will, after a sufficient investigation of the case, to analyze it and to arrange in a direct line all questions of fact and of law; whose solution must lead naturally to the final judgment of the trial.
26. Although this analysis, which is almost always clear in criminal matters, often becomes obscure and very difficult in civil matters, however, as there is a real analogy in the course of all trials, the judge and the counsel instruction will endeavor to seize it. They will feel that in civil matters, as in criminal matters, the first thing is to put the fact, whether real or personal, in its truth; next, to discern how the fact is contrary to the law; finally, to touch the one who is responsible for it, and who can incur the penalty, or must the repair regulated by the law.
27. If, in many civil matters in particular, it is often difficult and sometimes even impossible to carefully separate the fact from the law, the judge and the examining council will not be discouraged. They will be careful that this decree submits all questions, without exception, questions of fact, questions of law, questions mixed in fact and law, up to and including the penal question, the jury's successive decision, and that the essential thing is to seize the real step which most surely leads, by a good series of questions, to the just conclusion of the affair.
28. Thus, after a case has been heard before the jury, it will be for the judge, or the board of instruction jointly with the judge, to establish the on which the decision of the jury will be required. These questions will always be as few as possible, without prejudice to the clarity and safety of the decision. The judge will look rather like a director of justice, changed the law of doing justice, than a judge of the old state of affairs, responsible for making it himself. If the name of a judge is to be preserved exclusively for him, it is because it is for him to pronounce the judgment, and the law commits him in this respect to be his organ.
29. Nevertheless, the burden of establishing the questions is not so much imposed on the judge, or even on the investigating council, that the jury can not, if a question seems ill-posed to it, ask the judge to change it. If this request causes any difficulty, it will be treated as an indictment by the judge and decided by the jury.
30. The jury cannot make a decision if the number of voters is lower in civil matters than 10 and in criminal cases 15.
31. In civil matters, all questions will be decided by a plurality of votes.
32. When there is a tie, the deliberation will begin again, and the jury will not dispense with the fact that there is inequality in the votes. If this inequality is slow to establish, the judge will vote yes and no, the question of which side should tip the scales. Finally, this election will be resumed, if necessary, until there is an inequality of votes.
33. In criminal matters, no question may be decided except in the case of a plurality of at least 10 out of 15, of 11 out of 16 and 17, and of 12 out of 18 voters; and even the criminal question, if it is a question of the death penalty, can be decided only at the plurality of 12 out of 15, of 13 out of 16 and 17 and of 14 out of 18 voters.

### Domestic, consular, political, and fiscal cases, subject to exceptions

1. Four kinds of cases will be subject to special rules, or forms of exception, but not to different judges; namely:   
     
   (1) the causes that arise between close relatives, to which must be added the police recourse on the part of the families;  
     
   2 ° disputes and requests for justice in matters of commerce;  
     
   3. The offenses of public officers in the order of their functions;  
     
   4 ° Challenges with the tax authorities, regarding contributions and taxes.
2. Domestic causes, or internal disputes of families, can only be brought to justice after having been examined by a family council, which will be composed by the parties themselves, as follows:
3. Direct-line parents and other second-degree relatives who would have to file an action against each other, will first agree on the appearance before the justice of the peace of eight parents of one of them. the other sex, or friends, who will be required under a judge's schedule, to review the dispute, and give their reasoned opinion.
4. If this reasoned opinion is not sufficient to settle the parties, they will be required to appear before the justice of the peace, who will invite them to defeat them by exposing to them the inconveniences of a trial between close relatives. So if one of the parties persists in asking for justice, the justice of the peace will be required to deliver him a schedule, by which, it will be attested that the family council was called, heard, but that he could not reconcile the parts. The claim in court may, therefore, be established in ordinary forms.
5. A father, mother, guardian or family who is in serious fear or alarm about the conduct of a child, ward, or parent or second-degree relative, shall apply to the district police office; or, if the case is urgent, to the lieutenant of police of the spring, to expose to them the reasons of their deep anxiety.
6. The bureau district, or the lieutenant of police of the jurisdiction, if the case is very urgent, will behave, first, as it is enjoined to do on any denunciation, in urgent cases, by the general code of police announced above (1); and if necessary, he will make sure of the person denounced.
7. Art. 134. If the complaints of the family are not such as to require that the moments are abrupt, or after the police have ascertained the person denounced by the family, the Police Bureau will consult at least 8 of the main relatives, relatives, & friends of the accused, to know if the fears are founded, if the one against whom they are brought is in the case of undergoing a correction, or even if it is in the case of being arrested to prevent it from committing some offense, or if it should only receive an admonition by the police.
8. In cases where the opinion of the parents will only be admonished, the district police office will call the accused to do so immediately, or he will commit the police lieutenant to the jurisdiction; to exercise this kind of censorship.
9. If the opinion of relatives and friends tends to a sentence, such as a momentary confinement in a legally established correctional house, the police office will take all the necessary information to know the truth of the facts alleged, and will send his opinion with that of the parents, to the police chamber of the department.
10. The police chamber of the department, acting as public prosecutor at the court, will present the case to the criminal chamber formed in committee, that is to say, deliberating without the ministry of a judge; this committee may, on the double bill submitted to it, authorize the execution of the family opinion in its entirety; or modify it, if he thinks it more suitable; or finally to reform it entirely, if the grounds alleged lack evidence or importance.
11. But if there is, or if there is a demand in court, a civil party or the public party, against the individual who is closed by the authorization given to a notice of family, this authorization will be revoked in whole or in part, as it could adversely affect the applicant's rights; unless, in the case where there is only one civil party to be disinterested, that the family does not obtain its withdrawal.
12. Pending a more precise regulation on the nature and jurisdiction of the consular and admiralty courts, all the cases that now accompany these jurisdictions, will be brought to the offices of justice, which, in all cities where there are several primary assemblies, will be formed by the meeting of justices of the peace.
13. The judicial offices will judge as the consuls judged. The cases which the consuls could decide only on the charge of the appeal, will be brought in the second instance to the tribunal of the department, where they will take the character of ordinary causes.
14. The public prosecutor's office in the Justice Committee will be carried out by two members of the police bureau.
15. If in France there are seaports or other commercial cities, provided with a consular jurisdiction, where nevertheless there is not more than one primary assembly, and consequently no more than a lieutenant of justice, the consular affairs who were in the habit of being judged there, will be, on the provisional opinion of the department, or brought to the nearest court of justice, or decided on the spot by the judge of peace, assisted by two assessors, appointed by the commune.
16. The complaints of the citizen against the offenses of simple police which public officers may have committed in the order of their duties shall be brought to the superiors of these officers, and these superiors shall offer, if the offense is pronounced, to punish him according to his gravity. But if the complaining party does not feel satisfied and pre- to seek justice in good standing, she may bring her complaint to the department court, as in the following article.
17. The offenses of public officers in the order of their functions, whether they attack the citizen or the public property entrusted to them, will be denounced and prosecuted at first instance by the department court.
18. These offenses may be denounced and prosecuted by citizens wounded in their rights, by the public prosecutor, or by the superiors of these accused officers.
19. The District Court, to judge these kinds of offenses that can be distinguished by the name of political offenses, will be formed as a large committee, the three assembled Chambers, chaired by the oldest of the three Presidents. He will not have to carry his judgment, of the ministry of another Jury, than that for a public officer of the assembled Chambers, chaired by the oldest of the three presidents, than that presented for a public officer, the assembled chambers, composed of public officers and independent of all superior influence. The following title will regulate with regard to the appeal of the judgments of the courts of department, in political matters.
20. Complaints in the matter of contributions or public taxes will be considered first and foremost as police objects, and will be charged to the three members of the district board of directors, who form the district police chamber.
21. This chamber will decide in the first instance, after having consulted the municipal office of the place where the complaint is lodged; and its judgment will be provisionally executed.
22. The appeal of its decisions shall be brought to the tribunal of the department, formed in a large committee, the chambers assembled, and the judgment of this tribunal shall be final.

### General Police and Central Justice of the Whole Republic

1. A national court shall be established in the metropolis of the republic, the composition, division, competence and functions of which shall be determined by the following articles. It will be active, like all other courts, on 1 Brumaire of this year.
2. The national court will consist of a judge-deputy for each department, and consequently it will be made up entirely of eighty-three members who will bear the title of grand judges of France.
3. The election of the grand judges of France will be held next Vendemiaire, by the college of conservators, from the list of national notables.
4. At this first election, the grand judges may be elected from among all the eligible citizens, known for their enlightenment and wisdom; then, until year XIII, they can only be among the magistrates of justice or police of department or commune; finally, and from year XIV, they can only be taken among those magistrates who have exercised at least six years.
5. The grand judges of France are immovable as the judges of the department.
6. The eighty-three grand judges of France will distribute themselves in four high rooms. The first will be the grand council of police; the second, the grand council of revision; the third will be the political court or public institution; and the fourth, the tribal court of state crimes. This distribution will be renewed each year.
7. Immediately after their separation, the upper chambers will name, each in its bosom, one or two presidents for the year.
8. The Grand Council of Police will be six members. Its leadership competence is defined by the purpose of the general policy: to prevent deaths, to find the perpetrators of the crimes committed and to deliver them to justice. It will have an inspection on the general policy of the republic, in order to preserve the unity of principles and supervision.
9. The six members of the Grand Council of Police will still have to fulfill the functions of the Public Prosecutor's Office in the other three upper chambers and in the national court itself, in certain cases where the chambers may meet.
10. The Grand Council of Revision shall have thirty-six grand judges. It will have applications for the annulment of departmental judgments: (1) for non-observance in judicial forms; (2) for variation of case law in the same court; (3) for dissimilarity of case law in the various courts. Thus, its great object must be to maintain the certainty and unity of principles and forms in the dispensation of justice by the whole republic.
11. In cases where the council of revision has quashed a judgment of the departmental court, it will refer the case to a court in a neighboring department, with the reasons for the judgment of cassation.
12. The political tribunal will likewise have thirty-six grand judges. Its competence and responsibility is to judge the appeal of the offenses committed in the order of the public establishment, by the agents or agents of any rank who are employed there, or that these offenses were committed by a separate agent or by a whole body of mandates. Judges and department courts will likewise be justiciable by this tribunal for political offenses. Except for its jurisdiction, ministers and other chiefs responsible for the executive power, including the grand judges of France whose natural courts, for political offenses, will be mentioned will be excluded.
13. The State Crimes Court will consist of only five major judges; but in all causes he will employ the ministry of the grand jury.
14. When a clear and precise law has determined what are the state crimes among this crowd of offenses which may directly or indirectly attack the constitution and the state, and which it has settled, in addition, the nature of the sentence applicable to each offense: then, all those who will be accused of such crimes with any judge, will be returned to the Grand Council of Police, to be brought to the State Crimes Court, if necessary.
15. The Ministers and other major agents of the executive power, including the eighty-three of France's chief justices, can not be brought before the State Crimes Tribunal until after the College of Conservators has decided that rendition will take place, and it will have appointed two national prosecutors from among the six members of the Grand Council of Police to pursue the case and request judgment. Any other party may be brought before the State Court only after it has been decided in the police council that the translation is due.
16. If any of the judges of State crimes are complicated in the denunciations or translations of the court of which he is a member, or if he is admitted to recuse himself for reasons judged valid by the same court, the College of Conservators will assemble at once to fill the vacant place.
17. Art. 167. The grand jury will be composed as follows:  
      
    At the assembly of the College of Conservators, they will take care to designate, from the bosom of the list of national notables, that which may be required by the court of the crimes of State, one of each department to be member of the national grand jury.
18. The notables, appointed to be members of the grand jury, will change, like the other notables with each selection.
19. As soon as a trial has begun in the State Crimes Court, the complete list of the eighty-three members of the national jury will be presented to the accused, or to the accused in common, if there are more than one.
20. The accused or the accused in common will be obliged to challenge twenty-four, without saying any motive of their choice. Twenty-four others will be cast aside by chance; so that there will remain thirty-five then. If there are new defendants, after these two kinds of challenges, and before the instruction is begun, these new accused will be obliged to challenge them; or, if there are no new defendants, the third challenge of seven members of the grand jury will be made by the same accused, still without stating the reasons for their choice.
21. The grand jury will be definitively formed of the remaining twenty-eight members. Then they will assemble to name four of them, who, united with the five grand judges, will form the council of instruction. The twenty-four others will reserve for the decision of all the questions of fact and law, etc., on the report of the council of instruction; and the four counselors who are members of the jury will not retain their right of suffrage in these decisions.
22. Misdemeanors, other than crimes of State, which have been committed by the Ministers, & other members of the Executive Power, including the Grand Judges of France, in the order of their public functions, will be denounced & judged at the National Court, the assembled Chambers, under the presidency of the oldest judge among the annual Presidents.
23. The grand judges of France can not, in any case, accept or exercise other public functions, except the only judicial or police functions entrusted to them by the present constitutional decree. Any violation of this law will be treated as a state crime.
24. If any one of the high chambers or the national court in body, interfered in any other part of the public powers, than that which is committed to him by the constitution, in particular if it never tried to usurp or replace the power legislative, or the one who votes, allocates, administers finances, etc. by this fact alone, any mission and authority delegated to the 83 chief justices of France would cease at the most; the college of conservators would have the right to appoint new grand judges, and the new national court, wherever found to be ripe, would judge, according to the law of State crimes, but without a jury, all those of the former national court, which allegedly participated in the above-mentioned usurpation of power.
25. In all cases and disputes, the last function of the judge after pronouncing the judgment, will be to ask the execution of the internal public force.
26. If this judgment needs to be supported by an enforcement force in a jurisdiction other than the one in which it was rendered, it will be presented to the registry of that jurisdiction for recognition and genuine certification; and then, the public force of the said jurisdiction shall be bound to execute it.