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PROJECT of Constitution for the Republic of Bolivia.

IN THE NAME OF GOD.

The General Constituent Congress of the Bolivian Republic, appointed by the People to form the Constitution of the State, decrees as follows:

TITLE I.

OF THE NATION.

CHAPTER I.—*Of the Bolivian Nation.*

Art. 1. The Nation of Bolivia is the union of all Bolivians.

II. Bolivia is, and ever shall be, Independent of all Foreign dominion; and cannot be the patrimony of any Person or Family.

CHAPTER II.—*Of the Territory.*

III. The Territory of the Republic of Bolivia comprehends the Departments of Potosi, Chuquisaca, La Paz, Santa Cruz, Cochabamba and Oruro.

IV. It is divided into Departments, Provinces and Cantons.

V. A Law shall render the division more convenient; and another shall determine its limits, by agreement with the adjoining States.

TITLE II.

OF THE GOVERNMENT.

CHAPTER I.—*Form of the Government.*

VI. The Government of Bolivia is Popular Representative.

VII. The Sovereignty emanates from the People, and its exercise resides in the Powers which this Constitution establishes.

VIII. The Supreme Power is divided for its exercise, into Four Sections:—the Electoral, Legislative, Executive, and Judicial.

IX. Each Power shall exercise the Attributes assigned to it by the Constitution, without exceeding its respective limits.

CHAPTER II.—*Of Bolivians.*

X. Are Bolivians:

1. All who are born in the Territory of the Republic.
2. The Children of Bolivian Parents, born out of the Territory, so soon as they legally manifest their wishes to domicile in Bolivia.
3. The Liberators of the Republic, declared as such by the Law of 11th August, 1825.
4. Foreigners, who obtain Letters of Naturalization, or who have resided three years in the Territory of the Republic.

5. All those who, up to the present day, have been Slaves, and who are, de facto, free, by the act of publishing this Constitution. The indemnification to be made to their former Owners, shall be determined by a Special Law.

XI. It is the duty of every Bolivian,—

1. To live in submission to the Constitution and Laws.
2. To respect and obey the Constituted Authorities.
3. To contribute to the Publick Expences.
4. To sacrifice his property, and even life, when the safety of the Republick demands it.
5. To watch over the preservation of Publick Liberty.

XII. Bolivians who are deprived of the exercise of the Electoral Power, shall enjoy all the civil rights conceded to Citizens.

XIII. In order to be a Citizen it is necessary,—

1. To be a Bolivian.
2. To be married, or more than 21 Years of age.
3. To be able to read and write.
4. To have some employment or mode of livelihood; or to profess some art or science, without being subject to another in the capacity of Servant.

XIV. Are Citizens:

1. The Liberators of the Republick. (Art. X, 3.)
2. Foreigners who have obtained Letters of Citizenship.
3. Foreigners, married with Bolivians, who unite the conditions 3rd and 4th of Article XIII.
4. Unmarried Foreigners who have resided four Years in the Republick, and unite the same conditions.

XV. Citizens of what was formerly Spanish America, shall enjoy the rights of Citizenship in Bolivia, according to the Treaties which may be made with their respective Nations.

XVI. Those only who are actually Citizens, can hold Publick Offices and Employments.

XVII. The exercise of Citizenship is suspended,—

1. By insanity.
2. By the stigma of being a fraudulent Debtor.
3. By being criminally prosecuted.
4. By being a notorious drunkard, gambler, or beggar.
5. By purchasing or selling suffrages in the Elections, or by disturbing the order of them.

XVIII. The right of Citizenship is lost,—

1. By treason to the Publick Cause.
2. By naturalization in a Foreign Country.
3. By having suffered infamous or corporeal punishment, by virtue of a Judicial condemnation.

TITLE III.

OF THE ELECTORAL POWER.

CHAPTER I.—*Of the Elections.*

XIX. The Electoral Power shall be directly exercised by those who are actually Citizens, one Elector being chosen for every ten.

XX. The exercise of the Electoral Power can never be suspended and the Civil Magistrates, without waiting any order, shall convoke the People exactly at the period prescribed by the Law.

XXI. An especial Law shall detail the regulations of Elections.

CHAPTER II.—*Of the Electoral Body.*

XXII. The Electoral Body is composed of the Electors appointed by the popular Suffrages.

XXIII. The Electors, being assembled in the Capital of the Province, shall name, by a plurality of votes, a President, two Censors and a Secretary, from their own body; these shall exercise their functions during the continuance of the Electoral Body.

XXIV. Each Electoral Body shall continue four Years; at the termination of which it shall cease, after the installation of that which is to succeed it.

XXV. The Electors shall assemble every Year, on the 2d, 3d, 4th, 5th, and 6th days of January, in order to exercise the following attributes:

1. To qualify the Citizens who enter upon the exercise of their rights, and to suspend those who may fall under the Provisions of Articles XVII and XVIII.

2. To elect and propose *en terna* (by a nomination of three)—1st. To the respective Chambers, the Members which are to compose them, or to fill their Vacancies.—2d. To the Executive Power, the Candidates for the Prefecture of their Department, for the government of their Province, and for the Corregidors of their Cantons and Towns.—3d. To the Prefect of the Department, the Alcaldes and Justices of the Peace, who are to be appointed.—4th. To the Senate, the Members of the Courts of the Judicial District to which they belong, and the Judges of First Instance.—5th. To the Executive Power, the Curates and Vicars, for the vacancies in their Province.

3. To receive the Returns of the popular Elections; to examine the identity of the Persons newly elected, and to declare them Constitutionally appointed.

4. To ask from the Chambers whatever they may deem conducive to the welfare of the Citizens: and to complain of the grievances and injustices which they may have experienced from the Constituted Authorities.

TITLE IV.

OF THE LEGISLATIVE POWER.

CHAPTER I.—*Of the Division, Attributes, and Restrictions, of this Power.*

XXVI. The Legislative Power emanates directly from the Electoral Bodies appointed by the People. Its exercise resides in the three Chambers; 1st of Tribunes, 2d of Senators, 3d of Censors.

XXVII. Each Chamber shall consist of 30 Members during the first 20 years.

XXVIII. On the —— day of the month of —— of each year, the Legislative Body shall assemble of its own accord, without waiting for convocation.

XXIX. The particular Attributes of each Chamber shall be detailed in their proper place. They are, generally:

1. To appoint the President of the Republick, for the first time, and to confirm the nomination of his Successors.

2. To approve of the Vice-President, on the proposal of the President.

3. To select a Place for the residence of the Government, and to transfer it to another, when important circumstances render it necessary, and when two-thirds of the Members who compose the three Chambers, shall have declared it expedient.

4. To decide by a National Judgment (*Juicio Nacional*), whether or not a necessity exist for a legal procedure against the Members of the Chamber, the Vice-President, and the Secretaries of State.

5. To invest the President of the Republick, in time of War or extraordinary danger, with such powers as they may deem indispensable to the salvation of the State.

6. To select from among the Candidates which the Electoral Bodies may present *en terna*, the Members for the vacancies in each Chamber.

7. To make Regulations for their interior government, and to punish the Members who infringe them.

XXX. The Members of the Legislative Body shall be eligible to the Offices of Vice-President of the Republick, or Secretaries of State, relinquishing their seats in their respective Chamber.

XXXI. No Individual of the Legislative Body shall be arrested during the period of his Office, unless by order of his respective Chamber, or unless he be detected in the commission of a Crime which merits capital punishment.

XXXII. The Members of the Legislative Body shall not be responsible for the opinions which they deliver within their Chamber, in the exercise of their functions.

XXXIII. Each Legislature shall continue four Years, and each Annual Session two Months. The opening and closing of the three Chambers shall take place at the same time.

XXXIV. The opening of the Session shall take place Annually, in the presence of the President of the Republick, the Vice-President, and the Secretaries of State.

XXXV. The Sittings shall be publick, and those questions of State only which require secrecy, shall be discussed with closed doors.

XXXVI. The Questions in each Chamber shall be determined by an absolute majority of Votes of the Members present.

XXXVII. Persons in Office who are appointed to be Deputies to the Legislative Body, shall be temporarily relieved from the discharge of their duties by other Individuals,

XXXVIII. The restrictions upon the Legislative Body are as follows:

1. No Sitting can be held of either of the Chambers without the presence of one more than the half of the respective Individuals which compose it; but they may compel the absent Members to attend to their duty.

2. No Chamber can originate a Project of Law relative to subjects which the Constitution has entrusted to another Chamber, but it may invite the others to take into consideration such Resolutions as it may submit to them.

3. No Member of the Chambers can obtain, during the period of his Office, any other promotion than that in the regular course of preferment.

XXXIX. The Chambers shall be united:

1. At the opening and closing of their Sessions.

2. For the purpose of inquiring into the conduct of the Ministry, when it be impeached by the Chamber of Censors.

3. For the purpose of revising the Laws which are returned by the Executive Power.

4. Whenever it be demanded, on sufficient grounds, by one of the Chambers, in the case provided for by Article XXIX, Attribute 3d.

In order to confirm the Vice-President in the exercise of the Office of President.

XL. When the Chambers are united, one of their Presidents shall preside in rotation.

CHAPTER II.—*Of the Chamber of Tribunes.*

XLI. In order to be a Tribune, it is necessary:

1. To be an actual Citizen.

2. To be 25 Years of Age.

3. To have never been condemned in a Criminal Cause.

XLII. The Chamber of Tribunes shall have the initiative,—

1. Concerning the arrangement of the Territorial Division of the Republick.

2. Respecting the Annual Contributions and Publick Expences.

3. In authorizing the Executive Power to negotiate Loans, and adopt means for extinguishing the Publick Debt.

4. Respecting the value, type, standard, weight, and denomination of money, and the regulation of weights and measures.

5. Concerning the establishment of Ports of every description.

6. Concerning the construction of roads, causeways, bridges, publick buildings, and the improvement of the Police, and branches of industry.

7. Concerning the Salaries of Publick Functionaries.

8. Concerning the reforms which they may deem necessary in the Departments of Finance and War.

9. In making War or Peace, on the proposition of the Government.

10. Concerning Alliances.

11. In permitting a passage to Foreign Troops.

12. Concerning the Naval and Land Forces for the Year, on the proposition of the Government.

13. In giving Ordinances to the Marine, Army, and National Militia, on the proposition of the Government.

14. Concerning Foreign Affairs.

15. In granting Letters of Naturalization and Citizenship.

16. In granting general Pardons.

XLIII. The Chamber of Tribunes shall be renewed by halves, every two Years, and shall have four Years' duration. In the first Legislature, the half which is to retire at the expiration of two Years shall be determined by lot.

XLIV. Tribunes may be re-elected.

CHAPTER III.—*Of the Chamber of Senators.*

XLV. To be a Senator, it is necessary,—

1. To have the qualifications requisite for an Elector.

2. To be 35 Years of age.

3. To have never been condemned in a Criminal Cause.

XLVI. The Attributes of the Senate are:

1. To form the Civil and Criminal Codes, of Procedure and Commerce, and the Ecclesiastical regulations.

2. To originate all Laws relative to Judiciary reforms.

3. To watch over the prompt administration of Justice in Civil and Criminal Causes.

4. To originate Laws to prevent infringements of the Constitution and Laws, by Magistrates, Judges, and Ecclesiastics.

5. To exact responsibility from the superior Tribunals of Justice, the Prefects, Magistrates, and Inferior Judges.

6. To propose, *en terna* (by a nomination of three), to the Chamber of Censors, the Individuals who are to compose the Supreme Tribunal of Justice, the Archbishops, Bishops, Dignitaries, Canons, and Prebends of Cathedrals.

7. To approve or reject the Prefects, Governors, and Corregidores, which the Government may select from the Three Persons presented by the Electoral Bodies.

8. To elect from the Three Persons which the Electoral Bodies may present, the District Judges, and the Subalterns of every Department of Justice.

9. To regulate the Church preferment, and to propose Projects of Law relative to all Ecclesiastical business which has relation to the Government.

10. To examine Counciliary Decisions, Bulls, Rescripts, and Pontifical Briefs, in order to their approval or rejection.

XLVII. The duration of Members of the Senate shall be eight Years, and they shall be renewed by one-half every four Years; the half of the first Legislature which is to retire, being determined by lot.

XLVIII. The Members of the Senate may be re-elected.

CHAPTER IV.—*Of the Chamber of Censors.*

XLIX. To be a Censor, it is necessary:

1. To possess the qualifications requisite for a Senator.
2. To be 40 Years of age.
3. To have never been condemned, even for trifling Offences.

L. The Attributes of the Chamber of Censors are:

1. To see that the Government observes, and causes to be observed, the Constitution, Laws, and Publick Treaties.

2. To accuse the Executive, before the Senate, of infringements upon the Constitution, Laws and Publick Treaties.

3. To demand from the Senate the suspension of the Vice-President and Secretaries of State, should the safety of the Republick urgently demand it.

LI. It belongs exclusively to the Chamber of Censors to impeach, before the Senate, the Vice-President and Secretaries of State, in cases of treason, peculation, or manifest violation of the fundamental Laws of the Republick.

LII. If the Senate shall deem the accusation by the Chamber of Censors to be well founded, resort shall be had to a National Judgment; but if the Senate decide in the negative, the accusation shall pass to the Chamber of Tribunes.

LIII. If the two Chambers agree, recourse shall be had to the National Judgment.

LIV. The three Chambers shall then be united, and the Documents which the Chamber of Censors may have presented, having been examined, it shall be decided by an absolute majority of Votes, whether or not there be cause for the impeachment of the Vice-President or Secretaries of State.

LV. When the National Judgment shall have decreed that there is ground for impeachment of the Vice-President or Secretaries of State, they shall be immediately suspended from the exercise of their functions, and the Chamber shall transmit all their proceedings to the Supreme Tribunal of Justice, which shall take exclusive cognizance of the Cause, and the Sentence which it may pronounce shall be executed without Appeal.

LVI. When the Chambers have declared that there exists ground for the impeachment of the Vice-President and Secretaries of State, the President shall present to the united Chambers a Candidate for the Vice-Presidency, ad interim, and shall nominate, ad interim, Secretaries of State. If the first Candidate be rejected, by an absolute majority of the Legislative Body, the President shall present a second, and if he be rejected, he shall present a third Candidate, and if he be also rejected, then the Chambers shall choose, by an absolute majority of votes, within the period of 24 hours, one of the three Candidates proposed by the President.

LVII. The Vice-President, ad interim, shall exercise his functions from the time of his Appointment, until the result of the Proceedings against the Accused.

LVIII. By a Law, which shall originate in the Chamber of Censors, the Cases shall be specified, in which the Vice-President and Secretaries of State are collectively or individually responsible.

LIX. It belongs, moreover, to the Chamber of Censors :

1. To choose from the Three Persons presented by the Senate, the Individuals who are to form the Supreme Tribunal of Justice, and those who are to be presented to the Archbishopricks, Bishopricks, Canonries, and vacant Prebends.

2. To execute the Laws relative to the Press, interior government, regulation of studies, and method of Publick Education.

3. To protect the Liberty of the Press, and to appoint the Judges who are to decide in the last instance, upon the Judgments respecting it.

4. To propose Regulations for encouraging the Arts and Sciences.

5. To grant Rewards and National Compensations to those who may have merited them by their services to the Republick.

6. To decree Publick Honours to the memory of great Men, and to the virtues and services of Citizens.

7. To condemn to everlasting disgrace the Usurpers of the Publick Authority, and distinguished Traitors and Criminals.

LX. The Censors shall be appointed for life.

CHAPTER V.—*Of the Formation and Promulgation of Laws.*

LXI. The Government may present to the Chambers such Projects of Law as it may deem necessary.

LXII. The Vice-President and Secretaries of State may attend the Sittings, and bear a part in the discussion of Laws and other subjects; but they cannot vote, nor be present when the Votes are taken.

LXIII. When the Chamber of Tribunes adopts the Project of a Law, it shall be transmitted to the Chamber of Senators, in the following form :

“The Chamber of Tribunes transmits to the Chamber of Senators the annexed Project of Law; and believes that there is occasion for it.”

LXIV. If the Chamber of Senators approve the Project of Law, it shall return it to the Chamber of Tribunes, in the following form :

“The Senate returns to the Chamber of Tribunes the Project of Law (with or without amendment) and is of opinion that it ought to be transmitted to the Executive for execution.”

LXV. All the Chambers, in similar cases, shall observe the same form.

LXVI. If one Chamber disapprove the Amendments or additions of another, and the proposing Chamber be of opinion that the Project, as originally proposed, is most advantageous, it shall invite, by a Deputation of three, a meeting of the two Chambers, in order to discuss the Project, or the Amendment, or Negative, which it may have received. This meeting of the Chambers shall have no other object than that of coming to a mutual understanding, and each shall resume the business which it may deem expedient.

LXVII. The Project being adopted by two Chambers, two Copies thereof shall be sent to the President of the Republick, signed by the President and Secretaries of the Chamber which originated the Law, in the following form :

“The Chamber of ———, with the approbation of the Chamber of ———, sends to the Executive Power the Law respecting ———, in order that it may be promulgated.”

LXVIII. If the Chamber of Senators refuse to adopt the Project of the Chamber of Tribunes, it shall be sent to the Chamber of Censors, in the following form :

“The Chamber of Senators transmits to the Chamber of Censors the annexed Project, which it does not deem expedient.”

After which, the determination of the Chamber of Censors shall be definitive.

LXIX. If the President of the Republick consider the Law inexpedient, he shall, within the period of 10 days, return it to the Chamber which originated it, together with his observations, in the following form :

“It is the opinion of the Executive that this Law should be reconsidered.”

LXX. The Laws which may be passed within the last ten days of the Session, may be retained by the Executive Power, until the succeeding Session, and shall then be returned with its observations thereupon.

LXXI. When the Executive Power returns to the Chambers a Law, with its observations, the Chambers shall be united, and whatever they determine by a majority of Votes, shall be fulfilled, without further discussion or observation.

LXXII. If the Executive Power have no observations to make, relative to the Law, it shall order it to be published, in the following form :

“Let it be promulgated.”

LXXIII. The Laws shall be promulgated in the following form :

“N. of N. President of the Bolivian Republic. We make known to all Bolivians, that the Legislative Body has decreed, and that we publish the following Law. (Here follows the Law.) We therefore command all the Authorities of the Republic to observe it, and to cause it to be observed.

“The Vice-President will cause this to be printed, published, and transmitted to all whom it may concern,”—and it shall be signed by the President, the Vice-President, and the respective Secretary of State.

LXXIV. A Project of Law which originates in the Senate, shall pass to the Chamber of Censors, and, if there approved, shall have the force of a Law. If the Censors do not approve the Project of Law, it shall be sent to the Chamber of Tribunes, whose decision shall be definitive, as has been said with respect to the Chamber of Censors.

LXXV. A Project of Law which originates in the Chamber of Censors, shall pass to the Senate; and, if it receive its sanction, it shall have the force of a Law. But in case it should refuse its assent to the Project, it shall be sent to the Chamber of Tribunes, which shall give or refuse its sanction, as in the case of the preceding Article.

TITLE V.

OF THE EXECUTIVE POWER.

LXXVI. The exercise of the Executive Power resides in a President for life, a Vice-President, and three Secretaries of State.

CHAPTER I.—*Of the President.*

LXXVII. The President of the Republic shall be chosen the first time, by an absolute majority of the Legislative Body.

LXXVIII. In order to be eligible as President of the Republic, it is necessary :

1. To be an actual Citizen and a Native of Bolivia.
2. To be upwards of 30 years of age.
3. To have rendered important services to the Republic.

4. To possess known talents for the administration of the State.
5. To have never been condemned by the Tribunals, even for slight Offences.

LXXXIX. The President of the Republick is the Chief of the Administration of the State, without responsibility for the acts of the said Administration.

LXXX. In the event of the resignation, death, infirmity, or absence, of the President of the Republick, the Vice-President succeeds to his Station.

LXXXI. In default of the President and Vice-President of the Republick, the three Secretaries of State shall conduct the Administration, ad interim, the eldest in Office presiding, until the assembling of the Legislative Body.

LXXXII. The Attributes of the President of the Republick, are:

1. To open the Sessions of the Chambers, and to lay before them a Message respecting the state of the Republick.
2. To propose to the Chambers the Vice-President: and to appoint the Secretaries of State.
3. To change the Vice-President and Secretaries of State, whenever he may deem it expedient.
4. To order the Laws to be published, circulated, and observed.
5. To authorise Regulations and Orders for the better fulfilment of the Constitution, Laws, and Publick Treaties.
6. To order and enforce the fulfilment of the Sentences of the Tribunals of Justice.
7. To demand of the Legislative Body the prorogation of its Ordinary Sessions, for the period of 30 days.
8. To convoke the Legislative Body in an extraordinary Session, when such convocation is absolutely necessary.
9. To dispose of the permanent Military and Naval Forces, for the external defence of the Republick.
10. To command in Person, the armies of the Republick, in Peace and War. When the President is absent from the Capital, the Vice-President shall be charged with the government of the Republick.
11. To reside in any part of the Territory occupied by the National Armies, when he directs the War in Person.
12. To dispose of the National Militia, for internal security, within the limits of its respective Department, and beyond them, with the consent of the Legislative Body.
13. To appoint all Officers of the Army and Navy.
14. To establish Military and Naval Schools.
15. To order Military Hospitals, and Houses for the reception of Invalids, to be established.
16. To grant furloughs and retirements. To grant the Pensions of

the Military and of their Families according to Law, and to regulate, in conformity with the Laws, every thing relating to this branch.

17. To declare War in the name of the Republick, previously decreed by the Legislative Body.

18. To grant Letters of Marque.

19. To superintend the collection and distribution of the Publick Revenue according to Law.

20. To appoint the Officers of Finance.

21. To direct diplomattick Negotiations, and to conclude Treaties of Peace, Friendship, Confederation, Alliance, Armistice, Armed Neutrality, Commerce, and any others; with the previous approbation of the Legislative Body.

22. To appoint Publick Ministers, Consuls, and Subalterns, of the Department of Foreign Affairs.

23. To receive Foreign Ministers.

24. To confirm or to suspend Counciliary Decisions, Pontifical Bulls, Briefs, and Rescripts, with the consent of the Power to which they relate.

25. To present to the Senate for its approbation, one of the three Candidates proposed by the Electoral Body, for Prefects, Governors and Corregidores.

26. To present to the Ecclesiastical Government one of the three Candidates, proposed by the Electoral Body, as Curates and Vicars of Provinces.

27. To suspend Functionaries for the period of three months, whenever there may be cause for such suspension.

28. To commute Capital Punishments, decreed by the Tribunals against Criminals.

29. To expedite, in the name of the Republick, the Commissions and Appointments of all Functionaries.

LXXXIII. The restrictions on the President are:

1. He cannot deprive any Bolivian of his liberty, or impose, of his own will, any punishment whatsoever.

2. When the safety of the Republick demands the arrest of one or more Citizens, he cannot permit more than 48 hours to elapse, before the accused be placed at the disposal of the competent Judge or Tribunal.

3. He cannot deprive any Individual of his property, unless the Publick interest urgently demand it; and a just indemnification shall, in such case, be made to the Proprietor.

4. He cannot impede the Elections, nor other Functions which the Laws have confided to the Powers of the Republick.

5. He cannot absent himself from the Territory of the Republick, nor from the Capital, without the permission of the Legislative Body.

CHAPTER II.—*Of the Vice-President.*

LXXXIV. The Vice-President is nominated by the President of the Republick, and approved by the Legislative Body, in the mode prescribed in Article LVI.

LXXXV. The mode of succession shall be determined by a Special Law, comprehending all cases which can occur.

LXXXVI. To be Vice-President, the same qualifications are requisite as for President.

LXXXVII. The Vice-President of the Republick, is the chief of the Ministry.

LXXXVIII. He shall be responsible, together with the Secretary of State of the respective Department, for the administration of the State.

LXXXIX. He shall despatch and sign, in the name of the Republick and of the President, all the Affairs of the Administration, together with the Secretary of State of the respective Department.

XC. He shall not absent himself from the Territory of the Republick, nor from the Capital, without the permission of the Legislative Body.

CHAPTER III.—*Of the Secretaries of State.*

XCI. There shall be three Secretaries of State. One of them shall be charged with the Department of Government and Foreign Affairs; one with that of Finance; and the other with that of War and Marine.

XCII. These three Secretaries shall discharge their duties under the immediate Orders of the Vice-President.

XCIII. No Tribunal or Public Authority shall observe Orders of the Executive, which are not signed by the Vice-President, and the Secretary of State of the Department to which they relate.

XCIV. The Secretaries of State shall be responsible with the Vice-President for all Orders which they may authorise, contrary to the Constitution, Laws, and Publick Treaties.

XCV. They shall make out the Annual Estimates of the Expences, which may be necessary for their respective Departments, and shall render an Account of those which may have been incurred in the preceding Year.

XCVI. To be a Secretary of State, it is necessary:

1. To be an actual Citizen.
2. To be 30 Years of age.
3. To have never been condemned in a Criminal Cause.

TITLE VI.

OF THE JUDICIAL POWER.

CHAPTER I.—*Of the Attributes of this Power.*

XCVII. The Tribunals and Courts of Justice exercise no other Functions than those of applying the existing Laws.

XCVIII. The Magistrates and Judges shall hold their Offices during good behaviour.

XCIX. The Magistrates and Judges cannot be suspended from their Offices, unless in the cases determined by Law; the application of which, in regard to the former, appertains to the Chamber of Senators; and, as respects the latter, to the District Courts, with the previous cognizance of Government.

C. Every serious Offence, which the Magistrates and Judges commit, in the discharge of their respective duties, may be prosecuted by popular accusation, and be commenced within the period of a Year, through the medium of the Electoral Body.

CI. Justice shall be administered in the name of the Nation, and the Judgments and Orders of the Superior Tribunals shall be issued in that form.

CHAPTER II.—*Of the Supreme Court.*

CII. The highest judicial Magistracy of the State shall reside in the Supreme Court of Justice.

CIII. It shall be composed of a President, six Members, and a Fiscal, divided into the requisite Chambers.

CIV. To be a Member of the Supreme Tribunal of Justice, it is necessary :

1. To be 35 Years of age.
2. To be an actual Citizen.
3. To have been a Member of one of the Judicial District Courts; and, until they are organized, those Advocates who may have exercised their Profession with credit, for the period of eight Years, shall be eligible.

CV. The Attributes of the Supreme Tribunal of Justice are :

1. To take cognizance of Criminal Accusations against the Vice-President of the Republick, Secretaries of State, and Members of the Chambers, whenever the Legislative Body shall decree that there is ground for a prosecution.
2. To take cognizance of all Causes relating to the National Church Preferment.
3. To examine Bulls, Briefs, and Rescripts, when they relate to Civil Matters.
4. To take cognizance of Causes respecting Ambassadors, Resident Ministers, Consuls, and Diplomattick Agents.

5. To take cognizance of Cases of the removal of Magistrates from the Judicial District Courts, and Departmental Prefects.

6. To settle Controversies between the Courts of Justice, and between them and other Authorities.

7. To take cognizance, in the third instance, of Accusations against Publick Functionaries.

8. To determine the doubts of other Tribunals respecting the meaning of any Law; and to consult with the Executive as to the explanation thereof in the Chambers.

9. To take cognizance of Charges of Nullity, brought against Sentences pronounced, in the last instance, by the Courts of Justice.

10. To examine the state and progress of Civil and Criminal Causes, pending in the District Courts, in the manner established by Law.

11. To exercise the high directional, interior, and correctional controul, over the Tribunals and Courts of Justice of the Nation.

CHAPTER III.—*Of Judicial District Courts.*

CVI. In order to be a Member of these Courts it is necessary :

1. To be 30 Years of age.
2. To be an actual Citizen.
2. To have been a Law Judge, or a respectable Advocate for five Years.

CVII. The Attributes of the Judicial District Courts are :

1. To take cognizance, in the second and third instance, of all Civil Causes, of Common Law, Publick Finance, Commerce, Mining, Seizures, and Confiscations, aided by an Individual of those branches, respectively, in the capacity of Assistant Judge.

2. To take cognizance of Controversies between the inferior Justices of their Judicial District.

3. To take cognizance of Charges of Violence, brought before them by the Tribunals and Ecclesiastical Authorities within their Territory.

CHAPTER IV.—*Of Judicial County Courts.*

CVIII. County Courts shall be established in the Provinces, which shall be proportionally equal; and, in each Capital of a County, there shall be a Law Judge, with a Court of Justice, as determined by Law.

CIX. The cognizance of these Courts shall be limited to litigious Causes, and they can determine, without appeal, in Civil Cases not exceeding 200 dollars.

CX. To be a Law Judge it is necessary :

1. To be 28 Years of age.
2. To be an actual Citizen.

3. To have been admitted as an Advocate in a Tribunal of the Republick.

4. To have exercised the Profession for four Years with credit.

CXI. The Law Judges are personally responsible for their conduct to the Judicial District Courts, as the Members of the latter are to the Supreme Tribunal of Justice.

CHAPTER V.—*Of the Administration of Justice.*

CXII. There shall be Justices of the Peace in each Village, who shall act as Conciliators; and no Civil or Criminal Cause shall be commenced, which shall not previously have been submitted to them.

CXIII. The duty of these Conciliators shall be limited to the hearing the statements of the Parties, to the informing them of their rights, and to the effecting between them a satisfactory accommodation.

CXIV. Fiscal Prosecutions shall not be submitted for conciliation.

CXV. Judgments in three instances only are recognized.

CXVI. Recourse to manifest injustice is for ever abolished.

CXVII. No Bolivian shall be arrested, without previous information, for Crimes meriting corporeal punishment, and without a written Order from the Judge before whom he is to appear: excepting in the Cases mentioned in Articles LXXXIII, (Restriction 2d,) CXXIII and CXXXIII.

CXVIII. At this stage of the Proceedings, if possible, the information shall be taken even without oath, but this shall not be deferred in any case, for a longer period than 48 hours.

CXIX. Any Person detected in the commission of a crime, may be arrested by any Individual, and taken before the Judge.

CXX. In Criminal Causes, the Proceedings shall be publick; the crime being recognized and declared by Juries, (when they are established) and the Sentence being pronounced by the Judges.

CXXI. The use of torture, and forced confession, shall be abolished for ever.

CXXII. The confiscation of goods, and all cruel punishments, and those of descending infamy, shall be abolished. The Criminal Code shall restrict as far as possible, the application of Capital Punishment.

CXXIII. If, under any extraordinary circumstances, the security of the Republick should require the suspension of any of the formalities prescribed in this Chapter, the Chambers may decree such suspension. And, should they not be assembled, the Executive may exercise such function, as a provisional measure, and shall render an account of the same at the succeeding opening of the Chambers; it being responsible for any abuses which may have been committed.

TITLE VII.

OF THE INTERIOR GOVERNMENT OF THE REPUBLICK.

CXXIV. The superior Political Government of each Department shall reside in a Prefect.

CXXV. That of each Province in a Góvornor.

CXXVI. That of the Cantons in a Corregidor.

CXXVII. In each Town, the Inhabitants of which amount to 100 Souls, including those within its boundary, there shall be a Justice of the Peace.

CXXVIII. Where the Population of a Town, and its vicinity, amounts to 1000 Souls, there shall be (besides a Justice of the Peace for each 200) an Alcaid; and where the number of souls exceeds 1000, there shall also be a Justice of the Peace for every 500, and an Alcaid for every 2000.

CXXIX. The duties of Alcalds and Justices of the Peace are to give advice; and no Citizen, without just cause, shall be exempt from fulfilling them.

CXXX. The Prefects, Governors, and Corregidors, shall continue in the exercise of their Functions for the period of four Years; but may be re-elected.

CXXXI. The Alcalds and Justices of the Peace shall be renewed every two Years; but may be re-elected.

CXXXII. The attributes of the Prefects, Governors, Corregidors, and Alcalds, shall be limited, by Law, to the maintenance of publick order and security, and of due subordination to the Supreme Government.

CXXXIII. They are prohibited from all judicial authority; but, should the publick tranquillity demand the arrest of any Individual, and circumstances not permit them to apprise the respective Judge, they may immediately order the same, rendering an account thereof, within 48 hours, to the competent Court of Justice. Whatever excess these Magistrates commit, relative to Individual security, or domicile, shall be liable to popular accusation.

TITLE VIII.

OF THE ARMED FORCE.

CXXXIV. There shall be a permanent Armed Force in the Republick.

CXXXV. The Armed Force shall be composed of the Army of the Line, and a Squadron.

CXXXVI. In each Province there shall be Bodies of National Militia, composed of its Inhabitants.

CXXXVII. There shall be also a Military Guard, whose chief duty it shall be to prevent all illegal Commerce. The peculiar organization and constitution of this Body shall be detailed in a Special Regulation.

TITLE IX.

OF THE REFORM OF THE CONSTITUTION.

CXXXVIII. If, at the expiration of—Years, after the Constitution shall have been sworn to, it should be deemed expedient to reform any of its Articles; a Proposition to that effect shall be made, in writing, signed by at least ten Members of the Chamber of Tribunes, and supported by two-thirds of the Members present in the Chamber.

CXXXIX. The Proposition shall be read three times, with an interval of six days between each reading; and, after the third reading the Chamber of Tribunes shall determine whether or not the Proposition shall be admitted to discussion; and any further proceedings thereupon shall be similar to those for the formation of Laws.

CXL. The discussion being admitted, and the Chambers convinced of the necessity of reforming the Constitution; a Law shall be passed, desiring the Electoral Bodies to invest the Deputies of the three Chambers with Special Powers, to alter or reform the Constitution, and indicating the basis upon which such reform is to be made.

CXLI. In the first Session of the Legislature, subsequent to that in which the Proposition to alter or reform the Constitution was adopted, the subject shall be proposed and discussed; and whatever the Chambers resolve upon shall be fulfilled: the Executive Power being consulted respecting the expediency of such Reform.

TITLE X.

OF THE NOMINATION AND RESPONSIBILITY OF FUNCTIONARIES.

CXLII. Three Persons shall be proposed as Candidates to the Executive Power, which shall select and present one of them to the respective Chamber for confirmation; and, if he be not approved, it shall present a second; and, if he also be rejected, a third shall be proposed; and in case the Chamber again refuse its approbation, it shall be obliged to select one of the three proposed by the Executive.

CXLIII. Publick Functionaries are strictly responsible for the abuses which they commit in the exercise of their Functions.

TITLE XI.

OF GUARANTEES.

CXLIV. Civil liberty, individual security, property, and legal equality, are guarantied to the Citizens by the Constitution.

CXLV. Every Person may communicate his thoughts, verbally or

in writing, or publish them through the medium of the Press, without previous censorship; but under the responsibility which the Law may determine.

CXLVI. Every Bolivian may continue in, or quit the Territory of the Republick, as he may think proper, and carry with him his property; observing, however, the Regulations of the Police, and the rights of other Parties.

CXLVII. The House of every Bolivian is an inviolable asylum. It cannot be entered by night, unless by his consent; and by day, only in those cases, and under the restrictions, which the Law may determine.

CXLVIII. Contributions shall be proportionably levied, without exception or privilege.

CXLIX. All hereditary Offices, Privileges, and Entails, are abolished; and property of every description is alienable, notwithstanding it belong to pious or religious Institutions, or other objects.

CL. No article of workmanship, industry, or commerce, shall be prohibited, if it be not incompatible with publick habits, or the safety and health of Bolivians.

CLI. Every Inventor shall have a property in his discoveries and productions. The Law shall secure to him an exclusive temporary privilege, or a compensation for his loss, in the case of its being made public.

CLII. The Constitutional Powers cannot suspend the Constitution, nor the rights belonging to Bolivians, excepting in the cases, and under the circumstances, expressed in the Constitution itself; on which occasions it is indispensable that the period for which such suspension is to continue shall be specified.

*CONVENTION of Friendship, Commerce, and Navigation,
between The United States and Denmark. Signed at
Washington, 26th April, 1826.*

WHEREAS a General Convention of Friendship, Commerce, and Navigation, between The United States of America and His Majesty the King of Denmark, was concluded and signed at Washington, on the 26th day of April last, by Henry Clay, Secretary of State of The United States, on the part of The United States, and Pêter Pedersen, Minister Resident from Denmark, on the part of Denmark, the respective Plenipotentiaries of the two Powers: And whereas the said Convention has been duly and respectively ratified by me, by and with the advice and consent of the Senate of The United States, and