

## **The Act Additional (mainly by Benjamin Constant) April 22, 1815.**

Napoleon, by the grace of God and the constitutions, Emperor of the French. Since we were called fifteen years ago by the will of France to the government of the state we have sought at different times to improve the constitutional forms, according to the needs and desires of the nation and by profiting from the lessons of experience. The constitutions of the Empire have thus been formed by a series of acts which have received the acceptance of the people. We had then for our aim to organize a great European federative system which we had adopted as in conformity with the spirit of the age and favorable to the progress of civilization. In order to bring it to completion and to give to it all the extent and all the stability of which it was susceptible, we had postponed the establishment of several internal institutions, more especially designed to protect the liberty of the citizens. Our aim hence-forth is nothing else than. to increase the prosperity of France by strengthening public liberty. From this springs the necessity of several important alterations in the constitutions, senatus-consulta, and other acts which govern the Empire.

For these reasons, wishing, on the one hand, to retain from the past whatever is good and salutary, and on the other, to make the constitutions of the Empire entirely conformable to the national wishes and needs, as well as to the state of peace which we shall desire to maintain with Europe, we have resolved to propose to the people a series of provisions tending to alter and improve these constitutional acts, to surround the rights of citizens with all their guarantees, to give to the representative system its full extent, to invest the intermediary bodies with desirable importance and power; in a word, to combine the highest point of political liberty and individual security with the strength and centralization necessary to make the independence of the French people and the dignity of our crown respected by foreigners. In consequence, the following articles, forming an act supplementary to the constitutions of the Empire, shall be submitted for the free and solemn acceptance of all citizens throughout the whole extent of France.

### **Title I. General Provisions.**

1. The constitutions of the Empire, particularly the constitutional act of 22 Frimaire, Year VIII, the senatus-consulta of 14 and 16 Thermidor, Year X, and that of 28 Floréal, Year XII, shall be altered by the following provisions. All of their other provisions are confirmed and maintained.
2. The legislative power is exercised by the Emperor and by two chambers.
3. The first chamber, called Chamber of Peers, is hereditary.
4. The Emperor appoints its members, who are irremovable, they and their male descendants in the direct line from eldest to eldest. The number of peers is unlimited. Adoption does not transmit the dignity of a peer to one who is the object of it.  
Peers take seats at twenty-one years of age, but have a deliberative voice only at twenty-five.
5. The Chamber of Peers is presided over by the arch-chancellor of the Empire. or, in the case provided for by article 51 of the senatus-consultum of 28 Floréal, Year XII, by one of the members of that chamber especially designated by the Emperor.
6. The members of the imperial family within the order of succession are peers by right. They sit beside the president. They take seats at eighteen years of age, but have a deliberative voice only at twenty-one years.
7. The second chamber, called Chamber of Representatives, is elected by the people.
8. The members of this chamber are in number six hundred and twenty-nine. They must be at least twenty-five years of age.
9. The president of the Chamber of Representatives is appointed by the chamber at the opening of the first session. He remains in office until the renewal of the chamber. His appointment is submitted to the approval of the Emperor.
10. The Chamber of Representatives verifies the credentials of its members and pronounces upon the validity of contested elections.
11. The members of the Chamber of Representatives receive for the expenses of travel and during the session the compensation decreed by the Constituent Assembly.
12. They are indefinitely re-eligible.
13. The Chamber of Representatives is of right renewed entire every five years.
14. No member of either chamber can be arrested, saving in the case of *flagrante delicto*, nor prosecuted for a criminal or correctional matter, during the sessions, except in virtue of a resolution of the chamber of which he is a part.
15. None can be arrested or imprisoned for debts from the beginning of the convocation nor for forty days after the session.
16. Peers are tried by their chamber in criminal and correctional matters in the forms which shall be regulated by law.
17. The character of peer or of representative is compatible with any public position, except those of accountants. Nevertheless, the prefects and sub-prefects cannot be elected by the electoral college of the department or the district which they administer.
18. The Emperor sends into the chamber ministers of state amid councillors of state. who sit there and take part in the discussions, but have a deliberative voice only in case they are members of the chamber as peers or as representatives of the people.
19. The ministers who are members of the Chamber of Peers or of that of the representatives, or who sit by direction of the government, give to the chambers the explanations which are deemed necessary when their publicity does not compromise the interest of the state.
20. The sittings of the two chambers are public. Nevertheless, they can form themselves into secret committee, the Chamber of Peers upon the request of ten members, that of the representatives upon the request of twenty-five. The government can also require secret committees for communications which it has to make. In any case the decisions and the votes can take place only in public session.

21. The Emperor can prorogue, adjourn and dissolve the ( chamber of Representatives. The proclamation which pronounces the dissolution convokes the electoral colleges for a new election, and directs the meeting of the representatives within six months at the latest.

22. During the interval between sessions of the Chamber of Representatives, or in case of dissolution of that chamber, the Chamber of Peers cannot assemble.

23. The government has the proposing of the laws; the chambers can propose amendments; if these amendments are not adopted by the government, the chambers are required to vote upon the law as it has been proposed.

24. The chambers have the power to invite the government to propose a law upon a defined subject and to draw up what seems to it suitable to insert in the law. This request may be made by each of the two chambers.

25. When a bill is adopted in one of the two chambers, it is sent to the other; and if it is approved there, it is sent to the Emperor.

26. No written speech, except reports of commissions, reports of the ministers upon the laws which are presented and the accounts which are rendered, can be read in either of the chambers.

#### **Title II. Of the Electoral Colleges and of the Manner of Election.**

27. The department and district electoral colleges are maintained, in conformity with the senatus-consultum of 16 Thermidor, Year X, except for the modifications that follow.

28. The cantonal assemblies shall fill each year by annual elections all the vacancies in the electoral colleges.

29. Dating from the year 1816, a member of the Chamber of Peers, designated by the Emperor, shall be president, for life and irremovable, of each department electoral college.

30. Dating from the same time, the electoral college of each department shall appoint from among the members of each district college, the president and two vice-presidents. For this purpose the meeting of the department college shall precede that of the district college by fifteen days.

31. The colleges of the department and of the district shall appoint the number of representatives fixed for each by the act and the table herewith annexed, number one.

32. Representatives may be chosen without distinction of residence from the whole extent of France.

Each department or district college which shall choose a representative outside of the department or the district shall select a substitute, who shall be taken necessarily from within the department or the district.

33. Industry and manufacturing and commercial property shall have a special representation.

The election of the commercial and manufacturing representatives shall be made by the electoral college of the department out of a list of eligibles prepared by the chamber of commerce and the consultative chambers assembled together, according to the act and table herewith annexed.

#### **Title III. Of the Law of Taxation.**

34. The general direct tax, upon either real estate or personal property, is voted only for one year; the indirect taxes can be voted for several years.

In case of the dissolution of the Chamber of Representatives, the taxes voted in the preceding session are continued until the new meeting of the chamber.

35. No direct or indirect tax, in money or in kind, can be collected, no loan can be made, no entry of credits upon the ledgers of the public debt can be made, no domain can be alienated or exchanged, no levy of men for the army can be ordered, no portion of the territory can be exchanged, except in virtue of a law.

36. No proposal for taxation, loan or the levy of men, can be made except by the Chamber of Representatives.

37. To the Chamber of Representatives also is first brought: 1st, the general budget of the state, containing the estimate of the receipts and the amount of money proposed to be assigned for the year to each department of the ministry; 2d, the account of the receipts and expenses of the year or the preceding years.

#### **Title IV. Of the Ministers and of Responsibility.**

38. All the acts of the government must be countersigned by a minister having a department.

39. The ministers are responsible for the acts of the government signed by them, as well as for the execution of the laws.

40. They can lie accused by the Chamber of Representatives and are tried by that of the peers.

41. Any minister or any commander of the army or navy can be accused by the Chamber of Representatives and tried by the Chamber of Peers for having compromised the safety or the honor of the nation.

42. The Chamber of Peers in this case exercises a discretionary power, either to characterise the offence or to inflict the penalty.

43. Before pronouncing for the indictment of a minister, the Chamber of Representatives must declare that there is occasion to investigate the proposal of accusation.

44. This declaration can be made only after the report of a commission of sixty members drawn by lot. This commission does not make its report sooner than ten days after its appointment.

45. When the chamber has declared that there is occasion to investigate, it can call before it the minister to ask for explanations from him. This call cannot take place until ten days after the report of the commission.

46. In no other case can ministers having departments be called or sent for by the chambers.

47. When the Chamber of Representatives has declared that there is occasion to investigate a minister, there is formed a new commission of sixty members, drawn by lot, as was the first, and this commission makes a new report upon the indictment. This commission cannot make its report until ten days after its appointment.

48. The indictment cannot be pronounced until ten days after the reading and the distribution of the report.

49. The accusation being pronounced, the Chamber of Representatives appoints five commissioners taken from its body, to prosecute the accusation before the Chambers of Peers.

50. Article 75 of title VIII of the constitutional act of 22 Frimaire. Year VIII, providing that the agents of the government can be prosecuted only in virtue of a decision of the Council of State, shall be altered by a law.

#### **Title V. Of the Judicial Power.**

51. The Emperor appoints all the judges. They are irremovable, and are appointed for the remainder of their lives, except the appointments of justices of the peace and judges of commerce, which shall take place as in the past. The present judges appointed by the Emperor upon the terms of the senatus-consultum of October 12, 1807, and whom he shall think proper to retain, shall receive life nominations before the first of January next.

52. The jury system is retained.

53. Trials in criminal matters are public.

54. All other offences, even if committed by soldiers, are under the jurisdiction of the civil tribunals.

55. All crimes and offences over which the imperial high court had jurisdiction and the trial of which is not reserved by the present act to the Chamber of Peers, shall be brought before the ordinary tribunals.

56. The Emperor has the right to pardon, even in correctional matters, and to grant amnesties.

57. The interpretations of the laws asked for by the court of cassation shall be given in the form of a law.

#### **Title VI. Rights of Citizens.**

59. Frenchmen are equal before the law, whether for contribution to public taxes and charges, or for admission to civil and military employments.

60. No one under any pretext can be deprived of the judges who are assigned to him by law.

61. No one can be prosecuted, arrested, detained or exiled except in the cases provided for by law and according to the prescribed forms.

62. Liberty of worship is guaranteed to all.

63. All property possessed or acquired by virtue of the laws, and all state-credits, are inviolable.

64. Every citizen has the right to print and publish his thoughts in signed form, without any prior censorship, subject to legal responsibility, after publication, by jury trial, even when there may be occasion for the application of only a correctional penalty.

65. The right of petition is secured to all citizens. Every petition is individual. These petitions can be addressed either to the government or to the two chambers: but these last also must be entitled: To his Majesty the Emperor. They shall be presented to the chambers under the guarantee of a member who recommends the petition. They are read publicly; and if the chamber takes them into consideration, they are brought to the Emperor by the president.

66. No place nor any part of the territory can be declared in a state of siege, except in the case of invasion on the part of a foreign force, or of civil disturbances.

In the first case, the declaration is made by an act of the government.

In the second case, it can be made only by a law.

Yet, the case occurring, if the chambers are not assembled, the act of the government declaring the state of siege must be converted into a proposal for a law within the first fifteen days of the meeting of the chambers.

67. The French people declare that, in the delegation which it has made and which it makes of its powers, it has not intended and does not intend to give the right to propose the re-establishment of the Bourbons or any prince of that family upon the throne, even in the case of the extinction of the imperial dynasty, nor the right to re-establish either the ancient feudal nobility, or the feudal and seigniorial rights, or the tithes, or any privileged and ruling worship, or the power to bring any attack upon the irrevocability of the sale of the national domains; it especially forbids to the government, the chambers and the citizens any proposition of this kind.

[The tables mentioned in articles 31 and 33 are omitted. These tables regulated the apportionment of the deputies.]

(French version: [http://fr.wikisource.org/wiki/Acte\\_additionnel\\_aux\\_constitutions\\_de\\_l'Empire\\_de\\_1815](http://fr.wikisource.org/wiki/Acte_additionnel_aux_constitutions_de_l'Empire_de_1815))



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#### **Reading assignment for next week:**

[http://www.napoleon-series.org/research/government/legislation/c\\_charter.html](http://www.napoleon-series.org/research/government/legislation/c_charter.html)

[http://fr.wikisource.org/wiki/Charte\\_constitutionnelle\\_du\\_4\\_juin\\_1814](http://fr.wikisource.org/wiki/Charte_constitutionnelle_du_4_juin_1814)