

## CHAPTER I

# THE FIGHTERS OF 1821 TO THE AMERICAN PEOPLE

*The men who fought for Greece's independence in 1821 address themselves to the American people with full confidence in the knowledge that America will sympathize with their struggle for freedom more than any other people. The Messenian Senate at Calamata, the military leaders of the struggle and the spiritual leaders of the Greek people of that period address this special appeal to the American people.*

*The NORTH AMERICAN REVIEW in its issue dated October 16, 1823, published a true translation of the Constitution of Epidaurus and also the Appeal by the Messenian Senate to the American people.*

# PROVISIONAL CONSTITUTION OF EPIDAUROS

January 12, 1822

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*Affairs of Greece.*

[Oct.

pendent of England, would prosper much in governing themselves. We know of no rules of political chemistry, by which the islands on the borders of a country can be selected as a test, and the capacity or incapacity of a people argued from that of the islands. Whether Greece, in its wide sense, consisting of all those parts, continental and insular, where the great majority of the people are Greeks, be prepared for independence, is a question wholly distinct from the character of the Ionian islands. If there be any correctness in what we have alleged in the commencement of these remarks, with regard to the present state of Greece, no doubt can remain on this point.

At any rate the Greeks, themselves, feel no doubt. They have taken the liberty, as we did in 1776, of declaring themselves free; they have raised armies and navies; they have defeated the Turks in several engagements, both at sea and on land; they have taken some of the most important fortresses, particularly Napoli di Romania, by its position and strength the most important of all; they have organized a system of government, which, though far from being faultless, is upon the whole a judicious system; and finally they have made such progress in the war, that a writer in the last number of the *Quarterly Review*, a journal not friendly to insurrection against masters, civilized or barbarous, has ventured to say, 'that it now appears extremely probable (we might indeed, we believe, use a still stronger expression) the Greeks will be able to establish their independence.'

As we do not remember to have seen the provisional constitution of the Greeks given at length in any of our journals or newspapers, and as it is a document of very considerable interest, we subjoin a translation of it, as we find it in French, in the *Courrier des Pays Bas*, of the 11th and 12th of May, 1822, published at Brussels. The original Greek, with French and English translations, and preliminary historical notices, has been published both at Paris and London, but it has not been in our power to procure a copy of either of these works.

*Provisional Constitution, published at Epidaurus,  
January 12, 1822.*

CHAPTER I.—*Of Religion.*

ART. 1. The religion of the state is the orthodox religion of the Eastern [Greek] Church. At the same time all religions are tolerated, and their ceremonies permitted to be freely exercised.

CHAPTER II.—*Public Law of the Greeks.*

ART. 2. All natives of Greece professing the christian religion, are Greeks, and enjoy all political rights.

ART. 3. The Greeks are equal in the eye of the law, without distinction of rank or dignity.

ART. 4. Every stranger established or residing in Greece enjoys the same civil rights as the Greeks.

ART. 5. A law on naturalization shall immediately be published by the government.

ART. 6. All Greeks are eligible to any office—merit only determines the preference.

ART. 7. The property, honor, and security of every citizen, are placed under the safeguard of the law.

ART. 8. Contributions for the expenses of the state are to be apportioned according to the fortune of each person. No impost shall be established but by virtue of a law.

CHAPTER III.—*Form of Government.*

ART. 9. The Government is composed of two bodies; the Legislative Senate, and the Executive Council.

ART. 10. The two bodies must concur in the enactment of laws. Either may negative a law proposed by the other.

ART. 11. The legislative Senate is composed of members elected by the different provinces.

ART. 12. The number of Senators is to be determined by the law of elections.

ART. 13. The law of elections, which shall be published by the government, must require that the representatives shall be Greeks, and that they be thirty years of age.

ART. 14. The deputies of all the free provinces and islands of Greece, are admitted as soon as their powers are acknowledged valid by the Senate.

ART. 15. The Senate appoints its President and Vice-President annually, by a majority of votes, and

ART. 16. At the same time a First and Second Secretary, and Under-Secretaries.

ART. 17. The Senate is renewed every year.

ART. 18. The Executive Council is composed of five members, chosen from the Senate, and according to rules established by a special law concerning the formation of the Council.

ART. 19. The Council appoints annually its President and Vice-President, by a majority of votes.

ART. 20. It appoints eight Ministers, namely, an Arch-Chancellor of State, entrusted with foreign relations; Ministers of the

interior, of the finances, of justice, of war, of the marine, of worship, and of the police.

ART. 21. It appoints also to all the offices of the government.

ART. 22. The functions of the Senate continue but for a year.

CHAPTER IV.—*Of the Legislative Senate.*

Section 1.—*The Legislative Power of the Senate.*

ART. 23. Considering the urgent occasions of the State, the Legislative Senate continues its functions this year without interruption.

ART. 24. The President fixes the time of opening and determines the duration of the session.

ART. 25. In case of need, he may convoke an extraordinary meeting of the Senate.

ART. 26. In case of the absence of the President, the Vice-President shall perform his duties.

ART. 27. Two thirds of the members form a quorum of the Senate.

ART. 28. The decisions of the Senate are made by a majority of voices.

ART. 29. If equally divided, the President has a casting vote.

ART. 30. All the acts of the Senate are signed by the President and countersigned by the First Secretary.

ART. 31. The President transmits the doings of the Senate to the Council for their approbation.

ART. 32. If the council refuse its sanction, or propose amendments, the bill is returned to the Senate, with the grounds of refusal or the amendments proposed, to be discussed anew; after which, it is sent back to the council, to be definitively rejected or adopted.

ART. 33. The Senate receives and examines all petitions which are addressed to it, on whatever subject.

ART. 34. Every three months the Senate appoints as many committees as there are departments in the ministry.

ART. 35. One of these committees, according to the designation of the President, is attached to each branch of the public service, to propose laws relative to that branch.

ART. 36. Every member of the Senate may bring in a written project of a law, which the President refers to the proper committee.

ART. 37. The Senate receives the projects of law transmitted to it by the Executive Council, and approves, modifies, or rejects them.

ART. 38. Every declaration of war, and every treaty of peace, shall be submitted to the approbation of the Senate; and in general no treaty, which the Executive council shall make with a

foreign power, whatever be the subject, shall be binding, till approved by the Senate.

Truces and armistices of a few days duration, are not included in this provision.

ART. 39. At the beginning of each year, the Council submits to the approbation of the Senate an estimate of the expenses of the year, and of the means of meeting them. At the end of every year, also, it submits to the Senate an exact statement of receipts and expenditures.

Nevertheless, as circumstances render it impossible to prepare such a statement for the first year, the council shall supply the requisitions of the war and the other departments of the service, and submit to the Senate, at the end of the year, an exact account of receipts and expenditures.

ART. 40. The Senate approves or rejects the nominations to advanced military rank made by the Council.

ART. 41. It approves or rejects also the propositions made by the Council for the reward of distinguished civil and military services.

ART. 42. The Senate shall regulate the new monetary system, and the Council shall cause the coinage to be struck, in the name of the nation.

ART. 43. The Senate is expressly forbidden to approve any treaty, which is inconsistent with the political independence of the nation; and if it should come to its knowledge, that the Council has engaged in any criminal negotiation of this kind, it shall impeach the President thereof, and if found guilty, discharge him from his functions.

ART. 44. Journalists shall be permitted to attend all the meetings of the Senate, except those of the secret committees, which may take place whenever five members require it.

#### Section 2.—*Secretaries of the Senate.*

ART. 45. The First Secretary of the Senate, is charged with engraving all the acts of this body, and with keeping an exact record of them.

ART. 46. He receives from the President the resolutions of the Senate, and transmits them to the council.

ART. 47. In the absence of the First Secretary the Second takes his place.

#### Section 3.—*Judicial Power of the Senate.*

ART. 48. If one or more of the members of the Senate be accused of political delinquency, a commission of seven members, named for this purpose by the Senate, will take cognizance of the accusation, and make report of it in writing. If the commi-

sion judge the accusation to be sustained, the Senate shall take up the affair. If the accused be condemned by a majority of two thirds of the voices, he shall be declared to have forfeited his dignity, and shall be remanded to the supreme court of Greece, to be judged as a simple citizen.

ART. 49. No Senator can be arrested, till after having been found guilty of an offence or of a crime.

ART. 50. When a member of the Executive Council shall be accused of a political offence or crime, the Senate shall appoint from its number a commission composed of nine members, who shall report conformably to the 48th article. If this commission sustain the accusation, and if the Senate, which in this case remains in possession of the affair, condemn the accused by a majority of four fifths of the voices, the President shall declare the accused to have forfeited his seat in the Council, and shall remand him to the supreme court of Greece as in article 48.

ART. 51. If a minister be accused of any offence or crime, he shall be judged according to the provisions of article 48.

CHAPTER V.—*Of the Executive Council.*

Section 1.—*Power of the Executive Council.*

ART. 52. The Executive Council, as a body, is inviolable.

ART. 53. If the entire body of the Council should become chargeable with a political offence or crime, the President shall be judged and punished, according to the 43d article; and after the nomination of a new President, the other members shall be separately proceeded against, according to the provisions of article 50.

ART. 54. The Council sees that the Ministers put the laws in force.

ART. 55. It sanctions or rejects the projects of law adopted by the Legislative Senate.

ART. 56. It proposes projects of law to the Senate for discussion. The Ministers have a right to be present at this discussion; and the Minister of the department, to which the subject of the law proposed belongs, shall always attend the discussion.

ART. 57. All acts and decrees of the Council are signed by the President, countersigned by the First Secretary, and sealed with the seal of state.

ART. 58. The Council disposes of the public forces by sea and land.

ART. 59. It shall have power to publish such instructions as it shall think proper, and to cause the laws, which concern the public order, to be enforced.

ART. 60. It shall have power, also, to take measures necessary

to the public tranquillity, in all the matters of police, provided it make report thereof to the senate.

ART. 61. It shall have power, with the consent of the senate, to make wars as well at home as abroad, and to pledge the public domains, for their payment.

ART. 62. It shall have power in like manner, with the consent of the senate, to alienate portions of the said public domains.

ART. 63. It shall appoint the ministers, and fix their powers.

ART. 64. The ministers are responsible for all the acts of their departments; consequently they cannot execute any act or decree contrary to the rights and duties proclaimed by the present act.

ART. 65. The council appoints all the agents of the government to foreign powers.

ART. 66. It must make report to the senate of its relations with foreign states and of the interior state of Greece.

ART. 67. It has the right of changing the ministers and all agents of whom it has the nomination.

ART. 68. In case of urgency, it may convoke an extraordinary session of the senate.

ART. 69. Whenever a crime of high treason shall have been committed, the council shall have the power to take such extraordinary measures as it shall judge necessary, whatever be the rank of the persons accused.

ART. 70. The council shall have power also, in this same case and if circumstances exact it, to make provisional nominations and promotions in military rank, which shall be submitted to the approbation of the senate, when tranquillity shall be restored.

ART. 71. In this case the council shall present to the senate, within two days, an exact and written report of the motives which have reduced it to the necessity of taking these extraordinary measures.

ART. 72. As it disposes of the forces by land and sea, the council shall have power in time of war to take extraordinary measures to provide quarters, provisions, clothing, and munitions, and every thing necessary to armaments by sea or land.

ART. 73. It shall present to the senate the project of a law with respect to the decorations to be given in recompense of services rendered to the country.

ART. 74. It is the duty of the executive council to keep up relations with foreign powers, and to undertake and pursue every species of negotiation. But declarations of war and treaties of peace or others must be subjected to the approbation of the senate.

ART. 75. Nevertheless it can make all conventions of truce, of short duration, conformably to the 38th article, to be reported to the senate.

ART. 76. At the beginning of every year, it shall present to the senate an estimate, and at the end of every year an exact and detailed account of the revenues and expenses of the current year. These two accounts are prepared by the minister of finance, and accompanied by all the vouchers. Nevertheless, for this year, the accounts will be made up, as is provided in the 39th article.

ART. 77. The resolutions of the council are made by the majority of the voices.

ART. 78. In no case, and under no pretext, shall the council have power to enter into any negotiation, nor to conclude any treaty, inconsistent with the political independence of the nation. In case of such a crime, the president of the council is proceeded against, displaced, and punished, as is provided in the 53d article.

ART. 79. The council shall propose a project of law, with respect to the uniform of the troops by sea and land.

ART. 80. It shall present another project of a law to regulate the pay of the troops by sea and by land, and to fix the salaries of all the officers of the government.

*Section 2.—Mode of Procedure against the Members of the Council.*

ART. 81. As soon as the accusation of a political offence, brought against a member of the council, has been admitted by the senate, the accused is deprived of his functions; the trial and judgment are conducted, as is provided in the 50th article.

ART. 82. No members of the council can be arrested, but in virtue of a condemnation; in case of the dismissal or absence of a counsellor, if the voices are divided in the deliberation, the voice of the president determines the majority.

ART. 83. An accusation against one or more ministers, admitted by the senate, involves their dismissal; and they shall be brought to trial conformably to the 51st article.

ART. 84. In case of crimes of high treason, the council shall have power to form, at the seat of government, a central and extraordinary commission, charged to take cognizance of those crimes, till the formation of the supreme tribunal of Greece.

*CHAPTER VI.—Of the Judiciary.*

ART. 85. The judiciary power is independent of the legislative and executive powers.

ART. 86. It is composed of eleven members elected by the Government, and who choose their president.



ART. 87. A law on the organization of the courts shall be published without delay.

ART. 88. This law shall fix the extent of their jurisdiction, and the general forms of procedure which are to be followed, in the conduct of trials.

ART. 89. This law shall be founded on the five following principles.

1st. A supreme tribunal shall be formed and established in the capital. This tribunal shall take cognizance, without appeal, of crimes of high treason and of offences against the safety of the state.

2d. Several tribunals shall be established in the capitals of the provincial governments. There shall be an appeal from the judgments of these tribunals to the supreme tribunal.

3d. There shall be established an inferior tribunal in every department. There shall be an appeal from their judgments to the general tribunal of the provincial capital. Inferior tribunals cannot take cognizance of political offences.

4th. There shall be established in every parish or village a justice of the peace, who shall take cognizance of every affair not exceeding the sum of a hundred piastres, and of all family differences.

5th. The justices of the peace can be accused before the tribunals of the department; those of the department before the tribunals of the capital; and those of the capital before the supreme tribunal.

ART. 90. The executive council is directed to form a commission composed of men distinguished alike by their understandings and their virtues, which commission shall be charged with the compilation of the laws that are to form the codes, civil, criminal, commercial, &c. These laws shall be submitted to the discussion and to the approbation of the senate and council.

ART. 91. Till the publication of these laws, judgment shall be rendered according to the laws of our ancestors, promulgated by the Greek Emperors of Byzantium, and according to the laws published by the present government. As to commercial affairs, the French code of commerce shall have the force of law in Greece.

ART. 92. The torture is abolished.

Confiscation is in like manner abolished for all citizens.

ART. 93. After the entire organization of the judiciary, no person can be arrested without the special order of the competent tribunal, except *in flagrante delicto*.

CHAPTER VII.—*Supplementary Articles.*

ART. 94. The provincial governments, established before the convocation of the national congress, are subjected to the authority of the supreme government.

ART. 95. Corinth is declared the seat of the provisional government. In case of a change made necessary by particular circumstances, this change is decided by the senate and council.

ART. 96. The seal of the state bears for an emblem Minerva ornamented with the symbols of wisdom.

ART. 97. The national colors, as well for the standards by land as for the flags by sea, are white and blue.

ART. 98. The arrangement of the colors in the formation of the standards and of the flags shall be determined by the council.

ART. 99. The government will take all measures for making a provision for the widows and orphans of the citizens who have died for their country.

ART. 100. It will also bestow honors and rewards on all brilliant actions, and on all distinguished services rendered to the country.

ART. 101. At the end of the war, it will likewise grant rewards to those, who shall have contributed to the regeneration of Greece by pecuniary sacrifices, and grant recompences to those whose generous efforts for this noble object may have reduced them to misfortune.

ART. 102. The present constitution shall be printed and distributed throughout Greece. The original shall be deposited in the archives of the legislative senate.

Given at Epidaurus the 1st (13th) of January, 1822, in the first year of Independence.

Such is the constitution which has been established in Greece. It immediately went into operation by the choice of Prince Mavrocordato as President, and Prince Mavromichalis, whom we shall again have occasion to mention, as Vice-President of the executive council. The present year the latter distinguished individual has been raised to the presidency of the council, and the seat of government has been fixed at Tripolizza, the residence under the Turks of the Pacha of the Morea. That the change in the person of the president of the council has not been the consequence of any dissension, is apparent from the honorable manner in which the venerable Mavromichalis is mentioned, in the circular letter of Prince Mavrocordato, his predecessor, addressed to the Philhellenic Societies of Germany and Switzerland. The same letter, be-

ing of the date of April 22, 1823, gives an encouraging view of the state of things in Greece, and shows the independent government of that country to be in a state of entire organization. In this state of things, and in consideration of the circumstances mentioned above, what course of conduct ought to be pursued by the nations of the earth? On this question we beg leave to add a few words. We have already expressed our opinions, as to what we think an enlightened policy demands of the states of Europe. We will not enlarge upon this part of the subject; though we cannot but think that a more general opinion never existed in the civilized world, than that the Greeks ought to be aided in this conflict. Such a measure would do not a little toward reconciling the minds of men to the unprincipled policy, which has been pursued towards Naples and Spain; and it is not yet perhaps too late, by a work of imperial magnanimity towards Greece, to purchase the world's forgiveness of the partition of Poland. As to our own country, we think, the course our government should adopt, sufficiently indicated by its own conduct towards South America. If more accurate information of the state of Greece is wanted, let the president do as he did in 1817, when he dispatched a public vessel with a respectable commission to enquire into the progress of the revolution in that country. We have always a fleet in the Mediterranean; let a similar commission be directed to repair to it, and on board of one of its vessels visit the principal ports of Greece, ascertain the progress of the war, and the degree of organization of the government. Should they report, as they must, for they are well known facts, the circumstances which we have enumerated, (then let the independence of Greece be acknowledged by the United States, and a minister sent to their government.)

Such a measure will be peculiarly in character for this country. The case is far clearer than that, to say the least, of Mexico; and we have no treaties with the Turk to impose restraint upon us. America has already been called on by the Greeks to adopt such a course. More than two years have elapsed since a proclamation of the senate of Calamata signed by its president, the same individual who has since been elected chief of the Grecian confederacy, addressed to the American nation, was enclosed to the editor of this journal,

ing of the date of April 22, 1823, gives an encouraging view of the state of things in Greece, and shows the independent government of that country to be in a state of entire organization. In this state of things, and in consideration of the circumstances mentioned above, what course of conduct ought to be pursued by the nations of the earth? On this question we beg leave to add a few words. We have already expressed our opinions, as to what we think an enlightened policy demands of the states of Europe. We will not enlarge upon this part of the subject; though we cannot but think that a more general opinion never existed in the civilized world, than that the Greeks ought to be aided in this conflict. Such a measure would do not a little toward reconciling the minds of men to the unprincipled policy, which has been pursued towards Naples and Spain; and it is not yet perhaps too late, by a work of imperial magnanimity towards Greece, to purchase the world's forgiveness of the partition of Poland. As to our own country, we think, the course our government should adopt, sufficiently indicated by its own conduct towards South America. If more accurate information of the state of Greece is wanted, let the president do as he did in 1817, when he dispatched a public vessel with a respectable commission to enquire into the progress of the revolution in that country. We have always a fleet in the Mediterranean; let a similar commission be directed to repair to it, and on board of one of its vessels visit the principal ports of Greece, ascertain the progress of the war, and the degree of organization of the government. Should they report, as they must, for they are well known facts, the circumstances which we have enumerated, (then let the independence of Greece be acknowledged by the United States, and a minister sent to their government.)

Such a measure will be peculiarly in character for this country. The case is far clearer than that, to say the least, of Mexico; and we have no treaties with the Turk to impose restraint upon us. America has already been called on by the Greeks to adopt such a course. More than two years have elapsed since a proclamation of the senate of Calamata signed by its president, the same individual who has since been elected chief of the Grecian confederacy, addressed to the American nation, was enclosed to the editor of this journal,

May 25, 1821  
THE MESSENIAN SENATE  
TO THE AMERICAN PEOPLE

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Affairs of Greece.

[Oct.

accompanied by a private letter to him.\* The proclamation and the letter were both in the handwriting of Dr Coray, the former being a copy from the original published at Calamata, and the latter subscribed by a venerable individual, P. Epites, who had been sent, at that time, to Paris, to endeavor to awaken a sympathy in civilized nations in the affairs of Greece, and by three other respectable Greeks, among whom is Dr Coray. A translation of this proclamation was published in the newspapers of the day. But we have thought it would not be improper to insert it again, in this connection, with the original, which has never before been published.

(Αντίγραφον.)

Ἄνδρες τῆς Ἀμερικανῆς Συμπολιτείας!

Ἀποφασίζοντες τὰ ζήσωμεν ἢ ὑποθάνωμεν διὰ τὴν ἑλευθερίαν, συρόμεθα πρὸς ἰσᾶς ἀπὸ δικαίαν συμπάθειαν· διότι εἰς τὸν τόπον σας ἰδιαιτέρι τὰ κατοικῆ ἡ ἑλευθερία, ἀπὸ μόνου ἰσᾶς λατρευομένη καθὼς ἰατριεὶται ἀπὸ τῶν πατέρων μας. Ὅθεν ἰσικαλού-

\* The interesting nature of the subject has induced us to subjoin the letter referred to.

Κύριε Ἐβερῆτι!

Ὡς πολίτην ἑλευθερίου πολιτείας καὶ φιλιλευθερον, ὡς ἑλληνοστὴν σοφὸν καὶ φιλιλληνα, οἱ γράφομεν παρακαλοῦντίς σε τὰ ἰδεῖν τὴν πρὸς τοὺς συμπολίτας σου προσκλήσει τῶν Ἑλλήνων. Δὴν ἀμφιβάλλομεν ὅτι ἡ εὐγενὴς σου ψυχὴ, μὴ ἀρκουμένη εἰς τεῦτο, θίλει φιλοτιμηθῆναι τὴν μετὰ τὴν ἑλευθερίαν τὴν Ἀμερικανὴν συμπολιτείαν τὸν θεῖον νόμον τοῦ Ἑλληνικοῦ γένους ζῆλον, ἀπὸ τῶν ὅποιον φλίγεται. Ἀπὸ τῶν ἰσῶν κόσμων προσκίνοι ἡ ἀνδραπέτης τὴν ἀνακαίνισίν της· πλὴν αἰ εἰς ἄλλους ἀρῆ τὸ παράδειγμα σας, εἰς ἡμᾶς καὶ ἡ συνήθειά σας εἶναι κατὰ τὸ πρὸν ἀναγκαία. Ὡς πᾶσι ἰσοδοξοῦν θίλει ἰσῆται εἰς τὴν πατρίδα σου τὰ συνδράμη εἰς ἑλευθερίαν τῶν Ἑλλήνων, ἐν ᾧ καὶ ἄλλαι δυνάμεις μίνου ἀναστήτοι εἰς τὴν Φωνὴν τῆς δικαιοσύνης, τῆς θεοκρατίας καὶ φιλανθρωπίας! Μόνον ἡ ἐκ τοῦ τοιοῦτου ἰσῆται ὅσα ἄξιον ἰσῆται εἰς ἀνταμιωθῆναι της· ἀλλ' οἱ Ἑλλῆνες πρὸς διὰ ἰσῆται ἀρχαίους, καὶ πρὸς διὰ ἰσῆται τὰ μίνουσι κατώτερον κατὰ τὴν γινώσκουσα. Καθὼς ἑλλῆται ἰσῆται τὰς φίλους πόλεις μὴ χρονοῦσι ἐπιθάνουσι, καὶ ἰσῆται τὰς ἐπιθάνουσι τοὺς φίλους αὐτῶν καὶ συμμάχους. οὕτω πάλιν θίλει τιμῆ καὶ ἰσῆται τὸν φίλους αὐτῶν ἔχει δακρυόστα ἀπὸ αὐτῶν διὰ τὴν πρὸς της, ἀλλὰ φαιδρὸν καὶ περιχαρῆ διὰ τὴν ἀνάστασιν αὐτῆς καὶ ἰσῆται.

Ἐν Παρισίῳ, πρὸς Ἰουλίου, ἀνακ.

Π. Ἡπίτης,  
ἀποσταλμένος τῶν  
Ἑλλήνων στρατηγῶν.