

# **THE 1811 CONSTITUTION OF HAITI**

## **CONSTITUTIONAL LAW OF THE COUNCIL OF STATE**

**April 6, 1811**

**Which establishes Royalty in Hayti.**

The Council of State, at an extraordinary meeting held for the purpose of deliberating upon the alterations which it is necessary to introduce in the state of Hayti, and on the form of government most suitable thereto;

Considering that, when the constitution of the 17th of February 1807, anno 4, was promulgated, the state found itself in fact without any social compact; and the storms of civil contention raged with such fury, as not to permit the representatives of the people to fix in a permanent manner the only mode of government which is really adapted to us; that this constitution, notwithstanding all the informality which it appeared to consist of, and its numerous imperfections, of which the representatives themselves were not unaware, was yet suited at that time to the crisis which gave it birth, and the tempests then hovering over its infancy. That the few great principles of which it consisted were nevertheless sufficient for the happiness of the people, in securing all their rights in those deplorable times.

Considering, that at the present period, thanks to the genius of the supreme Magistrate who holds the reins of government, whose elevated conceptions and brilliant valor have prevailed in restoring order, happiness, all prosperity; the flourishing state of

cultivation, of trade and navigation, the re-establishment of manners, religion, and morality; the high discipline observed in the army and the fleet; seem to promise a lasting duration to the state. That it becomes us at present more than every to establish a fixed order of things a mode of government calculated to rule at all times the country that gave us birth.

Considering that it is urgently necessary to invest the sovereign authority with a character great and august so as to convey an idea of the supremacy of power.

That the erection of an hereditary throne is the necessary consequence of this forcible consideration;

That the inheritance of power to be vested only as to the male legitimate children (to the perpetual exclusion of females) in an illustrious family constantly devoted to the glory and happiness of the country which owes its political existence to its is as much a duty as a signal mark of national acknowledgment.

That it is the nation which now exercises, through us, its will and its sovereignty, in confiding them to him who has rescued it from that abyss in which its most inveterate enemies would extinguish it, to him who governs it with so much glory, that this nation has nothing to fear for its liberty, its independence, and its happiness.

That it is necessary also to establish high dignities, as well to uphold the splendor of the throne as to reward eminent services rendered to the country by offers who devote themselves to the happiness, the glory, and prosperity of the state.

The Council of State, therefore, enacts, in consequence, the Organic Law following;

ACT I.

Of the Supreme Authority.

ARTICLE I.

The President, Henry Christophe, is declared King of Hayti, under the name of Henry.

This title, with its prerogatives and privileges, shall be hereditary in the male and legitimate descendants of his family in a direct line, by elder birthright, to the exclusion of females.

Art. 2. All the acts of the kingdom shall be in the name of the King, published and promulgated under the royal seal.

Art. 3. In default of male children in a direct line, the succession shall pass into the family of the Prince nearest akin to the sovereign, or the most ancient in dignity.

Art. 4. Meanwhile, it shall be lawful for the King to adopt the children of such Prince of the kingdom as he shall judge proper, in default of an heir-apparent.

Art. 5. In the event of there happening to be, subsequent to the adoption, male children, their right of succession shall prevail over that of the adopted children.

Art. 6. At the decease of the King, and until his succession is acknowledged, the affairs of the kingdom shall be governed by the ministers and the King's Council, who shall jointly form a

general council: their decisions to be determined by a majority of voices. The secretary of state to keep a record of the deliberations.

## ACT II.

Of the Royal Family.

Art. 7. The King's spouse is declared Queen of Hayti.

Art. 8. The members of the royal family shall bear the title of Princes and Princesses; they are to be styled Royal Highnesses. The heir-apparent denominated Prince Royal.

Art. 9. The Princes are to take their seats as members of the council of state, on their coming of age.

Art. 10. The Royal Princes and Princesses cannot marry without the approbation of the King.

Art. 11. The King himself directs the organization of his palace in a manner conformable to the dignity of the crown.

Art. 12. There shall be established, after the orders of the King, palaces and castles in those parts of the kingdom which he shall judge proper to fix upon.

## ACT III.

Of the Regency.

Art. 13. The King is a minor until he shall have completed his fifteenth year: during his minority he shall be styled a Regent of the kingdom.

Art. 14. The Protector shall be at least twenty-five years of age, and shall be chosen from among the Princes most nearly related to the King (to the exclusion of females), and in default of such, from among the great dignitaries of the kingdom.

Art. 15. In default of the appointment of a protector on the part of the King, the general council will select one in the manner prescribed in the foregoing article.

Art. 16. The protector exercises, until the King comes of age, all the attributes of the royal dignity.

Art. 17. He cannot conclude any treaty of peace, alliance, or commerce, nor make any declaration of war until after mature deliberation, and the advice of the general council: their opinions shall be taken according to the majority of votes; and in case of equality, that side which is found to be most comfortable to the opinion of the protector, shall preponderate.

Art. 18. The protector cannot nominate either to the great dignities of the kingdom or to the situations of general officers in the land and sea forces.

Art. 19. All the acts of the regency are in the name of the King, who is minor.

Art. 20. The care of the King, during his minority, is confided to his mother, and in default of her, to the prince appointed by the late King.

Neither the protector, nor his descendants, shall be eligible for the charge of the King, who is minor.

## ACT IV.

Of the Great Council, and of the Privy Council.

Art. 21. The great council is composed of the princes of the blood, of princes, dukes, and counts, nominated and chosen by his Majesty, who himself fixes their number.

Art. 22. The King presides at the council, and when he does not preside in person, he fixes upon one of the dignitaries of the kingdom to fulfil that office.

Art. 23. The privy council is chosen by the King from among, the great dignitaries of the kingdom.

## ACT V.

Of the Great Officers of the Kingdom.

Art. 24. The great officers of the kingdom are grand marshals of Hayti: they are chosen from among the generals of all ranks, according to merit.

Art. 25. Their number is not limited; the King determines upon it at every promotion.

Art. 26. The places of great officers of the kingdom are for life.

Art. 27. When, by the King's order, or on account of being invalidated, any one of the great officers of the kingdom shall cease to be actively employed, he shall nevertheless retain his titles, his ranks and the half of his pay.

## ACT VI.

Of the Ministry.

Art. 28. There shall be in the kingdom four ministers chosen and appointed by the King:

The minister of war and marine,

- The minister of finances and of the interior,
- The minister of foreign affairs  
and
- The minister of justice.

Art. 29. The ministers are members of the council, and have a deliberative voice.

Art. 30. The ministers account directly to his Majesty, and receive his orders.

ACT VII.

Of the Oaths.

Art. 31. The King at his accession, or on his coming of age, takes an oath upon the Gospels, in presence of the great authorities of the kingdom.

Art. 32. The protector before undertaking the exercise of his functions, also takes an oath, with the same formalities.

Art. 33. The principal clergy, the great officers, the ministers, and the secretary of state, also take the oath of fidelity at the King's hands.

ACT VIII.

Of the Promulgation.

Art. 34. The promulgation of all the acts of the kingdom is thus couched: We, by the grace of God and the constitutional law of the state, King of Hayti, to all present and to come, greeting. And all public acts will conclude thus: We do hereby order and command, that these presents, sealed with our seal, be addressed to all courts, tribunals, and administrative authorities, to be transcribed in their registers, to be observed and caused to be observed throughout the kingdom; and the minister of justice is charged with the promulgation thereof.

Art. 35. The executory proceedings in judgments of the courts of justice and of the tribunals, are to run thus: We, by the grace of God and of the constitutional law of the state, King of Hayti, to all present and to come, greeting. Then follows the copy of the judgment or decree: "We order and command all constables and other officers, on this requisition, to put in execution the said judgment and our attorneys in the tribunals to promote the same; and the commandants and officers of the public force to assist, whensoever they may be legally required so to do.

In testimony of which the present judgment has been signed by the president of the court, and the register.

Done by the council of state of Hayti, at Cape Henry, the 28th March, 1811,

the 8th year of independence.

SIGNED--Paul Romain, senior; Andrew Vernet, Touissant Brave, Jean Philippe, Daux, Martial Besse, Jean Pierre Richard, Jean Fleury, Jean Baptiste Juge, Etienne Magny, Secretary.

We, the apostolic Prefect, and the general officers of the army and navy, the administrators of the finances, and officers of justice undersigned, as well in our own names as in the names of the army and the people, of which we are here the representatives, do join, in heart and soul, with the council of state, for the proclamation of his majesty Henry Christophe, king Of Hayti, such being our wish and that of the people, and of the army, for a long time past.

C. Brelle, Apolistic Prefect; N. Joachim Rouanez, Lieut. Generals; Pierre Touissant, Raphael, Louis Achille, Charles Carlot, Cottereau, Jasmin, Prevost, Dupont, Charles Pierre, Guerrier, Simon, Placide Lebrun, Field Marshals; Bastien, Jean Baptiste, Pierre St. Jean, Rear Admirals; Almanjor jun. Henry Proix, Chevalier, Papalier, Raimond, Sicard, Ferrier, Dosson, Caze, Brigadier Generals; Bastien Fabien, Cadet Antoine, Bernardine Sprew, Commanders in the Navy; Stanisals, Latortue, Joseph Latortue, Comptrollers; Delon, Inspector; Jean Baptiste, Petit Treasurer; P.A. Charrier, Director of Domains; L. Raphael, Director of Customs; Boyer, Keeper of the Central Warehouse; Juste Hugonin, Commissary General of Government; Isaac, Justice of the Peace; Lagrone, Charlatte, Notaries; Dupuy, Interpreter of Government.