

World Constitutions Illustrated

Edited by
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Tunisia

**Organic Law or Political and Administrative
Code of the Tunisian Kingdom
26 April 1861**

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William S. Hein & Co., Inc.
Buffalo, New York
2014

This translation is based on the French text presented in
A. Sebaut. *Dictionnaire de la Législation Tunisienne*.
Dijon/Imp. F. Carré: 1888.

Cite as: Maria del Carmen Gress, trans., Organic Law or Political
and Administrative Code of the Tunisian Kingdom (Apr. 26, 1861)
(HeinOnline World Constitutions Illustrated library 2014)

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Organic Law or Political and Administrative Code of the Tunisian Kingdom

26 April 1861

First Chapter

Of the Princes of the Husainid Family

Article 1

Succession to power is hereditary among the princes of the Husainid family in order of age, according to the rules in use in the Kingdom. Solely in the case where the heir-apparent would find himself impeded, the prince who comes immediately after him will succeed him in all his rights.

Article 2

There will be two registers signed by the Prime Minister and by the President of the Supreme Council to write [*inscrire*] in them [y] the civil estate of the ruling family. These registers will be deposited: one in the archives of the Prime Minister, and the other one in those of the Supreme Council.

Article 3

The head [*chef*] of the State is at the same time the head of the ruling family. He has full authority over all the princes and princesses that compose it, in [a] manner that none of them may dispose of his person or of his assets without his consent. He has over them the authority of [a] father and he owes them the advantages of that [*en*].

Article 4

The Head of the State, in his quality of head of the ruling family, will regulate the duties and the obligations of its members in the manner that he will judge appropriate [*convenable*] to their high position, to their person and to their family. The members, on their side, owe him the obedience of son to father.

Article 5

The princes and princesses of the ruling family may not contract marriage without the consent of the head.

Article 6

If by virtue of a contravention to these provisions or for any other cause, a dispute [*différend*] arises among the members of the ruling family for personal reasons, this dispute will be judged by a commission that the head of the family will institute *ad hoc*, under his presidency or that of one of the principal members of the ruling family that he will designate to that effect. This commission will be composed of a member of the ruling family, of the ministers and of the members of the private council. It will be charged with making a report on the affair [*affaire*], and, if it establishes the existence of the dispute [*contravention*], it will write on the report: "It is undisputed [*constant*] that the prince... is at fault", and it will present it to the Head of the State, to whom, solely, belongs the right to punish the members of his family applying to them the penalty that he will judge appropriate.

Article 7

Any offense [*délit*] committed by a member of the ruling family against a person [*particulier*] will be judged by a commission that the Head of the State will

appoint *ad hoc*, under his presidency or that of the principal member of the family after himself that he will designate to this effect. This commission will be composed of the Ministers in active service and of the members of the private council; it will be charged with writing a report on the complaint and on the items presented as support [*pièces produites à l'appui*], in which it will emit its opinion [*avis*] and it will present it to the Head of the State who, solely, will decide [*prononcera*] on the penalty to be inflicted if the culpability of the prince is established.

Article 8

The crimes that could be committed by the members of the ruling family against the security of the State, meaning against persons [*particuliers*], will not be judged at all by the ordinary tribunals. A commission composed of the Ministers in active service, of the members of the private council and of the President of the Supreme Council, under the presidency of the Head of the State himself or of the principal member of the ruling family after him, who he will designate to this effect, will be charged with investigating [*instruire*] the affair and with deciding on the penalty that the guilty [person] would have merited according to the penal code. This commission will present the sentence, signed by the President and by all the members, to the Head of the State who will order the execution or will grant a commutation of the penalty.

Chapter II

Of the Rights and of the Duties of the Head of the State

Article 9

All princes, at their accession [*avènement*] to the throne, must take an oath invoking the name of God to do nothing that is contrary to the principles of the *Fundamental Pact* and to the laws that derivate [*découlent*] from it, and to defend the integrity of the Tunisian territory. This oath must be taken solemnly and aloud, in the presence of the members of the Supreme Council and of the members of the *medjlès* of the *châra*. It is solely after having fulfilled this formality that the prince will receive the homage of his subjects and that his orders must be executed.

The Head of the State who will voluntarily violate the political laws of the Kingdom will be deposed [*déchu*] of his rights.

Article 10

The Head of the State must have all the functionaries, civil and military, take an oath. The oath is conceived in these terms: “*I swear in the name of God to obey the laws that derive from the Fundamental Pact and to faithfully fulfill all my duties towards the Head of the State.*”

Article 11

The Head of the State is responsible for all his acts before the Supreme Council, if he contravenes the laws.

Article 12

The Head of the State will direct the political affairs of the Kingdom with the assistance [*concours*] of the Ministers and of the Supreme Council.

Article 13

The Head of the State commands the forces of land and of sea, declares war, signs the peace, [and] makes the treaties of alliance and of commerce.

Article 14

The Head of the State chooses and appoints his subjects to the high functions of the Kingdom and has the right to remove them from their functions when he judges it appropriate. In the case of misdemeanors [*délits*] or of crimes, the functionaries may only be dismissed in the manner prescribed in Article 63 of this code.

Article 15

The Head of the State has the right of pardon if that does not prejudice [*lèse*] at all the rights of a third party.

Article 16

The Head of the State will designate the rank that each employee in the hierarchy must occupy, and will make the regulations and decrees necessary for the execution of the laws.

Article 17

From the funds reserved to the Ministry of Finance for the gratuities, the Head of the State will grant [*allouera*] the sum that he will judge appropriate to any employee of the government, civil or military, who should have distinguished himself in his service and [who] should have been identified [*signalé*] to him by the Minister as having acquired the rights to that gratuity. Regarding the eminent services that should have had the effect of preventing a danger that menaced the fatherland [*patrie*] or of providing [*procureur*] it with a great advantage, the Head of the State will refer [the matter] to the cognizance of his Supreme Council in order to know if the author of the service merits or not a life [*viagère*] pension, and he will adopt the opinion given by that [*le dit*] council on the subject.

Article 18

The Head of the State may adopt, with the assistance of the competent Minister, the measures that he will judge opportune in the matters [*affaires*] not included in Article 63 of this code.

Chapter III

Of the Organization of the Ministries, of the Supreme Council and of the Tribunals

Article 19

The Ministers are, after the Head of the State, the first dignitaries of the Kingdom.

Article 20

The Ministers administer the affairs of their departments according to the orders of the Head of the State, and are responsible before him and before the Supreme Council.

Article 21

There will be a Supreme Council responsible [*chargé*] for safeguarding the rights of the Head of the State, of the subjects and of the State.

Article 22

There will be a police correctional tribunal to judge the contraventions of simple policing.

Article 23

There will be a civil and criminal tribunal to take cognizance of the matters [*affaires*] other than those which depend on the military councils and on the tribunals of commerce.

Article 24

There will be a tribunal of revision to take cognizance of the recourses made against the decisions [*jugements*] rendered by the civil and criminal tribunal and that of commerce.

Article 25

There will be a tribunal of commerce to take cognizance of commercial matters [*affaires*].

Article 26

There will be a council of war to take cognizance of military matters [*affaires*].

Article 27

The decisions that the tribunals instituted by this law will render must be substantiated [*motivés*] according to the Articles of the codes drawn up for their usage.

Article 28

The functions of the magistrates composing the civil and criminal tribunal and the tribunal of revision are irremovable. Those who will be appointed to these functions will only be removed for cause of established crime before a tribunal. At the beginning [*au premier temps*] of their entering into [their] functions, it will be done vis-à-vis them like it is in say Article 5 of the civil and criminal code.

Chapter IV

Of the Revenues of the Government

Article 29

From the revenues of the government, a sum of 1,200,000 piasters per year for the Head of the State will be deducted [*prélevé*].

Article 30

Equally[,] it will be deducted an annual sum of 66,000 piasters for each one of the married princes; of 6,000 piasters for each one of the non-married princes and still under the paternal authority; of 12,000 piasters for each one of the non-married princes and whose father is dead, until the time of their marriage; of 20,000 piasters for the widowed or married princesses; of 3,000 piasters for the non-married princesses, and whose father is alive; of 8,000 piasters for the non-married princesses after the death of their father and until the time of their marriage; of 12,000 piasters for each widow of [a] Head of State; [and] of 8,000 piasters for each widow of [a] deceased prince.

It will be granted, in addition, a one time paid sum of 15,000 piasters to each prince, and of 50,000 piasters to each one of the princesses at the time of their marriage for their wedding costs.

Article 31

The revenues of the State, after [the] deduction of the sums enunciated in Articles 29 and 30, will be applied, without exception, to the salary [*solde*] of the civil and military employees, to the needs of the State, to its security and to all that which is

in favor [*profite*] of the State, and will be allocated, to this effect, among the Ministers, as it is said in Article 63 of this code.

Chapter V

Of the Organization of the Service of the Ministers

Article 32

Laws sanctioned by the Head of the State and by the Supreme Council will regulate the nature of the functions of each Minister, his rights and his duties, the nature of his relations with the divers agents of the Tunisian government or with foreign governments, and the internal organization of each ministry.

Article 33

The service of the Minister is divided in three categories: the first includes the details of the service of his department, which the Minister is authorized to treat without a special permission of the Head of the State; the second includes the affairs [*affaires*] mentioned in the law, on which the Minister must give his opinion [*avis*], and of which [the] execution may not take place without the authorization of the Head of the State; the third includes the affairs of high importance indicated in Article 63 of this code, which must be submitted to the assessment [*appréciation*] of the Supreme Council, with the authorization of the Head of the State.

Article 34

The Ministers are responsible vis-à-vis the government in that which concerns the affairs that relate [*se rattachent*] to the previous Article, if there is contravention of the laws on their part. Regarding the matters [*affaires*] included in the other categories, the Ministers are only responsible for that which concerns their execution.

The Directors are responsible vis-à-vis the Minister for the execution of the orders that they receive from him [*en*], of the regulation of the service of the employees of the ministry, of the exactitude of the reports that they submit to the head of their department and of the execution of the orders consequently given by him; they are equally responsible for all the matters of their chiefs [*chef*] that they are authorized to deal with [*traiter*] without a special permission from the Minister, by virtue of the powers that are conferred on them according to the regulatory law of their service.

Article 35

The Minister will establish internal regulations in his department to facilitate the service, [and] put order in the archives and the registers, as he will judge appropriate. The employee who should contravene these regulations will fail in [*manquer*] his duties.

The cognizance [*connaissance*] of these regulations is reserved to the employees of the department, who are required to observe them. These regulations may be changed or modified, in all or in part, every time that the Minister will judge it necessary for the good of the service.

The Director is responsible for the execution of these regulations before the head of his department.

Article 36

All the functionaries of the divers departments are appointed by the Head of the State, on the proposal of the competent Minister. If the Minister judges it apropos to remove from his functions an ordinary [*quelconque*] employee of his

department, he will make the proposal to the Head of the State, who will sanction his demand.

Article 37

All the employees of the ministries, Directors and others, are responsible vis-à-vis the Minister for all that which concerns their service.

Article 38

The Minister will countersign the writings issued from the Head of the State that are related to his department.

Article 39

The matters that will appear to the Minister of some utility for the country, if they fall into the department of which he is in charge, will be brought by him to the cognizance of the Head of the State in a detailed report, exposing the motives and explaining the utility. The Head of the State will order the sending of this report to the Supreme Council.

Article 40

The complaints addressed to the Minister against [the] ordinary functionaries who are dependent of his department will be examined by him without delay [*retard*], in the manner that he will judge appropriate to arrive to the cognizance of the truth. In this case, the Minister, judging only the conduct of his subordinates, will not be obligated to follow the procedure in use before the ordinary tribunals for interrogations. When he will have declared the truthfulness of the act, he will comply [*faire droit*] with the plaintiff, if there are grounds, in a time that may not exceed one month. If after this delay, a compliance with the claim of the plaintiff has not been done, he may address his complaint in writing to the Supreme Council.

Article 41

In the case where a recourse concerning [*au sujet de*] a complaint addressed to the ministerial department is opened before the Head of the State, the Minister may not pronounce his decision on [it] before knowing that of the Head of the State.

Article 42

When it concerns the matters of [the] service, the complaints of the Governors against their persons administered to [*administrés*] and reciprocally, will be brought, as well as the items presented as support, before the competent Minister, to be examined and then brought to the cognizance of the Head of the State in his council.

Article 43

All the official reports between the Head of the State and the different ministries, councils and tribunals, as well as the orders issued from the Head of the State to theses different bodies, will take place in writing; because, the general rule [is], there is no evidence [*preuve*] except [for] the written item [*pièce*].

Chapter VI

Of the Composition of the Supreme Council

Article 44

The number of members of the Supreme Council may not exceed sixty.

A third of this number will be taken [from] among the ministers and the functionaries of the government of the civil and military order.

The other two-thirds will be taken [from] among the notable [persons] of the country.

The members of this council will have the title of Councilor of State.

This council will have secretaries in sufficient number.

Article 45

At the installation of this council, the Head of the State will choose its members with the participation [*concoeurs*] of his ministers.

Article 46

The councilors of State, with the exception of the Ministers, will be appointed for five years. At the expiration of this time, the council will be renewed by fifths every year, and, at the expiration of ten years, the oldest [*plus anciens*] among them will be renewed by fifths and so on [*ainsi de suite*].

Article 47

The Supreme Council will establish, with the participation of the Head of the State who will sign it, a list of forty notable [persons] among whom the substitutes of the members departed will be drawn by lot.

Article 48

When three-quarters of the notable [persons] brought on this list should have been appointed, the council, being complete, will proceed to the appointment of other members, until the complement of forty to replace the members departed, as it is said in the previous Article.

Article 49

The Head of the State, in his council of Ministers, will designate [from] among the functionaries of the government the members that must replace those among them who have departed.

Article 50

The members of this council will be irremovable for all the time specified in Article 46, unless [there is] a proven crime or misdemeanor before the council.

Article 51

The council will have the right of choosing the substitutes [from] among the members departed, either the notable [persons] of the city, or the functionaries of the outgoing [*démisionnaire*] government, under the condition[,] however[,] that they cannot be re-appointed before the expiration of five years, from the day of the departure.

Article 52

The Supreme Council may only deliberate when at least forty of its members are present.

Article 53

The vote of this council will take place by a majority of the voices. In case of [a] tie, the voice of the president will be preponderant.

Article 54

A committee will be detached from this council in charge of [*chargé*] the ordinary service, such as giving an opinion to the Head of the State or to the Ministers when they will ask for it, on the matters that do not require the approval of the Supreme Council; preparing the matters which must be submitted to the

deliberation of the Supreme Council, designating the days of [the] sitting [*séance*] of the council, etc.

The members of this committee will meet in the palace of the council.

Article 55

This committee will be composed of a president, of a vice president and of 15 members, of which [*dont*] a third will be taken [from] among the functionaries of the government.

Article 56

This committee will not be able to [*pourra*] emit opinions except when at least seven members, including the president or the vice president, are present.

Article 57

The president and the vice president of the Supreme Council will be chosen [from] among its most capable members and appointed by the Head of the State.

Article 58

The Head of the State will equally appoint two of the members of the Supreme Council to the functions of president and of vice president of the committee in charge of the ordinary service.

Article 59

The functions of member of the Supreme Council are gratuitous, [since] their services are for the fatherland.

Chapter VII

Of the Attributions of the Supreme Council

Article 60

The Supreme Council is the guardian of the fundamental pact and of the laws, and the defender of the rights of the inhabitants. It opposes itself to the promulgation of the laws that would be contrary to or that could infringe the principles of the law, the equality of the inhabitants before the law and the principles of irremovability of the magistrature, except in the case of removal for a crime committed and established before the tribunal.

It will take cognizance of the recourses against the decisions [*arrêts*] rendered by the tribunal of revision in criminal matters, and it will examine if the law was correctly [*bien*] applied. When it should have decided, there will be no place for any recourse.

Article 61

In the case of [a] recourse against a decision [*arrêt*] rendered by the tribunal of revision in criminal matters, the Supreme Council will choose [from] among [its members] [*son sein*] a commission composed of at least twelve members to examine if the law has been violated. When this commission should have declared that the procedure was observed and that the law was well applied, it will confirm the attacked decision [*arrêt*], and the party will not have any more means to enforce it [*faire valoir*]. If, on the contrary, the commission recognizes that the decision [*arrêt*] was not rendered in accordance with the law or the procedure, it will return the matter before the tribunal of revision identifying to it [*en lui signalant*] the defaults of the decision [*arrêt*].

If, after this return, the tribunal of revision renders a decision accordingly to the first one, the Supreme Council will definitively mediate [*videra*] the conflict by

pronouncing on it, by a majority of voices, with the participation of all its not legally impeded members.

Article 62

The Supreme Council may make bills of law of great interest for the country or for the government. If the proposal is adopted by the Head of the State in his council of ministers, it will be promulgated and it will become part of the laws of the Kingdom.

Article 63

The affairs that may only be decided after having been proposed to the Supreme Council, discussed from within [*dans son sein*], examined [to see] if they are in agreement with the laws, advantageous for the country and the inhabitants, and approved by the majority of its members, are: the promulgation of a new law; the increase or the decrease in tax [matters]; the abrogation of a law by another more useful; the increase or the decrease in salary [matters]; the payment [*règlement*] of all expenses; the increase of the forces of land and of sea and of the war materiel; the introduction of a new industry and of any new thing [*chose*].

The removal of a functionary of the State who should have merited this penalty for a crime committed and judged; the solution to the disputes that could arise among the employees for service, and of the questions non-specified in the code; the explanation of the text of the code; the application of their provisions in case of dispute; and the sending of troops for an expedition in the Kingdom.

Article 64

The Supreme Council will have the right of control over the accounts of the expenses made in the year elapsed, presented by each ministry, in order to verify if they were made in accordance with the laws. It will study the requests for funds made for the following year, it will compare them to the revenues of the State during that same year, and it will establish the sum allocated to each ministry so each department may only expend the sum that will be allocated to it, and expend it only within the objects that will be indicated to it. The details of these services must be discussed within the Supreme Council and approved by the majority of its members.

Article 65

Special decrees rendered by the Head of the State, based on [*sur*] [the] opinion of the Supreme Council, may authorize transfers [*virements*] from one chapter of the budget to another during the course of the year.

Article 66

The complaints for the contraventions to the laws committed by, either the Head of the State, or by any other individual, will be addressed to the committee in charge of the ordinary service. This [*le dit*] committee must convoke the Supreme Council within three days, in time of vacation, and it will bring that [*la dite*] complaint to its cognizance. If the council is in service, the complaint will be immediately brought to its cognizance to be discussed.

Article 67

The palace of the government in the capital (Tunis) will be the place of meeting of this council.

Article 68

This council must meet the Thursday of each week, from nine to eleven hours of the morning, and may equally be able to [pourra] meet during the other days of the week according to the requirements of the service.

Article 69

The palace of the Supreme Council is at the same time the depositary of the original of the laws. So, every law approved by the Head of the State will be sent to this council to be registered and conserved in the archives, after a copy will have been given to the Minister in charge of the execution.

Chapter VIII

Of the Guarantee of the Functionaries

Article 70

The complaints against the Ministers, for acts related to their functions or for a contravention of the laws, will be brought before the Supreme Council, with the evidence to support it, to be examined. If the committed acts carry the removal, the suspension or the payment of a fine established by the code, the penalty will be decided [prononcée] by this council; if, on the contrary, the guilty [person] merits a graver penalty, the affair will be sent before the criminal tribunal.

Article 71

The complaints against the agents of the government other than the Ministers, for acts related to their functions, will be brought before the Minister on whom they [are] dependent, and from there to the Supreme Council to be judged according to the provisions of the code.

If the acts imputed to the agent are of those which carry a grave penalty, such as exile, detention, forced labor [travaux forcés] or the capital penalty, the matter [affaire] will be sent before the criminal tribunal.

Article 72

The cognizance of the crimes or misdemeanors against private persons, committed by ministers, by members of the Supreme Council or by any other functionary of the government, is attributed [dévolue] to the criminal tribunal, under the condition[,] however[,] that it will not be able to prosecute the guilty [person] without the authorization of the Supreme Council. Nevertheless, in the case of flagrant delicto, the tribunal may arrest the guilty [person] and ask the Supreme Council for the authorization to prosecute him.

Article 73

The complaints addressed against a Minister or any other agent of the government for debts or other civil matters will be judged by the civil tribunal without the authorization of the Supreme Council.

Chapter IX

Of the Budget

Article 74

The Ministry of Finance will submit each year to the Prime Minister a detailed account of the revenues and of the expenses of the State during the year elapsed, with an overview [aperçu] of the revenues and of the expenses of the State for the next year.

Article 75

Each Minister must submit to the Prime Minister an account of expenses of the fiscal year elapsed concerning the credits allocated to them and indicate the amount of expenses of the fiscal year to come. Also, [on] the first of *Moharrem* 1277, each Minister must present the account of the year 1276 and indicate the credits necessary for the expenses of the year 1278.

Article 76

The Prime Minister will present to the Supreme Council the accounts and the items [*pièces*] that support them that should have been presented to him by the other ministries, [and] he will accompany them with the necessary explanations as it is said in Article 64.

Chapter X

Of the Ranking [*Classement*] of the Functions

Article 77

The civil functions are divided into six classes similar to the military ranks. The first class corresponds to the rank of Division General [*général de division*] and the sixth to that of chief of battalion.

A special law will designate the class to which each one of these functions belongs.

Chapter XI

Of the Rights and of the Duties of the Functionaries

Article 78

Any Tunisian subject who has not been condemned to an infamous penalty will be able to attain [*arriver*] all the employments of the country, if he is capable of it [*en*], and to participate in all the advantages offered by the government to its subjects.

Article 79

Any foreigner who will accept service in the Tunisian government will be submitted to its jurisdiction during all the duration of his functions. He will be directly responsible before the Tunisian government for all the acts that concern his functions, even after his departure [*démission*].

Article 80

Any civil or military functionary who should have served the State for [*pendant*] thirty years will have the right to demand his retirement which will be granted to him according to a special law that will be elaborated on the subject.

Article 81

No functionary, regardless of [*quel que soit*] his rank, may be dismissed [*destitué*] except for an act or discourses contrary to the fidelity demanded in the position that he occupies. His offense [*délit*] must be declared before the Supreme Council. If it is proven, on the contrary, before that [*ledit*] council, that the employee was wrongly accused, he will continue to occupy his position, and the accuser will be condemned to the penalty brought in Article 270 of the penal code.

Article 82

The afflictive and infamous penalties declared by the civil and military tribunal carry with them that of the dismissal.

Article 83

Any employee who wants to give his resignation [*démission*] must do so in writing. In no case may this resignation be refused to him.

Article 84

Any employee of the government who should have been condemned by the tribunal to change residency, to prison for debts, or to pay a fine [*amende*] for an offense that he should have committed, will not[, for that,] be erased [*rayé*] from the cadre of employees.

Article 85

All the employees of the government, military as well as civil, are responsible for all that which may occur [*arriver*] in the services of which they are in charge, such as treason, racketeering, contravention of the laws, or disobedience to a written order of their chiefs.

Chapter XII

**Of the Rights and of the Duties of the Subjects
of the Tunisian Kingdom**

Article 86

All the subjects of the Tunisian Kingdom, to whatever [*quelque*] religion they belong, have [the] right to a complete security regarding their persons, their assets and their honor, as it is said in Article 1 of the *Fundamental Pact*.

Article 87

All our subjects, without exception, have [the] right to see to the maintenance of the *Fundamental Pact* and to the execution of the laws, codes and regulations promulgated by the Head of the State in accordance with the *Fundamental Pact*. To this effect, they may all take cognizance of the laws, codes and regulations mentioned above, and denounce to the Supreme Council by way [*voie*] of petition all the infractions of which they will have cognizance, even when these infractions would only prejudice the interests of a third [party].

Article 88

All the subjects of the Kingdom, to whatever religion they belong, are equal before the law, whose provisions are applicable without distinction [*indistinctivement*] to all, without regard of their rank, or of their position.

Article 89

All the subjects of the Kingdom will have free disposition of their assets and of their persons. None of them may be forced to do something against their will, other than [*si ce n'est*] the military service whose benefits [*prestations*] are regulated by the law. No one may be expropriated except for cause of public utility, subject [*moyennant*] to an indemnification.

Article 90

The crimes, misdemeanors and contraventions that our subjects may commit, to whatever religion they belong, may only be judged by the constituted tribunals, as it is prescribed in this code, and the sentence will only be decided according to the provisions of the code.

Article 91

Any Tunisian born in the Kingdom, when he will have attained eighteen years of age, must serve his country during the time established by the military service. He who will remove himself from it [y] will be condemned to the penalty enunciated in that [*le dit*] code.

Article 92

Any Tunisian who should have expatriated himself, for whatever motive that may be, whatever was [*quelle qu'aît été*], besides [*du reste*], the duration of his absence, either he naturalized himself abroad or not, will again become [a] Tunisian subject when he will return to the Kingdom of Tunis.

Article 93

Any Tunisian possessing immovable assets in Tunisia, who should have expatriated himself will have the right to rent or sell his properties and to receive [*toucher*] the amount of the sale or of the rents, even without authorization of the government, under the condition[,] however[,] that the sale will take place in the Kingdom and in accordance with its laws. If he is prosecuted for debts, the sums that he would have been judicially condemned to pay, will be deducted from the amount of the sale or of the rents.

Article 94

The non-Muslim Tunisians who will change religion will continue to be Tunisian subjects and submitted to the jurisdiction of the country.

Article 95

Any Tunisian subject, without distinction of religion, who is [the] proprietor of immovable assets in the Kingdom, will be required to pay the rights already established or those that will be [established] in the future, according to the laws and regulations governing the matter.

Article 96

All those of our subjects who posses an ordinary [*quelconque*] immovable asset either as sharecropper [*colon partiaire*], or by perpetual rent, or by right of enjoyment, may only cede their rights of property by sale, donation or in any other manner to those who have the right to posses [*properties*] in the Kingdom. Cession to others will not be valid.

Article 97

All our subjects, to whatever religion they belong, have the right to exercise such [*telle*] industry as they will want and to employ to this effect such engines and such machines that they will judge necessary, even when that could present [*avoir*] inconveniences for those who would want to continue to use [*se servir*] the old processes.

No factory may be installed in the capital, in another city or in the environs, without the authorization of the head of the municipality, who will see to it that that factory is placed in [a] manner so as not to cause any injury [*dommage*] to the public or to persons [*particuliers*].

Machines coming from abroad will be submitted to the rights of customs.

Those of our subjects who exercise an ordinary [*quelconque*] industry must submit themselves to the rights established or that will be established in the future.

Article 98

All our subjects, to whatever religion they belong, are free to dedicate themselves [*se livrer*] to the commerce of import and export, conforming themselves to the laws and regulations already established or that will be established in the future regarding [*relativement*] the rights of entry and exit on the products of the soil and those manufactured.

Article 99

All our subjects must respect the interdictions that emanate from our government, when the interest of the country will so demand, concerning the entry and the exit of certain products, such as arms, powder and other ammunitions of war, salt and tobacco.

Article 100

It will be facultative to all our subjects, to whatever [*quelque*] religion they belong, to themselves load [*embarquer*] the products that they will export, wheat, oils, etc. without being obligated to use [*se servir*] the means of transportation of such or such farmer; but they will be required to weigh or measure their products by the weighers and measurers of the government who will deduct the established right.

Article 101

The ships [*navires*] that will enter into our ports to make operations of commerce will pay the port rights, of embarking and of disembarking, that will be established by a special law in a uniform manner for all the ports of the Kingdom.

Article 102

To facilitate the development of commerce and to arrive at this goal, it is necessary to adopt a system of weights and measures for all the provinces of the Kingdom. A special law that will become [a] part of this code will be elaborated to this effect.

Article 103

All the ordinary [*quelconques*] rights and royalties will no longer be leased [*afferchés*], but they will be received [*perçus*] by employees of the government whose administration [*gestion*] will be regulated by a special law that will be elaborated later and will become [a] part of this code.

Article 104

The government will no longer deduct any right in kind [*en nature*], with the exception of the tithes on grains and olives.

Chapter XIII

Of the Rights and Duties of the Foreign Subjects Established in the Kingdom of Tunis

Article 105

A complete freedom is assured to all the foreigners established in the Tunisian States regarding the exercise of their beliefs [*cultes*].

Article 106

None of them will be maltreated [*molesté*] concerning their beliefs [*croyances*], and they will be free to persevere with or to change them as they wish [*à leur gré*].

Their change of religion will not be able [*pourra*] to change, either their nationality, or the jurisdiction in which they fall.

Article 107

They will enjoy the same personal security guaranteed to Tunisian subjects by Chapter II of the *Explications of the bases of the Fundamental Pact*.

Article 108

They will not be submitted, either to conscription, or to any military service, or to any duty [*corvée*] within the Kingdom.

Article 109

As it was promised to Tunisian subjects, it is guaranteed to foreigners established in the Kingdom a complete security for their assets of any nature and for their honor, as it is said in Chapters III and IV of the *Explications of the bases of the Fundamental Pact*.

Article 110

To foreigners subjects established in the Kingdom the same faculties granted to the Tunisian subjects are granted, in relation to the industries to exercise and the machines to introduce into the Kingdom, and they will be submitted to the same charges and conditions.

Article 111

Those [*les dits*] foreign subjects will not be able to [*pourrons*] establish factories destined to the exercise of those industries except in the places where they have the right to posses [properties] and in the location [*emplacement*] that will be designated by the municipality, as it is said in Article 97.

Article 112

The foreigner subjects established in the Tunisian States will be able to dedicate themselves [*se livrer*] to the commerce of import and export equally as Tunisian subjects, and they must submit themselves to the same charges and restrictions as those to which those [*les dits*] Tunisian subjects are submitted.

Article 113

Article 11 of the *Fundamental Pact* had granted to the foreign subjects the faculty of possessing immovable assets under [the] conditions to be established; but, although everything that results from that [*le dit*] *Fundamental Pact* is obligatory, nevertheless, considering the status [*état*] of the interior of the country, it has been recognized [as] impossible to authorize the foreign subjects to posses [properties] there [y], for fear of the consequences. In addition [*Aussi*], a special law will designate the localities of the capital and its surroundings, and of the cities of the coast and their surroundings where the foreigners will be able to posses [property].

It is understood that the foreign subjects who will posses immovable assets in the designated localities will be submitted to the laws established or to be established later [*par la suite*], equally as Tunisian subjects.

Article 114

The creatures of God must be equal before the law, without distinction, either by cause of their origin, of their religion or of their rank, [so] the foreign subjects established in our States, and that are called to enjoy the same rights and advantages than our own subjects, must be submitted, like them, to the jurisdiction of the divers tribunals that we have instituted to this effect.

The greatest guarantees are given to all, either by the choice of the judges, or by the precision of the codes according to which the magistrates must judge, or by the divers degrees of the jurisdiction, and yet [*portant*], in order to give a greater

security, we have established in the civil and criminal code that the Consuls or their delegates will be present before all our tribunals in the causes or processes of their persons administered to [*administrés*].
