

# THE 1805 CONSTITUTION OF HAITI

SECOND CONSTITUTION OF HAITI (HAYTI) MAY 20, 1805.

PROMULGATED BY EMPEROR JACQUES I (DESSALINES)

*The document below was printed in the New York Evening Post, July 15, 1805.*

*It was transcribed into the version below by Bob Corbett on April 4, 1999. I did not translate it, only transcribed. It was printed in 1805 in English. There is no mention in the newspaper who translated it. But, given that Henri Christophe was involved in the publication and that he had a strong liking of English, perhaps he is responsible. Unless American English has changed in this regard, I suspect a British translator given the use of "colour" and "honour" in the document.*

*It is not the complete constitution, but close. Articles 40-44 are absent. The document mentions that these are "interior regulations respecting the ministries," otherwise it is all here.*

*I have followed the published document in all capitalization and grammar and noted a few spelling oddities.*

*The Constitution, Haiti's second, was promulgated on May 20, 1805.*

*The reader should note that at this time the entire island of Hispaniola was under the rule of Haiti (Hayti), thus the mention of islands that are today part of the Dominican Republic.*

*The original newspaper is in the library of Bob Corbett.*

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## CONSTITUTION OF HAYTI

We, H. Christophe, Clerveaux, Vernet, Gabart, Petion, Geffard, Toussaint, Brave, Raphael, Roamin, Lalondridie, Capaix, Magny, Daut, Conge, Magloire, Ambrose, Yayou, Jean Louis Franchois, Gerin, Mereau, Fervu, Bavelais, Martial Besse...

As well in our name as in that of the people of Hayti, who have legally constituted us faithfully organs and interpreters of their will, in presence of the Supreme Being, before whom all mankind are equal, and who has scattered so many species of creatures on the surface of the earth for the purpose of manifesting his glory and his

power by the diversity of his works, in the presence of all nature by whom we have been so unjustly and for so long a time considered as outcast children.

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

### Preliminary Declaration.

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

2. Slavery is forever abolished.

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

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

5. The law has no retroactive effect.

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

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

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

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

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

11. Every Citizen must possess a mechanic art.

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

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

14. All acception (sic) of colour among the children of one and the same family, of whom the chief magistrate is the father, being necessarily to cease, the Haytians shall hence forward be known only by the generic appellation of Blacks.

#### Of the Empire

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

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

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

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

#### Of the Government

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

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

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

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

23. The crown is elective not hereditary.

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

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

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

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

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

29. Every successor deviating from the dispositions of the preceding article, or from the principles consecrated in the present constitution shall be considered and declared in a state of warfare against the society. In such a case, the counselors of state will assemble in order to pronounce his removal, and to chose one among themselves who shall be judged the most worthy of replacing him; and if it should happen that the said successor oppose the execution of this measure, authorized by law, the Generals, counselor of state, shall appeal to the people and the army, who will immediately give their whole strength and assistance to maintain Liberty.

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

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

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

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

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

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

36. The Emperor shall never form any enterprize (sic) with the views of making conquests, nor to disturb the peace and interior administration of foreign colonies.

37. Every public act shall be made in these terms: "THE EMPEROR I. OF HAYTI, AND COMMANDER IN CHIEF OF THE ARMY BY THE GRACE OF GOD, AND THE CONSTITUTIONAL LAW OF THE STATE."

#### Of the Council of State.

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

#### Of the Ministers

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

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

#### Of the Tribunals.

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

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

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

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

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

### Of Worship

50. The law admits of no predominant religion.

51. The freedom of worship is tolerated.

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

### Of the Administration

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

### General Dispositions.

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

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

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

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

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

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

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

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

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

10. Theft shall be punished according to the circumstances which may have preceded, accompanied or followed it.
11. Every stranger inhabiting the territory of Hayti shall be, equally with the Haytians, subject to the correctional and criminal laws of the country.
12. All property which formerly belonged to any white Frenchmen, is incontestably and of right confiscated to the use of the state.
13. Every Haytian, who, having purchased property from a white Frenchman, may have paid part of the purchase money stipulated in the act of sale, shall be responsible to the domains of the state for the remainder of the sum due.
14. Marriage is an act purely civil, and authorized by the government.
15. The law authorises (sic) divorce in all cases which shall have been previously provided for and determined.
16. A particular law shall be issued concerning children born out of wedlock.
17. Respect for the chiefs, subordination and discipline are rigorously necessary.
18. A penal code shall be published and severely observed.
19. Within each military division a public school shall be established for the instruction of youth.
20. The national colours shall be black and red.
21. Agriculture, as it is the first, the most noble, and the most useful of all the arts, shall be honored and protected.
22. Commerce, the second source of the prosperity of states, will not admit of any impediment; it ought to be favored and specially protected.
23. In each military division a tribunal of commerce shall be found, whose members shall be chosen by the Emperor from the class of merchants.
24. Good faith and integrity in commercial operations shall be religiously maintained.
25. The government assures safety and protections to neutral nations and friends who may be desirous of establishing a commercial intercourse with this island, they conforming to the regulations and customs of the country.

26. The counting houses and the merchandize of foreigners shall be under the safeguard and guarantee of the state.

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

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

We, the undersigned, place under the safeguard of the magistrates, fathers and mothers of families, the citizens, and the army the explicit and solemn covenant of the sacred rights of man and the duties of the citizen.

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

Signed

H. Christophe, & (as before)

Having seen the present constitution:

We, Jacques Dessalines, Emperor I of Hayti, and Commander in Chief of the Army, by the grace of God, and the constitutional law of the state, Accept it wholly and sanction it, that it may receive, with the least possible delay, its full and entire execution throughout the whole of our Empire. And we swear to maintain it and to cause it to be observed in it integrity to the last breath of our life.

At the Imperial Palace of Dessalines, the 20th May 1805 second year of the Independence of Hayti, and of our reign the first.

**DESSALINES**

By the Emperor, Juste Chanlatte, Sec. Gen.