THE

CONSTITUTIONAL CHARTER

OF THE

KINGDOM OF SAXONY.

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Translated from the German,

WITH PREFATORY NOTES,

BY H. S.

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ERRATA.

Page 9, line 27, *for* unpaid magistrates, *read* paid and unpaid.
— 11, — 9, — five chief dignitaries of the Protestant Church, *read* of the highest clerical offices.
— — — 21, — the chief, *read* six chief.
— 12, — 3, — and, *read* or a certain income of four hundred dollars per annum at least.
— 12, — 25, — however need not reside, *read* need not be possessed of a house.
— 14, — 4, — the chief court, *read* the High Court of Judicature.
— 16, — 10, — of a minister generally involves, *read* NEVER involves that of any of his officials.
— 17, — 5, — holders in perpetuity of manorial estates, *read* holders of manorial estates.
— 18, — 10, — the higher courts, *read* and the highest court of appeal.
— 20, — 22, — in fifty-five years, *read* in fifty-five years, when also the obligations of the landowners to pay the compensated rent *ceases*.
— 22, — 6, — without license, *read* without previous examination as to his ability.
— 24, — 29, — woods and forests 60,000 dollars, *read* sale of firewood.
— 26, — 14, — and now during several years, *read* has for many years back been worth.
— 30, — 31, — must instruct, *read* must examine them if they have been properly instructed in religion.

INTRODUCTION.

Some British residents in Saxony, and several friends in England, have expressed to me their desire to possess an English version of our Constitutional Charter of 1831, as well as some statistical account of the country. In the following pages I have endeavoured to comply with this wish, prefixing, however, to the translation of the Charter, such matter only as will be most interesting to Englishmen, and enable them to form a tolerably accurate estimate of the present state and prospects of this kingdom.

The very name of Saxony will ever be associated, in English minds, with endearing recollections of a remote antiquity. The services which this country has rendered, in later days, to the cause of religious freedom, and to literature, may fairly excuse some honest pride, based on principles superior to mere geographical extent or political dominion which we can lay no claim to. And, at this moment, when so many of the states of the German Confederation are entering upon, or are actually engaged in, constitutional struggles, our sovereign and people may

well point with satisfaction to their Charter of 1831, as the happy solution of that most difficult question, the rational compact between nations and their rulers.

The introduction into Germany of railroads will most favourably affect the interests of Saxony, add much to her importance, and largely augment her intercourse with surrounding countries and distant nations. She will form, as it were, the central station of the German—not to say the Continental—system of railroads. For that purpose she is well fitted, both on account of her geographical locality and her commercial and social developement. Her cheerful capital, Dresden, offers many attractions to those who prefer moderate enjoyments and a somewhat natural state of existence, to the excesses of luxury and the unceasing and unavoidable dissipations of the metropolitan cities of greater empires. Leipzig, with its commercial freedom, book-trade, and great fairs, from time immemorial a celebrated mart for foreign and domestic manufactures, will, no doubt, continue to collect within its walls for the purposes of traffic, multitudes of strangers, from every point of the compass. The rural districts of Saxony abound in pleasing, often beautiful scenery; scientific agriculture has spread its genial influence in every direction, and an as yet unsophisticated population affords the grateful spectacle of general industry and wellbeing, without the extremes of wealth and poverty elsewhere attending a high state of civilization. Whether it be the paternal sway of her sovereign, the wisdom

of her institutions and government, or the fortunate disposition of her people, Saxony is certainly well calculated to dispel the despair with which many politicians look upon the present aspect or probable progress of society.

No doubt the new system of locomotion will bring an increase of Englishmen to Saxony. It would be, indeed, an agreeable reward to me, should I be able to flatter myself with the belief that this trifling effort had swelled their number, or enabled them to derive more satisfaction and advantage from their sojourn amongst us.

H. S.

Dresden, 1st May, 1843.

NOTES, &c.

1. Sovereign and Royal Family. — The ancestors of the royal house were originally Margraves of Misnia, and subsequently Electors of Saxony. By patronizing Luther, and, together with their subjects, finally adopting his doctrine, they have secured themselves lasting claims to the gratitude of all Christians holding Protestant tenets. This merit belongs more particularly to the Elector Frederick the Wise, to his brother, John the Constant, and to the son of the latter, John Frederick the First, surnamed the Generous. When in the year 1697, the choice of King of Poland fell on Frederick August I., he assumed the Catholic faith, that he might wear a kingly crown. His son, Frederick August II., though educated a Protestant, likewise changed his faith, in the hope of securing the succession in Poland, an object in which he succeeded; since then the royal family have adhered to that faith. But as the people were almost all Protestants, three Protestant ministers were charged with the ecclesiastical administration of the country; at present the charge rests on the whole body of the ministers, they being all Protestants.

The present King, Frederick Augustus, and, in

fact, all the royal family set, in their conduct, an excellent example to the community. His majesty is an honourable, right-minded, and intelligent man, taking pride in a strictly moral, as well as constitutional character. Her majesty the Queen is most courteous and benevolent. Convinced of the beneficial influence of women properly educated, she watches most meritoriously and assiduously over various educational institutions, especially those for females.

The heir apparent, Prince John, brother to the King, possesses extensive learning, and is perfectly constitutional in his political principles. He is remarkable for his diligent attendance in the Upper Chamber of the Legislature. Never absent from the debates, he joins actively in them, and is a member of the Committee of "Projects of Laws," distinguishing himself by his laborious and profound reports, which he sometimes submits himself to the Chambers. His presence never stands in the way of the most unreserved public discussion.

The education of his three sons,* proceeds under the superintendence of Dr. von Langen, and is well calculated to justify the hope of their becoming, in due time, highly useful to their country.

Englishmen are ever welcome at court, and may make sure of great attention being paid them. The royal family cannot, and never will forget, that England insisted, at the Vienna Congress, on the preservation of Saxony in its present limits, upon Samuel Whitbread's remonstrance in Parliament, not to allow the erasure from the list of na-

* The Prince has also five daughters.

tions of the country which had in the earliest times given shelter to the Protestant religion, and from whence so much light had been shed upon the world;—a remonstrance which the Commons of England supported most earnestly, and which prevented the cession of more to Prussia than the moiety of Saxony. Why even so much was suffered to be ceded, remains to this day unexplained and inexplicable. The Allied Powers could make no other reproach to King Frederick Augustus concerning his relations with France, than that he was too little of a politician not to keep his word as an honest man, after having pledged it to Bonaparte.

2. Nobles.—Formerly the nobility had great privileges, more particularly almost exclusive posession of the highest and most profitable official situations. With the new constitutional institutions, the disposition to abrogate every difference of birth, not without resistance from the aristocratic party, has become prevalent.

3. Burghers.—Under this denomination are comprehended the inhabitants of towns, who have obtained their freedom, without which no one can carry on trade, or possess fixed property in cities. Burghers have the right of administering their municipal property. They have the choice of their own unpaid magistrates and deputies, to control the acts of town councils. Each deputy must serve three years.

4. Peasantry.—In villages all inhabitants, whether owners or tenants of land and houses, may vote for the wardens who collect the requisite

means for churches and schools, and administer to the parish funds, the poor and all local affairs. The rural police is under the superintendence of a magistrate and two assistants.

5. Former and present Constitution.—The people of Saxony had, for several centuries constitutional States, who met every sixth year in Diets, consisting of prelates, counts, and lords, and proprietors of manorial *estates possessing the ancient right of attendance;* to these were added, in more modern times, forty deputies, chosen from the new nobility, and non-noble possessors of such estates, and one magistrate from each town, entitled by custom to that privilege. The States had the right to grant taxes, to remonstrate against existing laws and institutions, and to pass opinions on projects of new laws. A budget, on which they had frequently insisted, was never submitted to them, and only on demanding unusual grants was an explanation of expenditure vouchsafed.

Such States were of course no true representatives of the people. The system was but little in accordance with the spirit of the present times. The Government therefore resolved, in the year 1830, to concede to circumstances, and to secure to the people a liberal constitution. It was promulgated on the 4th September, 1831, having previously been considered and approved of by the former States. The people of Saxony gratefully acknowledge the sacrifice which not only the Sovereign and royal family, but the nobility and privileged classes brought, when they thus surrendered their

ancient rights and long-cherished prejudices at the shrine of patriotism.

6. The Representatives of the People now constitute two Chambers. The Upper Chamber consists of

(*a*) The princes of the royal house on accomplishing their 21st year.

(*b*) Five holders of large landed possessions.

(*c*) Five chief dignitaries of the Protestant church.

(*d*) A deputy of the University of Leipzig.

(*e*) Twelve deputies elected for life, by the votes of all proprietors of baronial domains, from amongst the possessors of landed estates, yielding no less than two thousand dollars per annum. The election takes place in five provincial districts.

(*f*) Ten deputies selected by the sovereign from the holders of baronial domains, yielding a nett income of four thousand dollars.

(*g*) Two chief magistrates (Mayors) of the town of Dresden and Leipzig.

(*h*) The chief magistrates of such other towns as the sovereign may select.

The second Chamber consists of—

(*a*) Twenty deputies of baronial domains, yielding a nett revenue of at least six hundred dollars. These are chosen by the proprietors of domains, generally in the same manner as those sitting in the Upper Chamber.

(*b*) Five and twenty deputies of towns. The electors are householders, paying at least annually ten dollars land-tax.

The deputies must be resident housekeepers of

three years' standing, paying ten dollars land-tax, or possess property to the amount of six thousand dollars, and an annual income of four hundred dollars. In the larger towns this land-tax must be thirty dollars; in towns of middling size twenty dollars, with some minor conditions. Dresden and Leipzig send two deputies, Chemniz one, and twenty are chosen in as many districts, consisting of smaller and middling towns, of which as many join as will form an elective district according to the number of inhabitants.

(*c*) Five and twenty deputies of the peasantry. The peasantry consist of householders in the country, and small freeholders. The electors must possess a freehold of at least ten dollars per annum land-tax. The deputies must possess property paying thirty dollars land-tax. They are elected in twenty-five districts by sub-deputies previously chosen in smaller divisions.

(*d*) Five deputies of commerce and manufactures, who must have resided in Saxony for at least three years, and paid a certain amount of taxes.

They are deputed by the traders and manufacturers, paying according to the importance of their respective towns, where, however, they need not reside, from ten to twenty-four dollars patent taxes.

The electors are chosen by sub-electors, in elective districts arranged accordingly.

All electors must have accomplished their twenty-fifth, all deputies their thirtieth year.

The deputies of the Second Chamber are chosen for three successive Diets.

With each member a deputy member, as *locum tenens*, is chosen at the same time, and in the same manner.

At the conclusion of each Diet, twenty-five deputies vacate their seats, but are re-eligible.

The Diet is convoked, adjourned, or closed by the sovereign only, and he may dissolve the Second Chamber.

The deputies, except they hold hereditary seats and those of the church and university, receive, if they do not reside at the place of assembly, three dollars daily, and their travelling expenses.

7. Functions of the Diet.—By the Charter the Sovereign has bound himself to govern only with the assent of the States, according to its fundamental rules. Without their assent he cannot cede any portion of the country, or any right of the crown, nor may he issue, alter, explain, or suspend any laws, except decrees of the German Confederation, or decree or levy direct or indirect taxes, contract loans, pledge or sell crown domains, or settle the civil list.

The Diet may also examine and grant (see section 96—104 of the Charter) the budget, hear petitions from the people, submit to the sovereign its wishes and proposals as well as accusations against heads and officers of the inferior departments of the administration, and impeach the ministry.

8. High Court of Judicature.—The heads of departments of Administration may be impeached by the Diet in the high court of judicature, of the twelve members of which one half are appointed by the sovereign and the other half by the Cham-

bers. The sovereign appoints a president selected from the heads of the superior courts. All are sworn and perfectly independent of the crown.

This chief court is the court of appeal in case of difference between the Government and the Chambers respecting the meaning of the Charter (Sections) 142—249.

9. The Ministry.—According to section 41 of the Charter there must be six ministers, viz. of *justice, finances, interior, war, religion,* and *foreign affairs.* Since 1830 Mr. von Lindenau has been at the head of the administration. He unites great proficiency in all branches of national economy, mathematics and philosophy, with great eloquence and philanthropy, and to his liberal mind Saxony owes much of its liberal Charter. In September 1830 disturbances broke out in Dresden, Leipzig, and different other towns. The people felt inclined to proclaim Prince Frederick Augustus (the present King) as sovereign. That would, no doubt, have occasioned an invasion from Austria and Prussia. On this occasion Mr. von Lindenau, in conjunction with other high officials, persuaded the good old King, who did not even suspect the existence of dissatisfaction, to nominate Prince Frederick Augustus (whose father the Prince Maximilian resolved to renounce his right of succession) Co-regent, and to promise constitutional institutions. At the same time Mr. von Lindenau was appointed prime-minister and minister of the interior. The latter office he resigned in 1833 on account of his health, only retaining the superintendence of the poor and prison systems, and

of the Academy of Arts, and the Museums, which have obtained so much fame for Dresden. His thorough knowledge of all state matters fits him for every branch of the administration, and he has repeatedly taken upon himself the labour of other ministers, during their absencc or sickness, although he declines deriving any remuneration from his official services beyond the replacement of actual disbursements.

The minister of justice, Mr. von Koeneriz, who assisted in drawing up the Charter, is an honourable and clear-headed man, possessing a profound knowledge of jurisprudence, and being remarkable for the perspicuity of his manner of speaking. When the project of improving the administration of criminal proceedings was under consideration, he gave proof of his thorough acquaintance with the criminal laws of constitutional government. He resisted at that time publicity of trial and verbal pleading; but having admitted that the Government would ever consider the wishes of the Diet as the voice of the people, we may hope that he will ere long propose laws corresponding to them. It was thought, but he denies it, that he was influenced by the fear that neighbouring states, with less popular governments, might view this advance as a step towards democracy.

The minister of finances, Von Zeschau, at present also administers the foreign affairs, though without deriving any additional income therefrom. Saxony owes to him the extraordinary simplicity of its formerly much complicated financial system. His budgets and triennial accounts submitted to the

Diet, are made up with clearness and careful consideration. He has to explain them verbally to both Chambers, and shows himself herein as a man of great judgment and an excellent speaker.

Ministers have seats in both houses, but no vote, and absent themselves during votes and divisions.

10. Civil Service. Officials.—All officials, except judges, may be dismissed within the first two years of service. The registration or dismissal of a minister generally involves that of some of the higher officials under him.

11. Pensions for Civil Service.—According to the law passed in 1833, pensions may be granted to civil servants after ten years' service, chiefly however, only to those who have been honourably dismissed, or are incapacitated from circumstances not under their control. Such pensions are fixed

at $\frac{1}{3}$ of the salary,	if claimed after	10 to 15 years' service.
„ $\frac{3}{8}$	15 „ 20	„ „
„ $\frac{5}{12}$	20 „ 25	„ „
„ $\frac{1}{2}$	25 „ 30	„ „
„ $\frac{5}{8}$	30 „ 35	„ „
„ $\frac{3}{4}$	35 „ 40	„ „
„ $\frac{5}{6}$	40 „ 45	„ „
„ $\frac{11}{12}$	45 „ 50	„ „

and at the full salary for service of fifty years and upwards. The lowest pension is, however, fixed at fifty dollars, or the amount of the salary, if it should happen to be less, nor can the amount ever exceed three thousand dollars. Pensioners who leave the country are liable to a deduction of ten per cent., unless the sovereign should be induced to arrange

it otherwise, or some agreement should have been come to on this subject with foreign states.

12. Courts of Law and Administration of Justice.—Perfect equality prevails in the eye of the law. Town councils and the holders in perpetuity of manorial estates used to be, and are in part still entitled to local jurisdiction, with the right to appoint and dismiss the justiciary or judge. It has been attempted to remedy this anomaly, by an act passed in 1838, which holds out inducements of compensation to parties surrendering such privileges.

Hardly one third of these have availed themselves of the offer of Government; the nobles have been most reluctant, conceiving that thereby they would lose in importance; only a few of them have made an honourable exception, bringing this trifling sacrifice for the sake of the general good. Appeal lies from the inferior to the superior local or provincial courts.

Judges and advocates (counsel and solicitors) must have studied jurisprudence at the university of Leipzig, undergo strict examination, and give proof of their ability, before they are admitted to practice. Each year thirty-five new members are admitted, and candidates must wait their turn. There are some royal courts, to which the ministers of justice make the appointments.

Neither native nor alien can be detained longer than twenty-four hours under arrest, without being brought before a court.

On showing cause, a judge may appoint counsel to poor litigants, to carry on the cause free of fees;

disbursements and travelling expenses *pendente lite* to be defrayed, *ad interim*, out of the funds of court.

13. Criminal Procedure.—When accused of a crime, the party is examined by a judge, and the examination put on record. If the criminal act would incur more than three months' imprisonment the record is forwarded to a court of repeal, where decision is made without seeing the accused; the sentence is returned to the lower court for execution. In the same manner the higher courts decide on the defence, which in case of capital punishment is sent to them, as a matter of course.

Crimes incurring three months' imprisonment, or less, may be decided in the lower courts, which may also take the opinion of the faculty of jurisprudence at the Leipzig university; but the accused has the right of appeal. A second appeal only lies in extraordinary cases, or if the crown should insist on a further inquiry.

The faultiness of the criminal procedure is admitted: Government, therefore, proposed to the Chambers, in November, 1842, a plan for reforming it. In the first Chamber it met with opposition, many members being of opinion that the change ought to be radical, and embrace publicity and verbal process. The proposal was lost by twenty-three to eighteen votes. In the second Chamber, after a debate of ten days, the Government proposal was rejected by seventy-one votes to four; and a motion come to, by sixty-eight votes against eight, to adopt, if not sooner, at least in 1845 the above-mentioned radical alterations. From the general spirit of the Govern-

ment we need not doubt that this will be acceded to. Such an advance in the criminal procedure would obtain increased confidence and respect for the judges.

14. Law of Inheritance and Matrimony.—Parents are bound to leave a certain portion of their property to their children, viz.—half if there are five or more children, and one-third if four or less; the rest they may dispose of as they like.

The husband inherits one-third of the wife's dower; the widow takes the entire dower back, besides one-third of her husband's fortune; but in case there are children the one-third is reduced to one-fourth. This can be set aside by specific agreement at the time of marriage; and money subsequently unconditionally inherited, or received as presents, is also exempt from the rule.

Disinheritance can only take place in consequence of criminality.

Wives of those who possess landed property may register their dower thereon as mortgagees in the usual manner, and are, in case of bankruptcy or disability, to be classed amongst the other mortgagees. Where there is no landed property dower enjoys a preference before other claims.

15. Mortgages.—Fixed property in land or houses is registered in the courts, together with mortgages and other claims thereon: such registry secures the mortgagee against all risk. The registry is open to inspection of whomsoever it may concern. The transfer of fixed property is consequently easy, safe, and cheap.

16. Manorial Rights.—In Saxony the holders

of land and tenements are almost always freeholders, although some estates are farmed out for six or twelve years; of late many estates have been sold in small lots, but this is looked upon as injurious to the public good; and an act, calculated to check it, has been submitted this year, 1843, to the Chambers.*

17. Tithes and Service in Kind.—Lay tithes and personal services, which had to be rendered formerly to the lords of manors, as well as clerical tithes, have been commuted into annual money payments. These claims may be redeemed at the rate of one hundred dollars for four dollars annual payment; or if the party have not the means, Government will advance the same in its bonds, at the charge of 4 per cent. the bonds carrying $3\frac{1}{3}$ per cent. interest. As these bonds circulate above par, (now at $3\frac{1}{4}$ premium,) the holder of them is benefited thereby. The difference between 4 per cent. received and $3\frac{1}{3}$ per cent. paid by Government, say $\frac{2}{3}$ per cent. per annum, constitutes a sinking-fund for this species of bonds whereby they are finally redeemed in fifty-five years.

* The crown domains yield an annual revenue of 840,381 dollars. The whole extent of Saxony is 278 German, equal to about 5000 English square miles; of this, forest-land amounts to $67\frac{7}{10}$ German, or about 1170 English square miles, two-thirds of which still belong to the state. The nett produce of land is estimated at 16 millions, that of trade and industry at 32 millions of dollars, together 48 millions, or about 29 dollars per head, being much the same as in Great Britain. The value of good land, independent of locality, is £40 per English acre, and on such land the land-tax is about 2*s.* 2*d.* the acre; inferior arable land is £30 per acre, with a land-tax of 1*s.* 8*d.*

18. Settlement and Poor Laws.—Every Saxon subject has, under certain regulations, a settlement where he must be supported, in case he needs it. Birth most commonly constitutes settlement, but it may also be acquired, as, for instance, by household residence, or freedom of cities, in either case for at least five years.

19. Prisons and Places of Refuge for the Destitute.—Under this head may be enumerated the house of correction, for women, at Waldheim; for men at Zwickau; the house of education or correction at Brunsdorf, the country prison, the workhouse for women, and country hospital, at Hubertsburg; the lunatic asylum at Sonnenstein, the general asylum at Colditz, the refuge for the blind at Dresden, and the general orphan asylum at Hemmersdorf. Persons confined in places of punishment are allowed to earn something by their labour. The persons confined in these penal institutions amount to 1530, or about one out of eleven hundred of the population.

20. Common and Mechanic Schools.—In several of the common schools instruction in mathematics, mechanics, chemistry, drawing, and languages is afforded; for higher attainments in these and other sciences technical schools have been provided.

21. Manufactories.—Manufactories are proportionably numerous in Saxony; their fabrics find good vent in the Zollverein, and even beyond seas. Government, under the impression that they may be carried too far, does not force their extension, al-

though it holds out to them some encouragement, as, for instance, the cession of fuel from the Government forests on reduced terms.

22. Medical Police.—No one is allowed to practice as physician, surgeon, midwife, or apothecary, without licence from the appointed authorities, except, as regards *the first*, whoever has obtained a doctor's diploma in the University of Leipzig. No physician can dispense medicines, no apothecary prescribe. The medical police is under the superintendence of a board of revisers.

27. Book Trade.—Literary piracy and importation of pirated editions subjects to confiscation and fine and redress to the injured parties. The censorship exists under authority of the German Diet, the Saxon Government itself being very liberal in this respect.

24. Fire Insurance.—Since 1784 one general fire insurance office, on the principle of mutuality, has existed in Saxony under the sanction of the Government. All buildings, even Government buildings, the royal residences excepted, must be insured. Playhouses, powder-mills, and similar double-hazardous risks are not insurable in this office, and may therefore be insured anywhere. The amount of risk is taxed by the insured, or, in case of doubt, by official valuers. The insurance must be for at least one half of such value, but may not be for more than the whole. The premiums vary according to the amount of losses experienced in the preceding six months. No classification of risks is allowed, the Government assuming that the wealthy may well afford to pay a

little more in proportion than the poor, who have not the means to raise the same solid structures. Up to the year 1835 the annual average premium was $\frac{1}{3}$ per cent.; since then the system has been improved, and now the annual contribution has been reduced to $\frac{1}{4}$ per cent., and has even been as low as $\frac{1}{9}$ per cent. Insurances on furniture can only be effected in other domestic and foreign offices, licensed by Government, provided they have the reputation of solidity. There is no tax on policies. The circle of Upper Lusatia has a separate provincial office

25. Finances. These have been preserved at all times in scrupulous order, to a degree that would have done credit to the most conscientious private individual. Hence, probably, and with the accessories of a high state of intelligence, and a commercial system perfectly free, or until the establishment of the German Customs' Union, unincumbered with any but what would be called elsewhere mere nominal duties, it is, that Saxony has preserved a state of great prosperity, under circumstances more or less adverse. As an inland country, she altogether misses the enormous advantages of sea-coast and navigation, whence other nations derive such easy increase of wealth. No country in Europe has been so repeatedly the theatre of wars, the most devastating. In many of the great European contests, such as the thirty, and the seven years' wars, and the campaign of 1813, her fields were especially selected to feed contending parties; her plains to fight battles, in the issue of which she herself had none, or, at best, a very secondary concern. Yet do we find her taxation

low, her debts small, her public funds high—higher than any others in Europe. The finance ministers of mighty empires may smile at the enumeration of insignificant sums, such as the budget is composed of; if, however, we reflect upon the influence which the example of honesty and economy, on the part of the sovereign and government, must have upon the spirit and conduct of every member of the community, we shall have no difficulty to discern that those certain and simple causes of national prosperity are here fully in operation.

The budget for the years 1843, 44 and 45, has been fixed as follows, viz.,

Total income,* dollars, . . .	5,681,002
,, Expenditure	5,666,375

Or about £900,000 sterling respectively.

The direct taxes on land constitute about one-third of the revenue. The remaining taxation

* *Revenue* :—(*a.*) 2,157,769 dollars, derived from crown property, &c., thus:—

	dollars.	dollars.
1. Domains, &c.		840,381
2. Other crown property, government manufactures, &c. as—		
Mines and minerals	143,960	
Mint	2,200	
Post-office	230,000	
Newspapers	26,000	
Salt-works	350,000	
Woods and forests	60,000	
Roads	200,000	
Bridges	12,000	1,024,160
		1,864,541

amounts to about 6*s.* 6*d.* per head. The civil list of the sovereign is 500,000 dollars, or about £80,000. The income of her Majesty amounts to the modest sum of 28,777 dollars; the other branches of the royal house have 154,191 dollars allotted. The national debt consumes 210,769 dollars; for education, 480,977 dollars, or nine per cent. of the whole revenue, have been appointed. Such pensions as the sovereign grants as matter of royal favour, are paid out of his income.* The pensions to public servants, civil and military, amount to 525,309 dollars, proportionately a large sum, but calculated on a scale (see page 16) that is expected to secure the talent and zeal of honest men, who prefer to present large incomes, moderate salaries during their efficiency, with a certainty for themselves and family upon their retirement. Public works consume annually 689,616 dollars; the army 1,343,654 dollars.

Brought over		1,864,541
3. Interest on capital in the hands of government, and miscellaneous, viz.		293,227
(*b.*) *Taxes*, viz.,—		
1 Land-tax according to the last valuation.....	1,341,233	
2. Taxes on trades and professions ..	320,000	
3. Stamps	162,000	
4. Customs, excise, navigation, tolls, &c.	1,700,000	3,523,233
Total revenue,		5, 681,001

* The present amount of pensions is somewhat increased (by 62,094 dollars) by pensions connected with the civil list, existing in 1831, which the Diet took upon themselves on the granting of the Constitution, amounting then to 118,000 dollars. These gradually fall in, and will soon disappear altogether.

On account of the increasing revenue, partly a consequence of the adherence to the customs' union, the produce of the indirect taxes exceeds the estimate; this annual excess is voted every third year towards some extra public improvements. No exemption from land-tax exists at this day; all land is taxed alike. That portion of land which was hitherto exempt, because originally in exclusive possession of the nobles, though gradually falling into the hands of commoners, is now charged with this tax, the whole landed estates having been revalued according to quality and power of production.

26. Public Debt.—The debt paying three per cent. interest, and now during several years above par in the money market, amounted in April 1842 to 9,720,675 dollars. There is besides a debt, paying two per cent. interest, of 520,029 dollars of the old currency,* of which 468,250 dollars bear only two per cent. interest; the remainder of this pays no interest (?). The whole amount of the public debt is therefore 10,255,149 dollars of the present currency. The sinking fund amounts annu-

* The Customs' Union has at least benefited its constituents by somewhat simplifying the confusion of moneys which used to prevail in Germany, where almost every petty state had its own coinage and its own standard. The general currency now is silver, gold passing at a variable agio. The standard for the north of the Union, and therefore in Saxony, is the twenty-one, for the South, the twenty-four and a half *Guldenfuss*, i. e. a mark of pure silver Coelnish, is respectively coined into twenty-one and twenty-four and a half florins, and four dollars are exactly equal to seven florins, and six and $\frac{13}{15}$ dollars are one pound sterling.

ally to 180,525 dollars for the three years ending 1845.

27. Custom-house Union.—Saxony joined the Custom-house Union in 1834. She had long hesitated to adopt its principles; but her manufactories suffered from her isolation. The Diet consented to this step, however, only upon condition that the mountaineers on the frontiers of Bohemia (where most of the manufactories are situated) might continue to draw their corn at mere nominal dues, and free of the duty fixed by the Union, from Bohemia, a country that has not yet joined the Union. But for this arrangement the manufacturers would have had to raise wages, and therefore would have been unable to compete with those of other countries.

Whatever other countries may have done, Prussia, in a political point, has gained materially through this Union. The one-sided conduct of that Government, in negociating a commercial treaty, independent of the Union, with Russia, (as per Ukase of 21st July, 1842,) has excited apprehensions that the Union might in consequence be dissolved; but arrangements are in progress for the removal of this difficulty.

28. Bank at Leipzig and Paper-Money.—In 1839 a joint-stock bank, with a capital of 1,500,000 dollars was established at Leipzig. It may circulate notes, but not of less than twenty dollars, in a given proportion to its stock of bullion. Government circulates notes to the amount of 3,000,000, of one, five, and ten dollars, which are at

par, always exchangeable for bullion, and taken by the treasury equally with the coin.

29. Military.—Each State of the German Confederation is bound to maintain an army amounting to one per cent. of its entire population, according to the census of 1819. One sixth of this body must always be in arms, and the remainder be kept in a proper state of training. Every male of the age of twenty is liable to military service. One-sixth of the army must be annually replaced. All those liable to serve must assemble annually; but there being an excess beyond the requisite number, the lot determines the service. Those drawn may obtain, in time of peace, substitutes for a payment of two hundred dollars, generally from amongst those who having accomplished their term of service, are willing to secure themselves that sum of money, which, however, from motives of caution, is only paid them on finally quitting the service, bearing in the mean time interest. Substitutes may earn a second two hundred dollars by serving another six years. Those who fall short of the legal stature, or suffer from bodily deficiencies, are dismissed after proper examination. All those who are fit for service, and have been drawn by lot, must learn for six weeks the manual exercise; after six months' service they may obtain furlough, but are obliged to attend the manœuvres for six or eight weeks annually.

Young men, the sole support of families, and the only remaining sons of parents who have lost all others in military service, are altogether exempted.

Whoever is dismissed from the service is liable during the following three years to be called upon to serve in the war reserve, should the purposes of the Confederacy require it. For the completion also of the army, and the replacement of those disabled in war, a reserve is formed, to which all not drawn by lot for active service are liable during the space of six years.

Military pensions and provisions for widows and children are regulated nearly in the same manner as in the civil service.

30. Protestant Church and Clergy.—Protestant livings are either in the gift of the minister of public worship, or in that of the parishioners or proprietors of large domains. No one can dispose of livings for money without forfeiting altogether his right in them.

Every Protestant minister must reside altogether in his parish; he must also have prepared himself for the church by a course of theology in some university, and must undergo three examinations, namely, one at the university, and the others before the authority constituted for that purpose by the minister of public worship; and parishioners may protest against the appointment of ministers on account of objection to doctrines or moral conduct.

Most Protestant parishes are possessed of some property, the revenue of which serves the purpose of church-rates, but occasionally goes in aid of salary to the incumbent and the schoolmaster. Only in unusual circumstances, and with the sanction of the highest authority, can such property be en-

croached upon, and generally the parishioners must supply the funds for such extraordinary purposes.

31. High Schools and University.—In Saxony the schoolmaster is altogether a man of great importance, and schools are objects of special care with the Government.

There are two superior schools or colleges, based on old foundations, into which scholars are admitted from all parts of the country, besides nine town schools, or gymnasii, some of which have support from Government. The University of Leipzig is sufficiently known as an honour and benefit to the country.

In Germany, before students remove to the University, they are expected to be fully versed in Latin and Greek, and if preparing for the church, also in Hebrew. Few young men enter the University before the age of nineteen, having then made choice of their future profession, and attend generally only corresponding courses of lectures. After that they undergo an examination, the issue of which materially influences their ultimate career.

32. Common Schools.—On attaining the sixth year, every child must regularly attend the district school until it has accomplished its fourteenth year; neglect, unless legitimately accounted for, subjects parents to a fine. Before children leave school finally, the incumbent of the parish must instruct them in religion and the catechism twice or three times for several hours per week, from the

1st January to Easter, and inform them fully of the nature of their own faith and that of other sects, and also point out to them their duties as men and citizens.

Parishes must pay schoolmasters for pauper children, and make good any deficiency of salary, which is generally done by means of a poll-tax of one half the amount on all parishioners above fourteen years of age, the other half being charged upon the rateable property of the parish.

The trustees of schools are chosen by the parishioners, and have the care, under the presidency of the incumbent, of the school-house, and collect the means for necessary repairs from the parishioners.

Schoolmasters must undergo examination, and give proof at the place where they want to be employed, of their fitness. Before they are finally appointed, the opinion of the parishioners is taken respecting their morals and general conduct, but the ostensible appointment of schoolmasters depends on the same parties as that of the clergy.

Besides a house, schoolmasters have a salary of no less than one hundred and twenty dollars, and if any church service is included in their duties, two hundred dollars. They officiate generally as parish clerks. Twice a year they are bound to make a report to the church inspectors, consisting of local magistrates and church dignitaries, on the state of the school, to which, on the other hand, these authorities are bound to make half-yearly visitation. Moreover, the incumbents of the parishes specially superintend schoolmasters.

33. Privileges and Position of non Pro-

TESTANTS.—Up to a late period the Protestant, or Lutheran, was the only church of Saxony; Catholics were not allowed public worship, except in the circle of Lusatia, where they enjoyed equality of civil and politcal rights. By the treaty of Pozen, in 1806, their differences were, in 1807, altogether removed; in 1811, the same equality, was extended to the reformed, or Calvinist sects, and in 1814, to those professing the orthodox Greek faith. Since then, liberty of public worship has been extended to Jews also.

Parishioners dissenting from the Lutheran faith, must bear their proportion of church-rates, &c., on landed property, equally with others; but of those rates which are levied on the inhabitants according to number and age, they are free. All sects, including Jews, may have schools of their own; and if they send their children to the latter, they need not contribute to the district schools; otherwise, however, they are bound to send their children to these, and to pay towards their support, with some abatement in case they do not avail themselves of the religious instruction, for which their own clergy must provide.

Roman Catholics generally support their own clergy, but in case of need, they receive some aid from the civil list, and as much from Government as would be granted under the same circumstances to other churches.

Of the entire population, consisting on the 1st of December 1837* of 1,652,124 persons, 1,620, 406

* In the three succeeding years the population was found to have increased by 56,446 individuals, amounting to 1,708,705.

were Lutheran Protestants; 28,998 Catholics; 1803 Calvinists; 72 Greeks; 845 Jews.

There are but few other sects in Saxony, and although some people may entertain slight difference of belief, they generally join in the worship of their parish churches.

*** The translation of the annexed State Document, originally couched in that singularly verbose language, called in Germany " Canzeley-Stiel," (chancery style,) was really a difficult task. It is to be hoped that, without exercising the functions of severe critics, my readers will be satisfied if the proper sense has been given.

THE CONSTITUTIONAL CHARTER

OF THE

KINGDOM OF SAXONY.

WE, ANTON, BY THE GRACE OF GOD KING OF SAXONY, AND FREDERICK AUGUSTUS, DUKE OF SAXONY,

Do hereby declare, that with the aid and approval of our Diet, we have arranged the Constitution of our Kingdom in the following order and manner, in consequence of the repeated wishes of our faithful Diet, as also bearing in mind the beneficial results of such institutions carried into effect by other States of the Germanic Confederation.

PART I.

OF THE KINGDOM AND ITS GOVERNMENT IN GENERAL.

SECTION 1.

1. *Of the Kingdom. Unity and Indivisibility of the same.*

The Kingdom of Saxony is a united, and an inseparable constitutional State of the Germanic Confederation.

SECTION 2.

Inalienability of its Parts, or of the Rights of its Crown.

No part of the kingdom, or right of the crown can be alienated in any way, without the consent of the Diet.

Frontier adjustments with neighbouring states are not herein included, if no subjects, who undoubtedly belong to the kingdom, be thereby ceded.

SECTION 3.

Form of Government.

The form of Government is monarchical, with an elective Diet.

SECTION 4.

2 *Of the King.*

The King is sovereign head of the state, uniting in his person all rights of the same, and exercising those rights according to the laws fixed by the Constitution.

His person is sacred and inviolate.

SECTION 5.

The King can neither become head of another state, (except by inheritance,) nor have his fixed abode out of the kingdom without the consent of the Diet.

SECTION 6.

Hereditary Line of Succession of the Saxon Royal Family.

The crown is hereditary in the male line of the Saxon royal family, according to the right of primogeniture, and following the agnatic* descent from equal alliance.

SECTION 7.

Further hereditary Succession.

Failing a prince entitled to the succession, or one by relationship, the crown then descends to one born from equal alliance in the female line, without distinction of sex; in this case proximity of relationship to the late King shall decide;

* N.B. Descent from the same father in a direct male line.

and between equal proximity, the elder ancestry; again, in this latter case, the age of the person decides.

After such arrangement, the male line again precedes in the order of primogeniture.

Section 8.

Of the King's Majority.

The King attains his majority with his nineteenth year.

Section 9.

Regency Administration.

A regency occurs during the King's minority, or when he is incapable of the exercise of Government for any great length of time, and has not, or cannot adopt measures for the further administration of the affairs of the kingdom.

In both cases the regency shall be administered by the second in succession to the throne, should he have attained his majority.

It endures only so long as the King is prevented holding the reins of Government; and its commencement, as its close, shall be officially made known.

Section 10.

The King's Appointment of a Regency Administration.

During the King's life, should any hinderance be discovered in the next heir to the crown, incapacitating him from reigning, the King shall decide by law upon the future regency government of the kingdom.

Section 11.

The Government's Appointment of a Regency Administration.

Should the King, during his reign, or upon coming to the throne, be incapable of ruling, previous to the above measures having been taken, a royal council of all the princes of the royal family (except the heir presumptive) who

have attained the age of twenty-one years, shall be assembled at the latest within six months by the chief ministers of state, (Section 41,) and by their vote, shall decide upon a regency administration, which decision is to be laid before the then, or therefore to be, assembled Diet, for approval. Should there not be three royal princes at least present on such an occasion, the eldest reigning heads of the Ernestine* line of princes shall be summoned to fill up the number required.

Section 12.

Powers of the Regency.

The Regent exercises the powers of Government to the same constitutional extent as the King, and in the King's name. The Regent can neither propose, nor grant any change in the Constitution when proposed by the Diet, except when it has been agreed upon by royal council constituted according to Section 11. Such changes become then fixed laws.

Section 13.

The Regent's Residence and Expenditure.

The Regent, if not a foreigner, must have his chief residence within the kingdom; his expenditure shall be drawn from the civil list.

Section 14.

The Regency Council.

The chief ministers of state form the Regent's council, and he is bound by their opinions in all cases of importance.

Section 15.

Education of the King during his Minority.

Where the King has not provided for the instruction of the

* N.B. Descendants from Ernest, Elector of Saxony, born in the year 1441, and died 1486. The same who with his brother Albrecht in their youth were stolen by the notorious Kunz von Kaufungen.

heir to the crown, the care of his education devolves on the mother; in case of her death, or her forming a new alliance, it devolves on the grandmother on the father's side; but as to tutors and the plan of education, the Regent and his council must be consulted.

In cases of difference of opinion the Regent and his council shall decide.

Upon death or new-formed alliances of the mother and grandmother, the education of the heir devolves wholly on the Regent and his council.

In this case the council shall confer together in presence of the Regent, who has the casting vote.

PART II.

OF THE PROPERTY OF THE STATE, AS ALSO OF THE REVENUES AND DUES OF THE ROYAL FAMILY.

SECTION 16.

1. *State Property.*

The property of the state is inseparable from it, and consists in one collective amount of all that belongs to, or may hereafter be possessed by the crown, such as lands, offices, public estates, domains, grounds, buildings, mines, smelting-mills, or shares in those which may belong to the aforesaid estates or domains, in crown privileges, in all incomes and monies belonging to public offices, in legitimate rights, public institutions, as also in all rents and stores paid or due to the crown.

This property, taken collectively in its whole amount, is inherited by the next heir to the crown. Attached to this is the entailed property of the royal family, but the private fortune of the King and the other members of the royal family is not to be understood as herein included.

Section 17.

Fiscal property shall be administered solely for the benefit of the state, by an administration formed on the principles of the Constitution. Its revenues are left to the exchequer.

The King has nevertheless the right, at pleasure, of taking any one or other of those estates or domains into his own hands during his life, upon a deduction for its rental of a certain sum, from the civil list (Section 22.) This sum shall be fixed according to a calculation of the average rental of such estate or domain for the last ten years.

Also the castles, palaces, court-buildings, gardens and grounds named in Supplement I. are left to the King's free use.

So long as the feodal system between King as superior feodal lord and his vassals shall continue, the escheated fiefs become state property; but the King holds the right of granting reversion, also pardon for neglect of feodal formalities, and exercises all authority arising from feodary; yet no fresh feodal reversions can be made.

Section 18.

State property shall be for ever preserved entire in all its essential parts, and the Diet cannot permit that it be alienated, diminished, brought into debt, or in any way burthened.

Changes, sales, discharges, or exchanges of parts are not hereby forbidden, which after a judicial decision, shall be declared as beneficial to, or necessary for the advancement of cultivation, the removal of decided disadvantages, or dubious boundary adjustments.

When opportunity offers, these purchase monies shall be expended in the acquisition of inland territory, and in the meantime they shall be otherwise advantageously and profitably invested.

Whatever is obtained by such alienations, whether in lands, rights, revenues, or purchase-monies, shall be regarded as the part alienated, and accounted as such.

Accounts shall be laid before every regular ensuing Diet

(Section 115) respecting that part of the state property which has been disposed of since the last Diet, why it was done, and how the purchase-monies have been expended.

SECTION 19.

All monies, stores, demands, and other claims of crown property fall to the state treasury, and all debts of, and claims on crown property are guaranteed wholly by the state.

The rights of the creditor remain untouched.

SECTION 20.

2. *Household Property of the Crown.*

(*a.*) All which belongs to the furnishing and ornament of those royal palaces, castles, court-buildings, and gardens, named in Supplement I.; all moveables under the care of court officers and stewards, set apart for the use and ornament of the court; certain stables, horses, and carriages, with their appendages; sporting requisites; the treasures of gold, silver, jewelry, minerals and porcelain contained in the green vaults and other royal collections; the gallery of paintings; cabinet of engravings; mumismatic cabinet, museum of natural history, and others; and the library, the cabinet of arts, and the armory.

And further, (*b*) all property which the King may have acquired during his reign by any private right, or by economy in the civil list, should he not previously have disposed of it, as also the property which the King may have possessed previous to coming to the throne, and any further property he may have acquired thereby, in so far as he himself may not have otherwise disposed of it during his lifetime or in case of his death directed its application.

This forms the property of the royal family, descending in the order of succession, (according to sections 6 & 7) to the lawful heirs of the crown of the kingdom of Saxony. It is inseparable and inalienable from the country.

Nevertheless, those changes, which by sale or exchange of single articles shall be declared advantageous, are not included in this prohibition. The purchase-monies are to be ex-

pended when opportunity offers in the aggrandisement of crown household property. In cases of extreme necessity, the Regent is empowered to pawn these treasures to the amount of one million of dollars, but only with the express consent of the Diet, and the redemption of the pledged articles must take place as early as possible.

The King is only empowered to pawn, without assembling the Diet, in those extraordinary and pressing cases pointed out in section 105, where circumstances render its assembling impracticable; in such cases the King's advising minister shall be held accountable, and the determinations of section 8 come into force.

SECTION 21.

3. *The King's Private Property.*

The King's personal property consists in all he may have possessed previous to his ascending the throne, as also in all he may have obtained by means of such property. Over it he has free disposal during his life or in case of death. Should such property not have been disposed of previous to the King's death, it falls to the crown.

The King is at liberty to dispose of all property obtained by him during his reign by right of private title, or by savings out of the civil list; but at his death (if not disposed of) it also falls to the crown.

SECTION 22.

4. *The Civil List.*

So long as he reigns, the King draws from the treasury of the state a yearly sum set apart by the Diet as his civil list, which sum is placed at his free disposal, payable in monthly sums, and in advance. This sum is to be regarded as an equivalent from the state treasury, for the use it has of the royal domains during the King's reign. This sum cannot be reduced except by his consent, or increased except with the consent of the Diet; and, also, as supporting the dignity of the crown, it cannot at any time or in any way be burthened with debt.

The income of the royal domains shall continue to belong to the state treasury so long as a civil list at present fixed at five hundred thousand dollars, is granted, and cannot be less.

The civil list of the deceased King shall continue till that of his successor shall have been decided on, which shall be, at latest, till the agreement upon the new budget.

From the civil list shall be paid the King's privy purse, as also the Queen's; the education and support of his children; the salaries of all court officers and servants, as also theirs their widows', and their childrens' pensions; the whole expenses of the court, its stables, and sporting establishments, with all appurtenances of the same; the Catholic and the *royal* evangelical church services, (to the latter the same sum shall be granted as heretofore,) the court-choristers and court-theatre; the maintenance of the palaces, castles, court-buildings, and gardens, described as left to the King's free use in section 17. Lastly, all ordinary and extraordinary, expenses of the court not expressly provided for by the budget.

Section 23.

Annuities and other Dues of the Members of the Royal Family.

The present existing annuities and jointures of the members of the royal family, with other stipulated dues, pin and wardrobe-monies, remain unaltered during the lives of each individual; these are provided for by the budget, but under reservation of the existing settlements as regards the junior branches.

Respecting future appanages, jointures, dowries, and other dues, in addition to those set apart for the junior branches, a fixed agreement shall be made with the Diet, to be hereafter followed in every single instance, and inserted in the family laws.

These dues cannot be altered without the Diet's consent, nor can they ever be paid by the transfer of crown lands.

They shall be charged to the exchequer and cannot be deducted from the civil list.

PART III.

OF THE SUBJECT'S RIGHTS AND DUTIES IN GENERAL.

SECTION 24.

1. *Civil Position by Residence in the Kingdom.*

Residence within the limits of the kingdom subjects every one to an observance of its laws, and constitutes the right of being protected by them.

SECTION 25.

2. *Domestic and other Rights as Citizen of the State.*

The regulation of domestic and other rights belonging to a citizen of the state, is set apart for a particular code of laws.

SECTION 26.

Protection of Rights.

The rights of all inhabitants of the kingdom are equally under the protection of the Constitution.

SECTION 27.

Liberty of Person and Property.

Liberty of person and right over his own property is without limit, except that which law and justice dictates.

SECTION 28.

Choice of Profession or Trade.

All are accordingly entitled to follow such occupation as they please, either at home or abroad, so long as no expressed law or private right is thereby violated.

SECTION 29.

Emigration.

Every subject is at liberty to emigrate without being made

liable thereby to further assessment, so long as no military or other duties towards the state or private person prevent him.

Section 30.

Military Duties.

Every one is bound to defend his country, consequently liable to military services. No exceptions exist beyond those expressly pointed out by law.

Section 31.

Surrender of Private Property for Public Purposes.

No one can be compelled to relinquish property, dues, or other rights to the uses of the state, except in such cases as are pointed out by law, or demanded by extreme necessity, and in the name of the Government. Proper remuneration shall be agreed upon and granted without delay.

Should a contest arise as to the amount of remuneration, the proprietor not agreeing with the decision of the Government commissioners, is at liberty to proceed by law against them. In the meantime the property required shall be surrendered and the remuneration fixed by the commissioners shall be paid forthwith.

Section 32.

5. *Liberty of Conscience.*

Full liberty of conscience is granted to every dweller in the land, and protection in the exercise of his religion as present or future laws shall grant.

Section 33.

The members of Christian churches at present tolerated, enjoy equal civil and political rights; all members of other faiths participate in these rights according to specific laws.

SECTION 34.

6. *Equality of Qualification for Government Appointments.*

Differences of station or birth disqualify no one from serving in any situation under Government.

SECTION 35.

7. *Press and Book Trade.*

The affairs of the press and book trade shall be arranged by a law, the principle of which shall be liberty of the press, in so far as is consistent with security against abuse and the rules of the Germanic confederacy.

SECTION 36.

8. *Right of Complaint against Courts and Offices.*

Every one has the right of appeal to the next superior courts, against the illegal or irregular conduct of inferior courts and offices, and against their delays or decisions.

Should such complaint be judged unfounded by the superior court, the complainant shall be informed of the grounds of judgment, and if not convinced of their justice, may make a written appeal to the Diet, petitioning for its intercession: the Diet shall then decide whether it be proper to appeal to the Sovereign.

Besides this proceeding, every one is at liberty to lay his wishes or grievances immediately before the sovereign.

SECTION 37.

9. *Taxation.*

No one shall be made liable to other taxes or charges than those to which the law, or some particular right of title subjects him.

SECTION 38.

Every subject shall contribute to the wants of the state.

Section 39.

A new system of taxation shall be framed, wherein the articles subjected to direct and indirect taxation shall be classed with all possible regard to justice.

The previous existing exemptions from taxation shall cease, and such suitable indemnification be granted as the Diet shall decide on.

Section 40.

New exemptions from the burthens of the state, can in no way be sanctioned or obtained.

PART IV.

OF THE OFFICES OF GOVERNMENT.

Section 41.

1. *The Ministerial Departments, the Ministry, the State Council.*

The ministerial departments consist of the Chief Court of Justice, the Court of Finance, the Office for the Affairs of the Interior, the War Office, the Eclesiastical Court, and the Office of Foreign Affairs; the chief ministers of which are all responsible to the Diet.

These chief ministers form the Ministry of State, and this ministry forms the superior Collegiate Court of Administration.

The Protestant Committee, as heretofore, consists of the chief minister of the Ecclesiastical Court, with at least two state ministers, who must be of the Lutheran church.

The affairs of all confessions, pointed out in Section 57, rest with the minister of public worship. A council of state may be

formed to which, besides the ministry, such persons may be called as the King may think proper to name.

SECTION 42.

2. *Responsibility of Servants of the State.*

All officials are responsible for due performance of their duties.

SECTION 43.

Countersignature of Royal Enactments.

All enactments in the affairs of Government which the King shall sign, must be countersigned by the head of that Department which was active in their formation, as a record of responsibility and proof of their accordance with the laws and constitution of the country.

Any such enactment not so countersigned shall be regarded as surreptitious and not binding.

SECTION 44.

3. *Reserved Decisions upon the relative Positions of Officers of the State.*

The relative positions of servants of the state (not including those of the court) shall be fixed by particular laws, in which the necessary independence of the office of judicature shall be secured.

PART V.

OF THE ADMINISTRATION OF JUSTICE.

SECTION 45.

1. *Administration of the Law.*

Justice shall be administered by courts legally appointed.

SECTION 46.

2. *Specification of Grounds on which Judicial Decisions are made.*

All courts shall declare the grounds of their decisions.

SECTION 47.

3. *Power of Jurisdiction.*

Courts are independent of the Government in the exercise of their magisterial duties, each court within its circuit. A particular court, organized by law, and the one half of whose members shall be drawn from among the counsellors of the superior court of law, shall judge all disputed cases of right of jurisdiction between a *lower and an upper court.*

SECTION 48.

No subject can be withdrawn from that judge to whose circuit he belongs, except in such cases as are pointed out by law.

SECTION 49.

4. *Legal Proceedings against Acts of Government.*

Every one feeling himself injured in his rights by any act of Government, is at liberty to proceed against it by law.

A particular law shall point out the necessary exceptions, in order that by the exercise of such right the administration may not be embarrassed.

SECTION 50.

5. *Relative Position of the Exchequer to Courts of Law.*

In all cases of law differences with the Exchequer, it can be sued in ordinary courts of justice.

SECTION 51.

6. *Prosecutions by Law*

No one can be prosecuted, imprisoned, or punished without

legal grounds; nor detained for a longer period than twenty-four hours in ignorance of the cause of his arrest.

SECTION 52.

7. *Right of Pardon.*

In criminal cases the King has the right of declaring the accused innocent, or of commuting or mitigating his punishment, or granting pardon; but he cannot increase penalties.

SECTION 53.

8. *Confiscation.*

In future those articles only can be confiscated, which have served as means or instruments of crime. There can be in no case a general confiscation of property.

SECTION 54.

9. *Power of granting Delays in pecuniary Matters.*

The state can grant no suspension of payments.

SECTION 55.

10. *Further Arrangements in Jurisprudence.*

Arrangements shall speedily be made and published for extinction, wherever equitably practicable, of all present private right of judicature.

PART VI.

OF PUBLIC WORSHIP, AND EDUCATIONAL AND CHARITABLE INSTITUTIONS.

Section 56.

1. *Public Worship.*

Only those Christian faiths which have been or shall hereafter be established specifically by law are allowed the public exercise of their religion.

No new monasteries or religious orders can ever be established.

Section 57.

2. *Authority of the King in Church matters.*

The King exercises supreme powers in matters of public worship, *(jus circa sacra,)* and has care and protection of them according to present legal arrangement; therefore the clergy in particular, of all confessions, are subject to the head of the eclesiastical court.

The regulations of the internal affairs of each church remain in the hands of its followers. The sovereign ecclesiastical power (*jus episcopale*) shall more especially be exercised, as at present, by the court pointed out in Section 41, over those of the Lutheran confession, so long as the King shall belong to another faith.

Section 58.

3. *Complaints of Abuses of Ecclesiastical Power.*

Complaints of abuses of the ecclesiastical power may be brought before the civil courts.

Section 59.

4. *Officials.*

Officials of churches and schools are subject to the common law.

SECTION 60.

5. *Institutions.*

All institutions, without exception, whether founded for purposes of religion, education, or charity, are under the particular protection of the State; their revenue or income can under no pretence be alienated, or expended in any way, except for their own benefit. But in cases where the intentions of the founders cannot be attained, it is permitted to dispose of the funds in another similar manner, with the consent of parties interested, and (if to be used for national purposes) with the consent of the Diet.

PART VII.

OF THE DIET.

1. ORGANIZATION OF THE SAME.

SECTION 61.

1. *Of its general Arrangement. Its Division into two Chambers. Of the Provincial Assemblies.*

The whole kingdom of Saxony is represented by one general Diet divided into two Chambers. Besides this Diet, the provincial convocations of Upper Lusatia, as also the circuit assemblies in the old hereditary territories continue as heretofore, nevertheless subject to future necessary modifications.

SECTION 62.

The Equality of Rights and Obligations of both the Chambers.

Both Chambers in their relative positions have the same

rights and privileges. The appointed time and place of their assembly is always the same.

SECTION 63.

2. *The Upper Chamber and its Members.*

To the Upper Chamber belong the following Members.

1. Those princes of the royal family who are of age.

2. The Archbishopric of Misnia,* represented by a deputy chosen from its body.

3. The proprietor of the principality of Wildenfels.

4. The proprietors of the five Schonburg feodary domains, namely Glaucha, Waldenburg, Lichtenstein, Hartenstein, and Stein, represented by a deputy chosen from among themselves.

5. A deputy from the University of Leipsic, who shall be chosen by its established Professors from among themselves.

6. The proprietor of the hereditary barony of Königsbrück.

7. The proprietor of the hereditary barony of Reibersdorf.

8. The minister of the Lutheran court-chapel.

9. The deacon of the Cathedral of St. Peter's in Budessin, in his character as superior Catholic minister: should he be prevented, or a vacancy occur, one shall be chosen from among the three chapters of the Cathedral.

10. The *Superintendent* † of the town of Leipsic.

11. A deputy from the collegiate (Lutheran) cathedral of the town of Würzen, to be chosen from among its chapter.

12. The proprietors of the four Schönburg feodary entailed estates, viz., Rochsburg, Wechselburg, Penig, and Remissen, represented by one chosen from among themselves.

13. Twelve proprietors of manorial estates, who shall be chosen from among themselves, and elected for life.

14. Ten more of the same class, who shall be chosen by the King for life.

15. The chief magistrate of the towns of Dresden and Leipzig.

16. The chief magistrates of six other towns of the king-

* As an Archbishopric this no longer exists, but its revenues belong to a body of the laity, who profess to be learned men.

† The head of the churches in the diocese of that town.

dom, who shall be nominated by the King, but with all possible regard to the interests of all parts of the kingdom.

Section 64.

Further Arrangements as regards Proprietors of the larger entailed Domains.

In cases where any proprietor of those estates named in Index 3, 4, 6, 7, and 12, in Section 63, shall not have attained his majority, or it shall have been satisfactorily proved to the Chamber that he is otherwise incapacitated from taking his seat, his next legitimate successor eligible (according to Section 74) shall take his place in the Chamber.

The proprietors of Wildenfels, and of the Schönburg-recess estates, are at all times allowed to be represented in the Chamber by deputy, in right of their hereditary vote, provided such deputy is a qualified person, and holds manorial property in the kingdom of Saxony.

Section 65.

Further Arrangements as regards Proprietors of Manorial Estates

The twelve deputies chosen by the proprietors of manorial estates, shall be elected at the circuit assemblies, and the provincial convocations of Upper Lusatia.

The proprietors of all such estates which possess votes according to law, are entitled to the exercise of the same at all elections.

Elections shall be conducted according to particular laws.

Only such proprietors whose manorial rental amounts to at least a clear 2000 dollars (£300 sterling) per annum, are qualified to be elected as members of the Chamber.

A list of estates qualified to send members to either Chamber shall be drawn up by the proprietors themselves, at their circuit meetings or provincial convocations, and being revised from time to time, shall be their authority at all elections.

Each of those ten proprietors of manorial estates, named

by the King, must have a clear rental of at least 4000 dollars per annum, drawn from one or more such estates in the kingdom of Saxony.

In his choice of members the King can also select proprietors of the Schönburg-recess estates, or those of feodal domains, but the hereditary suffrages belonging to those estates shall in such cases be suspended.

Ministers actively engaged in the service of Government, or paid officers of the Court, cannot be chosen.

The number of ten members must be always kept up.

Section 66.

Duration of Service in the Upper Chamber.

Those members who by right of their official situation belong to the Upper Chamber, retain their seats so long as they retain their office.

All deputies from cathedrals and universities, and from the domains of Wildenfels and the Schönburg-recess estates, retain their seats until legitimate successors have been appointed.

Members chosen by election, and those appointed by the King, retain their seats in the Chamber, so long as they retain the qualifications in right of which they were elected at the general elections and circuit meetings.

These members shall nevertheless resign their seats when, as servants of the state, they shall be advanced to higher situations, or when appointed to paid offices under the Government or the court, but they are eligible to be immediately re-elected.

Any member of either class of the landed proprietors is allowed to resign his seat, if by medical certificate it shall be proved that illness incapacitates him from fulfilling his duties for any great length of time, or should it be satisfactorily ascertained that family or domestic affairs necessarily require his continual presence at home; or further, if he shall have attained his sixtieth year, or has already attended three regular Diets.

Section 67.

Of the President and his Proxy.

At every assembling of the Diet, the President of the Upper Chamber shall be chosen by the King from among the proprietors of feodal domains, or those of manorial estates belonging to that Chamber. He cannot reside out of the kingdom.

The King shall also choose a proxy from among three members of the Upper Chamber, proposed to him by a majority of its members.

Should no absolute majority be obtained after three divisions, a relative majority, taken from the last division, shall decide.

The official position of the President and his proxy, as also the exercise of his duties, the drawing up of records, and the direction of the affairs of this Chamber, are contained in the rules and orders of the Diet.

Section 68.

Of the Lower Chamber. Its Members.

The Members of the Lower Chamber consist of
1st. Twenty proprietors of manorial estates.
2nd. Twenty-five deputies from towns.
3rd. Twenty-five deputies from among the class of peasants.
4th. Five representatives of trade and manufactures.

Section 69.

Proxies.

A proxy shall be appointed for every member of the Lower Chamber.

In cases of a member's absence, hinderance, death, or resignation during the sitting of the Diet, or just previous to its opening, his proxy shall immediately take his place; but should there be sufficient time for the regular election of a new member and his proxy, such election shall be made forthwith.

The Chamber shall decide as to the necessity of summoning a proxy.

SECTION 70.

Further Decisions as to the Election of Members and their Proxies.

The election of members and their proxies for the Lower Chamber, among the proprietors of manorial estates, shall take place at their circuit meetings, and the provincial convocations of Upper Lusatia.

All proprietors of manorial estates whose clear rental shall amount to at least 600 dollars per annum, are qualified to become Members. Right of voting is to be fixed in the laws of election.

The election of deputies from among manorial proprietors, as also those from towns, and from the class of smaller farmers, with their respective proxies, shall be conducted according to the laws of election.

Particular laws shall provide for the election of deputies representing trade and manufacture.

SECTION 71.

Duration of Services in the Lower Chamber.

A certain number of members in the Lower Chamber shall resign their seats every three years, at the close of the regular Diet.

In order that this resignation may fall upon all in consecutive order, lots shall be drawn on the first assembling of the Diet; those members who shall have drawn the lowest numbers shall resign their seats at the end of the sessions, viz.—

Six Deputies among the proprietors of manorial estates.
Eight Deputies from towns.
Eight Deputies from among the class of peasants.
One Deputy of trade and manufactures.
Again, at the close of the next following Diet, shall resign,—
Seven Deputies from among the first class.
Eight Deputies from among the second class.
Eight Deputies from among the third class.
Two Deputies from among the fourth class.

And lastly, at the end of the third Diet, all those remaining members shall resign who have held their seats through the three Diets.

Members elected at these intervals shall resign their seats at the close of the third General Diet, dating from the time of their own individual election. Ex-members may be immediately re-elected,

Besides this regular resignation, members of the Lower Chamber shall lose their seats—

(*a*) When they shall have forfeited the qualification in right of which they were chosen at their circuit, or provincial meetings.

(*b*) When they enter the services of the state, or are advanced therein, or accept paid offices of the court;

(*c*) Or when the King shall dissolve the Chambers.

In the cases of (*b*) and (*c*) the same members may be re-elected.

Section 72.

Of the President and his Proxy.

The King shall appoint the President and proxy of the Lower Chamber.

At the opening of every Diet four members shall be chosen by secret vote (ballot), and proposed to the King, from among whom he shall appoint President and proxy.

The choice of these four members shall follow as in Section 67.

The duties of the President and his proxy are pointed out in the rules of the Diet.

Section 73.

Further Arrangements as regards both Chambers. Of the Age of Electors and Members.

An elector must have attained his 25th year, and a Member his 30th year, in order to be qualified to vote or to be chosen.

Section 74.

Disqualifications.

No person can be elected or take part in elections who is under

(*a*) Guardianship.

(*b*) Whose fortune is involved, (whether in a state of regular bankruptcy, or in a way not exposed to the eye of the law,) so long as his creditors shall not have declared their having received entire satisfaction.

(*c*) Who has been before a court of justice, and not declared guiltless of offences which, according to general acceptation, are dishonourable.

Whether the offence be dishonourable or not, which is attributed to any elector, his fellow-electors shall decide, and as regards a member of the Diet, his Chamber decides.

Section 75.

Of the Election of Officers under Government, and other Officials.

Should any person serving in any office under Government be elected as member or proxy, he shall announce the same to his superior court, in order that it may judge if his election can be permitted, and provide for the fulfilment of his official duties.

Permission to be chosen as member for either Chamber cannot be refused, except in cases where the essential spirit of the office forbids it; the grounds of refusal must be laid before the Chamber.

Petty judges (*Gerichtsdirectoren*) and stewards of manorial domains, must have permission from their superiors; and persons filling offices in townships that of their town council; nevertheless permission can only be refused on the same grounds as to persons in office.

The Government decides on appeals as regards refusals.

Section 76.

Order of Precedence.

In the Upper Chamber the order of precedence follows according to Section 63, under Index 1 to 12, respecting members therein named. Other members, take precedence according to numbers drawn by lot, which shall take place at every opening of the Diet, as in the Lower Chamber.

The President shall draw for absent members.

Proxies and substitutes take the seats of those they represent.

Section 77.

Laws of Election, and Regulations of the Diet.

The conduct of elections for both Chambers, as also the necessary qualification of members for the Lower Chamber are further explained in the law of elections; this law is no integral part of the Constitution, but it cannot be changed without the permission of the Diet.

II. SESSIONS OF THE DIET.

1. *The Business of the Diet in general.*

Section 78.

The Diet is the legal organ of all subjects and citizens of the state, and as such it is called together to make good their constitutional rights, in their relative position to the Government, which position is fixed by that Constitution; as also faithfully to promote to the utmost the inseparable prosperity of King and country in their attachment to the principles of the Constitution.

Section 79.

2. *Functions of the Diet.*

The functions of the Diet are distinctly enumerated in this Constitutional charter.

Such functions can in no case be assumed by a committee of the Diet, a circuit meeting, or any corporation.

The Diet, on the other hand, can only occupy itself with matters now enumerated, or with such, as by a special mission of the King's, shall be brought before it.

SECTION 80.

3. *Affairs laid before the Diet by the King have precedence.*

The Diet is bound to attend to all subjects of discussion brought before it by the crown previous to any other business.

SECTION 81.

4. *Personal Participation in the Affairs of the Diet.*

With the exception of the cases pointed out in Section 64, regarding the proprietors of feudal domains, all members of both Chambers must appear in person, and can commission no one to vote in their name. Members are not to take instruction from their constituents, but to follow their own convictions.

Every member is at liberty to lay before the Diet any request which may have been delivered to him, and to support the same as circumstances may require.

SECTION 82.

5. *The Oath to be taken by all Members of the Diet.*

Every member shall take the following oath on his first entrance in the Chamber:—

"I swear to God, &c., faithfully to maintain the Constitution of the state, and according to my best knowledge conscientiously to act in all my proposals to, and votes in, the Diet, to watch over the inseparable prosperity of my King and my country. So help me God, &c."

This oath shall be taken by the presidents of both Chambers before the King, and before the Presidents of the Chamber by their respective members.

A member on his second time of election shall have fulfilled this duty by shaking hands with the President, as reference to his former oath.

SECTION 83.

6. *Liberty of Speech.*

Every member of the Diet may freely express his opinions; but any one who in the exercise of this right shall improperly check the progress of business, or use language offensive to the Chamber, shall be called to order by the president. All members during their discussions shall avoid personalities, improper or insulting expressions, as also all digressions from the direct business before the Chambers; otherwise the President shall call the speaker to order, and if not attended to, shall forbid his further address. Should any member, notwithstanding his being warned by the President, allow himself to speak disrespectfully of the King, the royal family, or the Chambers, or even of single members thereof, the President shall be justified and bound to declare the sitting for that day closed, and on the following to propose to the Chambers whether the offender shall be called on to withdraw his expressions, or be excluded from the Chamber for a definite period, or altogether.

Should such expressions of a member have been criminative or insulting, he is liable to be summoned before the proper magistrate, whether he has been excluded from the Chamber or not.

Whether a member, who has once been excluded from the Chamber can ever be again elected is a question belonging to the supreme court, (*Staatsgerichtshof,*) Section 142, without the decision of which he is not re-eligible.

SECTION 84.

7. *Personal Inviolability of Members during the Sessions of the Diet.*

All members of the Diet, whether taken collectively or singly, enjoy during the sessions full liberty of person; therefore on no account can a member be arrested during that period without the express permission of his Chamber, except in cases where he is taken in the fact of committing some criminal offence, or when under liabilities for bills of exchange.

SECTION 85.

8. *Participation of the Diet in the Formation or Proposal of Laws.*

Bills can only be brought forward by the King before the Diet, and not by the Diet before the King.

The Diet can propose the formation of new laws, or change or abolish old ones.

Every Bill shall have the grounds on which it is proposed attached to it.

SECTION 86.

Of the Consent of the Diet to New Laws.

No law can be valid, changed, or authentically interpreted without having received the consent of the Diet.

SECTION 87.

Powers of the King in the Creating and Regulating of Laws, but more particularly in cases of pressing Necessity.

Laws issue from, and are promulgated by the King, after having been recognized by the Diet; from him proceeds *all* authority and official power to carry them into effect.

SECTION 88.

The King can also issue such laws as the immediate pressing necessities of the state may require, or others the immediate advantages of which admit of no delay, although such laws are of that kind which require the consent of the Diet, with the exception of all such laws as would alter the constitution, or change the law of election.

The ministers of state collectively are held responsible for those advantages to, or pressing necessities of the state, which shall require such laws; their counter-signatures must consequently be attached to them, and on the next meeting of the Diet, shall be submitted to the Chambers for approval.

Section 89.

Decrees of the Germanic League.

The Government cannot be restrained by the Diet from carrying into effect the resolutions of the Germanic Confederacy; these come immediately into force by proclamation of the king, and the means requisite to carry them into effect must be procured; nevertheless, the concurrence of the Diet as regards the *manner* in which those means shall be raised cannot be avoided.

Section 90.

Of the Withdrawal of Bills proposed by the King.

The King can withdraw Bills that are before the Chamber or under discussion. The same may be done when they have been agreed to by a majority of the Chamber, but which majority has been created by a separation of one class of its members from the rest, as pointed out in Section 129.

Section 91.

Proceedings in cases where the Chambers are of Different Opinions.

When the Chambers are of different opinions as to the adoption of certain Bills, those means for working out an agreement between them in Section 131, shall be tried previous to their giving in their decision.

Section 92.

Rejection of a Bill.

Bills cannot be finally rejected unless opposed by at least two-thirds of the members present in one of the Chambers.

SECTION 93.

Explanation of Reasons for the Rejection or Amendment of a Bill.

The decision of the Diet by which it rejects or proposes the amendment of a Bill laid before it for approval, shall contain a statement of the grounds on which it so acts.

SECTION 94.

Measures in cases where the King refuses his Assent to Bills returned to him with amendments.

Should any Bill not receive the assent of the crown after having undergone amendments agreed to by the Diet, it may be withdrawn altogether, or once more laid before the same Diet, with counter objections to the proposed amendments, or with a proposal of such amendments as the Government itself is willing to admit. In either case the Government is at liberty to demand an unconditional declaration as to whether the Diet will pass the Bill or not.

SECTION 95.

Measures in cases where a Bill is rejected by the Diet.

Any Bill which has been rejected by one Diet, may be brought before a future Diet unaltered, but cannot be proposed a second time to the same Diet, except in an altered state.

SECTION 96.

9. *Powers of the Diet in Financial Affairs. Its assent to changes in, and the raising of Taxes.*

The existing direct and indirect system of taxation cannot be altered without the consent of the Diet, nor can any further impost be laid, or raised without its consent, except in the cases pointed out in Section 103.

Section 97.

Examination of and Provision for the Necessities of the State by the Diet.

The Diet is bound to provide for all the ordinary and extraordinary wants of the state by granting the requisite supplies; it has therefore the right of examination into the necessity, benefit, and amount of the required grants, and the power of admonishing; it has to decide as to granting the amounts of the sums desired, as also upon the manner of levying them, the principles and circumstances according to which persons and property shall be taxed, and the duration of such taxes, as also the manner of collecting them.

Section 98.

The Budget.

At the assembling of every regular Diet, Section 115, an exact account of the receipts and expenses of the state for the last three years, with an average summary of its wants for the next following three years, shall be laid before the Chambers as early as possible.

Section 99.

Financial Accounts and Explanations.

That the Diet may be the better enabled to judge, ministers of state, as also all heads of offices, shall afford any explanations, accounts, and receipts belonging to their particular departments, if required of them by the Chambers.

Grants for secret services can only then be permitted, when a written declaration that they have been, or shall be expended for some real benefit of the state, shall bear the signature of at least three responsible ministers, and the counter-signature of the King.

SECTION 100.

Declaration of the Diet as regards raising Supplies for the Necessities of the State.

After a regular and minute examination of the proposed calculations, views, and plans, the Diet shall lay its declaration before the King, as regards the required grant; and if proposing a diminution of the amount demanded, its reasons for such proposition, the points in the amount where, without injury to the aims of Government, further economy might be obtained, and the way in which this might be carried into effect, shall be laid down distinctly in such declaration.

SECTION 101.

Measures in case the two Chambers are of different opinions upon Vote of Supplies.

Should the Chambers disagree as to their opinions upon any grant, the means for bringing them to an agreement, laid down in Section 131, shall be adopted.

SECTION 102.

Prohibition of agreeing to Grants under conditional provisos foreign to the subjects of such Grants.

No grant of the Diet shall be voted under any conditions which are not connected with the grant itself, or to the manner of its expenditure.

SECTION 103.

Measures when the Consent of the Diet cannot be obtained to a Grant.

The propositions of the Diet, and the grounds on which they are formed, having been laid before the Government, according to Section 100, shall be carefully considered, and in so far as it may be possible to unite them with the benefit of the state, they shall be attended to; yet should this not be the case, and

the Diet, after further consideration, still refuses its consent to the grants required of it, the King is empowered to raise those supplies requisite to meet the necessities of the state (if such are of any long continuance and not momentary) by an ordinance issuing through the supreme court, which ordinance shall empower the Government to fix and raise supplies for one year. This ordinance shall be entered in the Statute-Book; and in such ordinance its nature, founded on the principles of the Constitution, according to Section 103, shall be re-noticed and referred to. It can only endure for the space of one year, wherefore at latest within six months of the close of that period the King shall summon an extraordinary Diet.

The consent of the Diet is only then to be understood as refused when at least two-thirds of the members present in one of the Chambers shall have voted against a Bill.

Section 104.

Notification of the Diet's Consent to be attached to all Ordinances of Imposts.

In all ordinances of national imposts the consent of the Diet to their being raised shall be expressly notified, without which no collector has authority to levy, nor is any subject bound to pay imposts, except in cases pointed out in Section 103.

Section 105.

Regulations when immediate Financial Measures are necessary.

When extremely pressing and unexpected necessities of state demand the immediate adoption of financial measures to which the consent of the Diet is requisite, an extraordinary Diet shall be summoned. Should ulterior circumstances prevent its meeting, the King can enact provisional measures, and if requisite raise a loan under the responsibility of his chief ministers. These measures shall be laid before the Diet as soon as possible, and at the latest on the next regular assembling of the Chambers, in order that they may be agreed to, and the expenditure accounted for. Except in the

above extreme cases no loan can be raised without the Diet's consent.

Section 106.

Reserve Fund.

In order that the Government shall be provided with means to meet extraordinary necessities, a reserve fund shall be established, which shall be included in the budget, and always granted.

Section 107.

Sinking Fund.

A fund shall be raised, and placed under the administration of the Diet, to meet the interest on the national debt, as also for the liquidation of the debt itself.

Its administration shall be conducted by a committee of the Diet, assisted by other persons under Government, but appointed by the above committee of the Diet, and approved of by the King.

Its administration shall continue even after the dissolution of the Chambers, until the next assembling and appointment of another committee.

Government is at all times at liberty to examine into the affairs of the fund, by right of its position as chief guardian of the state.

The annual accounts shall be proved by the chief government accountants, and shall be laid before every regular Diet (Section 115,) for its approval; after which the result shall be printed by order of the Diet.

Section 108.

Functions of the Diet with regard to State and Crown Property.

The Diet is bound to watch over the preservation of state and crown property, as pointed out in Sections 18 and 20.

Section 109.

The Diet's Right of Petition.

The Diet has the right of laying its wishes and proposals on all subjects belonging to its sphere of action, in proper form before the King.

To this right belongs the proposal for the abolition of acknowledged abuses in the administration, or the law; as also the liberty of every single member of the Diet to lay before his Chamber wishes or proposals touching such abuses.

The Chamber has then to decide whether the subject should be taken into consideration; if so, the assistance of the other Chamber must be obtained, as motions can only be laid before the King in the name of both Chambers.

Section 110.

The Diet's Right of Complaint.

Complaints against the Government, or individual branches of the ministerial departments, Section 41, as regards their application of the law in cases of administrative or judicial affairs, may be brought forward by even one Chamber, in case both Chambers do not agree,

In Section 43 it is ordered that all royal ordinances and dispatches which are signed by the King's own hand, shall bear the counter-signature of a minister, in order that the Chamber may know against whom to proceed.

Improper conduct, or gross neglect of duty in inferior departments, can only then be made a subject of complaint by the Diet when the party injured shall in vain have sought redress from that department, or already tried other legal means.

Section 111.

Right of the Diet to take up the Complaints of all Subjects of the State.

Written complaints from subjects of the state shall be received by the Diet, but not deputations from corporate bodies.

Should it be discovered that such complaints have not previously been made to the proper ministerial department, according to the laws of the constitution, they shall then be no further noticed; but if so, and the Diet admits the grievance to exist, it is left to its decision either to forward the complaint to that department, or to the supreme court, or else to make the grievance its own, and after having been duly considered by both Chambers, to recommend it to the King's consideration.

The consequent redress of such grievances, or the conclusion arrived at after examination, shall be made known to the Diet.

Section 112.

13. *Royal Sanction of the Resolutions of the Diet.*

All resolutions of the Diet require the express sanction of the King before they acquire authority.

Section 113.

Of the Royal Resolves on Proposals from the Diet.

Every proposal made by the Diet to the King shall receive his consideration, and if negatived, the grounds of objection shall be stated. These shall be laid, if possible, before the same Diet during its session; especially if the proposal concerns the promulgation, abolishing, or amendment of a law.

Section 114.

Deputations of the Diet to sit during its Prorogation.

By the King's permission the Diet can appoint committees of its members, who shall assemble during its prorogation, to aid in preparing any specific subject previously decided on for future deliberation, or to assist in carrying into effect resolutions of the Diet, sanctioned by the King.

III. THE DIET.—ITS BUSINESS.

Section 115.

1. *Of the Diet.—Its Time and Place of Assembly.—Summoning a Diet.*

Every three years, at least, an ordinary Diet shall be summoned by the King, and an extraordinary assembly whenever exigencies of the law, or other pressing necessities require it.

An extraordinary assembly is always necessary upon a change of sovereignty; and the Diet shall be summoned to meet within four months after such change.

The place of assembly depends always upon the King's decision.

All members shall every time be summoned by a proclamation, entered in the Statute-Book, and issued through the supreme court to every individual.

Section 116.

Of the Closing and Adjournment of the Diet. Dissolution of the Lower Chamber.

The King decides upon the closing of the sessions, as also upon the adjournment of the Diet: he also dissolves the Lower Chamber, whereby the Upper is declared to be prorogued.

This prorogation cannot be of longer duration than six months.

Upon the dissolution of the Lower Chamber the election of new members, and the summoning of the Diet must take place within the space of six months.

Section 117.

The Opening and Closing of the Diet.

The King opens and closes the Diet, either in person or by deputy.

Section 118.

Prohibition of spontaneous Assemblies.

The Chambers can neither assemble, nor remain assembled in council after the closing or adjournment of the Diet, or after the dissolution of the Lower Chamber.

Section 119.

The Close of the Diet.

The definitive result of the business done by the Diet shall be drawn up under the title of "The Close of the Diet," which summary shall contain the royal "Declarations" to all the different proceedings therein contained, signed by the King's own hand. This shall be delivered to the Diet upon its close, and entered into the Statute-Book.

Section 120.

Remuneration of the Members of the Diet.

All members, not residents of the place appointed for the meeting of the Diet, shall receive remuneration for the expense of travel and residence to which they are subjected. This remuneration shall be fixed by the general rules and regulations of the Diet. Those members of the Upper Chamber who appear by virtue of hereditary title, or as deputies from chapters or the university excepted.

Section 121.

2. *Rules of Business of the Diet.—Separate proceedings and Vote of each Chamber.*

Each Chamber conducts its business independently of the other, and each Chamber is regarded as one individual body in voting on declarations to be laid before the King.

Section 122.

Royal Messages to the Diet.

Royal messages regarding taxes and other grants shall be first brought before the Lower Chamber; on other subjects the King can address either at pleasure.

Section 123.

Investigations of Royal Propositions by Committee.

All royal propositions, previously to their being openly discussed and voted upon, shall be investigated by a committee chosen from among the members of the Chamber, and their report shall be brought up upon the first discussion.

Section 124.

Committees on other Subjects of Discussion.

Committees can also be appointed to sit upon other questions.

Section 125.

Co-operation of Commissioners appointed by the King with Committees of the Chambers.

Committees (Sections 123, 124) shall obtain whatever explanations they may require through royal commissioners; and previously to delivering their report they shall hear, consider, and, if proper, act upon the suggestions of those commissioners.

Section 126.

Official and Individual Right of Memorializing such Committees.

Every individual member of the Chambers, as also each royal commissioner has a right to memorialize those committees upon the subject under investigation.

Section 127.

Deliberation of the Diet.

At least one half of the members fixed by the constitution, as forming the Chamber, must be present at all deliberations.

Section 128.

Divisions and Resolutions of the Chambers.

One half at least of the number of members fixed by the constitution as forming the Upper Chamber, and two-thirds of that constituting the Lower, must be present on all occasions of drawing up resolutions.

Every member, as also the president, has one vote at all divisions.

Resolutions are decided on by absolute majority of votes, except in cases pointed out in Sections 92, 103, 152.

On an equal division the question shall be again brought forward at a following sitting, and if attended with the same result, the President's vote decides.

If it is a question upon which the opinion only of the Chamber is required, members in the minority may desire that their opinion be attached to the decision of the majority.

Section 129.

Separate Voting.

The votes of individual members are not influenced by difference of rank; nevertheless, the deputies of non-hereditary property, those of towns, as also of the small farmers in the Lower Chamber, are permitted to give in a separate vote in case they feel themselves aggrieved by the decision of the majority of the Chamber.

This vote must be annexed to the Diet's resolution on the question, and be brought with it before the Government.

Section 130.

Communications between the two Chambers.

Communications forwarded by one Chamber to the other, as regards motions, bills, and declarations, can be returned with proposals of amendments, which must be investigated by committee and reported upon.

Section 131.

Proceedings between the two Chambers when of different Opinions. Measures when no understanding occurs.

Should the Chambers not agree in their opinions, a committee chosen from among the members of the two Chambers shall be appointed, which, with the Presidents of both Chambers, shall consider how an agreement may be obtained, and shall lay the result of their investigation before the Chambers for their further consideration.

Should they still differ, and the subject of difference be upon a grant, or point of law, the measures pointed out in Section 92 shall come into force; but if it be a subject on which their opinion only is required, a memorial of the same shall be drawn up by each Chamber, signed in the name of its members by its president, and forwarded to the supreme court.

Section 132.

Reports mutually agreed to by both Chambers.

Motions and resolutions which have been agreed to by both Chambers shall be drawn up in one common report which shall be signed by both presidents, in the name of their Chambers, and forwarded to the supreme court.

Section 133.

Relative position of the Diet, as opposed to the Supreme Court.

The Diet can only communicate with the King through the

medium of the Supreme Court. The business also between the Chambers shall be carried on alone through that court.

SECTION 134.

Admission of Members of the Ministry, and of Crown Commissioners at the Sittings of the Chambers.

Members of the ministry, as also commissioners of the crown, are entitled to admission at the sittings of the Chambers; they can also take part in discussions, and at the close of debate they have the right of reply; but upon a division, those commissioners who are not regular members of the Chamber shall withdraw. During their withdrawal the discussion cannot be renewed.

SECTION 135.

Publicity in the Conduct of Affairs.

The sitting of both Chambers shall be open to the public.

A discussion may be private when a motion to that purpose is brought forward at its opening by the crown commissioners, or when three members, supported upon a division by at least one fourth of the Chambers, shall desire it.

SECTION 136.

Printing Reports of the Business done by the Diet.

Protocols of the business done in the Chambers shall be made public through the press, except in cases where the Chambers agree to the contrary. A responsible committee shall be appointed for the compilation, that such reports may be properly made.

SECTION 137.

Of the Regulations of the Diet.

Further details, as regards the Diet and the conduct of its affairs, are contained in its own rules and regulations.

PART VIII.

GUARANTEES OF THE CONSTITUTION.

SECTION 138.

Of the King's Pledge, as also that of Regencies upon their attaining the Government.

The heir to the crown shall declare upon his royal word, in presence of his assembled ministers, and the two Presidents of the last Diet, that he will observe, maintain, and protect the Constitution in all its parts, as it was at the decease of his predecessor. A similar declaration shall be required according to Section 9 from the Regent.

The documents containing this declaration (a copy of which shall be entered in the Statute-Book) shall be handed over to the Presidents of the Chambers, and by them laid before the Diet at the next meeting; in the interval they shall be preserved in the archives of the Diet.

SECTION 139.

Oath on the Constitution.

Oaths taken by subjects and civil servants of the state, as also by the clergy of all confessions, shall, in addition to their pledge of allegiance and obedience to the King and the laws, include their observance of the Constitution of the kingdom.

SECTION 140.

Of Complaints brought by the Diet against Ministers and other Officers of State, for violating the Constitution.

The Diet has the right of laying its complaints of violation of the Constitution by ministers or other civil servants, before the King.

The King shall immediately remedy such grievances, or if in doubt as to their existence, he shall cause them to be examined by the Supreme Court or the Upper Court of Judicature, as the nature of the case requires.

Should the examination be made by the Supreme Court

its judgment must receive the King's approbation, but if brought before the Judicial Court for investigation, the decision of the latter shall be final.

In both cases the proceedings shall be laid before the Diet.

Section 141.

Of the Diet's Impeachment of the chief Ministers of State.

To the Diet belongs more particularly the right of impeaching those chief ministers who shall have been guilty of violating the Constitution.

Should it be constrained to enforce this right, the articles of impeachment must be definitively drawn up, and examined by especial committee in both Chambers. If they are unanimous in their resolves, those articles, with the vouchers of the two Chambers, shall be brought before a court, pointed out in section 142.

Section 142.

Judicial State Court. Its Competency.

A Judicial State Court shall be formed for the protection of the Constitution. This court shall judge of those acts of the chief ministers which tend towards the overthrow of the Constitution, or the violation of its separate parts.

It may also be appealed to in those cases pointed out in Sections 83 and 153.

Section 143.

Organization of the Court.

This High Court of Judicature shall consist of a President, chosen by the King from among the Presidents of the higher courts of law, and twelve Judges, six of whom the King shall choose from among the members of those courts; and three, with two deputies to be chosen by each Chamber, but not from among its own members, two, at least, of them being jurists: they may be official servants of the state, subject to the King's approval of such choice.

Should the President be prevented from attendance, the first Judge chosen by the King shall preside instead.

The election of such members shall take place at the close of the Diet, to continue in office until the reassembling of the Chambers.

In cases of prorogation of the Diet, or of the dissolution of the Lower Chamber, the court shall remain constituted till the close of the next Diet.

Section 144.

The President and Judges of this court are pledged to its duties in particular, and as regards these duties, they are freed from all oaths of allegiance and of other services.

Neither the King nor the Diet can annul the election of members, during the period for which they are chosen.

Should any of the Judges elected by the Diet accept an office under Government, they cease to belong to court, but may be immediately chosen again by the Chamber by which they were originally appointed.

Section 145.

The Assembling of the High Court of Judicature.

The court shall be summoned by the President, whose summons must be issued immediately on his receiving an order to that effect from the chief Minister of Justice countersigned by the King, or on behalf of the two Chambers, by their Presidents.

This summons shall announce the subject which is to be brought forward. The functions of the court cease to exist with the close of the proceedings.

The President shall provide for the fulfilment of the resolutions of the court, and if in any way obstructed he shall again assemble it.

Section 146.

Proceedings of the Court.

The President shall summon two barristers, one appointed

by the King, and the other by the Diet, to conduct the proceedings of the court.

Upon every principal decision two referees shall be chosen by majority of vote, from among all the members of the court, including the President. Should the first referee have been chosen from among the six judges appointed by the King, the second shall be elected from among those named by the Diet, and *vice versa*. In cases of equality of division the President's vote decides.

Section 147.

Should there happen to be at any time an uneven number of members, which by election or deputy cannot be immediately remedied, the last elected member of the majority shall withdraw.

Nevertheless, the number of judges must not be less than ten.

The President has no vote, except in cases Sections 146 and 153.

When opinion is equally divided, that which is most favourable to the accused shall be declared carried.

The proceedings of the court shall be made public, through the press.

Section 148.

The Court's Right of Punishment.

This court's power of punishing extends only so far as to express its disapprobation, or to remove the offender from office; having thus punished to the extent of its power, and not having exempted the offender from further prosecution, his proper judge may then not only have recourse to further legal measures against him, but shall also be informed by the court of the result of its proceedings.

Section 149.

Legal Measures against the Judgment of the Court.

From this court there is no appeal, but it may be itself again appealed to for revision of judgment.

In this case two new referees shall be chosen as referee

and co-referee, and in such a manner, that if for the former judgment the referee was chosen from among those judges appointed by the King, for the second decision he shall be chosen from among those appointed by the Diet. Besides this, the court shall be increased by two members, one of which shall be chosen as judge extraordinary by the King from a higher court, and the other by the Diet, according to Section 143.

Section 150.

Measures of the Crown in cases of Impeachment.

The King shall not check examinations, nor use the royal privilege of pardoning, to retain in office any one who has been condemned by the High Court, nor ever appoint him to another office under the Government; that is, if the judgment passed by the court does not contain express recommendations to favour

Section 151.

The Defendant's Resignation of Office.

Resignation of office does not influence legal proceedings and judgment against an offender.

Section 152.

Changes in Explanation of, or Additions to the Articles of the Constitution.

These may be proposed by the King to the Diet, or by the Diet to the King,

To legalize any such change, it shall be necessary that both Chambers agree thereto, that in each Chamber there shall be three-fourths of the number of members present as appointed by the Constitution, and a majority amounting to at least two-thirds.

Such proposals cannot be laid before the King until they have been previously agreed to by a majority in two successive Diets.

In the first Diet after the proclamation of the articles of the Constitution, there can be no changes, explanations, or additions proposed or resolved on.

Section 153.

Dubious Points in the Constitution.

Should any doubt arise as to the meaning of particular points in the articles of the Constitution, upon which the Government and Diet are at variance, their grounds of dispute shall be laid before the High Court of Judicature, (Section 142,) which shall decide thereon. To this end the different views shall be laid before that court; the arguments shall be communicated, and reciprocally answered;—that is to say, each party shall have the right of drawing up two written documents. Should the court be equally divided in opinion, the President's vote decides.

This court's interpretation becomes then authentic, and must be admitted.

Section 154.

Of the Abolition of the Laws, Regulations, and Observances, which are in contradiction with the Constitution.

All laws, regulations, and observances, which are in express contradiction with the articles of the Constitution, are in so far invalid.

In declaring the foregoing regulations to be the fundamental laws of our kingdom, we, at the same time, declare, upon our royal word, that not only do we grant our consent to them, but, also, that we will, to our utmost, protect them against all attacks and violations.

To this Charter of our kingdom we now do put our signature and seal. (L. S.)

Given at Dresden, Sept. 4th, 1831.

Anthony.

Frederick Augustus, Co-regent.

G. A. E. Nostiz Jankendorf.

Dr. J. D. Meerbach.

CLOSE OF THE FIRST DIET.

WE, ANTON, BY THE GRACE OF GOD, KING OF SAXONY, &c., &c., &c., AND FREDERIC AUGUSTUS, DUKE OF SAXONY, &c.

Do hereby make known and declare that we have been persuaded to assemble our faithful Diet, composed of counts and gentlemen of manorial estates, and towns, to continue from the first of March of this year, the sittings of the Diet, last year assembled, and prorogued on the 8th of July of the same year; in order that they, by means of our decrees, might lay before it the articles of a Constitution for the kingdom of Saxony, for consideration and discussion.

These considerations and discussions between us and our faithful Diet, more especially those of the Diets of July 19th, 21st, and August 27th, with our decrees thereon, bearing dates of August 10th and 29th, having so far advanced, the said articles of the Constitution as they now stand, are accepted, mutually by ourselves and our faithful Diet.

We have not failed to accede to the wishes of our faithful Diet, on many important points, in order that we might obtain our aim, declared in a decree bearing date of March 1st of this year; and as regards our own rights, and those of our family, we have proved ourselves willing to advance still further in concessions.

Our faithful provinces will now be convinced that we (without any apprehension respecting the limitations of constitutional government to which we have subjected ourselves) merely desire to unite in the closest ties our own happiness and interests, as well as those of our family and successors, with the love, welfare, and confidence of our people;—and they will at the same time be made aware, that the Diet has overcome many difficulties arising from the natural variance of opinion and pre-existing rights and interests, and has found means to amalgamate the same into a system of government adapted to present and future times.

We now close the business of this Diet, by issuing this Charter, signed with our own hand, and bearing our royal seal, to be preserved by our faithful Diet in their archives.

According to Section 22, relating to the civil list agreed to by our faithful Diet, dated 19th July of this year, we do accept the said civil list of 300,000 dollars per annum, with the addition of

50,000	dollars	for the year	. . .	1832
40,000	ditto	ditto	. . .	1833
30,000	ditto	ditto	. . .	1834
20,000	ditto	ditto	. . .	1835
10,000	ditto	ditto	. . .	1836

And the sum of 20,000 dollars per annum, set apart for the Co-regent,* during our reign, dating from the 1st of January, 1832, and promise the fulfilment of all arrangements pointed out in Section 22, for which this civil list is to be regarded as an equivalent.

To the members of the Provincial Diet of the Margravate of Upper Lusatia, (both those of country and towns,) we repeat our assurance, contained in Decree of the 10th of August, that, as regards the changes made unavoidable by this new Constitution, as well as those which it is desirable to effect in their recess-tradition,† dated May 30th, 1635, and others touching the particular institutions and administrations of Upper Lusatia, special measures shall be entered into with them, and we do hereby declare, that the agreements made and the guarantees given shall be on all sides as binding as if they were a part of the Charter.

The Articles of the Charter, which come in force upon being handed over to the Diet, are forthwith law by especial mandate, in like manner as the arrangements regarding the formation of the two Chambers, and the Diet fixed by the Constitution and the laws of election.

The new constitutional re-organization and arrangements,

* Upon the carrying of the Saxon Constitution, Prince Frederick was appointed Co-regent, in order more effectually to protect it.

† Old rights and privileges granted to particular domains, estates, and towns of that part of the kingdom of Saxony.

more particularly that of the ministerial departments and the ministry, shall be commenced without delay, as also that of all other offices; taking nevertheless care not to cause delays or confusion in the current affairs of the kingdom. Where these changes have not been effected, the responsibility of the old offices falls upon our cabinet ministers.

So soon as the necessary arrangements have been made, we shall assemble the new Diet.

Until measures, according to the laws of the Constitution, shall have been agreed upon by our ministry, concerning the means of raising the necessary supplies for the wants of the state, the financial measures agreed to by our faithful Diet, dated the 19th and 20th of June, 1830, accepted in a decree, dated the 8th of July of the same year, to continue up to the 31st of December, 1833, shall remain in force, as also the manner of levying the taxes agreed to on the 27th of September, 1830. The former system of payments made to and drawn from the exchequer, by the land-tax office, shall cease in consequence of the creation of the civil list which shall commence from the 1st of January 1832, and the new arrangement for uniting these two treasuries in one general state treasury.

As the guarantee and credit of the provincial debt depends in part upon the continuance of the Diet's right of administration of the taxes levied to meet that debt, we have already announced to our faithful provincial Diet of the Hereditary States, in a decree dated August 15th of this year, that the existing Provincial Deputation shall continue to act in these affairs until, according to Section 107 of the Constitution, a committee shall have been appointed by the general Diet to administer to the debts of the nation.

In accordance, therefore, with the consent of our faithful Provincial Diet, expressed in a declaration laid before us, dated August the 31st, we acknowledge, on our part, their right of administration up to the period specified, and the continued existence of the deputation of the said Diet, appointed for the administration of the payment of the four per cent. upon the loan made to the Diet.

Lastly, should our faithful Diet desire that any particular laws, created as heretofore after council with it, should be promul-

gated without further consultation with a future Diet, we (by power of our heretofore constitutional and undoubted right) may be willing to grant its request, if beneficial to the state, which power we hereby expressly reserve to ourselves. Among such laws are those more especially of the abolition of socage and vassalage, as also those relative to divisions of parish property communities, (*Gemeinheitstheilung,*) such being of the highest importance to the public welfare, as the petitions which are laid before us from all quarters sufficiently prove.

The principle between ourselves and our faithful Diet being equity and justice to all, as regards these laws, we have resolved that they shall be brought forward, so soon as the necessary arrangements have been made with our faithful Diet.

We herewith dissolve this present faithful assembly of prelates, counts, knights, gentlemen, and burgesses, repeating our expressions of favour and satisfaction at the manner in which they have this day concluded their labours for the benefit of the kingdom at large; assuring them, at the same time, of the continuance of our royal satisfaction, love, and favour, which shall be always theirs.

Be it hereby made known that we have signed this, so called, "Diet's Close," with our own hand, to which is put our royal seal.

Given at Dresden, the 4th September, 1831.

ANTON.

FREDERICK AUGUSTUS, H. Z. S,

NOSTIZ.

THE END.

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Datum der Entleihung bitte hier einstempeln!