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CONSTITUTIONS

of

NATIONS

SECOND EDITION

The first compilation in the English language of the texts of the constitutions of the various nations of the world, together with summaries, annotations, bibliographies, and comparative tables

VOLUME III

NICARAGUA to YUGOSLAVIA

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In three Volumes

VOLUME III

NICARAGUA to YUGOSLAVIA

TO

THE ONCOMING GENERATIONS

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NICARAGUA

SUMMARY

International Status

Nicaragua is a member of the United Nations. It signed the Charter in San Francisco on June 26, 1945, and deposited its ratification on September 6, 1945.

It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause. It is subject to the compulsory jurisdiction of the new International Court of Justice under its Article 36.[1] It is a member of the Organization of the American States and other international organizations.[2]

[1] See Yearbook of the Court, 1951–52, pp. 35-43, 193.
[2] See Table 1.

By its constitution Nicaragua "proscribes war of aggression and intervention in the affairs of other States. It accepts the principles of the Atlantic Charter, the American Declaration of the Rights and Duties of Man, and the principles of the International American Charter of Social Guarantees, approved by the Ninth International Conference of American States at Bogotá. It recognizes the right of self-determination of peoples, and arbitration as a method of settling international conflicts and the other principles that constitute American International Law for the Organization of Peace." [1] Treaties are authorized which "tend toward union with one or several republics of Central America, or that have for their object the construction, improvement, operation and defense of an interoceanic canal through the national territory." Agreements which permit the temporary use by an American power of part of the national territory exclusively for the continental defense are also envisaged.[2]

After achieving independence from Spain, Nicaragua was a part of the Central American Federation from which it proclaimed its independence in April, 1838. From 1855 to 1857 there was a violent civil war. The election to the presidency of Walker in 1856 provoked the intervention of Costa Rica and Guatemala. Revolutions and military dictatorships continued intermittently. The United States landed marines there in 1913 and administered temporarily the government of the country. American troops were withdrawn in 1931.

Form of National Government

Nicaragua has a written constitution adopted November 1, 1950. This provides for a "unitary, free, sovereign and independent state" with a "republican and democratic-representative" government.[3]

Source of Sovereign Power

"The people are the source of all political power." [4]

Rights of the People

The Constitution guarantees equality before the law,[5] individual liberty,[6] due process of law,[7] trial by jury in criminal cases,[8] protection against compulsory self-incrimination,[9] inviolability of the home,[10] freedom of movement and choice of residence within the national territory,[11] prohibition of inclusion in black lists,[12] inviolability of property,[13] without prejudice to the right of the State to confiscate enemy property,[14] freedom of contract, commerce and industry,[15] the right of association,[16] freedom of

[1] Const., of 1950, Art. 9.
[2] Id., Art. 6.
[3] Id., Arts. 1, 10.
[4] Id., Art. 2.
[5] Id., Art. 36.
[6] Id., Art. 38.
[7] Id., Art. 39.
[8] Id., Art. 44.
[9] Id., Art. 52.
[10] Id., Art. 58.
[11] Id., Art. 59.
[12] Id., Art. 62.
[13] Id., Art. 63.
[14] Id., Art. 72.
[15] Id., Art. 85.
[16] Id., Art. 91.

work,[1] the right to free primary education,[2] academic freedom,[3] liberty of conscience and religion,[4] freedom of speech and the press,[5] the right of assembly,[6] the right of petition,[7] and inviolability of communications and private documents.[8] "Marriage, the family, and motherhood are under the protection and defense of the State";[9] and laborers and employees are accorded special guarantees which include obligatory weekly rest, maximum working day and minimum wage, accident insurance, medical assistance, and the right to one month's notice with two hours a day to look for work when employment is for an indefinite time and the laborer or employee has not given legal cause for discharge.[10]

The formation and activities of international political parties are forbidden, and members of them are barred from public office.[11]

Legislative Department

Legislative power is exercised by a bicameral Congress composed of the Senate and Chamber of Deputies.[12] The Chamber of Deputies is composed of 42 members, directly elected on a system of proportional representation whereby 28 represent the majority and 14 the minority, for a term of six years.[13] The Senate consists of 16 members, 12 representing the majority and four the minority, also directly elected and for a term of six years, except for ex-presidents of the Republic who have a life tenure.[14]

Executive Department

Executive power is exercised by the President who is elected by direct popular vote for a term of six years and who may not be re-elected for the following term.[15] Provision is made for Ministers of State appointed by the President who have the right to speak in the Chambers and must attend when called upon for information.[16]

Judicial Department

A Supreme Court of Justice is provided for, made up of five magistrates and two alternates[17] elected by Congress for a term of six years.[18]. The Supreme Court may decide upon the constitutionality of laws.[19]

Area, Population, Language

Nicaragua has an area of 57,145 square miles and a population (1950 census) of 1,057,023. The language is Spanish.

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[1] Const. of 1950, Art. 92. [2] Id., Art. 100. [3] Id., Art. 106.
[4] Id., Art. 110. [5] Id., Art. 113. [6] Id., Art. 115.
[7] Id., Art. 117. [8] Id., Art. 124. [9] Id., Art. 76.
[10] Id., Art. 95. [11] Id., Art. 116. [12] Id., Art. 127.
[13] Id., Arts. 127, 152. [14] Id., Arts. 127, 155. [15] Id., Arts. 180, 181, 186.
[16] Id., Arts. 195, 198, 203, 204. [17] Id., Art. 214.
[18] Id., Arts. 160, 223. [19] Id., Art. 229.

CONSTITUTION OF THE REPUBLIC OF NICARAGUA[1]

November 1, 1950

Under the protection of God,
We, the Representatives of the People of Nicaragua
Meeting in Constituent Assembly
Decree and Sanction the following

POLITICAL CONSTITUTION

PRELIMINARY TITLE

Section I

The State

Art. 1. Nicaragua is a unitary, free, sovereign and independent State.

Art. 2. The people are the source of all political power, and they exercise this power through the Government of the State.

Art. 3. No person or meeting of persons can assume the representation of the people or their rights, or make petitions in their name. Violation constitutes a crime.

Art. 4. The basis of the national territory is the *uti possidetis juris* of 1821.

Art. 5. The national territory extends from the Atlantic to the Pacific Ocean and from the Republic of Honduras to the Republic of Costa Rica. It includes, in addition: the adjacent islands, the subsoil, the territorial waters, the continental shelf, the submerged lands, the air space and the stratosphere.

Boundaries that are not yet determined shall be fixed by treaty and law.

Art. 6. Sovereignty and the territory are indivisible and inalienable. Nevertheless, treaties may be concluded that tend toward union with one or several republics of Central America, or that have for their object the construction, improvement, operation and defense of an interoceanic canal through the national territory.

Agreements may also be entered into that permit an American power to use temporarily a part of the national territory, exclusively for continental defense. In any case, such use is restricted to the time absolutely necessary.

Art. 7. Spanish is the official language of the State.

Art. 8. The State has no official religion.

Art. 9. Nicaragua proscribes war of aggression and intervention in the affairs of other States. It accepts the principles of the Atlantic Charter, the American Declaration of the Rights and Duties of Man, and

[1] Source: Pan American Union Law and Treaty Series, 1954.

the principles of the Inter-American Charter of Social Guarantees, approved by the Ninth International Conference of American States at Bogotá. It recognizes the right of self-determination of peoples, arbitration as a method of solving international conflicts, and the other principles that constitute American International Law for the Organization of Peace.

Section 2

The Government

Art. 10. The Government of the State is republican and democratic-representative.

Art. 11. The branches of the Government are the Legislative Power, the Executive Power, and the Judicial Power.

Art. 12. In the organization of the Powers of the State, the principle of minority representation is established.

Art. 13. The branches of the Government collaborate harmoniously in the realization of the aims of the State. In the exercise of their particular functions, they are limited and independent.

Art. 14. The branches of the Government and public officials do not have, even under the pretext of extraordinary circumstances, greater authority or power than is expressly granted to them by law. Every act to the contrary is void.

Art. 15. For purposes of political organization the territory is divided into Departments, and these into Municipalities. There is also a National District.

Art. 16. The city of Managua is the capital of the Republic.

TITLE I

NATIONALITY

Art. 17. Nicaraguans are either native or naturalized.

Art. 18. Natives are:

(1) Those born in the territory of Nicaragua. Children of aliens in the service of their Government are excepted;

(2) Children of a Nicaraguan father or mother, born abroad, when they have Nicaraguan nationality by the law of the place of birth, or having the right to choose they elect to be Nicaraguan; or from the time they reside in Nicaragua. Such persons are Nicaraguan even for the purposes for which the Constitution or the laws require birth in national territory.

(3) Infants of unknown parentage found in Nicaragua;

(4) Natives of the other Republics of Central America, resident in Nicaragua, who personally declare to a competent authority their desire to be Nicaraguans, provided reciprocity exists in their country of origin and to the extent of such reciprocity.

Art. 19. Naturalized citizens are:

(1) Natives of Spain or of countries of America who reside more than two years in Nicaragua and who renounce their nationality. These conditions may be modified on the basis of reciprocity.

(2) Other aliens married to Nicaraguans who having five years' residence in the country obtain a certificate of naturalization, renouncing

their nationality; and those with ten years' residence who make such renunciation.

(3) An alien woman who marries a Nicaraguan if she resides in Nicaragua and states her desire to acquire Nicaraguan nationality;

(4) Immigrants who are a part of selected groups brought by the Government for agricultural or industrial purposes, after one year of residence. The law shall regulate this provision.

Art. 20. Neither marriage nor its dissolution shall affect the nationality of the spouses or of their children.

Art. 21. Nicaraguan nationality is lost:

(1) By voluntary naturalization in a foreign country outside of Central America. A native Nicaraguan who loses it in this way shall recover his status of Nicaraguan if at any time he returns to Nicaragua;

(2) By cancellation of the certificate of naturalization;

(3) By the voluntary absence of a naturalized Nicaraguan for more than five consecutive years, unless he shows that he has remained bound to the country;

Naturalized citizens lose their Nicaraguan nationality, and cannot recover it, when they propagate political doctrines that deny the concept of *Patria*, affect national sovereignty or tend to destroy the republican form of the Government.

Art. 22. The law shall regulate matters pertaining to naturalization and to the manner of acquiring, losing and recovering it.

Art. 23. Nicaraguans are bound to obey the laws, to defend the *Patria*, to contribute to its spiritual, moral and material support and aggrandizement, to render military service and by every other provision of law. They cannot seek to be indemnified by the State for injuries to their person or property caused by acts that were not performed by legitimate officials in the exercise of their functions.

TITLE II

ALIENS

Art. 24. Aliens enjoy in Nicaragua all the civil rights and guarantees that are granted to Nicaraguans, with the restrictions established by law.

They are bound to obey the laws, to respect the authorties, and to pay all the ordinary and extraordinary taxes to which Nicaraguans are subject.

Art. 25. Aliens are prohibited from intervening, directly or indirectly, in the political activities of the country. For violating this provision, without prejudice to any liability there may be, they may be expelled without trial by the President of the Republic in Council of Ministers, unless the alien has a Nicaraguan spouse or legitimate or illegitimate children of a Nicaraguan mother, recognized prior to the act whose punishment is being considered.

Art. 26. Aliens may not make claims or demand indemnification of any kind from the State except in the cases and in the manner in which Nicaraguans may do so.

Art. 27. The rules and conditions for the expulsion of aliens from national territory shall be determined by law.

Art. 28. Aliens may not resort to diplomatic channels except in case

of denial of justice. The fact that a decision is unfavorable to the claimant is not to be understood as a denial of justice. Those who violate this provision shall lose the right to reside in the country.

Art. 29. Aliens may hold public office in the branches of Social Welfare and Artistic Planning (Asistencia Social y Ornato), or in those that require special technical knowledge, provided such offices do not involve authority or jurisdiction.

Art. 30. Aliens may not be extradited for political crimes or for common crimes related thereto. The characteristics of each type are determined by law and treaties.

TITLE III

CITIZENSHIP

Art. 31. The following are citizens: Nicaraguans of either sex over twenty-one years of age; those over eighteen who know how to read and write and are married; and those under eighteen who have an academic degree.

Art. 32. The following are rights of the citizen: to take public office, to assemble, to associate and make petitions, all in accordance with the law.

Women may be elected or appointed to public office, save in those cases expressly excepted by the Constitution.

Art. 33. The following are obligations of the citizen:

(1) To register in the Electoral Registers;
(2) To vote in popular elections. Women shall exercise active suffrage in accordance with a law to be enacted on the subject, with the vote of two thirds of the total membership of each Chamber.
(3) To perform council offices, unless lawfully excused.

These obligations and the penalties for their violation shall be determined by law.

Art. 34. The rights of citizenship shall be suspended:

(1) For mental incapacity;,
(2) For arrest or indictment for a serious crime:
(3) For sentence for a serious crime[1]
(4) For being a fraudulent debtor;
(5) For habitual vagrancy or drunkenness;
(6) For performing in Nicaragua, without due permission, employment of a foreign nation;
(7) For committing violence, coercion, corruption or fraud in elections, or for advocating or openly approving abstention from voting;
(8) For ingratitude to parents or unjustified abandonment of legitimate or illegitimate recognized minor children;
(9) For giving aid against Nicaragua to another country or to an alien in any diplomatic claim, or before an international tribunal;
(10) In other cases in which the suspension is imposed by law.

---

[1] That is, a crime punishable by *pena corporal grave*. *Penas graves* are the following: death, imprisonment (reclusion, prisión, presidio), expatriation, total or partial deprivation of civil and political rights (inhabilitación absoluta o especial), and exile (relegación) Criminal Code of Nicaragua, Art. 46.

For suspension based on ground Nos. 1, 4, 5, 7, 8 and 10, a final judicial decision shall be required.

Except for those who advocate or openly approve abstention from voting, in all the cases of this article the right of a citizen to vote is also suspended.

The manner of recovering the exercise of citizenship shall be established by law.

Art. 35. The popular vote is personal and undelegable, equal and direct

TITLE IV

RIGHTS AND GUARANTEES

Art. 36. All Nicaraguans are equal before the law. In Nicaragua privilege by reason of birth, social condition or race, or for any other reason than capacity or virtue, is not recognized.

Art. 37. The death penalty shall be applied only for the crime of high treason committed during a foreign war, for serious crimes of a purely military character and for atrocious crimes of murder, parricide, arson or robbery followed by death, and accompanied by the serious circumstances determined by law.

Art. 38. The State guarantees individual liberty. It may not be restricted except in conformity with the laws.

Art. 39. No one may be detained except upon the written order of a competent official. In case of *flagrante delicto*, the perpetrator may be arrested even by a private individual for delivery to the authority having the power to arrest.

Any order of detention that does not emanate from a competent authority or that is issued without the legal formalities, is punishable.

Art. 40. Every detained person shall be set free or delivered to the competent judge within twenty-four hours after his detention, not counting the time needed for travel.

Art. 41. Any person who is detained or threatened with detention, or any other inhabitant of the Republic in his behalf, may petition a competent court, orally or in writing, to issue a writ of habeas corpus.

Art. 42. Actions or omissions shall be punished only when they are declared punishable prior to their commission.

Art. 43. Trial shall be public. The defendant, either personally or by attorney, shall have the right to intervene even in the summary proceedings (sumario) [preliminary investigation preparatory to trial].

Art. 44. Trial by jury is established for criminal cases involving more than correctional punishment.

Art. 45. Any detention for investigation shall be either revoked or converted into imprisonment within ten days after the person detained has been placed at the disposal of the competent judicial authority, not counting the time needed for travel.

Art. 46. No warrant of arrest shall issue except upon clear proof of the commission of a crime and upon at least a serious presumption of the identity of the perpetrator.

Art. 47. Any restriction of personal liberty for purely civil obligations is prohibited, except for compulsion provided by law.

Art. 48. No one may be removed from his lawful judge, or taken to an exceptional jurisdiction, except as provided by a prior law.

Art. 49. No one may be deprived of the right of defense.

Art. 50. Punishment does not extend beyond the person guilty.

Art. 51. Prisons are establishments for security, social defense, deterrence of crime, reeducation of the convict and of training for work.

Every act of cruelty or torture against persons detained, under trial or being punished is prohibited. The violation of this guarantee constitutes a crime.

Art. 52. No one may be forced to testify against himself in a criminal, correctional or police matter, or against his spouse or relatives within the fourth degree of consanguinity or second of affinity.

Art. 53. The State may not deliver up its nationals; but if extradition is requested they shall be tried for the common crime committed.

Art. 54. The territory of Nicaragua shall be an asylum for every person persecuted for political reasons. If it is legally imperative to decree his expulsion, he may never be sent to the country where he is persecuted.

Art. 55. There are no exceptional courts (No hay fuero atractivo).

Art. 56. It is prohibited to enact laws of banishment, or that establish infamous punishment or punishment of more than thirty years' duration.

Art. 57. In the event that a constitutional precept is violated to the detriment of any person, the order of a superior does not exempt from liability the agent who carries it out. Those in active military service are excepted from this provision, and with respect to them liability falls upon the superior who gave the order.

Art. 58. The State guarantees the inviolability of the home. A person's dwelling may be entered only by authorized officials, in the following cases:

(1) In the actual pursuit of an offender;
(2) To remove a criminal surprised in *flagrante delicto*;
(3) Upon request made from within the dwelling, because of a crime being committed therein, or because of scandalous disorder requiring prompt action;
(4) In case of fire, earthquake, flood, epidemic or analogous disaster;
(5) For any statistical visit or inspection or for sanitary or hygienic work;
(6) To liberate a person being unlawfully held (secuestrada);
(7) To obtain objects sought under writ when there is at least prima facie proof of the existence of said objects in the house to be entered;
(8) To enforce a decision, mandate or order legally issued;
(9) To apprehend a criminal for whose detention or arrest a warrant has been issued, when there is at least prima facie proof that he is concealed in the house to be entered.

In the last four cases entry may not be made except pursuant to a written order stating the grounds therefor, issued by a competent authority; and the consent of the head of the house shall be necessary if it is to be carried out between 7 p.m. and 6 a.m.

Art. 59. Every person may circulate freely throughout the national territory and choose his residence and domicile therein without being compelled to change it, except by virtue of a final sentence or in those cases of infectious and contagious diseases that because of their extreme

gravity, defined and regulated by law, require the isolation of the patient to prevent contagion.

Art. 60. The right to emigrate and immigrate is recognized, with the limitations established by law.

Art. 61. No person is obliged to do what the law does not order, or prevented from doing what it does not prohibit.

Art. 62. No international agreements may be concluded providing for the application to Nicaraguans of repressive laws such as the so-called black lists or proclaimed lists, issued in time of war by foreign countries.

Neither may such laws affecting Nicaraguans be enacted in Nicaragua.

Art. 63. Property is inviolable. No one may be deprived of his property except by judicial judgment, a general tax, or for public use or social interest according to law and upon prior payment in cash of just compensation. In the event of national war, of internal disturbance, or public calamity, the competent authorities may use private property to the extent required by the public good, leaving intact the right to subsequent compensation.

Art. 64. The State guarantees and protects intellectual property, the rights of authors, inventors, and artists. The law shall regulate their exercise and duration.

Art. 65. Property, by virtue of its social function, imposes obligations. The law shall determine their amount, nature, and extent.

Art. 66. The right of property, as far as its exercise is concerned, is subject to the limitations imposed by the maintenance and progress of the social order. The law may impose obligations or easements of public use and may regulate questions of rent.

Art. 67. Property, regardless of who may be its owner, is governed exclusively by the laws of the Republic, and is subject to public charges, in accordance with the Constitution and the laws.

Art. 68. For reasons of public or social interest, the law may establish restrictions or prohibitions on the acquisition and transfer of certain kinds of property because of its nature, condition, or location in the territory.

Art. 69. To guarantee the security and health of workers, the State may supervise industrial and mining enterprises.

Art. 70. For purposes of general interest, the State may take part in the development and management of public-service enterprises, and may even nationalize them, in the latter case paying prior compensation.

Art. 71. The State shall encourage the proper division of uncultivated large landholdings (latifundios), and will favor the preservation and spread of medium and small rural holdings.

Art. 72. There is no confiscation of property, except against enemy nationals. When the latter have a Nicaraguan spouse or children, at least fifty percent of the property confiscated shall be applied to the benefit of the spouse and children.

The proceeds from the property confiscated or the remaining amount, as the case may be, shall be applied in the first place to compensate for confiscations and other damages suffered by Nicaraguans at the hands of the enemy country.

The right to reclaim property that has been illegally confiscated is imprescriptible.

Art. 73. In no case shall property be attached or taken over for reasons or crimes of a political character, except against enemy nationals; but when the latter have a Nicaraguan spouse or children, fifty percent of the income of the property attached or taken over shall be applied to the benefit of the spouse and children.

In the cases contemplated by this and the previous article, offending officials shall be liable at all times, with their person and property, for the resulting damage.

Art. 74. Any person may freely dispose of his property by any legal title. With respect to wills he will be bound by the provisions of law relating to the conjugal portion and allowance for support.

Any entailment of property or endowment in favor of mortmain is prohibited, excepting only those established in order to constitute a family estate or in favor of social welfare establishments and official centers of instruction and culture.

Art. 75. The family estate (patrimonio familiar) is established on the basis that it shall be inalienable, unattachable, and exempt from every public charge. This principle shall be regulated by law.

Art. 76. Marriage, the family, and motherhood are under the protection and defence of the State.

Art. 77. The education of children is a primary duty of parents.

Art. 78. Parents without economic resources will be assisted by the right to claim help from the State to educate their offspring.

Art. 79. The State shall procure the grant of special subsidies for families with numerous offspring.

Art. 80. Parents have the same obligations toward children born out of wedlock as they do toward those born in wedlock.

Art. 81. The right is established to investigate paternity according to the laws.

Art. 82. The application of appropriations of any kind made according to law for purposes of social interest may not be varied or modified either by the law or by act of any official. The State shall control the management and investment of such appropriations.

Art. 83. The cultural treasure of the Nation is under the protection and care of the State. Archeological, artistic, or historical wealth, regardless of its ownership, is part of that treasure, and the State, by law, may regulate its alienation and prohibit its exportation.

Art. 84. Church buildings and their dependencies, devoted exclusively to the use of a religious faith, are exempt from taxation.

The State may not order churches or objects of a religious nature to be used for other purposes.

Churches, creeds, and religious institutions of any faith, that enjoy juridical personality, shall have the same rights as individuals with relation to their property.

Art. 85. The State recognizes unrestricted freedom of trade, as well as of contract and industry.

The law shall set forth the requirements for their exercise and the corresponding guarantees.

Art. 86. A State of Economic Emergency may be declared when required by the condition of the monetary economy, the protection of the external financial position, or the social stability and well-being of the Nation.

Art. 87. Private monopolies and industrial or commercial corners of every kind are prohibited. Only in the exclusively national interest may the law establish State monopolies.

Also prohibited is the granting of concessions amounting to the establishment of monopolies over the natural resources of the State.

Art. 88. A law of general character shall lay down the basic conditions on which the State may grant concessions for the exploitation of natural resources.

Art. 89. Every service should be fairly remunerated, unless it is one that is to be performed gratuitously by virtue of a law or of a sentence based on law.

Art. 90. Usury is prohibited. The law fixing maximum interest rates for money is of a public order. The same law shall determine the penalty to be applied to offenders.

Art. 91. Unions or associations may be established for any lawful purpose; but it is the function of the State to authorize corporate, moral, cultural, and economic organizations.

Art. 92. The State guarantees freedom of labor in order that everyone may freely devote himself to the profession, trade, or calling that he believes best, provided it is not opposed to morality, health, or public security.

Art. 93. Work is a social duty. Every inhabitant of the Republic has the obligation to apply his physical and intellectual energies in a way that will redound to the benefit of the community.

Art. 94. The State shall make available to all inhabitants, with preference to nationals, the possibility of productive work.

Art. 95. Workers are guaranteed;

(1) Moral and civic independence;

(2) Obligatory weekly rest;

(3) A maximum work day, fixed and regulated by law according to the nature of the work. Exempted from this limitation are managers, administrators, agents, and all those who work without the relationship of juridical subordination;

(4) An equal salary or wage for equal work performed with equal efficiency;

(5) A minimum salary or wage which will assure them a minimum of well-being compatible with human dignity. This salary or wage shall be fixed in accordance with the conditions and needs of the various regions;

(6) The payment of the salary or wage in legal tender, on a workday, at the place where the service is rendered, at intervals and in amounts provided in the contract or presumed from the work relationship, the said interval not to be greater than a week for laborers or greater than fifteen days for employees. In no case may payment be made in merchandise, scrip, tokens, or other symbols pretending to take the place of money;

(7) Compensation for accidents and occupational hazards in the cases and manner determined by law;

(8) Special regulation of the work of women and minors;

(9) Medical assistance furnished by the social institutions that may be established for that purpose;

(10) For pregnant women, a rest of twenty days before and forty days after the birth. This rest shall be paid for by her employer, provided she has worked for him six consecutive months;

(11) Double pay for overtime and night work, except for night work that is performed periodically in shifts and with the limitations provided by law;

(12) Prohibition of attachments, set-offs, or discounts with respect to the minimum salary, except those cases of attachment pursuant to a judgment for alimony or support;

(13) Fifteen days' vacation, paid for in advance, after six months' continuous work for the same employer. Of this vacation, one week must be spent in rest, and the remaining time the worker or employee may continue working;

(14) Not to be discharged, when the contract is for an indefinite time, without one month's notice, unless the worker or employee has given some legal reason for his discharge.

With respect to servants of the State and of its Agencies, they shall be governed by the provisions of the relevant Title of the Constitution and by special laws. As long as special laws do not regulate the applicability, nature, and extent of the guarantees set forth in paragraphs 7, 10, 13, and 14, such guarantees shall be fully applicable to day laborers and other farm workers;

(15) With respect to small industrial enterprises and domestic services the law shall regulate the applicability, nature, and extent of the guarantees set forth in paragraphs 7, 10, 13, and 14.

Art. 96. In labor matters, the following conditions shall be void and not binding on the contracting parties:

(1) Those that abridge or change the guarantees and rights that the Constitution and the laws of public order recognize for persons and for citizens;

(2) Those that involve a direct or indirect obligation to acquire consumer goods in particular shops or places;

(3) Those that provide that the contract is to last more than two years, provided this term is against the interest of the worker.

Art. 97. The State shall establish the National Institute of Social Security, for the benefit of workers to cover the risks of common diseases, disability, old age, and unemployment, by means of equitable contributions of the State, the beneficiary, and the employer.

The appropriate regulations shall be adopted by law.

Art. 98. Public education is the preferential duty of the State.

Art. 99. The system of elementary, intermediate, and professional education remains under the technical inspection of the State.

Art. 100. Elementary education is compulsory, and education paid for by the State and public corporations is gratuitous and secular.

Art. 101. The State shall promote secondary and higher education as well as technical education of workers, and schools giving agricultural and industrial instruction.

Art. 102. In all scholastic centers attention shall be given to the moral education of the child, and efforts shall be made to develop civic sentiments and personal and professional values.

Art. 103. The granting of academic and professional degrees is the exclusive prerogative of the State, which shall determine which professions require a degree for their practice, and the tests and requisites necessary for obtaining it. Degrees for professional practice may not be granted unless justified by academic approval of the appropriate courses.

Art. 104. Nationals who have obtained academic degrees abroad shall be admitted and authorized to practice their profession by merely proving the authenticity of their degrees, and that such degrees have been obtained in universities recognized in the State where they function.

Foreign professionals graduated abroad shall be admitted on the basis of possible reciprocity.

The law shall regulate this provision.

Art. 105. Degrees that do not correspond to a function, profession, or university grade shall not be granted or recognized.

Art. 106. Academic freedom is guaranteed, provided it does not contravene public order or good customs.

Art. 107. Teaching is a public career, and a teacher for the State is entitled to the following benefits:

(1) Permanent tenure of post;
(2) Advancement and promotion in his career;
(3) A minimum basic salary, in accordance with the dignity of his profession and the cost of living in the place where he is assigned;
(4) A proportional pension;
(5) Paid vacations;
(6) Cultural and professional improvement at the cost of the State.

The rights and benefits pledged by this article shall be established and regulated by law, and shall include teachers of non-state schools, as far as numbers 3, 5, and 6 are concerned.

These teachers shall have permanent tenure in their posts. The years of service of private-school teachers who enter the service of the State shall be taken into account for the purposes of numbers 2 and 4, as provided by law.

Art. 108. The function of teaching is unrelated to any political tendency, and shall be governed by a democratic, patriotic and national spirit.

Art. 109. Agricultural or industrial enterprises situated outside the radius of national schools, where there are more than thirty children of school age, shall be required to maintain a mixed elementary school.

Art. 110. Freedom of conscience, the profession of any belief, and the practice of any faith not opposed to morality, good customs, or public order, are guaranteed. Exception is made of religious acts incompatible with the life or physical integrity of the human person. Acts that are contrary to public order or to morality carried out in connection with or under the pretext of the practice of religion are punishable by law.

It is prohibited to pass any law protecting or restricting particular faiths.

Art. 111. No one may be compelled to declare officially his religious beliefs, unless questioned for statistical purposes by order of law.

Art. 112. Public cemetries are secular. The ministers of any faith may perform their respective rites therein.

Art. 113. No one may be molested or persecuted for his opinions. The State guarantees the free utterance and dissemination of thought, without prejudice to any liability that might arise for crimes and abuses committed in the exercise of such freedom, in the manner and in the cases determined by law.

Art. 114. The importation of books, pamphlets, magazines, or periodicals, and their circulation and sale, shall be exempt from any kind of national or local taxes.

Art. 115. The right to meet in the open and the right of public demonstration shall be regulated by the police laws. If the meeting is indoors, peaceful and without arms, no prior permit is required.

Art. 116. The State prohibits the formation and activity of political parties organized on an international basis. Individuals who belong to them may not hold any public office. The only exceptions are parties devoted exclusively to the union of Central America.

Art. 117. Every person has the right to address petitions or claims in writing to the Public Powers and the authorities. The latter are obligated to act on such petitions or claims and to make known the result.

Art. 118. Only for reasons of general interest or public service and by virtue of a law may taxes be created, increased or their payment exempted wholly or in part.

Art. 119. There are no personal privileges in the matter of taxes and other public charges. Taxes shall be imposed in proportion to the tax payers' capacity to pay, in a proportional or progressive form, and shall be collected in a manner determined by law.

The tax system should be directed toward direct taxation.

Art. 120. No public power or official may take action on cases pending before a competent authority.

Art. 121. The opening of closed trials or cases is prohibited. In criminal cases, the defendant may be granted a review of a closed case when more than a correctional penalty has been imposed.

Art. 122. The registry of civil status is in the exclusive jurisdiction of the State.

Art. 123. No law has retroactive effect, except in criminal matters in favor of the defendant.

Art. 124. The inviolability of correspondence in all its forms and of private papers and documents is guaranteed. They may never be opened, searched or intercepted, except by virtue of a previous law and by order of a competent authority.

Art. 125. The correspondence, documents, and papers removed from post offices or from any other place, in violation of the law, shall have no legal effect whatever in a trial or elsewhere.

Art. 126. The enumeration of rights, duties and guarantees, made in the Constitution, does not exclude others which are inherent in the human personality or which are derived from the established form of Government.

TITLE V

LEGISLATIVE POWER

CHAPTER I

Its Organization and Powers

Art. 127. The Legislative Power is exercised by a Congress composed of two Chambers: the Chamber of Deputies and the Senate. The former shall consist of forty-two members and the latter of sixteen, all elected, with their respective alternates, directly by the people in a single national election district.

In the Chamber of Deputies twenty-eight Representatives shall belong to the majority party and fourteen to the minority; in the Senate twelve Senators shall belong to the majority and four to the minority. With respect to the Senate, the law may change the ratio of the minority in order that this shall always be, as nearly as possible, one third of the total membership.

The Senate shall consist of the sixteen Senators elected directly by the people and the presidential candidate of the political party that attained second place in the popular vote. The ex-Presidents of the Republic who held office by direct popular vote shall also be members of the Senate as Life Senators.

Art. 128. By its own right Congress shall meet regularly in the capital of the Republic on April 15 each year, and shall hold sixty sessions. This number of sessions may be prolonged by thirty more by resolution of both Chambers enacted *motu proprio* or at the request of the Executive Power.

Art. 129. By convocation by the Executive Power and on the date indicated by him, the Congress shall meet in extraordinary sessions to deal solely with matters that the Executive Power submits to it, and shall close on the day indicated by him.

Congress shall also meet in extraordinary session when so decided by absolute majority of its proprietary members, who shall make the convocation directly through the President of the Congress.

Art. 130. If for any reason Congress is unable to meet on the dates indicated, it shall do so as soon as possible.

Art. 131. The Chambers shall open and close their sessions simultaneously; and shall hold their sessions in such a way that the number held by either one shall not exceed the sessions held by the other by more than three, unless otherwise agreed upon by both.

Any action taken in either Chamber, in contravention of this provision, is void.

Art. 132. The President of the Republic in person or represented by the Minister of Government shall attend the opening of the regular sessions of Congress in United Chambers and shall present a Message concerning the acts of his administration. This formality is not essential for Congress to exercise its functions legitimately.

Art. 133. The quorum for each Chamber to hold its meetings shall be the absolute majority of its full membership, and for Congress in United

Chambers, this shall be the sum of the quorums of each of the Chambers.

In fixing the quorum for the Senate, a Life Senator shall not be counted, but his presence may complete a quorum if necessary.

Art. 134. A decision in either Chamber or in Congress in United Chambers requires the vote of an absolute majority of the members present. When some other majority is required, and the Constitution does not provide otherwise, this majority is determined by taking as a basis the full membership of each Chamber or of Congress in United Chambers, excluding a Life Senator.

Art. 135. Five days in advance of the date fixed for an ordinary session, the Chambers shall follow a preparatory procedure in accordance with formalities specified in their respective regulations.

Art. 136. If Congress is not installed on the day indicated due to lack of a quorum in either Chamber or in both, the representatives present, as a Preparatory Board, shall compel the absentees to attend, under the penalties established in their respective regulations.

Art. 137. In the event of a temporary or permanent absence of a member of Congress, he shall be replaced by the respective alternate. If the latter is absent, the President of the Chamber shall call upon any other alternate of the same political party as the absentee, in accordance with the formalities specified in the respective regulations.

Art. 138. Any meeting of members of Congress for the purpose of exercising the Legislative Power, held otherwise than in accordance with constitutional provisions, shall be illegal. Any action taken shall be void; and the representatives who take part in such deliberations commit a crime.

Art. 139. The following may not be elected as members of the Legislative Power:

(1) Those having employment by Executive appointment within sixty days prior to the election;
(2) Officials in the judiciary;
(3) Relatives of the President of the Republic within the second degree of consanguinity or affinity;
(4) Those who administer or have administered or collected public funds, until their accounts have been settled;
(5) Those whose citizenship rights are suspended.

Art. 140. Deputies and Senators, from the time of their election, enjoy the following prerogatives:

(1) Personal immunity against indictment or trial for official or common offenses, except as provided by the Constitution;
(2) Not to be called into military service without their consent;
(3) Not to be subject to civil process for a period beginning thirty days prior to the regular sessions of Congress or from the decree convoking an extraordinary session, until fifteen days after either. Pending cases remain in suspense during the sessions;
(4) Not to be confined or deprived of liberty for any reason, even during a suspension of constitutional guarantees, unless prosecution for cause is declared in order;
(5) Immunity from liability for opinions expressed or votes cast in the exercise of their duties.

Art. 141. The monthly remuneration to the Deputies and Senators may not be renounced, withheld, or attached.

The State guarantees the financial protection of Deputies and Senators, both proprietary and alternates, during their term of office. In the event of death, protection by the State extends to the heirs. The law shall regulate this provision.

Art. 142. The armed forces may not enter the premises of either Chamber or of Congress in United Chambers, except at the request of the presiding officials (mesa directiva). All armed forces are at the orders of the respective President.

Art. 143. The sessions of the Chambers and of the Congress in United Chambers shall be public, except in those cases provided in their respective regulations.

Art. 144. No proprietary Deputy or Senator from the time of his election, or Alternate holding office, may be appointed or elected to public office or employment paid from government or municipal funds, and the appointment shall have no legal effect, unless he first resigns as Representative. The following positions are excepted from the incompatibility covered by this article: Representatives of Nicaragua abroad in diplomatic, consular or other capacity, International Arbitration Courts, teaching positions, members of the boards of directors of university schools (Escuelas Facultativas), of Social Welfare Boards, members of technical or scientific commissions, hospital directors or physicians, lawyers or counselors in any Executive agency or in State Institutions.

This provision likewise does not apply to the positions of President of the Republic, Ministers or Vice-Ministers of State, and members of the National District. A Deputy or Senator, other than a Life Senator, elected or appointed to any such position is merely suspended from his functions as Representative, while holding office.

Art. 145. A Deputy or Senator who is absent from the country for more than one year without giving notice in writing to the Chamber to which he belongs shall cease to hold office, unless occupying a position outside the Republic compatible with his legislative functions, in accordance with the preceding article.

Art. 146. Deputies or Senators may not obtain personally, or through an intermediary, any concession from the Government, nor act as attorneys or agents against the State. Those who have powers of attorney from national or foreign individuals or companies shall have no voice or vote in debates relating to the interests they represent.

Art. 147. Each of the Chambers has the following powers, without intervention by the other:

(1) To regulate the order of its meetings and all matters concerning its internal organization;

(2) To organize the offices under its authority in accordance with appropriate regulations;

(3) To enforce attendance by its members;

(4) To request from the Executive a statement of the revenues and expenditures of any or all accounts and to report on any branch of the administration;

(5) To invite the other Chamber to take part in joint debate;

(6) To appoint, according to regulations, committees to represent it in official acts;

(7) To act on the resignation submitted by any member.

Art. 148. The Congress in separate Chambers has the following powers:

(1) To enact, amend, interpret, and repeal the laws;

(2) To create and suppress positions and fix salaries;

(3) To adopt any necessary measures to maintain the independence and security of the Republic;

(4) To change, under extraordinary circumstances on serious grounds of public necessity, the seat of any or all government organs;

(5) To declare, and specify the duration of, a General State of Economic Emergency, whenever abnormal circumstances of the country so demand.

Such a declaration of emergency shall suspend, if so ordered, any or all guarantees contained in Articles 85 and 123.

The laws enacted by the Legislative Power on the basis of this declaration, or during its recess by the Executive Power, may not be in force to the detriment of stated constitutional guarantees longer than the time fixed for the Economic Emergency;

(6) To take cognizance of the decree-laws issued by the Executive Power in the event of emergency or public necessity; ,

(7) To enact temporarily for a period of not more than one year, rent control laws that alter freedom of contract, and such laws may be extended in case of necessity;

(8) To approve or reject treaties entered into with foreign nations. The treaties referred to in Articles 5 and 6 require a two-thirds vote for approval;

(9) To establish the national revenues and fix the expenditures of the Administration. Each legislative session shall vote the general budget of both.

(10) To specify the functions of employees of the Republic and indicate the territorial jurisdictions in which they are to be exercised;

(11) To impose taxes;

(12) To recognize the National Debt and arrange for service thereon;

(13) To fix the monetary unit and specifications of the national currency, according to recommendations of the respective technical agency;

(14) To fix the system of weights and measures;

(15) To declare war or authorize the Executive so to do;

(16) To authorize the departure of troops outside Nicaragua and to permit or refuse the transit of foreign troops through territory of the Republic;

In the event of war or as an international courtesy, when Congress is not in session, the Executive Power shall have this authority;

(17) To approve, modify or disapprove contracts made by the Executive relative to loans, land settlement, navigation and other works of general utility which involve temporary privileges permitted by the Constitution or which engage or dispose of property of the Nation, or whenever they involve funds not voted in the Budget;

(18) To grant or refuse permission to Nicaraguans to accept positions with foreign countries if they are to exercise them in Nicaragua. Such permission is not necessary in the case of countries of Central America;

(19) To authorize the organization of Banks of Issue and the establishment of government pawnshops (montepíos);

(20) To establish by a three-fourths vote the Coat of Arms, the Flag of the Republic and the National Hymn;

(21) To legalize the extraordinary or supplementary credits authorized by the President of the Republic in Council of Ministers;

(22) To grant amnesties and pardons for political offenses.

In no case may pardons include civil liabilities toward private individuals;

(23) To commute the death penalty to the immediately lesser punishment;

(24) To decree a prolongation of its sessions in accordance with Article 128.

Art. 149. At the initiative of the Executive Power, the Congress in separate Chambers also has the following powers:

(1) To authorize awards, indemnities, pensions, prizes and honors, without prejudice to the authority that the President of the Republic holds directly as Chief of the armed forces;

(2) To grant awards and extend temporary privileges permitted by the Constitution to authors and inventors of works of general utility and to persons who have introduced new industries or improved existing ones;

(3) To grant subsidies or premiums for objects of public utility that are intended to establish new industries or stimulate agriculture;

(4) To decree the alienation or lease of national property and its application to public uses, or to authorize the Executive to do so on a suitable basis;

(5) To confer the rank of General of Division;

(6) To grant pardons, reductions or commutations of penalties for common offenses, on the basis of favorable recommendation by the Supreme Court of Justice;

(7) To grant permission to the President of the Republic to leave the country;

(8) To authorize loans;

(9) To open and close ports and establish maritime and inland custom houses, or to enact the rules by which the Executive may do so.

Art. 150. The powers of the Legislative Power may not be delegated, excepting legislation in the fields of Development, Police, Social Welfare Public Health, War, Public Education, Agriculture and Labor, Finances and Economy which may be delegated to the Executive Power to be exercised during the adjournment of Congress. The power delegated to legislate on Finances does not include the imposition of taxes nor of changing items in the General Budget of Expenditures; however, the President of the Republic, in Council of Ministers, may impose general taxes or contributions whenever a civil war or international war in which the Republic is participating breaks out, the matter being reported to Congress at its next meeting.

Chapter II

Chamber of Deputies

Art. 151. To be elected Deputy a person must be a native-born Nicaraguan layman, a citizen in the exercise of his rights and over twenty-five years of age.

Art. 152. The term of office of the Deputies is six years.

Art. 153. It is an exclusive power of the Chamber of Deputies to examine the impeachments presented by its own members, or by private individuals, against the President of the Republic, Deputies, Senators, Magistrates of the Courts of Justice, Ministers and Vice-Ministers of State, Diplomatic Agents and the President of the Tribunal of Accounts; and if

the charge appears well-founded, to submit the corresponding impeachment to the Senate.

Impeachment of the aforementioned officials by the Chamber of Deputies requires an affirmative vote of two thirds of its members.

Impeachment of the officials mentioned for either official or common offenses committed during their term of office must still be submitted to the Chamber of Deputies even if the accused has ceased to hold office. With respect to official offenses the right to action terminates, one year after the official has ceased to hold office.

CHAPTER III

The Senate

Art. 154. To be elected Senator a person must be a native-born Nicaraguan layman, a citizen in the exercise of his rights, and over thirty-five years of age.

Art. 155. The term of office of Senators chosen by popular election is six years. The same period applies to the presidential candidate of the minority party.

Art. 156. The Senate has the exclusive power to try impeachments submitted by the Chamber of Deputies against the officials referred to in Article 153, by a hearing of the accused. If the latter does not appear he shall be tried in absentia.

Art. 157. When the Senate tries the officials impeached by the Deputies, the following rules shall be observed:

(1) If the impeachment refers to offenses committed while holding office, and the Senate acting as a jury finds the party guilty, the penalty imposed shall be removal from office and disqualification from holding public office for the time specified by law, without prejudice to a criminal trial of the guilty party before the Supreme Court of Justice, if his acts show liability meriting other punishment;

(2) If the impeachment refers to common offenses, the Senate shall limit itself to a statement of whether or not there are grounds for prosecution, and if its finding is affirmative, it shall place the accused at the disposition of the Supreme Court of Justice. If the Senate declares that there are no grounds for prosecution, the official shall be restored to office.

Art. 158. The incompatibilities mentioned in Article 144 shall not apply to Life Senators. The holding of any public office declared incompatible, shall merely suspend the right to serve as a Life Senator during the time he occupies the other position.

CHAPTER IV

Congress in United Chambers

Art. 159. Congress in United Chambers shall be presided over alternately by the Presidents of the two Chambers.

Art. 160. Congress in United Chambers has the following powers:

(1) To regulate the order of business of its meetings and all matters concerning its internal organization;

(2) To proclaim the election of the President of the Republic in ac-

cordance with the decision of the Council on National Elections, and receive from him the constitutional oath;

(3) To elect from its membership, at its last regular or special session, three Designates to replace the President of the Republic in the event of his permanent or temporary inability to serve;

The presiding officials shall transmit to the President of the Republic the list of Designates to be signed and sealed by him and retained in his possession;

(4) To elect one of its members who is to serve as President of the Republic if the permanent or temporary disability of the President occurs while Congress is meeting in regular or special session or in the cases mentioned in the second paragraph of Article 188 and Article 189;

(5) To elect the Magistrates of the Courts of Justice, as well as the President and lawyer members of the Superior Tribunal of Labor with their respective alternates;

(6) To accept the resignations of the President or President-elect of the Republic, the Designates, the Magistrates of the Courts of Justice and the members whom its elects to the Superior Tribunal of Labor;

(7) To receive the constitutional oath from the official it elects, or to delegate this power;

(8) To take cognizance of a veto by the Executive Power;

(9) To act on partial amendments to the Constitution and to constitutional laws;

(10) To act on the report submitted by the Executive Power concerning measures taken during the suspension of constitutional guarantees.

Chapter V

Enactment of Laws

Art. 161. The Deputies and the Executive Power have the right of initiative in the enactment of laws and resolutions or legislative declarations. In matters within their province, the Judicial Power represented by the Supreme Court of Justice, and the National Council on Elections, also have such initiative.

Art. 162. Every proposed bill shall be submitted to the Chamber of Deputies. If the latter decides to consider it, it shall be sent to a Reporting Committee (Comisión Dictaminadora) and submitted to first and second readings at different sessions.

Art. 163. The procedure of second reading may be dispensed with for any bill if so determined by a majority of two thirds of the members present in the Chamber.

Art. 164. A bill, as approved by the Chamber of Deputies, shall be sent to the Senate. The latter shall refer it to a Reporting Committee (Comisión Dictaminadora) and shall discuss it in first and second readings at different sessions. If approved, the bill shall be sent to the Executive.

Art. 165. If the Senate adds to or amends the bill, it shall be returned to the Deputies which shall pass upon the additions or amendments in a single discussion; and if the latter are approved, it shall return the bill to the Senate to be sent to the Executive Power.

Art. 166. If the additions or amendments are not approved by the Chamber of Deputies, the bill is to be returned to the Senate. If the latter insists on retaining them by a two-thirds majority vote, the bill

is considered rejected. If the additions or amendments do not receive this majority, the bill is to be returned to the Chamber of Deputies.

If the latter confirms its bill by a two-thirds vote it shall be considered approved; if that majority is not obtained, it shall be considered rejected. For the decisions mentioned in this article there shall be a single discussion.

Art. 167. Drafts of Codes may be considered and approved as a whole by decision of a Special Committee of five members in each Chamber.

Art. 168. If one Chamber desires to explain to the other its views on any legislative matter, it shall do so through a committee that shall have the right to participate in the discussions on the subject.

In the event of a discrepancy in the views of the two Chambers, they may designate joint committees, composed of three Deputies and two Senators appointed by their respective Chambers to decide on the manner of settling the differences.

Art. 169. Whenever the Executive Power submits a proposal to the Congress as an urgent matter, each Chamber must act thereon within a period of ten days.

Art. 170. In the measures approved by Congress the following form shall be used: "The National Congress of the Republic of Nicaragua in United Chambers, Decrees, Resolves or Declares": (Here follows the matter decreed, resolved or declared). Done in the Hall of Sessions of the Congress in United Chambers". (Place and date, followed by the signatures of the President and Secretaries of the Congress in United Chambers). When issued by separate Chambers: "The Chamber of Deputies and the Senate of the Republic of Nicaragua, Decree, Resolve or Declare": (here follows the matter decreed, resolved or declard). "Done in the Hall of Sessions of the Chamber of Deputies". (Place and date, followed by the signatures of the President and Secretaries of the Chamber of Deputies.) "To the Executive Power, Senate Chamber". (Place and date, followed by the signatures of the President and Secretaries of the Senate.)

Art. 171. Every measure shall be sent to the Executive Power from the Senate within three days after approval, so that it may be sanctioned and ordered published within ten days after receipt, or that it may be ordered published immediately in the cases provided in Article 176.

Art. 172. If the President of the Republic, in Council of Ministers, makes use of the veto power, he must return the bill to the Congress through the Senate within ten days after receipt, explaining the grounds on which his veto is based. If he offers no objection within the stated period, the bill is considered as approved and must be published as law.

Art. 173. If the Senate receives the veto of a bill, it shall immediately propose a meeting of Congress in United Chambers to consider it. If the Congress ratifies the bill by a two-thirds vote, it shall be sent again to the Executive with these words: "Constitutionally ratified"; and the Executive Power shall order it published without delay.

Art. 174. When the Executive Power receives a passed bill within ten days prior to the adjournment of Congress or after adjournment, there is

reserved to him the power to veto it within the first ten days of the next regular sessions.

Art. 175. The President of the Congress shall order publication in any newspaper of the capital, any laws or other acts of Congress that have not been published by the Executive Power within ten days following their receipt.

Art. 176. The following do not require approval by the Executive Power:

(1) The Budget law;

(2) The decrees, resolutions or declarations passed by Congress in United Chambers;

(3) The resolutions issued by the Chambers in accordance with Articles 153 and 157;

(4) The regulations enacted by the Chambers for their internal organization;

(5) Provision for installation or adjournment, transfer of its seat to another place and the suspension or prolongation of its sessions.

Art. 177. Bills rejected in one legislative session may be resubmitted only in the regular sessions of the following year.

Art. 178. Matters left pending in one legislative session shall be continued in the following session if they were approved in the first discussion by the Chamber of Deputies or if there was an opinion pending from the Supreme Court of Justice and the period had not expired at the time of adjournment.

Art. 179. Whenever a bill not initiated by the Supreme Court of Justice is for the purpose of enacting, amending or repealing provisions relating to the Civil, Penal, Commercial, Mining, Civil Procedure or Penal Procedure Codes, these may not be discussed without an opinion from that Court which must be rendered within the period indicated by the Chamber of Deputies, taking into account the extent, importance or urgency of the bill, but this period may not be less than fifteen days. When this period has expired, it may proceed with discussion of the bill even without an opinion from the Supreme Court.

TITLE VI

EXECUTIVE POWER

CHAPTER I

Organization

Art. 180. The Executive Power shall be exercised by a citizen with the title of President of the Republic, who shall act with his Ministers, separately or in Council, except in those cases in which he may act alone.

Art. 181. The President of the Republic shall be elected by direct popular vote. A vacancy shall be filled by Congress.

Art. 182. The President of the Republic shall enjoy the immunities and prerogatives that are granted by the Constitution and shall be responsible for his acts to the National Congress.

Art. 183. The qualifications to be elected President of the Republic are the following: to be a native Nicaraguan and child of a father or mother

born in Nicaragua, a citizen in the exercise of his rights, over twenty-five years of age, a layman, having resided more than five years in the country and never having renounced his citizenship at any time.

Art. 184. The term of the President of the Republic is six years and shall begin and end on the first of May; when the term ends on that date the outgoing President shall transfer the office to the President of the Congress for the sole purpose that the latter shall give possession to the incoming President or the person called upon to replace him. If for any reason the outgoing President does not attend, the President of the Congres shall give possession to the President-elect or the person who is to replace him.

In any event, the person exercising the Presidency of the Republic shall cease to hold office on the day his term ends.

Art. 185. The President-elect shall take possession before Congress in United Chambers, in a formal session, and shall take the oath in these words: "I solemnly promise on my honor faithfully to hold the office of President of the Republic that the people have entrusted to me, to defend the integrity and independence of the Nation and to comply with and enforce the Constitution and laws of the Republic".

Art. 186. The person who has exercised the Presidency of the Republic in the preceding term may not be elected President for the following term. Likewise the following may not be elected President of the Republic:

(1) A person who has exercised the Presidency of the Republic temporarily during any portion of the last six months of the term;

(2) Relatives of the President of the Republic within the fourth degree of consanguinity or affinity;

(3) A military person who has been in active service within six months prior to the election;

(4) Ministers of State who do not leave office within six months prior to the election;

(5) Persons who have held the position of Magistrate of the Courts during any portion of the six months prior to the date of the election;

(6) The leader and chiefs of a coup d'état revolution or other armed movement, or their relatives within the fourth degree of consanguinity or affinity, for the period in which the constitutional régime was interrupted and the following term;

(7) Anyone who has been a Minister of State or held high military rank in a de facto government which interrupted the constitutional régime, or their relatives within the fourth degree of consanguinity or affinity, for the same periods indicated in the preceding paragraph.

Art. 187. The President of the Republic may leave the country while holding office only with the permission of Congress and for a period not to exceed three months. He may also leave the country for such period without the permission of Congress, provided he transfers the exercise of the Presidency to the person called upon to replace him; but if his absence lasts more than three months, he shall thereby lose his office.

In no case may a President of the Republic against whom an impeachment is pending before the Senate leave the country. Ex-presidents who are in similar circumstances likewise may not leave the country.

Art. 188. In the event the President of the Republic is unable to serve, his functions shall be exercised by the appointed Designate. If the Presi-

dent has not appointed a Designate or the latter is also unable to serve, the Presidency of the Republic shall be assumed by the President of the Congress, who shall immediately convoke an extraordinary session of Congress for the purpose of electing a successor from among its membership.

If at the time of a vacancy in the Presidency of the Republic, Congress is meeting in regular or extraordinary session, the President of the Congress shall assume the Presidency of the Republic in order to turn over the office to the member whom Congress elects.

If the inability of the President to serve is permanent, the person called upon to replace him shall complete the presidential term.

Art. 189. In the event of a temporary or permanent inability to serve or an indefinite impediment of the President-elect, the new Congress shall elect among its members the person who shall hold the office, temporarily or permanently as the case may be.

Chapter II

Powers and Duties of the Executive Power

Art. 190. The government and administration of the State and the supreme command of all armed forces of the Nation are entrusted to the President of the Republic. His authority extends over all matters which have for their purpose the preservation of internal order and the external security of the Republic.

Art. 191. The President of the Republic has the following duties in relation to the Legislative Power:

(1) To attend the opening of regular sessions of Congress and present to it a message concerning the acts of his administration;

(2) To attend the Chambers whenever he deems it desirable to explain matters relating to the public administration and to participate in meetings with a voice but without a vote;

(3) To convoke the Legislative Power in extraordinary sessions;

(4) To send to the Chamber of Deputies, not later than June first of each year, the draft General Budget of Revenues and Expenditures;

(5) To present to the Chamber of Deputies, through the intermediary of the respective Ministries, within one month after Congress is installed the annual record or report of each branch of the Administration;

(6) To present, through the Ministers of State, proposals for laws and to submit such treaties and contracts as require legislative approval;

(7) To sanction and publish the legislative acts, or use his veto power in accordance with the Constitution;

(8) To publish immediately those legislative measures that do not require the sanction of the Executive;

(9) To enact laws during adjournment of Congress, by use of his delegated legislative power;

(10) To enact decree-laws, during adjournment of Congress, and in Council of Ministers, in cases of public emergency or necessity, and submit these to Congress during the first fifteen days of its next regular sessions;

(11) To propose pardons and reductions or commutations of punishments;

(12) To grant, during adjournment of Congress, amnesties and pardons for political offenses. In no case may such pardons include civil liabilities of the beneficiaries toward private individuals.

This power may not be exercised with respect to his Ministers or Vice-Ministers of State.

Art. 192. The form to be used in publishing the laws is as follows: "The President of the Republic, to its inhabitants, Be it known: That the Congress has ordered the following: (here follow the text and signatures). Therefore: Let it be executed". In the case of legislative acts that do not require the sanction of the Executive, the form to be used for publication is as follows: "The President of the Republic, to its inhabitants, Be it known: That the Congress has ordered the following: (here follow the text and signatures). Therefore: Let it be published".

Art. 193. The President of the Republic has the following duties in relation to the Judicial Power:

(1) To oversee the official conduct of the members of the Judicial Power and order the Supreme Court of Justice, when appropriate and according to law, to repress acts that are contrary to the proper exercise of judicial duties; or the Public Ministry, when there is sufficient evidence, to initiate appropriate prosecution or disciplinary measures in a competent court;

(2) To render such assistance as may be necessary to judicial officials to carry out their decisions and rulings;

(3) To suspend, if deemed appropriate, execution of the death penalty on the petition of the guilty party or his representative, provided it is accompanied by a copy of the petition for commutation of sentence made before the Congress;

(4) To supervise the proper disbursement of the budget of the Judicial Power;

Art. 194. The President of the Republic has the following powers and duties as Supreme Chief of the armed forces:

(1) To command the armed forces of all classes, organize them, distribute them and utilize them in conformity with the law;

(2) To direct wartime operations as Supreme Chief;

(3) To levy the forces necessary to repel invasions or put down rebellions;

(4) To discharge and demobilize any special army when an emergency has passed;

(5) To grant pensions to which military personnel are entitled if disabled in service;

(6) To grant retirement to military personnel according to law;

(7) To grant honors and rewards to military persons who have distinguished themselves in service;

(8) To confer military ranks in time of peace up to that of Brigadier General inclusive, and in warfare, to that of General of Division, giving notice of the latter to Congress;

(9) In time of peace to propose for the rank of General of Division the military officer who in his opinion merits this rank.

Art. 195. The President of the Republic has the following powers and duties as the supreme administrative authority:

(1) To protect the independence and honor of the Nation and the integrity of its territory;

(2) To comply with and enforce the Constitution and the laws;

(3) To regulate the laws without transgressing or perverting them; and with this same restriction, to issue pertinent decrees, resolutions and instructions;

(4) To appoint and remove freely the Ministers and Vice-Ministers of State and other employees of the Executive Power, as well as to make other appointments required of him by law;

(5) To conduct foreign relations, appoint Diplomatic and Consular Agents of the Republic, receive Diplomatic Agents and admit Consuls of other Nations;

(6) To declare war with the authorization of Congress, or without it if it is immediately necessary to repel a foreign aggression;

(7) To make treaties of peace, giving due notice to Congress at its next sessions;

(8) To sign treaties and any other diplomatic negotiations and to ratify them after approval by the Legislative Power;

(9) To permit or refuse, during adjournment of Congress, the passage of foreign troops through the territory of the Republic;

(10) To see that the revenues of the State are collected and disbursed according to law;

(11) To grant naturalization certificates, and cancel them for justifiable reasons;

(12) To exercise, according to law, due supervision and inspection of the credit institutions and other institutions or organizations that operate with money or other property of the public;

(13) To direct, regulate and inspect public education, encourage education of the people and combat illiteracy;

(14) To supervise the national currency;

(15) To ensure the uniformity of weights and measures;

(16) To sign contracts, in accordance with the Constitution and the laws, for the rendering of services and the execution of public works and for the general interest;

(17) To grant patents to protect literary property and useful inventions or discoveries, according to law;

(18) To indicate, during adjournment of Congress, the place to which the organs of Government shall be temporarily transferred, whenever there are serious reasons for this step;

(19) To requalify, according to law, citizens whose rights have been suspended;

(20) To open or close ports, create, transfer, or suppress custom houses, in accordance with rules enacted by Congress;

(21) To nationalize and register vessels;

(22) To issue regulations governing his powers;

(23) To exercise the right of inspection and supervision of institutions of public use so that their property and income may be conserved and properly applied and that the desires of the founders may be substantially carried out;

(24) To grant, for outstanding merit, the decorations, medals, diplomas and prizes that are established by law;

(25) To promote immigration;

(26) To grant leaves and retirements according to law;

(27) To exercise the other functions of government and administration that the laws entrust to him.

Art. 196. The President of the Republic, whenever in his opinion the public tranquillity is threatened, may order the detention of persons presumed responsible, interrogate them and hold them in custody for ten days, within which time they must be freed or turned over to a competent court; but if in the opinion of the Chief of State it is necessary to confine such persons, he may order their confinement, in Council of Ministers.

The persons so detained may not be held in barracks or mingled with common criminals.

Art. 197. The President of the Republic, in Council of Ministers, may suspend or restrict, in all or a part of the national territory, the exercise of constitutional guarantees, in any of the following cases:

(a) When the Republic becomes involved in an international or civil war;
(b) When there is danger that either of these may occur;
(c) In case of epidemic, earthquake or other public disaster;
(d) Whenever due to any other circumstance it is required for the protection, peace, or security of the Nation or of its institutions or form of government.

The President of the Republic and the Ministers of State shall be held responsible whenever the suspension or restriction of the constitutional guarantees is declared when none of the above-mentioned cases have occurred; and they shall be held responsible, together with all other officials, for any abuse committed during a period of suspension or restriction.

The decree of suspension or restriction shall contain:

(a) The grounds on which it is based;
(b) Specification of the guarantee or guarantees that are restricted or suspended;
(c) The territory affected by the suspension or restriction.

Neither suspension nor restriction of guarantees shall in any way affect the functioning of the organs of Government, and their members shall always retain the prerogatives granted by law.

In the event of foreign war, the Executive shall convoke Congress in the same decree in which the exercise of constitutional guarantees is suspended or restricted, to meet within the next thirty days; and if he fails to convoke it, Congress may meet in its own right.

In no case may the decree of suspension or restriction affect the following guarantees:

(a) The inviolability of human life;
(b) The prohibition against trials by judges other than those designated by law;
(c) The prohibition against acts of cruelty or torture and infamous punishments;
(d) The prohibition against retroactive or confiscatory laws;
(e) The prohibition against imposing taxes.

If an international or civil war breaks out, the President in Council of Ministers may impose taxes of a general nature.

The decree of suspension of guarantees shall be repealed upon the cessation of the causes for which it was invoked and the Executive Power must render to Congress in United Chamber, without delay, an account of the measures taken.

CHAPTER III

Ministers of State

Art. 198. For the conduct of business corresponding to the Executive Power there shall be Ministers of State. The law shall specify their number, their titles and the departments of the Administration corresponding to each.

In the branches of Foreign Affairs, Economy, and Finances and Public Credit there shall be Advisory Agencies (Organismos Asesores) in which the minority shall participate. The organization and powers of these Agencies shall be determined by law.

Art. 199. The Ministers of State must have the following qualifications be citizens in the exercise of their rights, native Nicaraguans, over twenty five years of age and never have been sentenced to serious punishmen (pena grave). They shall be in charge, under the authority of the Pre sident of the Republic, of the direction and management of the publi services assigned to the respective administrative department.

Art. 200. The decrees, orders and rulings of the President of the Re public must be countersigned by the Ministers of State of the respectiv departments, with the exception of those orders that refer to the appoint ment or removal of his Ministers or Vice-Ministers of State.

Art. 201. Each Minister of State shall be personally responsible for th acts that he signs or authorizes, and jointly and severally for those signe or agreed to with the President of the Republic or with the other Minister of State.

Art. 202. The Ministers of State, within one month after Congres is installed in regular session, shall render an account in printed report of action they have taken and believe desirable to be taken in thei respective departments. They shall also submit an accounting of th funds they have handled.

Art. 203. The Ministers of State shall give to Congress any informatio requested relative to the business of their respective departments, i either written or oral form. They may also be interpellated if so resolve by an absolute majority of the corresponding Chamber. In the latte case, as well as for oral reports, the Ministers may demand a secret sessio whenever in their opinion the confidential nature of the matter to be dis cussed should be maintained.

Art. 204. The Ministers of State have the right to speak in the Cham bers and to participate in discussions relating to their departments, wit a voice but no vote.

Art. 205. The Ministers of State, in a meeting presided over by th Chief of the Executive Power, form the Council of Ministers. Its organi zation and powers are determined by the Constitution and the laws.

Art. 206. The following may not be Ministers of State:

(1) Contractors for public works or services;
(2) Persons who as a result of such contracts have claims in their ow interest pending against the Public Treasury;
(3) Persons who have collected or administered public funds, until thei accounts have been audited;
(4) Debtors to the Government;
(5) Relatives of the President of the Republic, within the second degre of consanguinity or affinity.

Art. 207. There shall be as many Vice-Ministers of State as the law ma determine.

Art. 208. The Vice-Ministers of State must meet the same qualifica tions and conditions as the Ministers. They shall collaborate in thei respective departments, subordinate to the Ministers of State, and sha act for them when the latter are unable to serve.

TITLE VII

JUDICIAL POWER

SOLE CHAPTER

Organization and Powers

Art. 209. Justice is administered in the name of the Republic by the Judicial Power. This power shall be exercised by the Supreme Court of Justice, the Courts of Appeals, the Superior Labor Court, and the judges and other officials that the Constitution and the laws may specify.

Art. 210. The Supreme Court of Justice and the Superior Labor Court shall sit in the capital of the Republic.

Art. 211. There shall be Courts of Appeals (Cortes de Apelaciones) sitting in the cities of Bluefields, Granada León, Masaya and Matagalpa.

At the initiative of the Supreme Court of Justice Congress may, by a two-thirds majority of votes, establish other Courts of Appeals or abolish any of those in existence. New Courts of Appeals shall have representation of the minority party as provided for those now existing.

Art. 212. There shall be a Superior Labor Court (Tribunal Superior del Trabajo) which shall consist of a President, two lawyer members who meet the same qualifications as required to be a District Judge, one representative of employers and one for workers, all of whom shall have their respective alternates in case of impediment, absence or other reason.

There shall also be a Labor Judge (Juez de Trabajo) and an alternate in those places specified by law.

Art. 213. There shall be District Courts (Juzgados de Distrito) in the capital cities of the Departments and in those cities where they are already established by law; and Local Courts (Juzgados Locales) in those towns organized as a Municipality.

At the initiative of the Supreme Court of Justice, Congress may establish or abolish District Courts in cities that are not Department capitals and Local Courts in towns that are not Municipalities.

Art. 214. The Supreme Court of Justice shall be composed of seven Magistrates, five of whom are Proprietary and two Alternates. Two Proprietary Magistrates and one Alternate shall belong to the minority party.

Art. 215. The Magistrates of the Supreme Court of Justice must be males not less than thirty-five years of age nor more than seventy on the day of their election, native Nicaraguans, laymen, citizens in the exercise of their rights and lawyers of well-known education and integrity, which profession they have practiced with credit for more than ten years or have held the position of judge (Magistrado).

Art. 216. To be elected a Magistrate of the Courts of Appeals or President of the Superior Labor Court it is required to be not less than thirty years of age nor more than seventy on the day of election, to have practiced the profession of lawyer with credit for more than five years, and to meet the other requirements to be a Magistrate of the Supreme Court.

Art. 217. The Courts of Appeals of León, Masaya, and Granada

shall consist of six Magistrates, three for the Civil Section and three for the Criminal Section; and those of Matagalpa and Bluefields shall have five Magistrates, two for each Section and a common President. In each Section of the Courts of Appeals there shall be one Magistrate belonging to the minority party; but in these Courts at Bluefields and Matagalpa, the President of the Court shall always belong to the majority party.

Art. 218. Congress, at the initiative of the Supreme Court of Justice, may increase the number of Magistrates of the Courts, endeavoring to maintain, as nearly as possible, a one-third representation for the minority party.

Art. 219. On the Superior Labor Court one member, and his alternate, shall belong to the minority.

Art. 220. The Representative of employers and the Representative of workers on the Superior Labor Court, the District Judges, the Local Judges and the Labor Judges, shall be appointed by the Supreme Court of Justice.

Art. 221. The District Judges must be citizens in the exercise of their rights, over twenty-five years of age and lawyers of well-known integrity who have practiced their profession or held the position of Judge (Juez) or Secretary of a Court (Secretario de Juzgado) for one year.

Art. 222. The Local Judges must be citizens in the exercise of their rights, of adult age, preferentially lawyers or students of the career of law, who have passed their second year or have a knowledge of law. Where there is a School of Law, they must necessarily be students of this career who have passed their second year.

The law shall regulate the exercise of these positions when they are held by lawyers.

Art. 223. The term of office of officials of the Judicial Power shall begin on May first and shall be six years for Magistrates of the Supreme Court of Justice; four years for those on the Courts of Appeals; two years for District Judges and members of the Superior Labor Court; and one year for Local Judges and Labor Judges.

All members of the Judicial Power may be reelected or newly appointed for successive periods.

Art. 224. The Secretaries of the Supreme Court of Justice, of the Superior Labor Court, and of the Courts of Appeals shall have the same qualifications as are required of a District Judge or shall have held the position of secretary in the aforementioned courts for more than two years.

Art. 225. The Magistrates of the Courts of Justice and the President of the Superior Labor Court shall enjoy the same immunities and prerogatives as members of Congress, excepting those enumerated in sections 3) and 5) of article 140.

Art. 226. Persons related within the fourth degree of consanguinity or second degree of affinity may not be Magistrates of the same Court nor both be members of the Superior Labor Court. If two or more persons related within those degrees are elected, the one receiving the lower number of votes shall be replaced, and in case of a tie vote, the one who received his law degree most recently.

Art. 227. Officials of the Judicial Power may not hold any position by popular election, or by appointment of the Executive Power or by any other administrative authority or corporate body. Excepted from this provision are teaching positions, members of Commissions to Codify or Amend the Laws and members of International Arbitration Tribunals.

Acceptance of an appointment prohibited by this article shall mean loss of the judicial office.

Art. 228. The President of the Supreme Court of Justice shall be the President of the Judicial Power.

His annual appointment is a duty of the Supreme Court.

Art. 229. The Supreme Court of Justice has the following powers, in addition to those already stated:

(1) To enact its Internal Regulations and approve those of the Courts of Appeals;

(2) To appoint and remove freely employees immediately subordinate to it;

(3) To exercise directive, correctional and financial supervision of the other Tribunals and Courts of the Nation;

(4) To appoint the Public Registrars, Court Physicians, and other officials or employees specified by law;

(5) To install, on its own or delegated authority, all officials and employees that it appoints;

(6) To accept the resignation of officials and employees appointed by it, and even remove them, by unanimous vote; or by a majority, if there are justifiable grounds;

(7) To grant annual leave to Magistrates, Judges, Public Registrars, and Court Physicians, up to one month, with salary.

Such leave may be extended to three months with salary, for justifiable reasons.

The Supreme Court may also grant leaves without salary up to a period specified by law;

(8) To prepare annually in advance the draft Budget of the Judicial Power;

(9) To commission, suspend and requalify, according to law, Lawyers, Notaries and *Procuradores Judiciales* [1]

(10) To try, as a jury, with sole jurisdiction, the official or common offenses of officials having immunity, when the Senate acts on the impeachment of the accused or finds that prosecution is in order. If the verdict is for conviction the corresponding punishment shall be applied; if it is for acquital, the accused shall be restored to office, as the case may be;

(11) To hear appeals in cassation, *amparo*, review and others indicated by law;

(12) To hear appeals against decisions of the Tribunal of Accounts, and rule on disputes between that Tribunal and other agencies of the State;

(13) To try prize cases and others relating to maritime navigation or navigable rivers that flow through national territory, in those cases provided for in international law;

(14) To try all legal disputes of Diplomatic Agents accredited to the Government of the Nation, in those cases provided for in international law;

(15) To act on cases of extradition of criminals requested by other nations and on the execution of foreign judgments;

(16) To hear appeals made against measures adopted by those in charge of the administration of the National District, the Mayors, Municipal

[1] A *procurador judicial* is similar to a lawyer but with more restricted functions.

Councils or administrative Local Corporations on the grounds that they are contrary to the Constitution or the laws;

(17) To decide definitively, after hearing the Public Ministry, on the legality of legislative acts to which the Executive vetoes as contrary to the Constitution or which he submits to the Supreme Court to obtain an opinion as to its constitutionality;

(18) To attend Congress, through its President or some other Magistrate to participate in discussion of bills presented by it, or which are for the purpose of enacting, amending or repealing the Civil, Penal, Commercial, Mining, or Civil or Penal Procedure Codes, or any other bill relating to judicial matters;

(19) To issue rulings or reports in cases specified in the Constitution or the laws;

(20) To exercise any other powers and functions indicated by law.

Art. 230. The power to render and execute judgments belongs exclusively to the Courts of Justice.

Art. 231. The administration of justice in the Republic is gratuitous.

Art. 232. There shall not be more than two instances in any trial.

A judge who has exercised jurisdiction in one instance may not do so in the other, nor in cassation.

Art. 233. The Courts and Judges of the Republic shall base their decisions preferentially on the following:

(1) The Constitution and organic laws;
(2) The laws and decree-laws;
(3) Executive decrees and rulings (acuerdos).

In no case may they give cognizance to amendments made or to rulings or provisions issued by written order (por medio de oficio).

Art. 234. The members of the Judicial Power shall be granted retirement according to law.

Art. 235. The hearings of the higher and lower Courts (Tribunales y Juzgados) are public, except in special cases indicated by law or when their publicity would be contrary to public order or good morals.

Art. 236. The members of the Judicial Power are independent in the exercise of their functions.

They shall be subject only to the Constitution and the laws.

Art. 237. The organization, powers, jurisdiction and competence of the Courts of the Republic shall be fixed by law.

Art. 238. Magistrates of Courts of Justice may not intervene in partisan political affairs.

Art. 239. Salaries of the Judicial Power may not be abolished or reduced in a manner that would prejudice any member thereof, nor may the payment of such salaries be delayed.

TITLE VIII

PUBLIC FINANCE

CHAPTER I

National Property

Art. 240. The treasure of the Nation consists of the following:

(a) Its real and personal property;
(b) Its accounts receivable;

(c) Taxes, fees and other contributions or public charges paid into the Treasury by the inhabitants of the Republic;
(d) Revenues received by the State in any other manner.

Art. 241. Lands, woods, waters, and in general all property of public use belong to the State, except for legally acquired rights. The law shall prescribe the conditions for their use by the State, or for granting them to individuals, in fee or by any other title.

Art. 242. The riches of the subsoil belong to the State. Their exploitation by individuals may be authorized only on the basis of participation by the State in the profits. Excepted from this provision are stones for building or ornamental purposes, puzzolana, sand, slate, clay, lime, and other substances generally used in construction.

Art. 243. Real property of the State is imprescriptible.

Art. 244. Taxes, fees, and other contributions or public charges and income, may not be alienated.

Art. 245. The administration of State property, as well as the conduct and decision of all matters relating to contracts or operations involving such property, is the function of the Ministry of Finance and Public Credit unless, otherwise provided by law.

Art. 246. The Executive Power must be authorized by law to dispose of real property of the State and to borrow on the credit of the Nation. Any act in violation of this rule is absolutely void.

Art. 247. Contracts for public works involving large amounts shall be awarded by public auction. This provision shall be regulated by law.

Art. 248. The State guarantees the payment of the public debt contracted in conformity with the Constitution and the laws.

The appropriations necessary for the payment of principal and interest shall always be understood to be included in the table of expenditures of the Budget, and they shall not be the object of discussion as long as they are in strict conformity with the laws that authorized the loan.

Art. 249. Borrowing shall not be resorted to except for an authorized use or need, amortization of another loan, consolidation of debts, or for productive purposes or purposes related to national defense. The conditions of such loans and their application shall be determined by law.

Art. 250. For the immediate administration of public revenues there shall be a General Treasury of collections and payments, in addition to other offices that may be necessary.

Its organization and functions shall be determined by law.

Art. 251. To be eligible for the position of General Treasurer it is necessary to be a citizen in exercise of one's rights, over twenty-five years of age, of good reputation, and not to be either a creditor or a debtor of the Government, or to have pending accounts with the Government.

His appointment shall be made by the Executive.

Chapter II

The Budget

Art. 252. The Executive shall each year draw up the draft General

Budget of Revenues and Expenditures of the Republic and submit it to Congress, through the Minister of Finance, not later than June 1.

Art. 253. The General Budget of Revenues and Expenditures shall contain, in addition, for the information of Congress, the budgets of the state units of autonomous administration, individually detailed, although such budgets, in accordance with the Constitution and the organic laws, may not be altered by the Legislative Power.

Art. 254. All revenues and expenditures of the State must be provided for and approved in the Budget, and they shall be effective only during the year for which they have been approved.

Art. 255. In the General Budget of Revenues no account may be taken of the income from loans not previously authorized by Congress.

Art. 256. In considering the draft Budget, Congress may not alter fixed charges, such as those for the payment of interest and amortization of loans, payment of international quotas and expenditures decreed by law, which shall be understood to be included in the Budget. It may, however, modify the variable expenses; but the initiative for increasing them, as well as for changing the estimate of revenues, is the exclusive function of the Executive.

Art. 257. No provision shall be included in the Budget to be effective beyond the fiscal year, or that does not refer exclusively to its interpretation and execution.

Art. 258. Once voted by Congress, the Budget shall enter into force without the necessity of approval by the Executive Power.

Art. 259. If Congress does not approve the Budget before the first day of the fiscal year to which it applies, the draft presented by the Executive Power shall be considered as such, by quarters.

Art. 260. Any surplus remaining at the end of a fiscal year shall be designated as revenue in the Budget for the following year. When the fiscal year closes with a deficit, such deficit shall be included as an expenditure in the Budget for the following year.

Art. 261. Every expenditure not provided for by the Budget is unlawful, and the official who orders the payment and the paying employee shall be jointly and severally liable for the amount paid, without prejudice to any penalty otherwise applicable under the law.

Art. 262. Congress may not approve any new expenditure as a charge on the funds of the Nation, without at the same time providing or specifying the resources necessary to meet it.

Any legislative provision that contravenes the foregoing rule is void.

Art. 263. For each fiscal year there may be only a single Budget. In case of urgent necessity, Congress may authorize a supplementary or special Budget.

Art. 264. The appropriations provided in the Budget of Expenditures are established as maximum amounts for each service, and may not be transferred by the Executive Power without prior authorization from Congress.

Art. 265. The Executive Power may, during a recess of Congress and when in his judgment an emergency exists requiring an increase in budgeted

expenditures or the creation of others, open, by resolution of the President of the Republic in Council of Ministers, a supplementary or special appropriation. In this case one or more items may also be transferred.

The appropriation thus voted or transferred must be legalized by Congress.

Art. 266. The Ministry of Finance shall give a final accounting of the Budget within thirty days after it expires, and shall submit it to Congress for definitive approval, before the last five sessions. The report to accompany the accounting shall contain, in addition, by way of information, the financial result of the state units of autonomous administration for the past fiscal year.

Chapter III

The Tribunal of Accounts

Art. 267. The Tribunal of Accounts is the agency for controlling the administration of the national Treasury. It shall have responsibility for supervising the execution of the Budget, and the function of controlling all matters relating to Public Finance, with power to oversee the management of the revenues and to examine and settle the accounts of the Administrators of government funds. The control of local funds and the auditing of the accounts may be assigned to special comptrollers; but the Tribunal of Accounts shall have the final decision, on appeal or by consultation, and must approve the settlement of accounts.

Art. 268. The Tribunal of Accounts shall enjoy functional autonomy. Its members may not be removed except for just cause and by virtue of a resolution stating the grounds therefor.

The President of the Tribunal of Accounts shall have the same qualifications, immunities and prerogatives as Ministers of State.

Art. 269. Conflicts between the Tribunal of Accounts and other State agencies shall be submitted for decision to the Supreme Court of Justice

Art. 270. The organization, jurisdiction, and powers of the Tribunal of Accounts, as well as the appointment and term of office of its members and the requirements for holding the position, shall be determined by law.

Chapter IV

Autonomous Entities or Decentralized Services

Art. 271. The services that constitute the industrial and commercial activity of the State may be administered by autonomous Councils or Boards, when so provided by law for the greater efficiency of the service concerned and for the public interest.

Art. 272. The creation of this class of autonomous entity shall require an absolute majority vote in each Legislative Chamber. To abolish existing ones, a two-thirds vote of the members of each Chamber shall be required.

Art. 273. The act creating or constituting such agencies may not deviate from the following rules:

(1) The autonomous Councils or Boards shall be composed of at

least three members, who shall be designated by the Executive Power in Council of Ministers. The act shall specify the groups to be represented in such agencies, and the manner of their selection by the Executive;

(2) These Entities may not engage in any activities outside of the sphere expressly assigned to them by law, nor may they use their resources for purposes other than their normal activities;

(3) The autonomous administrations shall publish periodic statements in the Official Journal which clearly reflect their financial situation;

(4) The Councils or Boards shall render an annual report of their activities to the Executive Power, which shall approve or disapprove it after receiving the advice of the Tribunal of Accounts;

(5) The members of the Councils or Boards may not be appointed to posts that directly or indirectly relate to the institute to which they belong.

Art. 274. One member of the Council or Board of each Autonomous Entity or Decentralized Service shall be a member of the minority party.

Art. 275. Private capital may be used in the construction and development of the property of the Autonomous Entities or Decentralized Services, provided it is authorized by Congress by law, specifying and regulating the participation of the respective shareholders in the Councils or Boards, and the manner of auditing the accounts.

The contribution of private capital and the representation thereof in the Councils or Boards shall never exceed those of the State.

TITLE IX

Sole Chapter

Departmental Administration, National District, Municipalities, and Local Boards

Art. 276. The political administration of each Department shall be in charge of a *Jefe Politico* appointed by the President of the Republic.

In each Department there shall be a Police Judge, likewise appointed by the President of the Republic.

The qualifications of these officials, and their powers and duties, shall be determined by law.

Art. 277. The government of the National District shall be in charge of the President of the Republic, who shall exercise it as determined by law.

Art. 278. The local administration of cities, towns, and villages shall be in charge of Municipalities (Municipalidades) appointed by the Executive Power every two years, as long as a law does not establish some other form of organization, adopted by a two-thirds vote of each Chamber.

Art. 279. To be a member of a Municipality it is necessary to be over twenty-one years of age, a citizen in the exercise of one's rights, to know how to read and write, and to have resided in the respective town for more than five years.

Art. 280. The Municipality of the capital city of each department shall be composed of a Mayor, a Syndic, and an Alderman (Regidor). The Syndic must be a lawyer, but where there is no lawyer he may be one who understands the law. The Alderman shall be the Municipal Treasurer.

Art. 281. The organization of the other Municipalities shall be determined by law.

Art. 282. The Municipalities shall enjoy economic and administrative autonomy subject to the supervision of the Executive Power. The National District as well as the Municipalities are authorized to issue local laws and impose local taxes (arbitrios).

The tax schedules of both the National District and the Municipalities require the approval of the Executive Power.

Art. 283. The property and revenue of the National District, of the Municipalities (Municipios), and of the Local Boards, belong to them exclusively, and enjoy the same guarantees as property and income of private individuals.

No power of the State may encumber such property or income, or grant exemptions from taxes payable to the National District, the Municipality, or Local Boards.

Art. 284. Funds of the National District, Municipalities, and Local Boards shall be devoted exclusively to the services of the administration of the respective community.

Art. 285. Real property of the National District, the Municipalities, and the Local Boards is imprescriptible.

Art. 286. Members of the National District, the Municipalities, and the Local Boards shall freely appoint the employees dependent upon them.

Art. 287. It is prohibited to establish barriers or limitations to traffic between Municipalities, including the National District, as well as to decree intermunicipal transit or transport taxes under any name, that burden or interfere with the free circulation of goods, persons, or vehicles.

Art. 288. Members of the National District, the Municipalities, and the Local Boards shall be collectively and individually responsible for any abuses they commit in the performance of their offices.

Art. 289. One member of the Municipalities and of the Local Boards shall belong to the minority party.

TITLE X

Sole Chapter

Social Welfare

Art. 290. Social Welfare shall be in charge of the Executive Power, which shall administer it through the medium of a National Board of Social Welfare and Local Boards of Social Welfare, the organization, functioning and powers of which shall be determined by law.

Art. 291. The National Board of Social Welfare shall have the resources assigned to it by law.

Art. 292. The provisions of the foregoing chapter relative to property, revenue and taxes of the National District and Municipalities are applicable to the Boards of Social Welfare .

Art. 293. Local Boards of Social Welfare may decree schedules of taxes (arbitrios), subject to the approval of the Executive Power.

Art. 294. One member of these Boards shall belong to the minority party.

TITLE XI

SOLE CHAPTER

Public Servants

Art. 295. Public servants are at the service of the community and not that of any party or organization of private interest.

Art. 296. There shall be no employee in Nicaragua not having functions determined by law or regulation.

Art. 297. Public servants are personally liable for violation of the Constitution, for lack of administrative integrity, and for any other offense or misdeed committed in the performance of their functions, all pursuant to law.

Art. 298. Public servants are personally liable for damages caused by their negligence, default, or abuse in the exercise of their office.

Art. 299. There shall be an organized Civil Service, with public servants having no political character.

The law shall determine the duties of public servants, as well as the conditions of appointment; the rules for promotions, pensions, and retirement; the guarantees of permanent tenure, termination, suspension or transfer; vacations and the applicable guarantees of Article 95.

Art. 300. The concerted stoppage of work in a public service, or a service having a collective interest, shall result in the automatic dismissal of the participants, in addition to any other liability imposed by law.

Also subject to this rule are employees of Autonomous Entities and employees of private enterprises that perform services of public interest.

Art. 301. All persons who manage public funds, or funds of Municipalities or Autonomous Entities, must provide an adequate prior guarantee. This principle shall be regulated by law.

TITLE XII

SOLE CHAPTER

Electoral Matters

Art. 302. Electoral matters shall be in charge of a National Council of Elections situated in the capital of the Republic, of Departmental Councils of Elections in each capital city, and of Electoral Boards, one for each voting place.

Art. 303. The National Council of Elections shall be composed of a Chairman and two Political Members representing each of the two Principal Parties of the Nation. The Chairman of the National Council of Elections shall be appointed by the Supreme Court of Justice, by majority vote; and the Political Members, by the National and Legal Governing Board of the respective Parties.

Art. 304. The personality and rights of the political parties and the definition of the two principal parties shall be determined by law.

Art. 305. The Chairman and the Political Members of the National Council of Elections shall have the same qualifications and shall enjoy the same immunities as the Magistrates of the Supreme Court of Justice.

Art. 306. The positions of Chairman and Political Member of the National Council of Elections are incompatible with the holding of any other office for which compensation is paid from government or municipal funds.

Art. 307. The term of office of members of the National Council of Elections shall be six years, and shall commence on the date set by the Electoral Law.

Art. 308. The National Council of Elections is autonomous and permanent. It shall be represented by its Chairman, who may communicate directly with any office of the State.

Art. 309. The National Council of Elections shall have supreme direction of matter relating to electoral acts and procedures, and shall have the following powers:

(1) To exercise directive, correctional and consultative superintendence over the other electoral organs;

(2) To prescribe all measures concerning the orderly conduct of elections;

(3) To decide in the last instance on all claims and appeals arising out of the electoral processes;

(4) To make the final determination in elections, and to declare elected the President of the Republic, Deputies and Senators and other public officials elected by popular vote, and to grant them the corresponding credentials;

(5) To render decisions without further ordinary or extraordinary recourse in disputes of a political nature which occur between parties or individuals in relation to the exercise of suffrage;

(6) To appoint the employees of its office;

(7) To exercise all other powers conferred on it by the Electoral Law.

Art. 310. Whenever the National Council of Elections acts as a court the votes of two of its members shall constitute a quorum, the presence of the Chairman being necessary. This court shall proceed as a jury in the judgment of the facts and shall decide in accordance with the law.

Art. 311. The Chairman and Political Members of the National Council of Elections shall be paid by the State.

Art. 312. The Electoral Law shall regulate the functioning of the Electoral Councils and Boards and shall fix the terms of office of the Departmental Councils and the date on which they begin.

Art. 313. Whenever the same person is elected by popular vote to two or more offices, he shall, by the fact of taking possession of one of them, be considered to have irrevocably renounced the others.

TITLE XIII

Sole Chapter

The Army

Art. 314. The National Guard of Nicaragua is the only armed force in the Republic, intended to guarantee the independence of the Nation, the integrity of its territory, domestic peace and the security of individual rights.

Any other armed bodies, by the mere fact of their organization, shall be under the authority and control of the National Guard.

Art. 315. The President of the Republic is the Commander in Chief of the National Guard.

Art. 316. The National Guard is a non-political organization. Its members in active service may not vote or engage in political activities of any kind.

Art. 317. The public force is essentially obedient and may not deliberate. No member of the military in active service may collectively or individually express an opinion on matters relating to the service or which in any way attacks or criticizes the laws of the Republic. Neither may he make petitions except on matters relating to the good service and morality of the body and in accordance with the laws of its institution.

Art. 318. The organization and discipline of the Army shall be governed by the laws on the subject and additional regulations issued by the President of the Republic.

Art. 319. Members of the National Guard shall have a special court for purely military crimes and offenses, and shall be punished in accordance with the Penal Code of the institution. If they commit common crimes or offenses, they shall be under the jurisdiction of the ordinary laws and courts, in whose hands offenders will be placed after their removal from the service.

Art. 320. Military service is compulsory. The law shall determine the manner in which it shall be rendered.

Art. 321. The State guarantees protection and pensions to members of the Army who become disabled in military service or in defense of their country or of order, and likewise to the families of those who lose their lives in such service.

Art. 322. Members of the Army in active service may not hold offices by popular election.

TITLE XIV

Sole Chapter

Constitutional Laws

Art. 323. The following are constitutional laws: the Law of *Amparo*,[1] the Martial Law,[2] and the Electoral Law.

TITLE XV

Sole Chapter

Supremacy of the Constition and its Amendment

Art. 324. The Constitution is the supreme law of the Republic. No laws, decrees, regulations, orders, provisions, pacts, or treaties which are in conflict with it or which in any way alter its provisions shall have any validity.

Art. 325. The agencies of the Government, jointly or separately, are forbidden to suspend the Constitution or to restrict the rights granted by it, except in the cases provided therein.

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[1] *Amparo* is a writ designed to protect individuals aggrieved by arbitrary or unconstitutional action or laws. The "Ley de Amparo" is published in "La Gaceta" No. 27 of February 8, 1951.

[2] The "Ley Marcial" is published in "La Gaceta" No. 269 of December 19, 1950.

Laws which regulate the exercise of constitutional rights and guarantees shall be null in so far as those rights are diminished, restricted, or corrupted.

Any official who violates this provision shall be liable for the damage caused.

Art. 326. The Constitution and the Constitutional Laws may be wholly or partially amended.

Art. 327. Partial amendment shall be subject to the following procedure:

(1) The initiative of an amendment of one or more articles must be submitted, with an explanation of reasons, to the Chamber of Deputies in an ordinary session, supported by the signatures of at least ten or more Deputies;

(2) After being read twice with an interval of three days, the Chamber shall decide, by an absolute majority of votes, whether or not the proposed amendment shall be considered;

(3) If the vote is affirmative, the presiding officials shall refer it to a Special Committee composed of five Representatives, two of whom are members of the minority party. This Committee must submit its report within eight days;

(4) The report and the proposal shall be discussed jointly in two debates in accordance with regular rules;

(5) If the Chamber, in approving or rejecting the report, supports the proposed amendment, it shall be sent to the Senate which, in acting upon it, shall follow the same procedure as in the Chamber of Deputies;

(6) If the Senate also approves the amendment, it shall invite the Chamber of Deputies to form a Congress in United Chambers;

(7) Congress in United Chambers shall appoint a Special Committee from among its members to draft the proposed law of amendment within a period of eight days. The Drafting Committee shall consist of five Deputies and two Senators, three of whom shall belong to the minority party. The proposed law of amendment shall be discussed in two debates and its approval requires an absolute majority of votes;

(8) The bill thus approved shall be sent to the Executive Power. The President of the Republic, when the next legislative session is inaugurated, shall return it to Congress with an explanation of reasons, either accepting or rejecting it or proposing amendments;

(9) If the bill is accepted, Congress shall send it to the Executive Power for publication. In the event of rejection or amendment, the bill shall be again discussed in two debates by Congress in United Chambers, during their first sessions.

(10) The bill, as newly approved by an absolute majority of Congress in United Chambers, shall be sent to the Executive Power for publication.

Art. 328. Total amendment of the Constitution may only take place ten years after it has been in force, by a Constituent Assembly, when the National Congress has declared that such amendment is in order, following the procedure outlined in numerals 1) to 6), inclusive, of the preceding article.

The National Congress is dissolved by the mere fact of deciding in favor of amendment.

TITLE XVI

SOLE CHAPTER

Final Provisions

Art. 329. The present Constitution shall govern from the time of its publication in "La Gaceta", the Official Journal, and repeals the Constitution of 1948, published on January 22 of that year.

Three original texts of this Constitution shall be signed by at least an absolute majority of the Representatives and by the President of the Republic and the Ministers of State. One shall be retained in the Secretariat of the National Congress, one in the Ministry of Government, and the third in the Supreme Court of Justice. Each shall be considered an authentic text of the Fundamental Law of the Republic.

The President of the Republic shall order it published in "La Gaceta", the Official Journal.

Art. 330. All public officials shall take an oath to comply with the Constitution and the law, and to enforce them faithfully.

Art. 331. In every officially organized (colegiado) body, including the Boards of Directors of the State Banks and Credit Institutions, as well as in plural missions and delegations to International Conferences, one member shall belong to the minority party. For such purposes, the Chairman and Secretary of the National and Legal Governing Board of such party shall submit lists of three names for each position to whoever is authorized to make the appointment, which must be given to one of the names proposed.

Art. 332. Whenever the National Congress is to elect an official belonging to the minority party, the election must be made from one of the three candidates proposed for each office, in a note addressed to the Congress, by the Chairman and Secretary of the National and Legal Governing Board of the minority party.

This same rule is to be observed in filling a vacancy of an official belonging to the minority party.

Art. 333. In other cases in which officials belonging to the minority party are to be elected or appointed, the election or appointment shall be made from one of the three candidates for each position proposed by the Chairman and Secretary of the National and Legal Governing Board of such party.

Art. 334. Wherever the Constitution uses the term "minority party", this refers to the political party that obtained second place by its votes in the direct popular election for President of the Republic.

Art. 335. All laws now in force shall continue to be compulsory throughout the Republic in so far as they do not conflict with the provisions of this Constitution or the Constitutional Laws.

TITLE XVII

SOLE CHAPTER

Transitory Provisions

Art. 336. The Powers of State shall be reorganized in accordance with the following rules:

(1) In accordance with the Legislative Decree of March 7, 1950, the General of Division, Anastasio Somoza García, shall hold the position of President of the Republic for the remainder of the term that expires on May 1, 1951.

(2) On May 1, 1951, General of Division Anastasio Somoza García shall assume the office of President of the Republic before Congress, as elected by the Nicaraguan people, according to credentials issued by the National Council on Elections, in accordance with the Legislative Decree of April 15, 1950. His term of office shall expire on May 1, 1957.

(3) Upon approval of the Constitution and the Constitutional Laws, the National Constituent Assembly shall become the National Congress, which shall exercise the Legislative Power until April 15, 1957, divided into two Chambers, as follows:

(a) The Senate shall consist of fifteen Proprietary Senators elected by the Assembly from among the Representatives who are over thirty-five years of age, together with the candidate of the minority party at the recent presidential elections, and the Life Senators established by the Constitution. The respective alternates, even if less than thirty-five years of age, shall become Alternate Senators.

Of the fifteen Senators elected in the manner indicated, three shall belong to the minority party.

(b) The Chamber of Deputies shall consist of forty-two Proprietary Representatives, with their respective Alternates remaining after election of the Senate.

(4) For the legislative term expiring April 15, 1957, the following rules shall govern:

(a) Alternates already incorporated and those incorporated later, shall form a part of the Senate in replacement of Life Senators who die, are absent or hold some other elective office.

(b) The vacancy of an ex-President of the Republic, through death, absence or the holding of some other elective office, shall be filled by an alternate Representative who belongs or belonged to the political party of the ex-President and who shall be designated by the Chairman and Secretary of the National and Legal Governing Board of that party.

(c) If the Presidential Candidate of the minority party in the most recent elections is unavailable, his functions as Senator shall be exercised by an Alternate Representative from the same party, designated by the President of the Senate.

(d) In the event of the absolute inability to serve of an ex-President or the Presidential Candidate of the minority party, the incorporated Alternate shall continue to serve for a period equal to the term indicated for elected Representatives.

(5) The Magistrates of the Judicial Power elected by Decree of the National Constituent Assembly of June 4, 1950, shall remain in office until May 1, 1957.

(6) In the reorganization of the Municipalities the majority party shall be considered to be the one that obtained the greatest number of votes in the Cantons pertaining to the municipal district in the presidential elections of 1932. This provision shall govern during the presidential term beginning May 1, 1951 and expires on May 1, 1957.

(7) Other public officials who have begun their terms in accordance with the Constitution of 1948 and laws in effect, shall continue in office until May 1, 1951.

(8) The current term of the members of the National Council of Elections shall terminate six months prior to the date of the next presidential election.

Done in the Hall of Sessions of the Constitutent Assembly, at Managua, National District, on November 1, 1950.

(There follow the signatures of the President, other Officers, and members of the Constituent Assembly).

To be published.—Presidential Residence—Managua, National District, November 1, 1950.

(S) A. Somoza
President of the Republic

(followed by the signatures of the Ministers of State)

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NORWAY

SUMMARY

International Status

Norway is a member of the United Nations. It signed the Charter in San Francisco on June 26, 1945. It also signed the United Nations Declaration of January 1, 1942.

It was a member of the League of Nations and was a signatory of the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause (Article 36). As a member of the United Nations it is a party to the Statute of the International Court of Justice of 1945, and it has accepted the compulsory jurisdiction of that Court under Article 36 of the

Statute.[1] It is a member of the Postal Union and numerous other international organizations.[2]

Norway was invaded by Germany, April 9, 1940, and occupied. The King and officials established a government in England. In May, 1945, the Germans capitulated and the government returned.

Norway was united to Denmark in 1381. As a result of the expedition of Prince Charles of Sweden in Holstein, it was ceded to Sweden in 1814 by the Treaty of Kiel which was not accepted by Norway. The latter declared itself independent and elected a Danish prince as its king. This election was not recognized by the foreign powers and, as a result, a convention of August 14 of the same year, 1814, proclaimed the independence of Norway in union with Sweden, and the King of Sweden was elected King of Norway. The union was declared dissolved by Norway in June, 1905, and in October of that year a mutual agreement was signed dissolving the union. Prince Charles of Denmark was elected King and ascended the throne as Haakon VII.

Form of National Government

Norway has a written contitution adopted May 17, 1814, which has had many amendments. This declares that the "form of government is a limited and hereditary monarchy." [3]

Source of Sovereign Power

The source of sovereignty is not stated.

Rights of the People

The Constitution guarantees that none may be arrested, detained, or convicted except according to law,[4] that no law may have retroactive effect,[5] freedom of the press,[6] prohibition of domiciliary visits except in criminal cases,[7] prohibition of forfeiture and expropriation except with compensation,[8] and that no "earldoms, baronies, majorats, or perpetuities may be created in the future." [9] The State religion is Evangelical-Lutheran and all inhabitants professing it must bring up their children in it. Jesuits are not tolerated.[10]

Legislative Department

Legislative power is exercised by the people through the bicameral Storthing, consisting of the Lagthing and the Odelsthing.[11] The one hundred and fifty members of the Storthing are elected directly by universal

[1] See Yearbook of the Court, 1951–52, pp. 35-43, 193.
[2] See Table I.
[3] Const. of 1814, Art. 1.
[4] Id., Arts. 96, 99.
[5] Id., Art. 97.
[6] Id., Art. 100.
[7] Id., Art. 102.
[8] Id., Arts. 104, 105.
[9] Id., Art. 108.
[10] Id., Art. 2.
[11] Id., Art. 49.

suffrage, specified numbers for each country and town, for a period of four years.[1] At the first ordinary assembly of the Storthing after an election, it nominates one-fourth of its own members to form the Lagthing, the remaining three-fourths forming the Odelsthing, and each Thing holds its meetings separately.[2]

Executive Department

Executive power is vested in the King.[3] The crown is hereditary in the male line and the king must be of the Evangelical-Lutheran religion.[4] Provision is made for a council of state whose ministers are responsible.[5] The ministers may not attend the Storthing as representatives while they have a seat in the council of state, but may take part in the proceedings.[6]

Judicial Department

There is provision for a Supreme Court composed of a president and four other members.[7] The Storthing may demand its opinion on questions of law.[8]

Area, Population, Language

Norway has an area of 124,556 square miles and a population (1950 census) of 3,278,546. The language is Norwegian.

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[1] Const. of 1814, Arts 50, 54, 57, 58. [2] Id., Art. 73. [3] Id., Art. 3.
[4] Id., Arts. 4, 6. [5] Id., Art. 5, 12. [6] Id., Arts. 62, 74.
[7] Id., Art. 88. [8] Id., Art. 83.

THE CONSTITUTION OF NORWAY[1]

May 17, 1814, with amendments

A. Form of Government and Religion

1. The Kingdom of Norway is a free, independent, indivisible, and inalienable kingdom. Its form of government is a limited and hereditary monarchy.

2. The Evangelical-Lutheran religion shall remain the public religion of the State. The inhabitants professing it shall be bound to bring up their children in the same. Jesuits shall not be tolerated.

B. The Executive Power, the King, and the Royal Family

3. The Executive Power is vested in the King.

4. The King shall always profess the Evangelical-Lutheran religion, and maintain and protect the same.

5. The King's person shall be sacred; he cannot be blamed nor accused. The responsibility shall rest upon his council.

6. The order of succession shall be lineal and agnatic, whereby only male, born in lawful wedlock, may succeed male; the nearer line shall pass before the more remote, and the elder in the line before the younger.

Among those entitled to the succession shall be reckoned also the child unborn, who shall immediately take his proper place in the line of succession the moment he is born into the world after the death of his father.

When a prince entitled to succeed to the crown of Norway is born, his name and the time of his birth shall be notified to the first Storthing thereafter held, and be entered in the record of its proceedings.

7. If there is no prince entitled to the succession, the King may propose his successor to the Storthing, which has the right to decide the election if the King's proposal is not agreed to.

8. The age of majority for the King shall be fixed by law.

As soon as the King has attained the age of majority fixed by law, he shall make public declaration that he has arrived at his majority.

9. As soon as the King, being of full age, assumes the Government, he shall take before the Storthing the following oath: "I promise and swear that I will govern the Kingdom of Norway in accordance with its Constitution and laws, so truly help me God, the Almighty and Omniscient!"

If the Storthing is not in session at the time, then the oath shall be delivered in writing to the council of state, and be repeated solemnly by the King to the first Storthing.

10. (Repealed).

11. The King shall reside in the Kingdom and may not, without the consent of the Storthing, stay outside the Kingdom for more than six

[1] Translation by the Ministry of Justice.

months at a time; otherwise he shall have forfeited, for his person, his rights to the crown.

The King may not accept any other crown or government without the consent of the Storthing, a majority of two-thirds of the votes being required.

12. The King chooses himself a council of Norwegian citizens, who must not be under thirty years of age. The Council shall consist of a prime minister and at least seven other members.

More than half the number of the members of the council of state shall profess the public religion of the State.

The King shall apportion the business among the members of the council of state, as he deems suitable. On extraordinary occasions, the King may summon other Norwegian citizens to take a seat in the council of state, beside the ordinary members of the council of state, not however any member of the Storthing.

Husband and wife, parents and children, or brothers and sisters, may not, at the same time, have a seat in the council of state.

13. During his travels within the Kingdom, the King may make over the administration of the Kingdom to the council of state. The council of state shall carry on the government in the King's name and on his behalf. They shall inviolably observe the provisions of this Constitution as well as the particular directions in accordance therewith which the King in an instruction shall communicate to them.

The matters of business shall be disposed of by vote; in the case of an equality of votes, the Prime Minister, or, in his absence, the first member present of the council of state, is to have two votes.

The council of state shall present to the King a report of the business thus disposed of.

14. (Repealed).

15. (Repealed).

16. The King shall give directions for all public church and divine service, all meetings and assemblies relating to religious matters, and ensure that the public teachers of religion follow the rules prescribed for them.

17. The King may issue and repeal regulations concerning commerce, customs, trade and industry, and police; they must not, however, be at variance with the Constitution or the laws passed by the Storthing (as hereinafter prescribed in sections 77, 78 and 79). They shall operate provisionally until the next Storthing.

18. The King shall, as an ordinary rule, cause the taxes and duties imposed by the Storthing to be collected.

19. The King shall superintend the management of the estates and regalia belonging to the State, to ensure that they are utilized and administered in the manner determined by the Storthing and to the best advantage of the community.

20. The King in council shall have the right of pardoning criminals after sentence has been passed. The criminal shall have the choice whether he will accept the King's grace or submit to the punishment awarded to him.

In the actions which the Odelsthing [1] causes to be brought before the high court of the realm [2] no other pardon than exemption from capital punishment may be granted.

21. The King, with the advice of his council of state, shall choose and appoint all civil, ecclesiastical, and military officials. Such officials shall swear. or, if by law exempted from taking the oath, solemnly affirm obedience and allegiance to the Constitution and the King. The royal princes may not hold civil offices.

22. The Prime Minister and the other members of the council of state, as well as officials attached to the government offices or to the diplomatic or consular services, chief civil and ecclesiastical officials,[3] chiefs of regiments and other military forces, commandants of forts and commanders-in-chief of warships, may, without any preceding judicial sentence, be dismissed by the King, who shall previously have heard the opinion of the council of state on the subject. Whether or no pensions should be granted to officials thus dismissed, shall be determined by the next Storthing. In the meantime they shall receive two-thirds of their previous pay.

Other officials may only be suspended by the King, and shall then at once be prosectued before the tribunals; but they may not, unless judgment has been pronounced against them, be removed from office, nor may they, against their will, be transferred to another place.

All officials may, without any preceding judicial sentence, be dismissed when they have attained a limit-of-age determined by law.

23. The King may confer decorations on whomever he pleases as a reward for distinguished services, which must be publicly notified; but he may not confer any other rank or title than such as each office carries with it. The order exempts no one from the common duties and burdens of the citizens, nor does it carry with it any preferential admission to the offices of the State. Officials who are released from office with assurances of royal favor, retain the title and rank of the office they have filled. This does not, however, apply to the members of the council of state.

No personal or mixed hereditary privileges may henceforth be granted to any one.

24. The King chooses and dismisses at his own pleasure his royal household and court attendants.

25. The King is commander-in-chief of the army and the navy of the Kingdom. These forces may not be increased or reduced without the consent of the Storthing. They may not be transferred to the service of foreign powers, nor may any military forces in the service of foreign powers, excepting auxiliary troops against hostile attack, be brought into the Kingdom without the consent of the Storthing.

The territorial levy (landevern) and the other troops that cannot be classed among the line troops, may never, without the consent of the Storthing, be employed beyond the borders of the Kingdom.

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[1] A division of the Storthing. See Section 73.

[2] The Riksrett, dealing with impeachment for political offenses. See Section 86.

[3] Chief civil officials, practically meaning the chief administrative authority in a county (a prefect, lord-lieutenant); chief ecclesiastical officials, practically meaning bishops.

26. The King shall have the right to assemble troops, to commence war in the defense of the Kingdom and to conclude peace, to make and denounce treaties, to send and to receive diplomatic envoys.

Treaties bearing on matters of special importance, and, in any case, such treaties as, according to the Constitution, necessitate a new law or a decision on the part of the Storthing in order to be carried into effect, shall not be binding until the Storthing has given its consent thereunto.

27. All the members of the council of state shall, unless being by lawful impediment prevented from attending, be present in the council of state and no resolution may be taken there unless more than half the number of its members be present.

Members of the council of state who do not profess the public religion of the State, do not take part in the consideration of matters which concern the established Church.

28. Reports on the subject of appointments to offices and other matters of importance shall be introduced in the council of state by the member to whose department they belong, and the decisions are to be carried out by him in accordance with the resolution taken in the council of state. Matters strictly relating to military command may, however, to the extent determined by the King, be excepted from being dealt with in the council of state.

29. If a member of the council of state is by lawful impediment prevented from attending the meeting and from introducing the matters belonging to his department, these may be introduced by another member whom the King may depute for the purpose.

If so many, by lawful impediment, are prevented from attending that not more than half of the fixed number are present, other men or women shall, to the number required, be deputed to take seats in the council of state.

30. All the proceedings of the council of state shall be entered in the minutes of the council. Diplomatic matters which the council of state have decided to keep secret shall be entered in a special record. The same applies to matters relating to military command which the council of state have decided to keep secret.

Every one who holds a seat in the council of state is in duty bound to express fearlessly his opinions, to which the King is bound to listen. But it remains with the King to take a resolution according to his own judgment.

If any member of the council of state finds that the King's resolution is at variance with the form of government or the laws of the Kingdom, or is manifestly prejudicial to the Kingdom, it is his duty to make strong representations against it, and also to record his opinion on the minutes. A member who has not thus protested shall be deemed as having agreed with the King and shall be answerable therefor in such manner as may be subsequently decided, and may be impeached by the Odelsthing before the high court of the realm.

31. All resolutions taken by the King shall in order to become valid be countersigned. The resolutions relating to military command shall be

countersigned by the person who has introduced the report; other resolu tions shall be countersigned by the Prime Minister or, if he has not beer present, by the first of the members of the council of state present.

32. The resolutions taken by the government during the absence of th King, shall be drawn up in the King's name and be signed by the counci of state.

33. (Repealed.)

34. The nearest heir to the throne, if he is the son of the reigning King shall bear the title of crown prince. The other persons entitled to succeec to the crown, are to be called princes, and the daughters of the royal hous princesses.

35. As soon as the heir to the throne has completed his eighteenth year he is entitled to take a seat in the council of state, but without vote o responsibility.

36. No prince of the royal house may marry without the sanction o the King. Nor may he accept any other crown or government withou the sanction of the King and the Storthing; to obtain the sanction o the Storthing two-thirds of the votes are required.

If he acts contrary to this rule, he, as well as his descendants, forfei their rights to the Norwegian throne.

37. The royal princes and princesses shall not be answerable personall to any other than the King, or to such person as he may appoint to sit i judgment on them.

38. (Repealed.)

39. If the King dies, and the heir to the throne is still under age, th council of state shall immediately summon the Storthing.

40. Until the Storthing have assembled and made provisions for th government during the minority of the King, the council of state shal carry on the administration of the Kingdom in accordance with the Con stitution.

41. If the King is absent from the Kingdom, otherwise than by reaso of his being in the field, or if he is prevented by illness from attending t the government, the prince next entitled to succeed to the throne shal conduct the government as being temporarily invested with the royal power provided that he has attained the age fixed for the King's majority. I that be not the case, the council of state shall carry on the adninistratio of the Kingdom.

42. (Repealed).

43. The election of guardians who are to conduct the government o behalf of the King during his minority, shall rest with the Storthing.

44. The prince who in the cases mentioned in Section 41 conducts th government, shall deliver to the Storthing the following oath in writing "I promise and swear that I will conduct the government in accordanc with the Constitution and the Laws, so truly help me God, the Almight and Omniscient!"

If the Storthing is not in session at the time, the oath shall be delivere to the council of state and be afterwards transmitted to the next Storthing

The prince who has once taken the oath, shall not repeat it later on

45. As soon as their administration of the State ceases, they shall render to the King and the Storthing an account of the same.

46. If the persons in question neglect to immediately summon the Storthing in accordance with Section 39, it becomes the unconditional duty of the Supreme Court of Justice,[1] as soon as four weeks elapsed, to cause this summons to be issued.

47. The superintendence of the education of the King during his minority shall, if his father has not left any directions for the purpose in writing, be determined by the Storthing.

It shall be an indispensable rule that the King, in his minority, be given sufficient instruction in the Norwegian language.

48. If the male line of the royal family has become extinct, and no successor to the throne has been elected, then a new king shall be chosen by the Storthing. Meanwhile the executive power shall be exercised in accordance with Section 40.

C. Citizenship and the Legislative Power

49. The people shall exercise the legislative power through the Storthing which consists of two divisions, a Lagthing and an Odelsthing.

50. The right of voting shall belong to Norwegian citizens, men and women, who have completed their twenty-third year, have been domiciled in this country for five years and are residing there.

Norwegian officials attached to the diplomatic or consular services, as well as their households, shall, when otherwise fulfilling the above conditions, have the right of voting in the polling district in Norway in which they has their last residence.

51. The rules concerning the electoral registers and the registration of the persons entitled to vote, shall be determined by law.

52. The right of voting shall be suspended in the case of any one person who:

(a) Is prosecuted by the crown for criminal offenses, subject to such provisions as may be laid down by law;
(b) Is declared incapable of managing his (her) own affairs;
(c) (Repealed.)
(d) (Repealed.)

53. The right of voting shall be lost in the case of any one person who:

(a) Is sentenced for criminal offenses, subject to such provisions as may be laid down by law;
(b) Enters the service of a foreign power without the consent of the government;
(c) Acquires citizenship in a foreign state. In the case of women who are domiciled in the Kingdom and have acquired such citizenship through marriage with a foreign subject, the loss shall not take effect until they have left the Kingdom;
(d) Is found guilty of having bought votes, or sold his (her) own vote, or having voted at more than one poll.

54. The electoral Things (meetings) shall be held every four [2] years. They shall be over by the end of November.

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[1] The Hoiesterett, see Section 88.

[2] Amended April 22, 1938, by changing three years to four years.

55. The electoral Things shall be conducted in such manner as shall be determined by law. Disputes as to the right of voting shall be settled by the conductors of the poll, from whose decision an appeal may be brought to the Storthing.

56. Before the elections commence, Sections 50–64 of the Constitution shall be read out aloud by the presiding officer of the poll.

57. The number of representatives to be elected as members of the Storthing shall be fixed at one hundred and fifty.

The number of the representatives of the country districts and the number of the representatives of the towns shall always be in the proportion of two to one.

58. Of the number of representatives to be elected by the country districts, the country of Østfold shall elect six; the country of Akershus seven; the country of Hedmark seven; the country of Opland six; the county of Buskerud five; the county of Vestfold four; the county of Telemark five; the county of Aust-Agder four; the county of Vest-Agder four; the county of Rogaland five; the county of Hordaland eight; the county of Sogn og Fjordane five; the county of Møre [1] seven; the county of Sør-Trøndelag six; the county of Nord-Trøndelag five; the county of Nordland eight; the county of Troms five; and the county of Finmark three.

Of the number of representatives to be elected by the towns, the towns of the counties of Østfold and Akershus shall elect, together, four; Kristiania [2] seven; the towns of the counties of Hedmark and Opland, together, three; the towns of the county of Buskerud, together, three; the towns of the county of Vestfold, together, four; the towns of the counties of Telemark and Aust-Agder, together, five; the towns of the counties of Vest-Agder and Rogaland, together, seven; Bergen five; the towns of the county of Møre, together, three; the towns of the counties of Sør-Trøndelag and Nord-Trøndelag, together, five; and the towns of the counties of Nordland, Troms, and Finmark, together, four. Any town in a county not mentioned here shall be included in such electoral town district as may be determined by law.

59. Every town and, in the country districts, every municipality, as well as every non-chartered town (ladested) possessing a municipal council of its own, shall constitute a separate polling district. The towns may, by law, be divided into several polling districts.

The electoral Things shall be held separately for each polling district. At the poll the votes are given, by the mode of direct election, for the representatives in the Storthing of the whole electoral district and their substitutes.

The system of election is proportional. The rules to be applied hereunto, as well as the particular regulations concerning the elections, shall be determined by law, subject to the provisions laid down in the Constitution.

60. How far and in what manner qualified voters may be allowed to deliver their ballot papers without meeting personally at the poll, shall be determined by law.

61. No one may be elected as a representative unless he is thirty years

[1] Now called "Møre og Romsdal." [2] Now called "Oslo."

of age, had resided in the Kingdom for ten years, and has the right of voting in the district from which he is chosen.

Any one, however, who is or has been a Prime Minister or a member of the council of state, may be chosen as a representative in an electoral district in which he is not entitled to vote, provided that he is otherwise qualified for election.

62. The officials employed in the government offices and the attendants or servants and pensioners of the court are debarred from being chosen as representatives. The same applies to persons attached to the diplomatic or consular services.

The members of the council of state may not attend at the Storthing as representatives as long as they have a seat in the council of state.

63.[1] Every one who is elected as a representative shall be in duty bound to accept the election, unless he is elected under the circumstances mentioned in Section 61, 2d paragraph, or is prevented by an impediment which the Storthing judges to be valid. If any one is elected as a representative without being obliged to accept such election, he must, within the time and in the manner prescribed by law, make a declaration stating whether he accepts the election or no.

The time within which and the manner in which a representative elected for two or more electoral districts shall make a declaration as to which election he accepts, shall likewise be fixed by law.

64. The representatives elected shall be furnished with certificates, the validity of which is submitted to the judgment of the Storthing.

65. Every representative and every substitute called to the Storthing shall be entitled to receive, as fixed by law, reimbursement from the exchequer for traveling expenses to and from the Storthing, and from the Storthing to his home and back again, during vacations lasting at least fourteen days, and also for expenses for medical treatment in the case of illness.

He is further entitled to receive compensation, as determined by law, for sitting in the Storthing.

66. The representatives shall be exempt from personal arrest while on their way to and from the Storthing, as well as during their stay there, unless they are caught in public crimes; nor shall they be called to account outside the meetings of the Storthing for the opinions they have expressed there. Every representative shall be bound to conform to the rules of the Storthing.

67. The representatives elected in the manner aforesaid shall constitute the Storthing of the Kingdom of Norway.

68. The Storthing shall as a rule assemble on the first week-day after the 10th of January every year in the capital of the Kingdom, unless the King, by reason of extraordinary circumstances, such as hostile invasion or infectious disease, shall appoint for the purpose another town in the Kingdom. Such an appointment must then be publicly notified in good time.

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[1] Amended July 15, 1938.

69. In extraordinary cases the King shall have the right to summon the Storthing at a time other than the ordinary.

70. Such an extraordinary Storthing may be dismissed by the King when he thinks fit,

71. The members of the Storthing shall act as such for four [1] successive years in extraordinary as well as in the ordinary Storthings held during that period.

72. If an extraordinary Storthing is still sitting at the time when an ordinary Storthing is to open, the former shall be dismissed before the latter assembles.

73. The Storthing shall nominate from among its members one-fourth part, which constitutes the Lagthing; the remaining three-fourths form the Odelsthing. This nomination shall take place at the first ordinary Storthing that assembles after a new general election, and thereafter the Lagthing shall remain unchanged at all Storthings that meet after the same election, except in so far as any vacancy which may occur among its members, has to be filled by special nomination.

Each Thing shall hold its meetings separately and nominate its own President and Secretary. Neither of the Things may hold its meetings unless at least one half of its members are present. Bills concerning amendments of the Constitution may not be dealt with unless at least two-thirds of the members of the Storthing are present.

74. As soon as the Storthing is constituted, the King or the person he appoints for the purpose, shall open its proceedings with a speech, in which he shall inform it of the condition of the Kingdom and of the subjects to which he particularly desires to call the attention of the Storthing. No deliberation may take place in the presence of the King.

When the proceedings of the Storthing are opened, the Prime Minister and the members of the council of state have the right to attend in the Storthing, as well as in both of its divisions, and like the members of the same, without, however, giving a vote, the right to take part in the proceedings of the day, in so far as these are conducted with open doors, but in such matters as are discussed with closed doors only in so far as the Thing in question may grant permission.

75. It belongs to the Storthing—

(a) To enact and to repeal laws; to impose taxes, duties, customs, and other public charges, which, however, shall not remain operative longer than till the first of July of the year in which the next ordinary Storthing assembles, unless they are expressly renewed by the same;

(b) To open loans on the credit of the Kingdom;

(c) To control the finances of the Kingdom;

(d) To vote the sums of money necessary to meet the expenditure of the State;

(e) To decide how much shall yearly be paid to the King for his royal household, and to determine the appanage of the royal family, which must not, however, consist in real property;

(f) To have laid before it the minutes of the council of state, and all public reports and documents; the records of such diplomatic matters and of such matters relating to military command as, in pursuance of a

[1] Amended April 22, 1938, by changing three to four years.

decision in that behalf, are to be kept secret, shall, however, be laid before a committee consisting of at most nine members chosen from among the members of the Odelsthing, and may also be referred to the Odelsthing if any member of the committee moves that the Odelsthing give its opinion on the subject, or that an action should be brought in the high court of the realm;

(g) To have communicated to them the treaties and agreements that the King, on behalf of the State, has entered into with foreign powers; the provisions contained in paragraph (f) concerning such matters as are to be kept secret, shall apply equally well in relation to secret articles, which, however, must not be at variance with the public ones;

(h) To have power to summon any one to meet before it in matters of State, the King and the royal family excepted; this exception, however, does not apply to the royal princes in case they hold any public office.

(i) To revise the lists of salaries and pensions temporarily granted and to make therein such alterations as it finds necessary;

(k) To appoint five auditors, who shall annually examine the accounts of the State and publish extracts of the same in print, which accounts shall for this purpose be delivered to the auditors within six months of the expiration of the year for which the grants of the Storthing are made; and to provide for the organization of a service to approve the accounts of the accountants of the State;

(l) To naturalize aliens.

76. Every bill shall first be introduced in the Odelsthing, either by one of its own members, or by the government through a member of the council of state.

If the bill is passed, it is sent to the Lagthing, which either approves or rejects it, and in the latter case sends it back with comments appended. These are taken into consideration by the Odelsthing, which either drops the bill or again sends it to the Lagthing, with or without alteration.

When a bill from the Odelsthing has twice been laid before the Lagthing and has been a second time rejected by it, the whole Storthing shall meet in a joint sitting, and the bill is then disposed of by a majority of two-thirds of the votes.

Between each of these deliberations there shall be an interval of at least three days.

77. When a bill passed by the Odelsthing has been approved by the Lagthing or by the Storthing in joint sitting, it shall be sent to the King, with a request that it may obtain the Kings' assent.

78. If the King assents to the bill, he shall provide it with his signature, whereby it becomes law.

If he does not assent to it, he shall return it to the Odelsthing with the declaration that he does not for the time being find it expedient to give his assent to it. In this case the bill may not again be submitted to the King by the Storthing then assembled.

79. If a bill has been passed unaltered by two [1] ordinary Storthings, constituted after two [1] different successive elections and separated from each other by at least two ordinary Storthings between them, without any divergent bill having been passed by the Storthing in the period between the first and the last passing, and is then submitted to the King with the petition that His Majesty will not refuse his assent to a bill which, after

[1] Amended April 22, 1938, to change three to two.

the most mature deliberation, the Storthing considers to be for the benefit of the country, it becomes law, even if the royal assent is not accorded before the Storthing separates.

80. The Storthing shall remain in session as long as it may find it necessary. When, having finished its business, it is dismissed by the King, he shall at the same time communicate his decision with regard to the bills that have not already been disposed of (see Sections 77–79), by either assenting to them or rejecting them. All such bills as he does not expressly assent to, are considered as having been rejected by him.

81. All acts (with the exception of those mentioned in section 79) shall be drawn up in the King's name, under the seal of the Kingdom of Norway, and in the following terms:

> We N. N. make it publicly known that the following resolution of the Storthing of (such and such a date) in the following terms has been laid before us (here follows the resolution). In consequence whereof We have assented to and confirmed, as We hereby assent to and confirm the same as a law under Our hand and the seal of the Kingdom.

82. (Repealed).

83. The Storthing may demand the opinion of the Supreme Court of Justice [1] on questions of law.

84. The Storthing shall be held with open doors, and its proceedings shall be published in print, except in those cases in which a majority decides to the contrary.

85. Any person who obeys an order the purpose of which is to disturb the liberty and the security of the Storthing, shall thereby be guilty of treason against the country.

D. The Judicial Power

86. The high court of the realm shall pronounce judgment in the first and last instance in such actions as are brought by the Odelsthing against members of the council of state, or against members of the Supreme Court of Justice or against members of the Storthing for criminal offenses which they may have committed in that capacity.

The particular rules concerning impeachments by the Odelsthing according to this section shall be determined by law. The period within which a prosection may be instituted in the high court of the realm, shall not, however, be fixed at less than fifteen years.

The ordinary members of the Lagthing and the permanent members of the Supreme Court of Justice shall be judges of the high court of the realm. The provisions contained in Section 87 shall apply to the constitution of the high court of the realm in each particular case. In the high court of the realm the president of the Lagthing takes the chair.

A person sitting in the high court of the realm as a member of the Lagthing, does not vacate his seat in the court if the period for which he is elected a member of the Storthing, should expire before the high court of the realm has terminated the trial of the case. If, for some other reason, he ceases to be a member of the Storthing, he shall resign as a judge of the

[1] See Section 88.

high court of the realm. The same shall apply if a judge of the Supreme Court of Justice, sitting as a member of the high court of the realm, retires as a member of the Supreme Court of Justice.

87. The accused and the person prosecuting on behalf of the Odelsthing have the right to challenge members of the Lagthing and the Supreme Court of Justice, provided that fourteen of the members of the Lagthing and seven members of the Supreme Court of Justice remain as judges in the high court of the realm. Each party has the right to challenge an equal number of the members of the Lagthing, the accused having, however, the preferential right of challenging one more, if the number to be challenged is not divisible into two equal parts. The same shall apply to the challenging of the members of the Supreme Court of Justice. If, in an action, there are more than one accused, they shall exercise, the right of challenge collectively in accordance with rules to be determined by law. If challenge is not made to the extent admitted, the number of the members of the Lagthing and of the Supreme Court of Justice which may be in excess of fourteen and seven respectively shall withdraw as determined by ballot.

When the action comes on for judgment, the members of the court who are in excess of fifteen shall withdraw from the court, the selection being made by ballot; the remaining judges who are to pass judgment, shall number ten members at most of the Lagthing and five of the judges of the Supreme Court of Justice.

The president of the high court of the realm and the president of the Supreme Court of Justice shall not in any case retire as a result of a ballot.

If the high court of the realm cannot be constituted so as to contain the number of members of the Lagthing and the Supreme Court of Justice prescribed in the preceding paragraphs, the case may nevertheless be tried and judgment be passed when the court numbers at least ten judges.

Further provisions as to the manner in which the high court of the realm is to be constituted, shall be laid down by law.

88. The Supreme Court of Justice shall pronounce judgment in the last instance. The right to bring an action in the Supreme Court of Justice may, however, be limited as determined by law.

The Supreme Court of Justice shall consist of a president and at least four [1] other members.

89. (Repealed.)

90. The judgments of the Supreme Court of Justice may not in any case be appealed against.

91. No one may be appointed a member of the Supreme Court of Justice before he is thirty years of age.

E. General Provisions

92. To official posts in the State shall be appointed only Norwegian citizens who speak the language of the country, and at the same time:

(a) Either have been born in the Kingdom of parents who at that time were subjects of the State;

[1] Amended June 24, 1938, to change six to four.

(b) Or have been born in a foreign country of Norwegian parents who were not at that time subjects of another state;
(c) Or shall hereafter have resided ten years in the Kingdom;
(d) Or are naturalized by the Storthing.

Others may, however, be appointed as teachers at the University and the secondary schools [de lærde Skoler], as physicians and surgeons, and as consuls in foreign places.

No one may be appointed as a chief civil or ecclesiastical official before he is thirty years of age, or as burgomaster, judge of an inferior court, or as sub-prefect [foged] before he is twenty-five years of age.

How far women having the qualifications prescribed for men by the Constitution may become State officials, shall be determined by law.

93. (Repealed).

94. The first, or if this is not possible, the second ordinary Storthing, shall make provision for the publication of a new general civil and criminal code. In the meantime the laws of the State now in operation shall remain in force, provided that they are not at variance with this Constitution or the provisional ordinances that may be issued in the meantime.

The existing permanent taxes shall likewise continue in operation until the next Storthing.

95. No dispensations, protections, postponements of payments, or redresses may be granted after the new general code has come into operation.

96. No one may be convicted except according to law, or be punished except according to judicial sentence. Examination by torture must not take place.

97. No law may be given retroactive effect.

98. To fees paid to officials of the courts of justice shall not be annexed taxes to the exchequer.

99. No one may be arrested and commited to prison except in the cases determined by law and in the manner prescribed by the laws. For unjustifiable arrest and illegal detention the officer concerned shall be responsible to the person imprisoned.

The government is not entitled to employ military force against subjects of the State, except in accordance with the forms prescribed by law, unless any meeting should disturb the public peace and do not immediately disperse after the articles of the statute-book relating to riots have been read out aloud three times by the civil authority.

100. There shall be liberty of the press. No person may be punished for any writing, whatever its contents may be, which he has caused to be printed or published, unless he willfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional powers, or resistance to their orders, or has advanced false and defamatory accusations against any other person. Every one shall be free to speak his mind frankly on the administration of the State or on any other subject whatsoever.

101. New and permanent privileges implying restrictions on the freedom of trade and industry may not be granted to any one in future.

102. Domiciliary visist shall not be made except in criminal cases.

103. Asylum for the protection of debtors shall not be granted to such as hereafter become bankrupt.

104. Forfeiture of lands and goods shall be abolished.

105. If the welfare of the State shall demand that any person shall surrender his movable or immovable property for the public use, he shall receive full compensation from the exchequer.

106. The purchase-money, as well as the revenues of the landed property constituting ecclesiastical benefices, shall be applied solely to the benefit of the clergy and to the promotion of education. The property of charitable institutions shall be applied solely to the benefit of their purpose.

107. The Odels and Åsæte rights [1] shall not be abolished. The further conditions under which these rights shall continue for the greatest benefit of the State and the best advantage of the country population shall be determined by the first or second Storthing following.

108. No earldoms, baronies, majorats, or perpetuities may be created in future.

109. Every citizen of the State shall, as a general rule, for a certain time, be liable to military service, without regard to birth or fortune.

The application of this principle and the restrictions it may become subject to shall be determined by law.

110. (Repealed).

111. The form and the colors of the Norwegian flag shall be determined by law.

112. If experience should show that any part of this Constitution of the Kingdom of Norway requires to be altered, the proposition therefor shall be submitted to the first or second ordinary Storthing after a new election, and be published in print. But it is only the first or second ordinary Storthing after the next election following which shall have power to decide whether the proposed alteration should be made or no. Such an alteration, however, must never be inconsistent with the principles of this Constitution, but must only bear on such modifications of particular provisions as do not change the spirit of this Constitution; and two-thirds of the Storthing must agree to such an alteration.

An amendment of the Constitution adopted in the manner aforesaid shall be signed by the President and the Secretary of the Storthing, and be sent to the King for public notification in print, as forming an integral part of the Constitution of the Kingdom of Norway.

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[1] The Odelsrett (right of allodial possession) is the ancient right to complete ownership of land in the country districts, including the right of redemption by the family if it has been sold.

The Åsæterett (right of succession to landed property) is the right of the eldest son to retain possession of the property at a moderate price.

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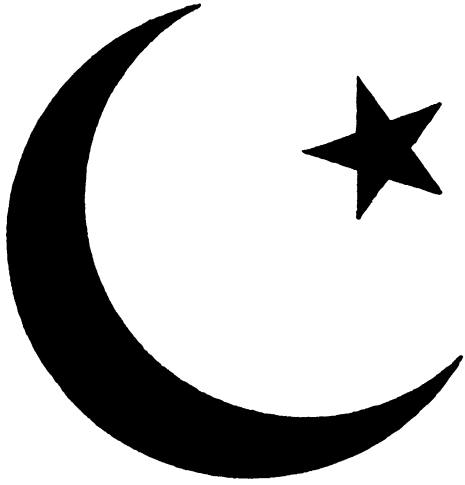

PAKISTAN

SUMMARY

International Status

Pakistan is a member of the United Nations. It was admitted September 30, 1947. It is a party to the Statute of the International Court of Justice and is subject to the compulsory jurisdiction of the Court.[1] It is a member of other international organizations.[2]

It became an independent member of the Commonwealth of Nations on August 15, 1947, pursuant to the provisions of an act of the Parliament of the United Kingdom, entitled "The India Independence Act, 1947."[3]

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[1] Declaration of acceptance signed on June 22, 1948, See Yearbook of the Court, 1951–52 pp. 35-43, 193. [2] See Table I. [3] 10 & 11 Geo. 6, ch. 30.

Form of National Government

No formal constitution has yet been framed for Pakistan. Elections for a Constituent Assembly were held on June 20—21, 1955. A previous Constituent Assembly was convened on August 10, 1947 and a draft constitution was laid before it for consideration on December 22, 1952. Agreement was not reached upon its text; the Assembly was dissolved in October 1954.

The administration is presently being carried on under the Government of India Act 1935, as adapted. Executive responsibility is vested in the Governor General, appointed by the British sovereign on the advice of the Pakistan cabinet and responsible to it. The Constituent Assembly serves also as the legislative body of the country.

Area, Population, Language

Pakistan has an area of 364,737 square miles, partly northwest and partly northeast of India. Its population (1951 census, preliminary) is 75,842,165.

The languages spoken include Bengali, Urdu, Punjabi, Pushtu and Sindi.

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PANAMA

SUMMARY

International Status

Panama is a member of the United Nations, having signed the Declaration of 1942 and the Charter of 1945. Its ratification of the Charter was deposited on November 13, 1946.

It was a member of the League of Nations and a signatory of the Pact of Paris of 1928 for the renunciation of war. It is a member of the Organization of the American States, the Postal Union and other international organizations.[1] It was a party to the Statute of the Permanent Court of International Justice of 1921, and accepted its compulsory juris-

[1] See Table I.

diction. It is a party to the Statute of the International Court of Justice of 1945 and is deemed subject to the compulsory jurisdiction of that Court.[1]

The independence of the Republic of Panama was proclaimed by a revolutionary government on November 3, 1903, and was recognized by the United States four days later. It was recognized by Colombia, from whom it seceded, in a treaty of 1909. By a treaty of November 18, 1903, the United States guaranteed the independence of Panama and was accorded the perpetual use, occupation, and control of a zone ten miles wide within which an interoceanic canal was to be constructed. A new treaty, signed in March, 1936, and ratified in July, 1939, omitted the American guarantee of Panamanian independence. The United States at the same time gave up its right to intervene for the maintenance of order in the cities of Panama and Colon and made other important concessions.

Its Constitution states (Art. 4) that it "respects the rules of International Law."

Form of National Government

Panama's first constitution was adopted February 13, 1904, and was supplanted by another on January 2, 1941, which was replaced by its present one of March 1, 1946. During 1952, an attempt was made to restore the 1941 constitution but, after a brief period of suspension, the 1946 constitution was reinstated.

Under the Constitution adopted on March 1, 1946, the Panamanian nation is constituted as a unitary state with a republican, democratic, and representative system of government.[2]

Source of Sovereign Power

"The public power emanates only from the people." [3]

Rights of the People

Under the title of fundamental guarantees, the Constitution provides for equality of all Panamanians and foreigners before the law;[4] for deprivation of liberty only by virtue of the written order of a competent authority;[5] for freedom from self-incrimination,[6] inviolability of the home,[7] freedom of transit and choice of residence,[8] inviolability of correspondence and other private documents,[9] freedom from punishment under ex post facto laws,[10] freedom of religion,[11] freedom of speech and the press,[12] and the rights of assembly and petition;[13] and for the recognition

[1] See Yearbook of the Court 1951–52, pp. 35–43, 193.
[2] Const. of 1946, Art. 1.
[3] Id., Art. 2.
[4] Id., Art. 21.
[5] Id., Art. 22.
[6] Id., Art. 25.
[7] Id., Art. 26.
[8] Id., Art. 27.
[9] Id., Art. 29.
[10] Id., Arts. 31, 44.
[11] Id., Art. 35.
[12] Id., Art. 38.
[13] Id., Arts. 39, 42.

of private property, subject to expropriation with prior indemnification for reasons of public utility or social interest.[1] "There is no penalty of death, expatriation, or confiscation of property." [2] Special provisions are made for the protection of the family,[3] labor,[4] the national culture,[5] public health and social welfare,[6] and country and native groups.[7]

Legislative Department

The legislative power is vested in a national assembly composed of deputies elected by direct popular vote for terms of four years on the basis of one deputy for every fifteen thousand inhabitants.[8] A permanent legislative commission, composed of five deputies elected by the National Assembly, performs certain legislative functions in the intervals between sessions of the assembly.[9]

Executive Department

Executive power is entrusted to the President of the Republic, "with the indispensable co-operation of the ministers of state" appointed by him.[10] The President and two Vice-Presidents are elected by direct popular vote for a period of four years.[11] The President may not be re-elected for either of the two terms immediately following.[12] The ministers of state may speak, but may not vote, in the National Assembly.[13]

Judicial Department

The judicial powers are exercised by a Supreme Court of Justice, subordinate tribunals and such courts as may be established by law.[14] The Supreme Court is composed of five magistrates appointed for terms of ten years by the President with the unanimous agreement of the Cabinet Council and subject to the approval of the National Assembly.[15] The Supreme Court is the guardian of the integrity of the Constitution and the final authority on the constitutionality of laws.[16]

Area, Population, Language

Panama has an area of 28,575 square miles and population (1950 census) of 805,285. The language is Spanish.

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[1] Const. of 1946, Arts. 45-47.
[2] Id., Art. 30.
[3] Id., Arts. 54-62.
[4] Id., Arts. 63-76.
[5] Id., Arts. 77-91.
[6] Id., Arts' 92, 93.
[7] Id., Arts. 94-96.
[8] Id., Arts. 106, 108.
[9] Id., Arts. 122, 123.
[10] Id., Arts. 136, 143.
[11] Id., Art. 138.
[12] Id., Art. 139.
[13] Id., Art. 159.
[14] Id., Art. 164.
[15] Id., Arts. 144, 165.
[16] Id., Art. 167.

CONSTITUTION of the REPUBLIC OF PANAMA

March 1, 1946 [1]

We, the Deputies of the Panamanian People, met in Constituent National Assembly, invoking the protection of God, decree the following Political Constitution of the Republic of Panama:

TITLE I

THE PANAMANIAN STATE

Art. 1. The Panamanian Nation is constituted as a unitary and independent state. Its system of government is republican, democratic and representative, and its name is Republic of Panama.

Art. 2. The public power emanates only from the people. It is exercised by the State as this Constitution establishes it, by means of legislative, executive, and judicial organs which act within limits and separately but in harmonious collaboration.

Art. 3. The Republic of Panama is established over the continental and insular territory included between Colombia and Costa Rica, in accordance with the boundary treaties made by Panama with those republics.

The jurisdictional limitations stipulated in public treaties made previous to this Constitution are recognized.

Art. 4. The Republic of Panama respects the rules of international law.

Art. 5. The territory of the Republic is divided into autonomous municipalities grouped in provinces.

The law may create regions subject to special regulations and may establish other divisions of territory for reasons of administrative convenience or public service.

Art. 6. The symbols of the Nation are: the anthem, the flag, and the coat of arms adopted prior to the year 1941.

Art. 7. Spanish is the language of the Republic

TITLE II

NATIONALITY AND ALIENAGE

Art. 8. Panamanian nationality is held by birth, according to the conditions which this Constitution establishes, and is acquired by naturalization.

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[1] Translation by Dr. Patricia A. Mooney from Spanish text supplied by the Panamanian Embassy in Washington in March, 1948.

Art. 9. Panamanians by birth are:

(a) The children of a Panamanian father or mother born in the territory of the Republic;

(b) Those born in the national territory to a foreign father and mother, if after reaching their majority they declare in writing before the executive that they choose Panamanian citizenship and positively and irrevocably renounce the citizenship of their parents, and furthermore demonstrate that they are spiritually and materially incorporated into the national life;

(c) Those born of unknown parents in national territory not subject to jurisdictional limitations;

(d) The children of a Panamanian father or mother born outside the territory of the Republic, provided that they are domiciled in Panama and that at the time of exercising any of the rights that this Constitution or the law recognizes as belonging exclusively to Panamanians by birth they have been domiciled in the Republic for the two preceding years; and

(e) Those who acquired this right in accordance with the Constitution of 1904 and the amending act of 1928.

Art. 10. Panamanians by naturalization are:

(a) Foreigners with five consecutive years of residence in the Republic if, after having reached twenty-one years of age, they declare their desire to become naturalized as Panamanians, expressly renounce their nationality of origin or any other, and demonstrate that they know the Spanish language and the rudiments of Panamanian geography, history, and political organization;

(b) Foreigners with three consecutive years of residence in the territory of the Republic who have children born there of Panamanian father or mother or a spouse of Panamanian nationality, provided that they make the declaration and present the proof specified in the preceding paragraph; and

(c) Nationals by birth of Spain or any independent American nation, provided that they fulfill the same conditions required in their state of origin for the naturalization of Panamanians.

Art. 11. Those who had been naturalized before the entering into effect of this Constitution will retain their status as such for the next five years, but will lose it if, when this time expires, they have not demonstrated, that they know the Spanish language and the rudiments of Panamanian geography, history, and political organization.

Naturalized Panamanians who before the entrance into effect of this Constitution have performed in the Republic any official function or have been, in accordance with the law, candidates for office by popular election, shall be exempt from this obligation. The same exemption is established for those born in Spain or in any independent American nation.

Art. 12. It is an obligation of the State to carry on by all adequate means a methodical and constant endeavor to bind intellectually, morally, and politically to our nationality all groups or individuals who, though born in the territory of the Republic, are not integrated with the Republic. It will also be the obligation of the State to furnish facilities for spiritual assimilation to those who plan to obtain Panamanian nationality by naturalization.

Art. 13. The Colombians who took part in the movement for independence are Panamanians by virtue of the Constitution without the necessity of naturalization papers.

Art. 14. The foreigner who desires to obtain Panamanian nationality will make application to the executive, who will give him a provisional paper, valid for one year. If at the end of this period he ratifies his application and no act that gives reason for denying it has come to the attention of the executive, final papers will be issued to him.

For reasons of morality, security, health, or physical or mental incapacity, an application for naturalization papers may always be denied.

The law will determine the rights that those who obtain provisional papers enjoy.

The application for naturalization will be denied persons from states or regions whose constituents may not enter the Republic in conformity with the law, for economic reasons or reasons of social necessity.

Art. 15. Panamanian nationality, once acquired, is lost only by express or tacit renunciation.

There is express renunciation when the person declares in writing to the executive his desire to relinquish Panamanian nationality.

There is tacit renunciation:

(1) When the status of national of a foreign country is acquired;
(2) When employment by another government is accepted without the permission of the executive, except for the case in which the employment is to work on an enterprise in which the Republic has an interest in conjunction with another nation;
(3) When the national enters the service of an enemy state.

Nationality may be recovered only by virtue of rehabilitation by the National Assembly.

Art. 16. Panamanian nationals as well as foreigners within the territory of the Republic are obliged to live subject to the Constitution and laws and to respect and obey the authorities.

Art. 17. Naturalized foreigners shall not be obliged to take up arms against the country of their birth.

Art. 18. The capacity, recognition, and, in general, the rules and regulations of companies and other juridical persons will be determined by the Panamanian law.

Title III

INDIVIDUAL AND SOCIAL RIGHTS AND DUTIES

Chapter 1

Fundamental Guarantees

Art. 19. The authorities of the Republic are instituted to protect the life, honor, and property of its nationals wherever they may be and of the foreigners who may be under its jurisdiction; to assure the effectiveness of individual and social rights and duties; and to fulfill and cause to be fulfilled the Constitution and the law.

Art. 20. Private persons are responsible before the authorities only for infraction of the Constitution or of the law. Public officials are responsible for the same cause, and also for abuse or neglect of their duties.

Art. 21. All Panamanians and foreigners are equal before the law.

There will be no personal exemptions or privileges or distinctions by reason of race, birth, social class, sex, religion, or political ideas, but the law may, for reasons of health, morality, public security, and national economy, subject foreigners in general to special conditions or deny them the exercise of specified activities. The law or the authorities may also, according to the case, take steps which affect exclusively nationals of specified countries in case of war or in conformity with the provisions of public treaties.

Political rights are reserved to nationals, except as provided in Article 192.

Art. 22. No one may be deprived of his liberty except by virtue of the written order of a competent authority, issued in conformity with the legal formalities and for a reason previously defined in the law. Those executing the said order are obliged to give a copy thereof to the interested party, if he requests it.

A culprit surprised in the act of committing an offense may be apprehended by any person and must be delivered immediately to the authority.

No one may be detained for more than twenty-four hours without being placed at the disposal of the competent authority. Members of the police who violate this precept may be punished by the immediate loss of employment without prejudice to the penalties that the law imposes therefor.

There is no imprisonment, detention, or arrest for purely civil debts or obligations.

Art. 23. The State may not obligate itself by any international treaty of extradition to surrender its own nationals.

Neither shall it concede the extradition of foreigners who are prosecuted for political offenses.

Art. 24. Every individual detained in cases or in a manner other than those prescribed by this Constitution and the law shall be set at liberty upon his own petition or that of any other person. For this purpose the law will establish rules for the remedy of habeas corpus by means of summary judicial proceedings without considering the applicable penalty.

Art. 25. No one is obliged, in a criminal, correctional, or police matter, to give testimony against himself, his spouse or his relatives within the fourth degree of consanguinity or second of affinity.

Art. 26. The home is inviolable. No one may enter another's home without the consent of its owner, except by written order of competent authority or to help victims of crimes or disasters.

Labor, social welfare, and health officials may make, on prior notice, domiciliary searches or inspections of places of work for the purpose of assuring the fulfillment of the social and public health laws.

Art. 27. Every person may pass freely through the national territory and change his residence without restrictions other than those which the transit, fiscal, health, and immigration laws and rules impose.

Art. 28. The jails are places of security and regeneration. Any severity which is not necessary for these purposes is prohibited therein.

Art. 29. Correspondence and other private documents are inviolable and may not be seized or examined except by direction of competent

authority and in accordance with legal formalities. In any case, privacy will be observed as to matters apart from the object of the seizure or the examination.

The examination of papers will be always effected in the presence of the interested party, or of a member of his family, or, in their absence, of two honorable residents of the same place.

Art. 30. There is no penalty of death, expatriation, or confiscation of property.

Art. 31. Only those acts that have been declared punishable by law previous to their perpetration and exactly applicable to the imputed act shall be punished.

Art. 32. No one shall be tried except by competent authority and in conformity with legal proceedings, or more than once for the same cause.

Art. 33. The following may prescribe penalties without previous trial in the cases and under the precise terms of the law:

(1) Officials exercising control and jurisdiction, who may impose fine or arrest upon anyone who insults them or is lacking in respect toward them in connection with their discharge of the duties of their offices or by reason of their discharge of the same;

(2) Chiefs of police, who may impose the penalty of arrest upon their subordinates in order to curb insubordination or mutiny; and

(3) Ship captains, who, being outside a port, have the power to restrain insubordination or mutiny or maintain order on board, and to detain temporarily any actual or presumed culprit.

Art. 34. In case of overt infraction of a constitutional or legal precept to the detriment of any person, the order of a superior does not exempt from responsibility the agent who executes it. Exception is made with respect to individuals of the public forces when they are in service, in which case the responsibility devolves only upon the hierarchical superior who gives the order.

Art. 35. The profession of all religions as well as the exercise of all forms of worship is free without limitation other than the respect for Christian morality and public order.

Art. 36. It is recognized that the Catholic religion is that of the majority of Panamanians. It will be taught in the public schools, but learning it and attendance at acts of religious worship will not be obligatory for the pupils, when their parents or guardians so request. The law will determine the aid that should be given to this religion for missions to the native tribes and for other analogous ends.

Art. 37. Religious associations have juridical capacity and may manage and administer their property within the limits designated by the law, the same as other juridical persons.

Art. 38. Every person may freely express his thoughts, orally, in writing, or by any other means, without previous censorship. But legal responsibility exists when by any of these means attacks are made upon the reputation or honor of persons or upon the social security or public order.

Art. 39. All inhabitants of the Republic have the right to assemble peacefully and without arms for lawful ends. Open air manifestations or

meetings are not subject to permit. Only previous notice to the local administrative authority, twenty-four hours in advance, is required.

The authorities may take police measures to prevent or restrain abuses in the exercise of this right when the way in which it is exercised causes or may cause disturbance of traffic or of public order, or violation of rights of others.

Art. 40. Companies, associations, and foundations that are not contrary to morals or legal order may be formed and may obtain recognition as juridical persons.

Art. 41. Every person is free to engage in any profession or trade, subject to the rules established by law in regard to competence, morality, security, and public health.

No tax or contribution will be established for engaging in the liberal professions and in the trades and arts.

Art. 42. Any person has the right to present respectful petitions and complaints to public officials, for reasons of social or private interest, and to obtain prompt action thereon.

The official to whom a petition, question, or complaint is presented shall be obliged to act thereon within a period of thirty days.

The law will designate the appropriate punishments for the violation of this precept.

Art. 43. The ministers of religious cults may not perform public, civil, or military duties except those relating to social welfare or public instruction.

Art. 44. The laws have no retroactive effect, except those of public order or of social interest. In criminal matters the law favorable to the accused always has preference and retroactivity, even when there has been final sentence.

Art. 45. Private property acquired according to law by juridical or natural persons is guaranteed and may not be denied recognition or impugned by reason of subsequent laws.

Private property implies obligations of its owner by reason of the social function that it must serve.

Art. 46. For reasons of public utility or social interest defined in the law, there may be expropriation by judicial decree and with prior indemnification.

Art. 47. When the application of a law based on reasons of public utility or social interest results in a conflict between the rights of individuals and the necessity recognized in the said law, the private interest must yield to the public or social interest.

Art. 48. No one is obliged to pay a tax or impost which has not been legally established and which is not collected in the manner prescribed by law.

Art. 49. In case of war, grave disturbance of the public order, or urgent social interest requiring prompt measures, the executive may decree the expropriation or seizure of private property, and the indemnification may not be previous.

When the return of the seized object is practicable, the seizure will be only for the duration of the circumstances that have caused it.

The State is always responsible for any expropriation that the executive thus accomplishes and for the losses and damages caused by the seizure, and will pay the amount thereof as soon as the reason for the expropriation or seizure ceases.

Art. 50. Every author and inventor enjoys the exclusive ownership of his work and invention during the time and in the manner that the law establishes.

Art. 51. Every person against whom a mandatory or restraining order, violating the rights and guarantees held sacred by this Constitution, is issued or executed by any public official shall have the right to have the order revoked upon his own petition or that of any other person. The law shall determine the form of this summary proceeding for protection of the constitutional guarantees.

The remedy to which this article refers will always be within the competence of the judicial tribunals.

Art. 52. In case of external war or internal disturbance that threatens the public peace or order, the entire Republic or part thereof may be declared to be in state of siege and the effects of Articles 22, 24, 26, 27, 29, 38, 39, and 45 may be temporarily suspended partially or totally.

Art. 53. The National Assembly will declare the state of siege and temporary suspension when it is in session. If it is in recess, they will be declared by decree signed by the President, his ministers, and the members of the permanent legislative commission, and in the same decree the National Assembly will be convoked so that within a maximum period of five days it will meet and take appropriate action. Upon termination of the cause, the assembly, if it is in session, and, if the assembly is not in session, the cabinet council, with the approval of the permanent legislative commission, will lift the state of siege or the suspension.

Chapter 2

The Family

Art. 54. The State protects matrimony, maternity, and the family and guarantees the rights of the child until his adolescence. The law will determine that which relates to civil status.

Art. 55. Matrimony is the legal foundation of the family, rests on the equality of rights of the spouses and may be dissolved in accordance with the law.

Art. 56. The union in fact between persons legally qualified to contract matrimony, maintained for ten consecutive years in a public manner and under conditions of permanence, will have all the effects of civil matrimony.

For this purpose, it will be sufficient that the interested parties jointly petition the civil registrar to record the marriage in fact. When this petition has not been made, the marriage may be proved, for the purpose of claiming the rights thereof, by any interested party, under the procedure specified by the judicial law. But the public minister, in the interest of morals or of the law, or third parties who allege rights liable to be affected

by the recording, if the declaration is contrary to the reality of the facts, may oppose the recording or impugn it after it has been made.

Art. 57. The parental jurisdiction is the union of duties and rights that parents have in relation to their children.

Parents are obliged to feed, assist, educate, and instruct their children, and the latter to respect and assist their parents. The law will regulate the exercise of parental jurisdiction in accordance with the social interest and the welfare of the children.

Art. 58. Parents have the same duties with regard to their illegitimate children as toward their children born in wedlock. All the children are equal before the law and have the same right of inheritance in intestate succession.

Art. 59. The law will regulate the investigation of paternity. All discriminations based on the nature of the filiation are abolished. No declaration whatsoever establishing difference of birth or of civil status of the parents will be put in their registration records, nor in any verification, baptismal record, or certificate referring to the filiation.

The power is granted to the father of a child born before the entrance into effect of this Constitution to protect him by the provisions of this article, by means of the rectification of any record or certificate in which any classification may have been established with respect to the said child. The consent of the mother is not required for this. If the child is of age, he should give his consent.

In the acts of simulation of paternity, anyone who is legally affected by the acts may oppose this measure.

The law will designate the procedure.

Art. 60. The State will see to the social and economic development of the family and will organize the family patrimony, determining the nature and quantity of property that it should include on the basis of inalienability and immunity from garnishment.

Art. 61. The State will provide for the rearing and education of children whose parents or guardians are economically incapable of doing so or who have no relatives obligated to render such services to them.

Art. 62. Minors who are abandoned, physically or mentally deficient, wayward or delinquent, will be submitted to special legislation on supervision, rehabilitation and protection.

Chapter 3

Work

Art. 63. Work is a right and a duty of the individual. The State will use the resources that are within its reach to provide occupation for every one who lacks it and will assure every worker the economic conditions necessary for a decent existence.

Art. 64. Every worker in the service of the State or of public or private enterprises or of private individuals is guaranteed a minimum salary or wage.

Art. 65. The law will establish the manner of adjusting the minimum

salary or wage periodically for the purpose of improving the worker's standard of living and with attention to the peculiarities of each region and each industrial, commercial, or agricultural activity.

In piece work by agreement or at fixed prices it is obligatory that the minimum salary for a day's work be assured.

The minimum of every salary or wage is exempt from garnishment, except for maintenance obligations in the form that the law establishes. The work tools of laborers are also exempt.

Art. 66. For equal work, under identical conditions, equal salary or wage must always be paid, irrespective of the persons who perform it and without distinction as to sex or nationality.

Art. 67. The right of organization is recognized for employers, employees, workers, and professional people of all classes for the exclusive ends of their economic-social activity.

The executive will have a period, not to be extended, of thirty days to accept or reject the registration of a workers' or employers' syndicate. The registration will specify the legal representation of the syndicate. The law will regulate everything concerning the recognition by the executive, of syndicates of employers, employees, workers, and professional men.

The executive may dissolve a syndicate only when it departs from its exclusive purposes and a competent tribunal so declares by final decree.

The management of these associations will be made up of Panamanians exclusively.

Art. 68. The right of strike and suspension of work is recognized. The law will regulate the exercise thereof and may subject it to special restrictions in the public services that it designates.

Art. 69. The maximum length of the working day is eight hours and the working week is up to forty-eight hours. The maximum working night will not be more than seven hours. Overtime will be compensated by extra pay.

The maximum working day may be reduced to six hours for those over fourteen and less than eighteen years of age. Work by those less than fourteen and night work by those less than sixteen is forbidden except in the cases that the law specifies. The employment of those less than twelve as domestic servants and work by minors and women in unhealthful occupations are likewise prohibited.

In addition to weekly rest, every worker shall have the right to vacations with pay.

Art. 70. Stipulations that imply renunciation, diminution, weakening, or relinquishment of any right recognized in favor of the worker are null and, as such, do not bind the contracting parties although expressed in a work agreement or any other pact. The law will regulate everything relating to the work contract.

Art. 71. The working mother is protected. A woman who is pregnant may not be discharged for this cause. For six weeks before the birth and eight afterwards, she will enjoy necessary rest recompensed in the same way as work ,and will retain her employment and all the rights pertaining to her contract.

Art. 72. The law will regulate immigration with a view to the national economic system and social necessities.

The hiring of laborers who might lower the working conditions or standards of living of the national worker is forbidden.

Art. 73. Every worker dismissed without just cause and without the formalities that the law establishes has the right to be indemnified by his employer. The law will designate the just causes for dismissal and the scale of indemnification according to the length of service.

Art. 74. It is a duty of industrial enterprises in the spheres of their specialities to establish schools of apprenticeship designed to promote labor education among the children of their laborers or associates. The law will regulate this matter.

Art. 75. The labor jurisdiction to which all controversies that originate between capital and labor are submitted is established. The law will establish the rules for the said jurisdiction and the entities that have to put it into practice.

Art. 76. The relations between capital and labor are a matter for regulation by the law, on a basis of social justice so that, without prejudicing any of the parties, the conditions necessary for a normal life may be guaranteed to the worker, and capital may be assured of an equitable compensation for its investment.

Chapter 4

The National Culture

Art. 77. The service of national education in its intellectual, moral, civic, and physical aspects is an essential duty of the State. The national education shall be inspired by the democratic doctrine and by ideals of national growth and human solidarity.

It is for the State to fix the bases of education, which will be organized is such a way that unity, co-ordination, and continuity will exist in all grades.

Every educational establishment is of public and social utility.

Art. 78. Primary education is obligatory. Public pre-school, primary, and secondary education of all grades and kinds will be gratuitous. The gratuitousness of pre-school and primary education implies the obligation of the State to provide all implements necessary for the instruction of the pupil. The gratuitousness of secondary education does not prevent the establishment of a matriculation fee.

Art. 79. Freedom of instruction is guaranteed. The State may, nevertheless, intervene in private educational establishments so that the national and social purposes of culture and the better intellectual, moral, civic, and physical training of the pupils may be accomplished.

Art. 80. No educational establishment may refuse to admit pupils because of the nature of the union of their parent or guardian or because of social, racial, or political differences.

The violation of this precept by private schools will cause the loss of the official subsidy, if they had one; of the privilege of having their de-

grees and certificates recognized by the State, if they had it; and, in case of persistence, the loss of the right to continue giving instruction.

Art. 81. The teaching of national history and civic education will always be under national professors.

In no private educational establishment will instruction be given in a foreign language without the permission of the ministry of education granted for attested reasons of public interest.

The programs of primary education in private schools will be the same as in the public schools; but permission for the establishment of additional courses in any language may be granted.

It is obligatory for private schools to include in their secondary programs the teaching of national history and geography and civic education.

Art. 82. The State may grant scholarship or economic aid only to students who have won public competitions or contests or who have obtained in their studies the qualifications that make them worthy of State aid according to the law.

In case of equal merit, preference will be given to the participants whose economic means do not allow them to pursue the studies for which they entered the contest.

Art. 83. The law will establish the necessary incentives for the publication of national pedagogical works and the standards for their adoption as official texts.

Art. 84. The expenditures for the support of the educational service will have preference over any others. The organic law of the department will determine the proportion of the revenues that should be allotted for this service.

Art. 85. Only the academic and professional degrees issued by the State or authorized by it in accordance with legal provisions are recognized.

Art. 86. The official university of the Republic is autonomous. Its legal representation, its patrimony, and its right to administer the same are recognized. It has the power to organize its curriculum and designate and group its personnel in the manner that the law determines. It will include in its activities the study of national problems and the diffusion of the culture of the people.

Art. 87. In order to make the economic autonomy of the university effective, the State will endow it with what is indispensable for its installation and its future operation and development, as well as with the patrimony mentioned in the preceding article and the means necessary to increase it.

Art. 88. Freedom of the lecture-room is recognized without limitations other than those established by the university statute for reasons of public order.

Art. 89. The State will promote the establishment of special technical schools, industrial, professional, agricultural, and commercial, and adapt them to the specific necessities of the nation. The law will establish, beginning with the primary school, services of vocational orientation that will permit the discovery of the aptitudes and capacities of the pupils and their guidance toward better individual and social usefulness.

Art. 90. The State will promote by all possible means the culture of the people and will maintain a system of gratuitous complementary courses for adults, with the purpose of preventing and eliminating illiteracy and increasing the practical capacities of the working classes.

Art. 91. The law will establish a department of physical culture that will have the purpose of diffusing such culture in the educational institutions and among the people.

Chapter 5

Public Health and Social Welfare

Art. 92. It is an essential function of the State to safeguard the public health. The individual has the right to the protection, conservation, and restitution of his health, and the obligation to preserve it.

As a consequence, the State will develop principally the following detailed activities:

(a) To combat contagious diseases by means of individual treatment and sanitation of environment;

(b) To protect maternity and to reduce infant mortality by means of medical assistance and adequate nutrition;

(c) To complement the feeling of needy children and to give service of medical vigilance to child students;

(d) To establish, according to the needs of each region, hospitals, dental clinics, and dispensaries, in which services are given and medicines are supplied free to those who lack pecuniary resources; and

(e) To publish systematically the principles of scientific feeding, personal hygiene, and sanitation of the home.

The National Assembly will issue the sanitary code.

Art. 93. Every individual has the right to the security of economic means of subsistence, in case of incapacity to work or to obtain compensated work. Social security services will be provided and administered by autonomous entities and will cover illness, maternity, family subsidy, old age, widowhood, orphanhood, forced work stoppage, employment accidents, and occupational illness, and all other contingencies that affect the capacity to work and to consume. The law will provide for the establishment of such services, as social needs may require.

The State will establish institutions of social assistance and welfare. Their fundamental tasks are the economic and moral rehabilitation of the dependent groups and the care of the mentally deficient, the chronically ill, and invalids lacking economic resources.

The State will likewise promote the establishment of inexpensive dwellings for workers.

Chapter 6

Country and Native Groups

Art. 94. The State will give special protection to the country and native groups for the purpose of integrating them in an effective manner with the national community with regard to their standards of living—economic, political, and intellectual. The action relative to the natives

will conserve and at the same time develop the values of the aboriginal culture.

Art. 95. In order to accomplish the economic integration of the said groups, the State will methodically perform the following activities:

(a) To grant gratuitously to the country people and natives the necessary land for work, issuing the pertinent deeds of ownership. Lands near the centers of population and main transportation arteries will be preferred. When uncultivated national lands are lacking under these conditions, private untilled or idle land will be expropriated. These expropriations will take effect only when the untilled land exceeds one hundred hectares or, if of smaller size, belongs to people who do not devote themselves exclusively to agriculture or cattle raising as a means of livelihood;

(b) To reserve lands for indigenous communities and prohibit their adjudication for any reason.

The existence of the native reservations already established is recognized;

(c) To create, by adequate means, agrarian credit services or technical institutions that take to the country people and natives the knowledge and resources necessary to establish among themselves scientific systems of cultivation;,

(d) To take steps to assure a stable market and equitable prices for products, and to stimulate the establishment of production, distribution, and consumption co-operatives;

(e) To establish means of communication and transport to unite the country and native groups with the centers of distribution and consumption;

(f) To promote and stimulate the development of agriculture, rural industry, and regional arts by means of prizes or other similar incentives in the manner that the law determines.

Art. 96. Besides the general ends of national culture, the schools for country people and natives should serve the following:

(a) To create the consciousness of the duties, rights, dignity, and possibilities of the Panamanian citizen;

(b) To awaken interest in life in the country by means of objective teaching of the material elements indispensable to a secure, healthful, and decorous rural living; and

(c) To take to the rural and native homes the activity of the agencies of education and welfare that tend to raise their moral, cultural, and social level.

Title IV

POLITICAL RIGHTS

Chapter 1

General Provisions

Art. 97. All Panamanians over twenty-one years of age are citizens of the Republic without distinction as to sex.

Art. 98. Citizenship consists of the right to vote and to be elected for public posts by popular election and of the capacity to perform public duties with authority and jurisdiction except as provided in Article 192 for a special situation.

Art. 99. Citizenship is lost:

(1) By loss of Panamanian nationality according to this Constitution; and

(2) By penalty in conformity with the law.

Art. 100. Citizenship is recovered by means of rehabilitation by the National Assembly.

Art. 101. Citizenship is suspended:

(1) By judicial resolution in the cases that the law specifies; and
(2) By pendency of a criminal cause, from the time that the judge orders trial, in the cases in which there is no right of bail.

Chapter 2

Suffrage

Art. 102. The suffrage is a right and duty of all citizens. The law will regulate it on the following bases:

(1) The suffrage is free. All official aid to candidates for posts of popular election is forbidden, even when the means used for such purpose are supervised;
(2) The authorities are impartial guarantors of the suffrage and not direct or indirect instruments of political compulsion. All exaction of quotas or contributions from public employees for political purposes, even under the pretext that they are voluntary, is forbidden to the authorities;
(3) All popular elections, and those which public entities must hold when more than two citizens are to be elected, will be held according to some system that assures proportional representation to the parties;
(4) Every citizen will be provided with a permanent personal cedula, the acquisition of which is obligatory and which will serve as his identification in the popular elections and other affairs that require it; and,
(5) The vote is universal, equal, direct, and secret.

Art. 103. The law will regulate the manner of organizing the political parties. The formation of any party which has as its basis sex, race, or religion, or which tends to destroy the democratic form of government, is illegal.

Art. 104. Violation of the principles contained in Article 102 constitutes a crime. The law will establish the corresponding penalties, subject to the provisions of Article 148.

Chapter 3

The Electoral Organism

Art. 105. In the Republic there will be a national electoral jury whose election, composition, and attributes will be determined by the law upon the principle of proportional representation, guaranteeing the supervision of its functions by the political parties and groups not represented in this and other electoral bodies.

Title V

THE LEGISLATIVE ORGAN

Chapter 1

National Assembly

Art. 106. The legislative organ is a body called National Assembly, composed of deputies in the same number as the electoral circuits in the

ratio of one for every fifteen thousand inhabitants and one more for a residue that is not less than seven thousand five hundred.

A province with less than fifteen thousand inhabitants has the right to elect a deputy.

For each deputy there will be elected two alternates, who will successively replace the principals in cases of permanent or temporary absence.

Art. 107. The deputies, once elected, represent the entire Nation, are not subject to any mandate, and obey only the dictates of their own consciences.

Art. 108. The deputies and their alternates will be elected by direct popular vote for a period of four years.

Art. 109. The National Assembly will meet annually by its own right, without the necessity of convocation, in the capital of the Republic, the first day of October.

Art. 110. Every period of regular or special sessions is called a legislature. The regular legislature cannot be extended and will last ninety lawful days.

Art. 111. The executive may convoke the National Assembly for special sessions for the time he specifies, to deal exclusively with the matters which he submits to it.

Art. 112. To be deputy to the National Assembly, it is required to be a citizen in the exercise of his rights and to be twenty-five years old.

Art. 113. The members of the National Assembly are not legally responsible for their opinions and votes in the performance of duty.

Art. 114. From the day of his election until the end of the period for which he was elected, no deputy may be accused, prosecuted, arrested, or called to criminal or police trial without prior authorization of the assembly or the permanent legislative commission, when the chamber is in recess. Neither may he be sued civilly during the interval between thirty days before and thirty after each period of sessions.

Upon the request of a deputy, the assembly or the permanent legislative commission may, according to the circumstances, lift temporarily or partially his immunity.

Art. 115. Deputies may not be appointed to any remunerated public post, except that of minister of state, magistrate of the Supreme Court of Justice, chief of diplomatic mission with the rank of ambassador or minister plenipotentiary, or professor in official universities. The violation of this precept nullifies the appointment.

Acceptance of the office of magistrate causes an absolute vacancy in the office of deputy, and acceptance of the offices of minister of state or chief of diplomatic mission causes a temporary vacancy.

Art. 116. No increase or decrease in the per diem or new allowances of any kind will be effective until after the members of the assembly in which they were passed have ceased to serve.

Art. 117. The deputies to the National Assembly may not make, personally or through others intervening, any contract with the organs of the State or institutions or enterprises affiliated with it, or accept from any one authority to handle business with these organs, institutions, or enterprises while the assembly is in session.

The following cases are excepted:

(a) When it is a matter of personal or professional use of public services or current operations of the same type with institutions or enterprises affiliated with the State;

(b) When it is a matter of contracts made with any of the organs or entities mentioned in this article, by means of bidding, by companies, other than anonymous companies, of which a deputy is a member, provided that his participation therein antedates his election to office;

(c) When, by means of bidding or without it, contracts are made with such organs or entities by anonymous companies in which a total of not more than twenty-five per cent of the shares belongs to deputies of the National Assembly;

(d) When the deputy acts in the exercise of his profession as a lawyer, outside the period of sessions or during it, but by means of license.

The deputy who, according to clauses (a), (b), and (c) of this article, makes a contract with any of the organs of the State or with institutions or enterprises affiliated with it or has negotiations with any of them will lose his immunity in regard to everything concerning such contracts or negotiations.

Art. 118. The legislative functions of the National Assembly consist in issuing the laws necessary for the fulfillment of the ends and the performance of the functions of the State declared in this Constitution, and especially for the following:

(1) To issue, put into effect, amend, or repeal the national codes;

(2) To determine the number and nomenclature of the ministries of state and to distribute among them the business of the administration;

(3) To establish or abolish offices and to determine their functions, duties, attributes, periods, and allocations;

(4) To issue the general law of salaries upon the proposal of the executive organ;

(5) To approve or to disapprove the public treaties that the executive makes;

(6) To approve or disapprove the contracts or agreements that the executive makes with natural or juridical persons;

(7) To authorize the executive to make contracts, negotiate loans, transfer national property, movable or immovable, the value of which exceeds five thousand balboas, and to perform other analogous functions within the constitutional orbit;

(8) To declare war and empower the executive to negotiate the peace;

(9) To designate the place where the organs of state are to be located;

(10) To establish or change the political division of the national territory;

(11) To limit and regulate the assignment of uncultivated lands;

(12) To determine the peace-time footing of the army;

(13) To organize the services established by this Constitution;

(14) To promote the sciences and arts; to promote agriculture, industries, and the useful or charitable enterprises worthy of stimulation and help;

(15) To decide upon monuments that the State should erect;

(16) To approve with or without modifications the public works bill presented by the executive for the fiscal year in conformity with the provisions of Article 144.

In discussing the bill, preference will be given to those works already commenced in accordance with the previous fiscal year;

(17) To organize the national statistics and to arrange for the taking of the census of the population;

(18) To grant amnesty for political offenses;

(19) To organize the public credit;
(20) To recognize the national debt and to provide for its service;
(21) To decree the expenditures of the administration in view of the budget which the executive presents, approving or modifying it.

If, for any reason whatsoever, the budget is not issued by the National Assembly, that of the previous fiscal year will remain in effect. In this case, the approval of the permanent legislative commission, which may or may not modify it, will be necessary;

(22) To establish duties, taxes, revenues, and official monopolies in order to attend to the public services;
(23) To provide for the application of national property to public uses, as well as for the manner and condition of such application;
(24) To determine the fineness, weight, value, form, type, and denomination of the national money;
(25) To clothe the executive temporarily, when he so requests, with precise extraordinary powers, which will be exercised by means of decree-laws if necessity demands or public convenience makes it advisable.

The law by which the said powers are conferred will specifically set forth the subject and purposes of the decree-laws, and, if these latter deal with matters reserved for organic laws, must be approved by the absolute majority of the members of the assembly.

Every decree-law that the executive issues in the exercise of the powers that are conferred upon him must be submitted to the National Assembly for legislation upon the matter. If the effects of the decree-law have been completed, because it was of a transitory nature, the assembly should declare whether it approves or disapproves, in order to determine the corresponding responsibilities if any.

For the exercise of the extraordinary powers to which this paragraph refers, the agreement of the permanent legislative commission will be necessary;

(26) To establish administrative departments, with internal autonomy, interministerial organs, and technical councils, for the purpose of assuring the efficacy of the administrative functions, co-ordinating the action of the different branch offices, and technically planning and developing the labors of the public administration.

Art. 119. The judicial functions of the National Assembly are:

(1) To take cognizance of the accusations or denunciations that are presented against the President of the Republic and the magistrates of the Supreme Court of Justices and of the tribunal of administrative litigation and to judge them, if there is occasion, for acts performed in the exercise of their duties to the prejudice of the free functioning of the public power or in violation of the Constitution and the laws;
(2) To take cognizance of the accusations or denunciations that are presented against the deputies to the National Assembly.

The law will establish the proceedings that should be followed and the penalties that should be applied.

Art. 120. The administrative functions of the National Assembly are:

(1) To decide upon the rules for its internal order;
(2) To examine the credentials of its own members and to decide whether or not they are in the form prescribed by law;
(3) To accept or reject the resignation of the President of the Republic;
(4) To grant permission to the President of the Republic to lay aside his duties for as much as six months and to leave the national territory under such permission;
(5) To approve or disapprove the nominations which are made by the executive and which under this Constitution or the law require the ratification of the National Assembly;

(6) To appoint the attorney general of the Nation and his alternates and the comptroller general and sub-comptroller general of the Republic and to approve or disapprove the appointments of the magistrates of the Supreme Court of Justice and their alternates and the magistrates of the tribunal of administrative litigation and their alternates;

(7) To appoint commissions to investigate any matter relating to acts performed or measures proposed by the executive and to inform the assembly so that it can decree the measures which it considers appropriate.

These commissions will necessarily include representatives of all parties of which the assembly is composed and will have the right to call private persons as well as officials and authorities to come and testify before them, and the right to request data and documents that they consider necessary for the purposes of the investigation;

(8) To pass votes of censure against the ministers of state when they, in the judgment of the assembly, are responsible for illegal acts or grave errors which have been notoriously prejudicial to the interest of the State. So that the vote of censure may be taken, it must be proposed in writing, six days before its discussion, by not less than half of the deputies and approved by the vote of two-thirds of their number;

(9) To examine and close finally at each regular meeting the general treasury account which the executive presents to it;

(10) To request of the ministers of state oral or written reports and to require their attendance at the meetings, stating the object thereof, when this is deemed necessary to elucidate the debate; and

(11) To rehabilitate those who have lost nationality or citizenship.

Art. 121. The National Assembly is forbidden:

(1) To issue laws that violate the letter or spirit of this Constitution;

(2) To recognize as charges against the public treasury indemnifications which have not been previously declared by the tribunals and to vote money to pay for scholarships, pensions, exemptions from duty with reduced pay, gratuities, or expenditures that have not been decreed according to pre-existing general laws;

(3) To decree acts of proscription or persecution against persons or corporations;

(4) To give votes of praise or censure with respect to acts of the President of the Republic:

(5) To urge or compel public officials to adopt specified measures;

(6) To make appointments other than those which are assigned to it according to this Constitution;

(7) To demand public reports on pending diplomatic negotiations of a confidential nature;

(8) To order or authorize public works other than those decreed in the law, to which paragraph 15 of Article 118 refers, except in emergency cases expressly so declared by the assembly; and

(9) To delegate any of the functions belonging to it except as provided in paragraph 25 of Article 118.

Art. 122. At least three days before the close of the regular sessions the National Assembly will designate a permanent legislative commission composed of five principal members with an alternate for each principal, all active deputies, who will be elected as follows:

(a) The total number of deputies of which the National Assembly is composed will be divided by the number of members to be elected to the commission. The result will determine the election quotient;

(b) For the election of the members of the permanent legislative commission, each deputy will cast a single ballot for a principal and an alternate, who must necessarily be deputies, and those who have obtained at least a number of votes equal to the election quotient will be declared to be elected; and

(c) If, after the representations have been determined on the basis of the election quotient, posts remain to be filled, those who have obtained the highest number of votes will be declared to be elected to fill them. In case of a tie, decision will be by lot.

This commission will perform its functions during the period of recess between one legislature and the next.

Art. 123. In conjunction with the executive, this commission will take cognizance of:

(1) The cases of suspension of constitutional guarantees;
(2) The issuance of decree-laws in conformity with this Constitution;
(3) Everything relating to the exercise of the extraordinary powers with which the executive may be invested;
(4) The issuance of supplementary special credits; and
(5) The issuance of the budget in the case mentioned in paragraph 21 of Article 118, and of the corresponding plan of public works.

Moreover, the commission will have the following attributes:

(6) During the recess of the assembly, to take cognizance of every penal or correctional procedure initiated against the deputies or the magistrates of the Supreme Court of Justice;
(7) During the recess of the assembly, to give approval for the President of the Republic to leave the national territory and grant him permission to leave his duties for as much as six months; and
(8) To elaborate, according to the most pressing necessities, bills for the consideration of the assembly in its next session.

Chapter 2

Legislation

Art. 124. The laws originate in the assembly and are divided thus:

(a) Organic, those which are issued in fulfillment of paragraphs 1, 2, 3, 4, 10, 11, 13, 19, 21, 22, and 26 of Article 118; and
(b) Ordinary, those which are issued under the other paragraphs of the said Article.

Art. 125. The laws will be proposed:

(a) When they are organic:
  (1) By special commissions of the assembly;
  (2) By the ministers of state; and
  (3) By the Supreme Court of Justice, if they relate to the issuance or amendment of the civil, commercial, penal, or procedural codes.
(b) When they are ordinary, by any member of the assembly or minister of state.

Organic laws require, for their issuance, the favorable vote, in each one of the debates, of the absolute majority of the assembly. Ordinary laws require only the approval of the majority of the deputies attending the respective sessions.

Art. 126. No bill will be a law of the Republic if it has not been approved by the National Assembly in three debates, on separate days, and sanctioned by the executive in the form provided by this Constitution.

Art. 127. Every bill that has not been presented by one of the special commissions mentioned in paragraph (a) of Article 125 will be referred by the President to a commission to be studied and discussed within a reasonable time.

The commission may take the advice of experts and obtain information from individuals or private or public entities affected by the subject dealt with in the bill. At the termination of the period of study, the commission will inform the assembly whether or not it is appropriate to legislate upon the matter to which the bill refers, with a clear and methodical expression of the conclusions adopted. The commission will designate from its membership a reporter who will participate in the respective debates before the assembly.

A similar procedure will be followed with regard to organic bills in the special commissions mentioned in paragraph (a) of Article 125.

The first debate on any bill is that which takes place in the commisson mentioned in this Article. If the bill has been recommended by the commission, it will pass to the second debate.

A bill may also pass to the second debate when the majority of the assembly, at the request of one of its members, reverses the opinion of the commission and gives the bill its approval.

Art. 128. When approved, a bill will go to the executive, and if the sanctions it, he will have it promulgated as law. In case he disapproves, he will send it with his objections to the assembly.

Art. 129. The executive will have a period of six working days to return any bill with objections, when it consists of fifty articles or less; of ten days, when it consists of more than fifty articles and less than two hundred; and of fifteen days, when it contains two hundred or more articles.

If the executive has not returned the bill with objections within the periods indicated, he may not fail to approve it and have it promulgated. But if the assembly goes into recess during the said periods the executive must publish the bill, approved or vetoed, within ten days following the closing of the assembly.

Art. 130. A bill vetoed in its entirety by the executive will go back to the assembly for a third debate. If it has been vetoed only in part, it will go back for a second debate for the sole purpose of considering the formulated objections.

If the objections are considered by the National Assembly and the bill is approved by two-thirds of the deputies who compose the assembly, the executive will sanction it and have it promulgated without being able to present new objections. If the approbation of this number of deputies is not obtained, the bill will remain rejected.

Art. 131. When the executive objects to a bill as unconstitutional and the assembly, by the stated majority, insists upon its adoption, the former will send it to the Supreme Court of Justice to decide upon its constitutionality. The decision of the court declaring the bill constitutional obliges the executive to approve it and to have it promulgated.

Art. 132. If the executive does not fulfill the duty of approving and having the laws promulgated within the periods and according to the conditions that this title establishes, the president of the assembly will approve and have the laws promulgated.

Art. 133. Every law will be promulgated within six working day

after its approval and will begin to have effect from its promulgation unless the law itself specifies that it will have effect from another date.

Art. 134. The laws may state their reasons for being, and the following formula will precede the text: The National Assembly of Panama decrees:

Art. 135. The bills that remain pending during a period of sessions may be considered only as new bills.

TITLE VI

THE EXECUTIVE ORGAN

Chapter 1

President and Vice-President

Art. 136. The executive organ is composed of a magistrate who is called President of the Republic, with the indispensable co-operation of the ministers of state.

Art. 137. In each particular case, the President and the minister of the respective branch represent the executive organ.

Art. 138. The President of the Republic will be elected by direct popular suffrage and by a majority of votes for a period of four years.

A First Vice-President and a Second Vice-President, who will replace the President in his absences according to the provisions of Article 149, will be elected along with the President of the Republic in the same manner and for the same period.

Art. 139. The citizen who has been elected President of the Republic may not be re-elected for the same office in the two terms immediately following.

Art. 140. To be President of the Republic, one is required:

(1) To be Panamanian by birth, and
(2) To be thirty-five years of age.

Art. 141. The President of the Republic will take office before the National Assembly and will take the oath in the following words: "I swear before God and the country to comply faithfully with the Constitution and the laws of the Republic".

A citizen who does not have religious faith may omit the invocation to God in his oath.

Art. 142. If for any reason the President of the Republic cannot take office before the National Assembly, he will do so before the Supreme Court of Justice and, in default of the latter, before a notary, or in the last resort, before two competent witnesses.

Art. 143. Attributes which the President of the Republic alone may exercise are:

(1) To appoint and dismiss ministers of state freely;
(2) To watch over the regular functioning of the administration and the preservation of public order;
(3) To see to the collection and administration of the national revenues;
(4) To watch over the sound administration of the public establishments;
(5) To see to it that the National Assembly meets on the day fixed in

the Constitution or in the decree by which he may have called it for special sessions; and

(6) To present at the beginning of each legislature, on the first day of its regular sessions, a message concerning the matters of the administration.

Art. 144. Duties which the President must perform with the cooperation of the respective ministers, the cabinet council, or the permanent legislative commission, as the case may be, are:

(1) To approve and promulgate the laws, obey them, and see to their exact fulfillment;

(2) To appoint and dismiss freely the governors of the provinces and the commanders and officers of the public forces and the national police corps;

(3) To inform the assembly of vacancies occurring in the offices which the latter must fill;

(4) To appoint, as provided in Title XII, the persons who must occupy the national offices or posts for which provision is not to be made by any other official or body;

(5) To send to the National Assembly within the first ten days of its regular sessions the estimate of revenue and expenditures, the plan for public works for the following fiscal year, and the draft of a law for salaries if deemed necessary, except in the case in which the date of the taking of office by the President of the Republic coincides with the beginning of the said sessions. In such case, the President of the Republic will do this within the first forty-five days of the sessions;

(6) To give to the National Assembly the information which it requests;

(7) To make administrative contracts for the rendering of services and execution of public works in accordance with the provisions of this Constitution and the law and with the obligation to give account thereof to the National Assembly;

(8) To direct the foreign relations; to accredit and receive diplomatic and consular agents as well as to make public treaties and conventions, which will be submitted for the consideration of the National Assembly;

(9) To grant nationals who so request permission to accept offices of foreign governments in the cases in which such permission is necessary according to the Constitution or the law;

(10) To issue naturalization papers according to the procedure that the law designates;

(11) To grant commercial and industrial patents, according to the law;

(12) To direct, regulate, and inspect the services established in this Constitution;

(13) To appoint, subject to the approval of the National Assembly, the chiefs and directors of the autonomous and semi-autonomous public bodies, according to the provisions of the respective laws;

(14) To decree amnesty for political offenses; to reduce penalties and grant conditional liberty to ordinary criminals;

(15) To confer military ranks in case of war;

(16) To command the public forces of the Nation;

(17) To issue regulations when required for the better execution of laws, without departing from their text or spirit in any case;

(18) To appoint, by unanimous agreement of the cabinet council and subject to the approval of the National Assembly, the magistrates of the Supreme Court of Justice and their alternates and those of the tribunal of administrative litigation and their alternates;

(19) To exercise the precise extraordinary powers mentioned in Article 118, paragraph 25 of this Constitution; and

(20) To exercise the other attributes that belong to him according to this Constitution and the law.

Art. 145. No act of the President of the Republic, except those men-

tioned in Article 143, will have any validity or effect whatsoever unless it is countersigned by the minister of state in the respective branch, who thereby becomes responsible for the same.

The orders and provisions that a minister of state issues within his branch, stating that he does so by instruction of the President of the Republic, will be obligatory and may be invalidated only by the President himself, provided that they do not transgress the limitations of the powers that belong to the executive according to the Constitution and the law.

Art. 146. The President of the Republic may lay aside his duties only by permission, which in no case will exceed six months and will be granted by the National Assembly and, when the latter is in recess, by the permanent legislative commission referred to in Article 122.

The President of the Republic may not leave the national territory while he is performing his duties.

The infraction of this rule entails loss of the office.

In case of resignation, the National Assembly, and when the Assembly is in recess, the Supreme Court of Justice, will take cognizance of it, to accept or refuse it.

Art. 147. The emoluments that the law assigns to the President of the Republic may be altered, but the alteration will not take effect until the following presidential term.

Art. 148. The President of the Republic is responsible only in the following cases:

(1) For exceeding his constitutional powers;

(2) For acts of violence or coercion in the course of the electoral process or hindering the meeting of the National Assembly or obstructing it or other public bodies or authorities established by the Constitution in the performance of their functions; and

(3) For the crime of high treason.

In the first two cases, the penalty will be dismissal and disqualification to hold public office for the period that the law specifies.

In the third case the common law will be applied.

Art. 149. In the temporary or permanent absence of the President of the Republic, his duties will be performed by one of the Vice-Presidents, in the order in which they were elected.

Moreover, it is a duty of the First Vice-President of the Republic to attend, with voice but without vote, the sessions of the cabinet council.

Art. 150. When, for any reason, the absences of the President cannot be filled by the Vice-Presidents, one of the ministers of state, who fulfills the requisites necessary for being President of the Republic, and who has been elected therefor by majority vote, will fill the presidency.

Art. 151. When the permanent absence of the President and Vice-Presidents happens not less than two years before the expiration of the presidential period, the person charged with the duties of the presidency will call presidential and vice-presidential elections for a date not later than four months away, so that the citizen elected President may take possession within six months following the call. The respective decree will be issued at the latest eight days after the assumption of the post by the said person in charge. If it is less than two years until the end of the

term, the person in charge will perform his duties until the end of the said term.

Neither the citizen who has discharged the duties of the presidency within the two years immediately preceding the elections mentioned, nor any of his relatives within the fourth degree of consanguinity or second of affinity, may be elected President or Vice-President in these elections.

Art. 152. The citizen who replaces the President of the Republic will have the same title and rank and will exercise the same attributes as the latter.

Art. 153. The following may not be elected President:

(1) The citizen who, called to the presidency because of the permanent or temporary absence of the titular President, has held it at any time during the two years immediately preceding the term for which the elections are taking place, and

(2) Any relative within the fourth degree of consanguinity or second of affinity of the President elected by popular vote who has performed his functions in the term immediately preceding or of the citizen indicated in paragraph 1 of this article.

Art. 154. The following may not be elected Vice-Presidents:

(1) The President elected by popular vote who has discharged his functions at any time, when the election of Vice-Presidents is for the term following his own;

(2) Relatives within the fourth degree of consanguinity or second of affinity of the President elected by popular vote for the term following that in which the President exercised power;

(3) The citizen who as Vice-President or minister of state has held the presidency at any time during the two years preceding the period for which the election is taking place;

(4) Relatives within the fourth degree of consanguinity or second of affinity of the citizen mentioned in the preceding paragraph for the period immediately following that in which he held the presidency; and

(5) Relatives within the fourth degree of consanguinity and second of affinity of the candidate for the presidency of the Republic.

Chapter 2

Ministers of State

Art. 155. The ministers of state are the chief directors of their respective departments and co-operate with the President of the Republic in the performance of his functions, according to the provisions of this Constitution and the law.

Art. 156. Matters will be distributed among the ministers of state, according to the nature of such matters, in conformity with the law.

Art. 157. To be a minister of state the same requisites as those for being deputy to the National Assembly are necessary. But a naturalized citizen must have been naturalized at least ten years before the time of this designation.

Art. 158. No person who is a relative of the President of the Republic within the fourth degree of consanguinity or second of affinity may be appointed minister of state.

Neither may individuals united among themselves by the stated degrees of relationship be appointed ministers in the same cabinet.

Art. 159. The ministers of state will have a voice in the National Assembly.

Art. 160. Each minister of state will present to the National Assembly, within the first ten days of each term of regular sessions, a report or memorandum upon the state of affairs of his ministry and upon the reforms that he deems it appropriate to introduce.

Chapter 3

Cabinet Council

Art. 161. The meeting of the ministers of state under the indispensable presidency of the President of the Republic constitutes the cabinet council.

Art. 162. The functions of the cabinet council are:

(1) To act as a consultative body in the affairs submitted to it by the President of the Republic and in those in which it should be heard by order of the Constitution or of the law;

(2) During recess of the National Assembly, to empower the President of the Republic to settle or submit to arbitration the disputes in which the Nation is involved. For this, the favorable opinion of the attorney general of the Nation, the unanimous vote of the council, and the majority vote of the permanent legislative commission are necessary;

(3) To determine, with the President of the Republic and by unanimous vote, the appointments of magistrates of the Supreme Court of Justice and of the tribunal of administrative litigation;

(4) To determine, under the joint responsibility of all its members and the members of the permanent legislative commission, the decrees that the President should issue upon the suspension of guarantees or in the exercise of extraordinary powers when he is invested with them;

(5) To open, under the collective responsibility of all its members and the members of the permanent legislative commission, supplementary or extraordinary credits, subject to the provisions of Article 221 of this Constitution and the prescriptions of the laws decreed in the execution of this precept;

(6) To request of the public officials and corporations the reports that it deems necessary or desirable for the dispatch of the affairs that it must consider, and to call upon the first named and the representatives of the second to give verbal reports;

(7) To prescribe the rule for its internal operations; and

(8) To perform the other functions designated by the Constitution or the law.

Art. 163. The secretary general of the presidency will have the rank of minister of state and perform the functions of secretary of the cabinet council.

Title VII

THE JUDICIAL ORGAN

Chapter 1

The Administration of Justice

Art. 164. The judicial organ consists of a supreme court of justice, the subordinate tribunals, and the courts that the law establishes.

Art. 165. The Supreme of Justice will be composed of five magistrates appointed according to the provisions of paragraph 18 of Article 144, one

every two years for a term of ten that will commence on the first of November. Each magistrate will have an alternate appointed for the same period to replace the principal in his accidental absences, and in permanent absences until the vacancy is filled.

In case of permanent absence of any magistrate, a new appointment will be made for the rest of the term.

When, at the time to replace a magistrate, the respective alternate is absent, one of the others, who will be selected by lot, will act for him.

Art. 166. In order to be magistrate of the Supreme Court of Justice, it is required:

(a) To be a Panamanian by birth or by naturalization with more than fifteen years of residence in the Republic;
(b) To be thirty-five years of age;
(c) To be in the full enjoyment of civil rights;
(d) To have graduated in law; and,
(e) To have completed a ten year term, during which he has practised the profession of law or performed the duties of magistrate, attorney general of the Nation, attorney of a superior tribunal, circuit judge, or professor of law in an official educational establishment.

The validity of the credentials of a magistrate of the Supreme Court of Justice issued before the entrance into effect of this Constitution is recognized.

Art. 167. The Supreme Court of Justice is entrusted with the guardianship of the integrity of the Constitution. As a result, in addition to the powers conferred upon it by the Constitution and the laws, if will have that of definitely deciding, after hearing the attorney general of the Nation, upon the validity of the bills to which the executive has objected as unconstitutional for reasons of substance or form and upon the validity of all the laws, decrees, orders, resolutions, and other acts impugned before it by any citizen for the same causes.

The court will also decide whether a constitutional amendment is valid when the executive objects to it as not having been adopted in accordance with the standards established in Article 256.

Every official charged with dispensing justice, who upon studying any cause considers that the applicable legal or regulatory provision is unconstitutional, shall consult the Supreme Court of Justice, before deciding, so that the latter may resolve the point.

The decisions issued by the Supreme Court of Justice in the exercise of the power that this article confers upon it are final, definitive, and obligatory and should be published in the official gazette.

Art. 168. The principal magistrates may not discharge any other public duty during the term for which they have been appointed, except that of professor for the teaching of law in an establishment of university education.

Art. 169. In the tribunals and courts that the law establishes, the magistrates or judges will be appointed by the Supreme Court of Justice or by the tribunal or judge immediately superior in the hierarchy, according to the provisions of Title XII.

Art. 170. The magistrates and judges are independent in the per-

formance of their functions and are subject only to the Constitution and the law. But the inferior ones are obliged to pay deference to and comply with the decisions that their hierarchial superiors issue in revoking or reforming, by virtue of legal recourses, the orders proffered by the former.

Art. 171. The magistrates and judges will not be deposed or suspended from the performance of their duties except in the cases and according to the formalities that the law provides.

Art. 172. The duties of the judicial order are incompatible with any other remunerated duty, except that specified in Article 168, with the practice of law or commerce, and with any participation in politics except for the casting of a vote in the elections.

Art. 173. The law will designate the remuneration of the magistrates, judges, and other judicial officials and employees, which may be altered at any time; but the alteration shall only have effect two years after being decreed.

The salaries and remuneration of the magistrates of the Supreme Court of Justice will not be lower than those of the ministers of state.

All discharges of employees in the judicial branch will take place at the end of the respective term.

Art. 174. The magistrates and judges may not be detained or arrested except by virtue of a written order of the judicial authority competent to judge them.

Art. 175. Trial by jury is instituted. The law will determine the causes that must be decided by this system.

Art. 176. The administration of justice is gratuitous. The law will guarantee the effectiveness of this precept.

Chapter 2

The Public Ministry

Art. 177. The public ministry will be conducted by the attorney general of the Nation, by the district attorneys and solicitors and by the other officials that the law designates. Each official of the public ministry will have two alternates, who will replace him in their order in temporary absences and in permanent absences until the vacancy is filled.

Art. 178. The attributes of the officials of the public ministry are:

(1) To defend the interests of the Nation, of the province, or of the district, as the case may be;

(2) To promote the fulfillment or the execution of the law, judicial sentences, and administrative provisions;

(3) To watch over the official conduct of the public officers and employees and to take care that they all discharge their duties completely;

(4) To prosecute crimes and violations of constitutional or legal provisions; and

(5) To serve as juridical counsellors to the administrative officials of their jurisdiction.

Art. 179. To be attorney general of the Nation the same requisites as those to be magistrate of the Supreme Court of Justice are necessary.

Art. 180. The term of the attorney general of the Nation will be ten

years and the term of the district attorney of the tribunal for administrative litigation will be six.

Art. 181. The following are special functions of the attorney general of the Nation:

(1) To indict before the Supreme Court of Justice officials whose trial belongs to that body;

(2) To take care that the other officials of the public ministry discharge their duties faithfully, and to act to the end of their being held responsible for the faults or offenses that they commit; and

(3) To appoint and remove freely the employees of his immediate department.

Art. 182. The same provisions as those established by Articles 168, 171, 172, and 174 for judicial officials govern with respect to the officials of the public ministry.

In addition, the provisions of Article 173 will apply to the attorney general of the Nation.

Art. 183. The attorney general of the Nation and his alternates will be elected by the National Assembly. The other officials of the public ministry will be named by the official immediately higher in rank, according to the provisions of Title XII.

Title VIII

THE PROVINCES

Art. 184. In each province there will be a governor, whom the executive may freely appoint and remove, as his agent and representative before the municipalities of his area.

Art. 185. The provinces will include the number of municipalities that the laws provide.

Title IX

MUNICIPAL GOVERNMENT

Art. 186. The State rests upon a community of autonomous municipalities.

The municipality is the political organization of the local community, established in a determined territory by relations of proximity and with economic capacity sufficient to maintain self-government under adequate conditions.

The municipal organization will be democratic and will respond to the essentially administrative character of the local government.

Art. 187. The municipalities should co-operate with the national government for the realization of social welfare.

Art. 188. The municipal authorities have the duty to observe and enforce the Constitution and laws of the Republic, the decrees and orders of the executive, and the orders of the tribunals of ordinary and administrative justice.

Art. 189. No municipal official may be suspended or removed by the national administrative authorities. The mayors are excepted when their appointment pertains to the executive organ.

Art. 190. It is an obligation of the municipalities to contribute to the promotion and support of education and beautification. The law will designate the share of the municipal revenues that should be assigned for these purposes, which share should be expended in the respective district.

Art. 191. The State will supplement the municipal management when the latter is inadequate in cases of epidemic, grave disturbance of public order, or other reasons of public interest, in the manner that the law determines.

Art. 192. The territory to which the action of the municipality is extended is called a district. In each district there will be a corporation called the municipal council, composed of the number of members that the law determines, who will be elected by direct popular vote for a four-year term.

Foreigners with four years' continuous residence in the respective district or two years' residence if they are married to nationals or if they have Panamanian children in the district are electors in the elections for councilmen and eligible for the councils. In no case may the representation of the foreign units in the municipal corporations comprise more than one-fifth of the total membership.

Art. 193. By popular initiative and by means of the vote of the respective councils or commissions, two or more municipalities may request incorporation into one or unite for purposes of common benefit. The law will establish the appropriate procedure.

With equal requisites the municipalities of a province may unify their government, establish a common treasury and fiscal administration. In this case, an inter-municipal council or commission, the membership of which the law shall determine, may be established.

Art. 194. Councilmen may be relieved of their offices for abandonment of their duties or for bad conduct in the performance of the same. The law will establish the procedure which will be followed in these cases.

Art. 195. Citizens have the right of initiative and referendum in the matters entrusted to the councils.

Art. 196. When the municipalities so resolve by means of plebiscite, the law will provide that they be governed by the system of commissions, whose members are specialists in the branches of the economic-social activity established by the same.

Art. 197. The commissioners will be directly elected by the people for a four-year term and may be re-elected.

Art. 198. The commission will exercise all the attributes of the municipal councils and will have the same guarantees and responsibilities established for the latter.

Art. 199. There will be in each district a mayor, chief of the municipal administration, and two alternates. The law will decree whether the executive should appoint them or whether they sould be elected by direct popular vote.

When the election takes place by popular vote, the following rules will be observed:

(1) The term will be four years;

(2) No one may be elected for more than two consecutive terms; and
(3) The relatives within the fourth degree of consanguinity or second of affinity of the person who has held the mayorship for one term or part of another consecutively may not be elected for the term immediately following.

Art. 200. Mayors will have, besides the duties that Article 188 establishes, the following attributes:

(1) To co-operate with the council for the good progress of the municipal administration and to present drafts of orders, especially those relating to budgets of receipts and expenditures;
(2) To arrange the expenditures of the local administration according to the budget and rules of accounting;
(3) To appoint and remove freely the municipal employees whose designation does not belong to another authority, subject to the provisions of Title XII on the administrative career; and,
(4) To promote the progress of the municipal community and to take care that the municipal employees fulfill their functions efficiently.

Art. 201. The mayor as well as the commissioners will receive from the municipal treasury a remuneration that may be changed at any time; but neither an increase nor a decrease will have any effect except after a new election. In order to increase it, it will be indispensable that the municipal revenue shall also have increased during the last two years.

Art. 202. The orders, resolutions, and other acts of the municipal council, of the commissions, or of the mayors, when they are elected by popular vote, may be suspended or annulled only by competent tribunals. The pertinent action may be brought by any citizen or official who thinks that the act impugned is contrary to the Constitution or the law.

The law will establish the recourses which may be interposed against the acts and resolutions of mayors.

Art. 203. The term of the councilmen and mayors will begin the first of September. The elections to the said offices will take place on a date different from those for deputies and Presidents and Vice-Presidents of the Republic.

Art. 204. In each district there will be a treasurer, elected by the council, for a term that the law will determine, and who will be the chief of the office or department for collection and disbursement of municipal revenues.

The law will provide that in districts the revenues of which reach the amount that it determines, there shall function an auditing office or department headed by an official who will be appointed by the office of the comptroller general of the Republic.

Art. 205. The taxes which have no incidence outside the district are municipal, but the law may establish exceptions so that certain taxes will be municipal in spite of such incidence. Aside from this basis, the law will establish the national and municipal revenues and expenditures with due separation.

Art. 206. The State may not grant exemptions from municipal dues or taxes.

Art. 207. By legal authorization of the National Assembly and prior agreement of the office of the comptroller general of the Republic, the

municipalities may contract loans to carry out material works or enterprises of an economic or social welfare nature that can not be financed with the common funds of the treasury. The service of the said debt may not absorb more than twenty per cent of the ordinary revenues of each fiscal year.

TITLE X

PUBLIC TREASURY

Art. 208. The following belong to the State:

(1) The property in the territory that belonged to the Republic of Colombia by any title;

(2) The rights and shares that the Republic of Colombia possessed as owner, within or without the country, by reason of the sovereignty that it held over the territory of the Isthmus of Panama;

(3) The property, real estate revenues, rights, and shares that belonged to the extinguished Department of Panama;

(4) Uncultivated and exempt lands:

(5) The subsoil, which may be the object of concessions for the exploitation of its riches according to what the law establishes.

Mining property granted and not utilized during the period which the law specifies will revert to the State;

(6) Salt pits, mines, and deposits of all kinds may not be the object of private appropriation but may be granted to natural or juridical persons in usufruct, according to the law, without prejudice to legally acquired rights;

(7) Documents relating to national history. When these belong to private persons, they may be expropriated in the manner that the law specifies;

(8) The indigenous treasures, the exploration and utilization of which will be regulated by law.

Art. 209. The following belong to the State and are for public use, and, consequently, may not be the object of private appropriation:

(1) The territorial sea and the waters of lakes and streams; the beaches and banks of the same and of navigable rivers and ports and inlets. All this property is for free and common benefit, subject to the regulation that the law establishes;

(2) The lands and waters designated for public services of all classes of communications;

(3) The lands and waters designated or to be designated by the State for public services of irrigation, hydroelectric production, drainage, and aqueducts;

(4) The air space and the continental submarine shelf belonging to the national territory; and,

(5) The other property which the law designated for public use.

In all cases in which private property is converted by legal provision into property for public use the owner will be indemnified.

Art. 210. The present owners of the property included in paragraphs 5 and 6 of Article 208, with respect to which there exist property rights legally acquired prior to the time of the entrance into effect of this Constitution, will retain the beneficial possession thereof for twenty years in the terms indicated in the laws under which the acquisition was effected, but such property will revert to the State without indemnification. At

the end of the said twenty years the owners will be able to retain the beneficial possession under the conditions that the laws prescribe.

Art. 211. Concessions for the exploitation of the subsoil, of the land and the forests, and for the utilization of waters, means of transportation, and other public service enterprises, will be based upon social welfare.

Art. 212. Every artistic and historical object in the country, whoever its owner may be, constitutes a part of the cultural treasure of the Nation and will be under the safekeeping of the State, which may prohibit its destruction, transfer, or expropriation, regulate its alienation, and decree the expropriations which it deems opportune for its defense, indemnifying its owners.

It is a duty of the State to protect the native artistic patrimony and conserve the tradition of folklore in its diverse artistic and literary expressions by means of action in the schools and research agencies that use scientific methods.

Art. 213. The power to issue money belongs to the State, which may transfer it, with respect to fiduciary money, to official or semi-official banks of issue in the manner that the law determines.

Art. 214. There will be no paper money of legal tender in the Republic.

Art. 215. The law will create and regulate official or semi-official banks that function as autonomous entities supervised by the State, and will determine the subsidiary responsibilities of the State with respect to the obligations assumed by these banks.

Art. 216. So far as possible with due regard for the necessity of raising public funds and protecting the national production, the law will assure that every tax affect the taxpayer in direct proportion to his economic capacity.

Art. 217. No indirect tax or increase of the same will become effective until sixty days after the promulgation of the law establishing the tax or the increase thereof.

The national government, through the office of price control or the official agency performing the functions of that office, will take, in every case, the appropriate measures so that the application of the preceding article will not result in prejudice to the consumer.

Art. 218. Official monopolies over imported articles or articles not produced in the country may be established by the law for purposes of revenue.

Upon establishing a monopoly by virtue of which any person is deprived of the operation of a lawful industry or business, the State will compensate in advance the persons or enterprises whose business has been expropriated within the contemplation of this article.

Art. 219. No public expenditure that has not been authorized in accordance with the Constitution and the law may be made.

Neither may any appropriation be transfered to an object not provided for in the respective budget.

Art. 220. All the receipts and disbursements of the public treasuries must be included and authorized in the respective budget of receipts and expenditures. Payments will not be accepted for taxes which the law

has not established, and expenditures not provided for in the budget will not be made.

Art. 221. When the National Assembly is in recess and it becomes indispensable to make an expenditure for which the budgetary provision turns out to be insufficient or for which no credit was voted, a supplementary or extraordinary credit may be opened at the respective ministry. For such purpose the cabinet council will require the opinion of the comptroller general of the Republic upon the practicability and appropriateness of such credit and will submit the matter to the permanent legislative commission so that it may approve or disapprove it by majority of votes.

Those who participate in the matter will be responsible for their action.

A report of the action taken in each of these cases will be drawn up and sent to the National Assembly for the legalization of the credit issued. When the assembly disapproves any of them, the matter will pass to the Supreme Court of Justice so that it may decide upon the validity of the credit voted and upon the consequent responsibilities in cases of invalidation.

Art. 222. The execution or repair of national works, the purchases that are made with funds of the State, of its autonomous or semi-autonomous entities, or of the municipalities, and the sale or rental of property belonging to the same will be made by public auction, subject to the exceptions that the law specifies.

The law will establish the means that assure at every auction the maximum benefit to the State and full justice in the adjudication.

Art. 223. There will be an independent department of the executive organ called office of the comptroller general of the Republic, whose mission is to check, regulate, guard, and control the movements of the public treasuries and to examine, verify, review, and audit the accounts of the same. The office of the comptroller will not exercise administrative functions that are not inherent in its internal order.

An official who will be called comptroller general of the Republic will direct this department with the assistance of a sub-comptroller general. Both of these officials will be appointed by the National Assembly for a term, commencing the first of November every four years, within which they may not be suspended or removed except by the Supreme Court of Justice for causes defined in the law.

The comptroller general as well as the sub-comptroller general will be responsible to the National Assembly.

Art. 224. The following are functions of the office of the comptroller general, in addition to those which the law specifies according to the preceding article:

(a) To keep the general accounts of the Nation, including those of the internal and external public debts;

(b) To establish the methods of accounting for all the national, provincial, and municipal departments, and the manner of rendering accounts of the management employees;

(c) To direct and compile the national statistics;

(d) To obtain from the respective officials reports upon the official conduct of the national, provincial, municipal, autonomous, and semi-autonomous public entities;

(e) To revise and close the accounts of the officials responsible for all the public treasuries and the autonomous and semi-autonomous entities;

(f) To appoint the employees of its department according to the law;

(g) To inform the executive organ of the financial state of the public administration and to give opinion upon the practicability or appropriateness of the issuance of supplemental or extraordinary credits; and

(h) To give report on its activities to the National Assembly within the first ten days of the sessions of each regular legislature.

TITLE XI

NATIONAL ECONOMY

Art. 225. The conduct of economic activities belongs primarily to private individuals. But the State will orient, direct, regulate, replace, or establish such activities, according to social necessities and within the standards of the present title, for the purpose of increasing the national wealth and assuring its benefits to the largest possible number of the inhabitants of the country.

Art. 226. In order to accomplish the purposes stated in the preceding article, the law will provide that the following measures be taken:

(a) To establish commissions of technicians or specialists to study the conditions and possibilities of commerce, agriculture, and industries and to formulate recommendations to develop them;

(b) To encourage the establishment of private enterprises that function according to the recommendations mentioned in the preceding paragraph by economic participation in the said enterprises, through autonomous or semi-autonomous entities or through prizes and subsidies, only when this is indispensable for supplementing private capital and within the limits and conditions that the law establishes.

So long as there do not exist autonomous or semi-autonomous entities dedicated to the specific purposes mentioned in the preceding paragraph, the economic co-operation of the State will be authorized in each particular case by the National Assembly, and when this is in recess, by the executive with the approval of the permanent legislative commission;

(c) To establish a council of national economy to advise the legislature and the executive regarding the orientation and development of the national economy;

(d) To found credit institutions designed especially to give facilities to small merchants, farmers, and industrialists; and

(e) To establish centers of theory and practice for teaching commerce, agriculture, crafts, and arts, including in the last the manual arts, and for the training of specialized industrial workers and directors.

Art. 227. The State will intervene in any kind of private enterprises, within the regulations that the Law establishes, exclusively to secure the fulfillment of the purposes of social justice referred to in Chapter 3, Title III of the present Constitution. It will also intervene in the same manner in private enterprises of public utility for the following purposes:

(a) To regulate, through special agencies, the charges for services and the prices of articles of prime necessity;

(b) To require due efficiency in the services and adequate quality in the articles mentioned in the preceding paragraph;

(c) To coordinate the services and the production of articles.

The law will define public utility enterprises and articles of prime necessity.

Art. 228. The State will establish, through autonomous or semi-autonomous entities or by other adequate means, public utility enterprises that private activity has not established. In the same way, it will assume when necessary to the collective welfare, and by expropriation and indemnification, the control of public utility enterprises belonging to private individuals, subject to authorization by law in each case.

Art. 229. The promotion and supervision of production and consumption co-operatives are duties of the State, and for such purposes it will establish the necessary institutions.

Art. 230. Cultivation of the soil is a duty of the owner to the community and will be regulated by the law so that the utilization of the land will not be impeded or become stagnant.

Art. 231. No foreign government and no official or semi-official foreign entity or institution may acquire possession of any part of the national territory.

Art. 232. No foreign natural or juridical person and no national juridical person whose capital is foreign may acquire wholly or in part the ownership of national or private lands situated less than ten kilometers from the borders or the ownership of the islands under the jurisdiction of the Republic. Nevertheless, rights acquired before the entrance into effect of this Constitution will be respected; but the respective properties may be expropriated at any time upon payment of the corresponding indemnity.

Art. 233. There will be no property that is not subject to free alienation and no irredeemable obligations except as provided in Article 60. Nevertheless, temporary limitations on the right of alienation and the conditions or terms that suspend or retard the redemption of obligations will be valid up to a maximum period of twenty years.

Art. 234. Retail business may be conducted only by:

(1) Panamanians by birth;

(2) Individuals who upon the entrance into effect of this Constitution are naturalized and married to a Panamanian national or have children by a Panamanian national;

(3) Panamanians by naturalization who are not included in the preceding classification, after five years from date on which they obtained their final papers;

(4) Panamanians by naturalization not included in the preceding paragraphs who at the date of the entrance into effect of this Constitution are conducting retail business in accordance with the law, and foreigners who are in the same situation;

(5) Juridical persons formed by Panamanians or by foreigners authorized to conduct such business individually in accordance with this article, and also those who, without being constituted in the form here mentioned are legally engaged in commerce at the moment of the entrance into effect of this Constitution. Foreigners not authorized to conduct retail business may, nevertheless, participate in those companies that sell products manufactured by themselves.

Nationals of those States who have in the Isthmus of Panama enterprises or organizations in which Panamanians find facilities to obtain work may conduct retail business, provided that such nationals are legally established in territory under the jurisdiction of the Republic.

Conducting retail business means engaging in sales to the consumer or acting as representative or agent of production of mercantile enterprises or any other activity which the law classifies as belonging to such commerce.

Cases in which farmers or artificers in manual industries sell their own products are excepted from this rule.

The law will establish a system of vigilance and sanctions to prevent those who, according to this article, cannot conduct retail business, from doing so through an intermediary or in any other fraudulent form.

Art. 235. Wholesale business is that which is not included in the preceding provision, and may be conducted by any natural or juridical person. The law may, nevertheless, when it is necessary to protect wholesale business conducted by Panamanians, restrict the carrying on of such commerce by foreigners. But the restrictions will not prejudice in any case the foreigners who are legally conducting wholesale business upon the entrance into effect of the pertinent provisions.

Upon the restriction of wholesale business, the citizens referred to in the second part of paragraph 5 of the preceding article may continue to conduct it.

Art. 236. Every combination, contract, or action whatsoever that tends to restrict or prevent free commerce and competition and which has the effect of monopoly prejudicial to the public is prohibited in commerce and industry.

The operation by a single natural or juridical person of series or chains of retail mercantile establishments in a manner that ruins or tends to eliminate competition of the small merchant or industrialist is included in this classification.

Any person may file with the tribunals a complaint charging the formation of any company or syndicate or the making of any combination, contract, or action for the establishment of monopolistic practices. The law will regulate this matter.

Art. 237. The law will regulate hunting, fishing, and utilization of the forests, and will take special care to protect and preserve the fauna and flora of the country.

Art. 238. Games of luck and chance and wagering activities may be conducted only by the State.

The law will regulate such games as well as every wagering activity of any kind.

Art. 239. There will be no private monopolies.

Title XII

ADMINISTRATIVE CAREER

Chapter 1

Fundamental Provision

Art. 240. The public officials and employees will be of Panamanian nationality, except as provided in this Constitution.

The appointment and removal of officials and employees is not an absolute and discretionary power of any of the organs of public authority

except as provided in this Constitution. The State service should have as its basis the competence and morality of the official or employee and his irremovability, except for a reason specified in the law and declared by the tribunals.

Chapter 2

Administrative Career

Art. 241. The administrative career is established according to the following principles:

(1) Officials are in the service of the State and not of a political party or group;

(2) In the places and hours for work, proselyting activity will be illegal and, as such, punished by the law;

(3) The law will determine the conditions of entrance into the administration by the method of competitive contest on the basis of antecedents, credits for study accomplished, and examinations in theory and practice, according to the nature of the post in question; the duties of the officials or employees and appeals against the resolutions affecting them.

Moreover, rules relating to permanency, promotion, suspension, transfer, retirement, and pensioning will be established.

The applicant who, in equal circumstances in regard to competence and integrity, proves that he is in a greater state of economic need will be preferred for the office subject to the contest;

(4) No investigation as to irregularities, omissions, and offenses will be considered finished until the accused can present his pleas and state his defense.

Art. 242. The following are not included in the administrative career:

(a) Officials whose nomination should be made according to the provisions of this Constitution;

(b) Subaltern officials and employees of the presidency of the Republic;

(c) Secretaries of the ministries and the personnel directly assigned to the personal offices of the ministers;

(d) The chiefs of the diplomatic missions of the Republic;

(e) The provincial governors and district mayors;

(f) The commanders of the national police corps;

(g) The secretary, auxiliary secretaries and reporters of the National Assembly;

(h) The chief of the national mails and telegraphs;

(i) The administrator general of the internal revenue;

(j) The chiefs of the autonomous and semi-autonomous departments;

(k) The lawyers and other technicians who are required for special or temporary services of the ministries and of the autonomous and semi-autonomous institutions; and,

(l) The workers in education, the public forces, national or municipal works and other analogous branches that are governed by a special organic statute.

Chapter 3

Judicial Career

Art. 243. The judicial career is instituted.

The law will regulate it according to the principles established for the administrative career in Articles 241 and 242. The office of magistrate of the Supreme Court of Justice, which will be provided for in conformity

with Article 165, is excepted from this provision. The officials, clerks, and janitors in the service of the magistrates and judges, and who are independently appointed and removed by them, are likewise excepted.

Chapter 4

General Provisions

Art. 244. The prohibitions that this Constitution establishes for the deputies in Article 117 will apply to the officials with power and jurisdiction in the whole Republic in regard to the department over which they are immediate directors or chiefs. These prohibitions will apply also to the municipal officials within the respective district.

Art. 245. There will be in the Republic no office or employment that does not have functions detailed in law or regulations.

Art. 246. No public employee may receive two or more salaries paid by the Nation, except in the special cases relating to national education.

Art. 247. When in extraordinary cases a general reduction in the salaries of public employees is necessary, the provisions of Articles 116, 147, and 173 of this Constitution will not be applicable.

Title XIII

THE PUBLIC FORCES

Art. 248. All Panamanians are obliged to take up arms when public necessities so require for the defense of the national independence and the territorial integrity of the Nation, except as provided in Article 17.

Art. 249. The law will organize the military service and that of the national police separately.

Art. 250. The public forces are not deliberative. They may meet only by order of the legitimate authority, and may not resort to petitions except upon matters relating to the service, in accordance with the law.

Art. 251. Only the government may possess arms and implements of war. Prior permission of the executive is required for their manufacture, importation, and exportation. The legislature will define the arms that should not be considered as those of war and will regulate their importation, manufacture, and use.

Title XIV

JURISDICTION OF ADMINISTRATIVE LITIGATION

Art. 252. A tribunal of administrative litigation is established in the capital of the Republic, the jurisdiction of which will include the whole country. This tribunal will function indepedently of the executive and judicial organs.

The jurisdiction of administrative litigation has as its object the reviewing of acts, resolutions, orders, or provisions of all the national, provincial, and municipal officials and those of the autonomous or semi-autonomous public entities, in the exercise of their functions or under pretext of such exercise.

The review may be demanded by the persons affected by the act, resolution, order, or provision in question and, in the exercise of the right of popular action, by any natural or juridical person, national or foreign, in any case in which the administration has been wrongfully injured.

The tribunal will exercise its jurisdiction over the acts specified in this article, and may annul the acts alleged to be illegal, re-establish private rights that have been violated, issue new provisions to replace those complained of, or make a declaration before judgment in regard to the sense and scope of an administrative act or its legal validity.

Art. 253. To be a magistrate of the tribunal of administrative litigation the same qualifications are required as for being a magistrate of the Supreme Court of Justice.

Art. 254. The tribunal of administrative litigation will be composed of three magistrates, one appointed every two years for a term of six, that will begin the first of November.

The appointment of magistrates will be made by the executive, as provided in paragraph 18 of Article 144. Each magistrate will have an alternate appointed for the same term, who will replace the principal in his accidental absences and in his permanent absences until the vacancy is filled.

In case of permanent absence of any magistrate, an appointment will be made for the rest of the term.

When at the time of replacing a magistrate the respective alternate is absent, one of the others, chosen by lot, will act for him.

Art. 255. The provisions of Articles 168, 171, 172, 173, 174, and 243 will apply to the magistrates of the tribunal of administrative litigation.

Title XV

CONSTITUTIONAL AMENDMENT

Art. 256. This Constitution may be amended, only by a legislative act issued by the National Assembly in regular session, which act should be published and transmitted by the executive to the assembly in the first regular sessions following the elections for the renovation of the assembly, so that it may be debated again and approved by the absolute majority of the deputies of which the assembly is composed.

The executive may object to the amendment only when he receives it for its promulgation after the debates of the second regular assembly.

Final Provisions

Art. 257. All laws contrary to this Constitution are repealed.

All laws, legislative decrees, decrees, regulations, orders, and other provisions in force at the promulgation of this Constitution shall continue to be in force in so far as they are not inconsistent with it or with the laws that may be issued in the future.

Art. 258. This Constitution will begin to have effect for the organs of the State from the day on which it is sanctioned and for the Nation fifteen

days after its publication in the official gazette. This publication will be effected within three days following the date of sanction.

Temporary Provisions

Art. 259. The National Assembly will issue a labor code based on the principles expressed in this Constitution and in the international conventions that govern the matter. This code will be issued in preference to any other.

Art. 260. On the date of the signing of this Constitution the Constituent Assembly will be converted into the Legislative Assembly and will perform the corresponding functions until the thirtieth of September nineteen hundred forty-eight.

The assembly referred to in the preceding paragraph will have a period of regular sessions of ninety working days from the fifteenth of May of the present year, during which it will issue the electoral law, the budget of receipts and expenditures for the interval between the first of July and the thirty-first of December, nineteen hundred forty-six, the law of public works, the labor code and other necessary laws. At the end of the ninety days of regular sessions and until the meeting of the first National Assembly to be elected according to this Constitution, the National Assembly converted into a legislature, will return to perform the corresponding functions when it is convoked in extraordinary sessions by the executive.

Art. 261. The elections for deputies to the National Assembly and for President and Vice-President of the Republic will take place in the year 1948 on the date which the law will specify and which will precede the first of October of the said year by not less than three months.

Art. 262. The President of the Republic and the Vice-Presidents elected with provisional status under Resolution Number 2 of the Constituent Assembly of June 15, nineteen hundred forty-five, will continue to perform their functions until the first of October, nineteen hundred forty-eight, within the terms of this Constitution, to which they will swear on the date of its sanction.

Art. 263. The first term of the Supreme Court will begin on the first of November, nineteen hundred forty-six. The appointment of the magistrates and alternates who will enter upon their duties on this date will be made by the executive within the first fifteen days of the month of May, nineteen hundred forty-six, and will be approved or disapproved by the National Assembly within the fifteen days following. The said magistrates and their alternates will serve as follows:

The first, ten years; the second, eight years; the third, six years; the fourth, four years; and the fifth, two years.

Art. 264. The first term of the attorney general of the Nation and of his alternates will begin the first of November, nineteen hundred forty-six, and the election of the same will be made by the National Assembly on the thirtieth of May of the stated year at the latest.

Art. 265. The first elections for municipal councilmen and mayors following the promulgation of this Constitution will take place in the year nineteen hundred forty-eight, not less than three months before the first

of September of the said year. In order to integrate the municipal councils that will function until this date, the executive will make the appointments as provided in the administrative code.

Art. 266. The mayors for the first of the terms mentioned in Article 199 will be elected by direct popular election.

Art. 267. The first term of the comptroller and the sub-comptroller general of the Republic will begin the first of November, nineteen hundred forty-six, and the election of the same will be held within the first fifteen days of the sessions referred to in paragraph 2 of Article 260. The date of the elections of the said officials for the following terms will be determined by the law, taking care that only one election may be made by the same assemblies.

Art. 268. All contracts in force on the date of the issuance of this Constitution, in regard to games of chance and luck and wagering activities, will cease immediately to have effect.

Art. 269. Within three months following the promulgation of this Constitution, the executive will designate a commission to organize the civil service with the advice of one or more technicians of recognized competence.

Art. 270. The first term of the tribunal of administrative litigation will begin on the first of October, nineteen hundred forty-six. The appointment of the magistrates who take office on that date will be made by the executive within the first fifteen days of the month of May, nineteen hundred forty-six, and will be approved or disapproved by the assembly within the fifteen days following. The said magistrates will serve as follows: the first, six years; the second, four years; the third, two years.

Art. 271. The National Constituent Assembly will elect, before closing its sessions, the permanent legislative commission mentioned in Article 122. This commission will serve until the thirtieth of September, nineteen hundred forty-eight, and will be formed on the basis of one principal deputy and one alternate for each of the parties represented in the body.

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PARAGUAY

SUMMARY

International Status

Paraguay is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and deposited its ratification October 12, 1945. It also signed the United Nations Declaration of January 1, 1942.

It was a member of the League of Nations and signed the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause (Article 36). By a decree of the Republic of Paraguay of April 26, 1938, it "withdrew" its acceptance of the compulsory jurisdiction of that Court. The power

to withdraw such acceptance has been questioned, and Paraguay is deemed to be subject to the compulsory jurisdiction of the new International Court of Justice.[1] It is a member of other international organizations.[2]

Paraguay obtained its independence in 1811, having successfully repulsed Argentinian efforts to incorporate the country into the confederation of La Plata. José Gaspar Rodriguez Francia, who ruled from 1814 until his death in 1840, kept Paraguay isolated commercially and diplomatically from the rest of the world. He was followed by Carlos Antonio Lopez who continued for eighteen years and was in turn followed by his son, Francisco Solano Lopez, whose administration lasted from 1862 to 1870. The latter became involved in a war with Brazil, Argentina, and Uruguay which destroyed a large percentage of the Paraguayan people. The population of the country was reduced from about 900,000 to about 300,000. Lopez was killed in battle in 1870 and a triumvirate took over the government; Brazilian troops were withdrawn in 1876 and the country developed a real prosperity in spite of revolutions during the period from 1904 to 1912.

In 1938, by the terms of the Gran Chaco peace settlement, Paraguay regained 91,800 square miles, thus ending a sixty-eight-year-old dispute with Bolivia.

Paraguay declared war on Germany and Japan on February 7, 1945.

Form of National Government

Paraguay has a written constitution promulgated July 10, 1940, which declares that Paraguay is a representative, democratic republic.[3] This Constitution was preceded by that of 1870, promulgated at the end of the war with Brazil, Argentina, and Uruguay and after the dictatorial period; and by that of 1813 which was effective for only one year.

Source of Sovereign Power

"Sovereignty resides essentially in the people." [4]

Rights of the People

The Constitution guarantees freedom to work, the right of assembly and petition, freedom of the press, freedom to dispose of property, freedom of association, freedom of religion (the State religion is, however,

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[1] See Yearbook of the Court 1951–52, pp. 35-43, 193. For the observations regarding this withdrawal made by Governments see Series E, No. 14, p. 57, note 2 and Series E, No. 15, p. 227, note 2. *Publications of the Permanent Court of International Justice.*

For further discussion of this question as applied to Paraguay, see Document & State Papers, U.S. Dept. of State, June, 1948, Vol. 1, No. 3, pp. 192, 202.

[2] See Table I. [3] Const. of 1940, Art. 1. [4] Id., Art. 2.

Roman Catholic [1]) and freedom of education.[2] The penalties of death and property confiscation are forbidden.[3] No law may be retroactive.[4] Privileges and titles are forbidden.[5]

Legislative Department

Legislative power is exercised by the Chamber of Representatives which is composed of members directly elected by the people on a basis of one for every 25,000 inhabitants.[6] Suffrage is universal, secret, and obligatory.[7] The term of representatives is five years.[8] The chamber has the initiative in legislation wherever such initiative does not expressly belong to the executive power, as it does in matters of expenditures, troop recruiting, and mobilization.[9]

Executive Department

Executive power is exercised by the President who is directly elected by universal secret obligatory suffrage for a term of five years.[10] He may be reelected once.[11] There is provision for a Council of State made up of Ministers appointed by the President and of members by right of position.[12]

Judicial Department

Judicial power is exercised by the Supreme Court and other Courts. There are three members of the Supreme Court who have terms of five years.[13] They are appointed by the President with the consent of the Council of State.[14] Independence of the judicial power is guaranteed.[15] The Supreme Court is the last court of appeal and takes account of jurisdictional conflicts.[16] "All judicial sentences must be founded on this Constitution and on the law." [17]

Area, Population, Language

Paraguay has an area of 150,515 square miles and population (1950 census, provisional) of 1,406,627. Spanish is the prevailing language but Guarani is also generally spoken.

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[1] Const. of 1940, Art. 3.
[2] Id., Art. 19.
[3] Id., Art. 25.
[4] Id., Art. 26.
[5] Id., Art. 33.
[6] Id., Art. 67.
[7] Id., Art. 44.
[8] Id., Art. 70.
[9] Id., Arts. 77, 55.
[10] Id., Arts. 45, 47, 49.
[11] Id., Art. 47.
[12] Id., Art. 62.
[13] Id., Arts. 80, 82.
[14] Id., Art. 84.
[15] Id., Art. 87.
[16] Id., Arts. 88, 89.
[17] Id., Art. 91.

CONSTITUTION of the REPUBLIC OF PARAGUAY[1]

July 10, 1940

The Paraguayan nation, with the aid of God Almighty, Supreme Legislator of the Universe, with the purpose of assuring justice, preserving interior tranquility, providing for the national defense, promoting the well being and progress of the Republic and making the benefits of liberty lasting for its sons, orders, decrees and establishes this Constitution.

General Declarations

Art. 1. Paraguay is and will always be free and independent, is constituted as a single and indivisible Republic and adopts the democratic representative form for its government.

Art. 2. Sovereignty resides essentially in the people, who delegate its exercise to the authorities created by this Constitution.

Art. 3. The Roman Catholic Apostolic Religion is the religion of the State, but other cults are tolerated when they are not opposed to morality and the public order. The chief of the Paraguayan Church and the bishops must be native citizens.

Art. 4. This Constitution, the laws dictated as a result of it, and treaties with foreign nations are the supreme law of the nation.

Art. 5. The City of Asunción is the capital of the Republic and the seat of the powers of the State.

Art. 6. The principles, guarantees, obligations, and rights proclaimed by this Constitution may not be altered by the laws which regulate their exercise. All laws, decrees, or regulations in opposition to that provided in the Constitution are null and invalid.

Art. 7. Equality is the basis of public office. The government provides for the expenses of the State with the product of the taxes, contributions, and levies created by law; the selling and leasing of public lands; the exploitation of mines; profits arising out of public services and monopolies of the State; and loans and other credit operations.

Art. 8. Within the territory of the Republic the products of national produce or manufactures will circulate free of charges. The navigation of the rivers of the interior is free for all flags, subject to the regulations issued by the Chamber of Representatives.

Art. 9. The government will encourage American and European immigration. and will regulate the entry of foreigners into the country.

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[1] Translation by Dorothy W. Peaslee.

Art. 10. Primary education is obligatory and free. The government will encourage secondary, professional, and university education.

Art. 11. The care of the health of the population and social assistance, as well as the moral, spiritual, and physical education of the youth, are fundamental duties of the State.

Art. 12. The government will endeavor to guarantee its relations of peace and commerce with other nations by means of treaties inspired by the national interest and based on principles of public law proclaimed by this Constitution. It will give special attention to the policy of collaboration and solidarity with the American peoples.

Art. 13. In no case will private interests prevail over the general interest of the Paraguayan nation. All citizens are obliged to give their collaboration for the good of the State and of the Paraguayan nation. The law will determine in what cases they are obliged to accept public functions in accordance with their conditions of ability.

Art. 14. The exploitation of man by man is forbidden. In order to assure to all workers a standard of living compatible with human dignity, the regulation of labor contracts and of social insurance and the conditions of security and hygiene of the establishments will be under the care and supervision of the State.

Art. 15. The State will regulate the national economic life. Only it has the power of coining and issuing money, establishing systems of weights and measures and controlling trade marks. Combinations which tend to the monopolization of articles of consumption, the artificial raising or lowering of prices, and impeding free competition are not permitted. The manufacture and traffic of articles damaging to health and good customs are prohibited. The law will establish the penalties for acts which violate these principles. The State may, with indemnification, nationalize public service and monopolize the production, circulation, and sale of articles of primary necessity.

Art. 16. The Chamber of Representatives may not concede to the executive power extraordinary powers outside the provisions of this Constitution, or grant supreme authority by which the life, honor, and property of Paraguayans rest at the mercy of the government or any person whatever.

Art. 17. All superior authorities, functionaries, and public employees are individually responsible for the faults and crimes they commit in the exercise of their functions, without prejudice to the indirect responsibility of the State, which may be established in the law. In no case may they exercise powers alien to their jurisdiction and their acts must always be in accordance with the law. Strikes of public functionaries are prohibited, as well as collective abandonment of their offices.

Art. 18. The custody and defense of order and sovereignty, of territorial integrity and the honor of the Republic, as well as the defense of this Constitution, are confided to the armed forces of the nation. The President of the Republic is their commander in chief, but he may delegate the effective command of the troops to a general officer. The armed forces of the nation are organized in a permanent manner.

Rights, Obligations, and Guarantees

Art. 19. All inhabitants of the Republic enjoy the following rights, in accordance with the laws which regulate their exercise: to choose a profession; to work and exercise any legal commerce and industry, excepting the limitations imposed by the law for social and economic reasons of national interest; to meet peacefully; to petition the authorities; to publish their ideas in the press without previous censure, provided they refer to matters of general interest; to dispose of their property; to associate for legal reasons; to profess freely their religion; to learn and to teach.

Art. 20. The law will determine what profe[illegible]ions need titles for their exercise, the conditions which must be fulfil[illegible] obtain said titles, and the authority which must issue them. The regulation and inspection of education are in charge of the State.

Art. 21. The Constitution guarantees private property, the content and limits thereof to be fixed by law, in view of its social function. No one may be deprived of his property except in virtue of a sentence founded in the law. The ownership of all kinds of property may be transformed juridically by means of expropriation for reasons of social profit defined by the law, which will also determine the manner of indemnification. The law may fix the maximum extension of lands of which one single individual or legally constituted society may be master, and the excess must be sold at public auction or expropriated by the State for distribution.

Art. 22. All inhabitants of the Republic are obliged to earn their living with their lawful work. Every Paraguayan home must be situate on a piece of its own land.

Art. 23. The civil rights of women are regulated in the law, considering the unity of the family, the equality of women and men, and the diversity of their respective functions in society.

Art. 24. No personal service is requirable except by virtue of a law. Every author or inventor is the owner of his work, invention, or discovery for the period accorded by law.

Art. 25. In no case may the penalty of death or confiscation of property be applied for political causes.

Art. 26. No law will have a retroactive effect. No inhabitant may be punished without previous trial founded on some law antedating the subject of the process, or judged by special tribunals. No one may be obliged to testify against himself, nor be arrested except by virtue of the written order of a competent authority, or detained for more than twenty-four hours without being informed of the reason for his detention, or detained except in his own house or in public places destined for this purpose. The recourse of habeas corpus is guaranteed to all inhabitants. The law considers innocent those who have not been declared guilty or legally suspicious of being so by the act of a competent judge. The crime or dishonor incurred by persons does not affect their relatives.

Art. 27. Defense in the judgment of a person or rights is inviolable. Also inviolable are the domicile, epistolary correspondence, and private papers. The law will determine in what cases the inviolabilty of the domicile and correspondence may be suspended.

Art. 28. Jails must be healthy and clean. The use of any tortures or whipping is prohibited.

Art. 29. Excessive bail will not be required nor excessive fines imposed.

Art. 30. Private acts which in no way offend the public order and morals or prejudice third persons are exempt from the authority of magistrates. No inhabitant may be obliged to do that not required by the law or deprived of doing that which it does not forbid. The law may authorize the executive power or determined administrative authorities to dictate general police regulations and to impose the corresponding sanctions within the subjects and limits fixed by the same law.

Art. 31. The issuance and publication of books, pamphlets and periodicals will be regulated by law. Anonymous printing is not permitted.

Art. 32. The State will supervise and regulate the organization, functioning, and activities of groups or bodies of a public character.

Art. 33. The Paraguayan nation does not admit prerogatives of birth; in it there are no personal jurisdictions or titles of nobility. All the inhabitants of the Republic are equal before the law. Nationals are admissible to any employment without other condition than ability, and aliens are subject to the limitations established by the laws. In the Republic of Paraguay there are no slaves.

Art. 34. No person may take justice into his own hands or use violence to reclaim his right. The people do not deliberate or govern except by means of their representatives and authorities created by this Constitution. Any armed force or meeting of persons attributing to itself the rights of the people and petitioning in their name commits the crime of sedition.

Art. 35. The liberties which this Constitution guarantees are all of a social character. The requirements of public order limit their use for the purpose and in the manner established by the laws. It is not permitted to preach hate among Paraguayans or class struggle.

Art. 36. Aliens enjoy the civil rights of citizens within the territory of the Republic, in accordance with the laws regulating their exercise; they may exercise their industry, commerce, or profession, own landed rights, make wills and marry. If they violate the security of the Republic or alter the public order, the government may provide for their expulsion from the country, in accordance with the regulating laws. Foreigners are not obliged to become citizens.

Art. 37. Anyone who joins the enemies of the country by taking arms or assisting them, or in any manner violates the independence and security of the Republic of Paraguay commits treason to the country.

Nationality and Citizenship

Art. 38. The following are Paraguayans: (1) those born in Paraguayan territory; (2) children of Paraguayans born in foreign territory, if the mother or father is in the service of the Republic; and (3) children of a Paraguayan father or mother, born abroad, by the act of becoming domiciled in Paraguay and residing there for ten years in succession.

Military service is obligatory for citizens, who are also obliged to take arms in defense of the country and of this Constitution.

Art. 39. All citizens, without the disqualifactions of the following Article, have the duty of voting from the age of eighteen years.

Art. 40. A citizen's vote is suspended: (1) for physical or moral disability which impedes acting freely and reflectively; (2) for being a soldier, a corporal, or sergeant of line troops, a national guard or policeman, under whatever name is used; (3) for being tried as a criminal meriting corporal punishment.

Art. 41. Citizenship is lost: (1) for a fraudulent bankruptcy; (2) for taking subsidies and pensions or using the distinctions of a foreign government without the permission of the executive power; (3) for directly violating or participating in any violation of the independence and security of the Republic; (4) for having become naturalized in a foreign country. Those who have lost their citizenship for any of the reasons mentioned, with the exception of that stated under number (4), may obtain their rehabilitation from the Chamber of Representatives.

Art. 42. Foreigners may obtain letters of naturalization before the courts of the Republic if they prove having resided for five consecutive years in Paraguay, possess some settled property and capital in business, or profess some science, art, or industry. Naturalization papers are lost by absenting oneself from the country for two consecutive years. Naturalized citizens may exercise all public offices two years after having obtained naturalization papers, excepting those of President of the Republic, minister, councillor of state, representative, member of the Supreme Court of Justice and chief of the army and navy.

Art. 43. The Chamber of Representatives, at the proposal of the executive power, may concede honorary citizenship to foreigners who have given important services to the Republic.

Art. 44. The State guarantees freedom of suffrage. Voting is secret and obligatory. The law will determine the system of elections. Persons who preach or proclaim electoral abstention lose their rights of citizens, without prejudice to their obligations.

The Executive Power

Art. 45. The executive power will be discharged by a citizen with the title of President of the Republic of Paraguay.

Art. 46. The president of the Republic must be a native citizen, have reached forty years of age, profess the Roman Catholic Apostolic Religion, and meet the moral and intellectual conditions which make him worthy to exercise the office.

Art. 47. The President of the Republic will have a term of five years in office and may be re-elected for one more term. He ceases in power on the day that the term expires and no occurrence whatever may be a reason for ending the term later. He enjoys a salary paid by the treasury of the nation, unchangeable during the term of his functions, and for the duration of his functions he may not exercise any other employment nor receive any other emolument.

Art. 48. The President of the Republic will reside in the house of government.

Art. 49. The President of the Republic will be elected by general direct election, six months before taking possession of the mandate.

Art. 50. Upon taking possession of his office, the President of the Republic will take the oath from the hands of the president of the Chamber of Representatives, the representatives, councillors of state and members of the Supreme Court of Justice being met together, in the following terms:

> I, (name), swear before God and the country to discharge faithfully and patriotically the office of President of the Republic of Paraguay and to observe and enforce the faithful observance of the Constitution. If I do not so do, God and the country may demand it of me.

Art. 51. The President of the Republic has the following powers:

(1) He is the supreme Chief of the State and has in his charge the general administration of the country.

(2) He issues instructions and regulations which are necessary for the execution of the laws.

(3) He participates in the formation of the laws in accordance with the Constitution, sanctions them and promulgates them.

(4) He is charged with the management of the foreign relations of the Republic.

(5) He appoints the members of the Supreme Court in agreement with the council of state, of the tribunal of accounts and other functionaries of the administration of justice, in agreement with the Supreme Court.

(6) He may commute penalties, in accordance with a regulating law.

(7) He appoints diplomatic agents, in agreement with the council of state, and alone appoints and removes the ministers, secretaries of state, and other functionaries of the administration, whose appointment is not otherwise regulated by the law.

(8) He exercises the rights of national patronage of the Republic in the presentation of archbishops and bishops, on proposals of lists of three by the council of state, in agreement with the ecclesiastical senate or the national clergy met together; he recognizes or retains the decrees of the councils, and the bulls, apostolic briefs, and rescripts of the Sovereign Pontiff, in agreement with the council of state and Chamber of Representatives.

(9) He inaugurates annually the sessions of the Chamber of Representatives, in which act he will give account of the measures realized by his government; he prorogues the sessions of the Chamber of Representatives or convokes it in extraordinary sessions, in which case the chamber will only treat those matters submitted to its consideration by the executive power.

(10) He provides for the collection of the revenues of the Republic and decrees their investment in accordance with the law or the general budget.

(11) He negotiates and signs treaties of peace, commerce, navigation, alliance, boundaries, and neutrality, concordats and other international agreements, being obliged to submit them to the council of state and the Chamber of Representatives for their approval.

(12) He alone provides the military ranks of the Republic up to the rank of lieutenant colonel, and in accordance with the council of state the Chamber of Representatives, in the superior ranks; he disposes of the armed forces of the nation and determines their organization and distribution in accordance with the necessities of the Republic.

(13) He declares war and re-establishes peace with the judgment of the council of state and the authorization of the Chamber of Representatives.

(14) He dictates military regulations.

Art. 52. If any grave threat occurs of interior disturbance or exterior

conflict which could endanger the exercise of this Constitution and the authorities created by it, the President of the Republic will declare a part or all of the territory of the Republic in a state of siege, with the obligation of giving an account to the Chamber of Representatives. During the state of siege, the President of the Republic may order the arrest of suspected persons. He may also transfer them from one point of the Republic to another, unless they prefer to leave the country. A law will regulate the application of the state of siege for the defense of order and the security of the Republic.

Art. 53. The President of the Republic may dissolve the Chamber of Representatives and remove the councillors of state, with the obligation, in the first case, of convoking elections within the term of two months.

Art. 54. The projects issued by the executive power to the Chamber of Representatives must be considered and dispatched within the course of sessions of that year. In case they are not dispatched within the term above said, they will be considered converted into laws. During the parliamentary recess, the executive power has the power of dictating decrees with the force of laws, with the opinion of the council of state and with the obligation of submitting them to the approval of the Chamber of Representatives in the following ordinary period of sessions.

Art. 55. Only to the executive power belongs the initiative in matters of expenses and of recruiting and mobilization of troops.

Art. 56. The executive power, will adopt plans of redistribution of present populations, for economic, social, public health, or national defense reasons.

Art. 57. In case of international war, all the authority necessary to assure the national defense is concentrated in the President of the Republic.

Art. 58. In case of the resignation, inability, or death of the President of the Republic, the minister of the interior will immediately convoke the council of state and the Chamber of Representatives as a full National Assembly to appoint the minister or functionary who should exercise the presidency until the end of the term, unless the resignation, inability, or death occurs within the first two years of the presidential period, in which circumstance the provisional President will convoke the people to elections within a period of two months. If the inability is temporary, the National Assembly will appoint one of the ministers provisionally to exercise the presidency of the Republic.

Ministers of the Executive Power

Art. 59. The carrying out of the business of the Republic is in charge of the ministers, secretaries of state, who countersign and legalize the acts of the President by means of their signature, without which requirement they lack efficacy. The law will determine the number and functions of the ministers, who in no case may be less than five.

Art. 60. In order to occupy the office of minister, it is necessary to be a native citizen, to have reached the age of thirty and to enjoy a well-known reputation of integrity and to be well-informed in public matters.

Art. 61. Each minister is responsible for the acts which he legalizes

and jointly for those to which he agrees with his colleagues. The ministers must present to the President of the Republic an annual report of their conduct, which will be widely publicized. They will enjoy a salary established by the law for their services, which may not be altered either in favor or to the prejudice of those in office.

The Council of State

Art. 62. There will be a council of state of which the following will form part: the ministers of the executive power, the rector of the national university, the Archbishop of Paraguay, a representative of commerce, two representatives of the agriculture and cattle-raising industries, one representative of the electrical industries, the president of the Bank of the Republic, and two members of the military institutions, one of the army and the other of the navy, with the rank of colonel at least, retired. The form of appointment of the councillors who are not so by position will be determined by the law. The members of the first council of state will be appointment by the President of the Republic.

Art. 63. The following will be powers of the council of state:

(1) To judge regarding projects of decrees with the force of laws;
(2) To judge regarding matters of international policy submitted to its consideration by the executive power;
(3) To give its agreement to the appointment of the members of the Supreme Court and of diplomatic agents to foreign countries;
(4) To give its agreement to military promotions from the rank of colonel;
(5) To judge matters of a financial and economic order, for which purpose it may take the advice of technical commissions.

Art. 64. Councillors of state who are not functionaries must be native citizens, have reached the age of thirty years and meet the conditions of preparation and integrity that are publicly recognized. With the exception of the ministers, the councillors of state will enjoy a daily salary for the sessions.

Art. 65. The council of state will form itself into a tribunal for the purpose of judging members of the Supreme Court of Justice.

Art. 66. The council of state will appoint its president and will rely on the personnel fixed in the general budget of expenses. Its members enjoy parliamentary immunities.

The Chamber of Representatives

Art. 67. The Chamber of Representatives is composed of members directly elected by the people, in accordance with the electoral law which will immediately be issued, on a basis of one for each twenty-five thousand inhabitants.

In the same electoral act, one-third of the total number of representatives will be elected to act as substitutes in case of death, resignation, or disablement of members, until the completion of the term. The substitute will also replace the member in case the latter takes a post in the public administration and during the time the member remains in said office.

Art. 68. In order to be a representative or substitute, it is necessary to have reached the age of twenty-five years and be a native citizen.

Art. 69. No representative may form part of enterprises which exploit public services or have concessions of the State or exercise the representation of them.

Art. 70. Representatives will have a term of office of five years. The chamber will meet in ordinary sessions every year, from the first of April until the thirty-first of August. The chamber will be renewed entirely every five years.

Art. 71. The chamber is exclusive judge of the election, rights, and titles of its members. It may, with two-thirds of the votes, correct any of its members for disorderly conduct in the exercise of his functions or remove any for physical or moral disability and exclude them from its membership; but a majority will be sufficient to decide on resignations from office that are made voluntarily. The chamber opens its sessions with the presence of an absolute majority of its members, but a smaller number may compel the absent members to attend the sessions under the penalty which the law will establish.

Art. 72. The chamber will constitute its authorities, make its own regulations and appoint its employees.

Art. 73. The Chamber of Representatives may request information by a written request to the executive power on matters of public interest.

Art. 74. No representative may be accused, judicially interrogated, or molested for opinions that he gives in the discharge of his office of legislator. From the day of his election until the end of his term, he may not be arrested, except in case of being surprised in flagrante delicto. When a suit is instituted before ordinary justice against any representative and there are grounds for issuing an act of preventive imprisonment against the same, the chamber, with a two-thirds vote, may suspend the accused from his functions and place him at the disposition of justice for trial.

Art. 75. Representatives will, at the time of their incorporation, take the oath to duly discharge their office, in accordance with that prescribed by this Constitution, and they will enjoy a remuneration indicated by law. No minister may exercise the representation while he forms part of the executive power. Neither may any ecclesiastic, military man in active service or employ paid by the Republic, under whatever title, exercise the representation, excepting professors or teachers.

Art. 76. The following belongs to the Chamber of Representatives:

(1) To legislate on municipal organization;
(2) To legislate regarding taxes, levies, and contributions in general;
(3) To authorize contracting loans and legislate on the banking system;
(4) To dictate annually the law of the budget of expenses of the nation at the initiative of the executive power, and approve or reject the accounts of investments;
(5) To regulate river and air navigation;
(6) To legislate regarding monetary questions, at the intiative of the executive power;
(7) To revise the general legislation, consulting the present needs of the country;

(8) To consider international treaties and authorize the executive power to make war or negotiate peace;
(9) To consider projects of temporary concessions prepared by the executive power for the establishment of industries;
(10) To concede general amnesties, at the initiative of the executive power;
(11) To dictate military ordinances and the law of organization of tribunals of military discipline, at the proposal of the executive power;
(12) To legislate on administrative conflicts;
(13) To permit the entry of foreign troops to the territory of the Republic and the exit of national troops out of it.

The Formation and Sanctioning of Laws

Art. 77. All laws whose initiative does not expressly correspond to the executive power by order of this Constitution may have their origin in the Chamber of Representatives by means of projects presented by any of its members.

Art. 78. Once a project of law is approved by the Chamber of Representatives, it will be submitted to the consideration of the executive power, with whose approval it will be converted into law. All projects of law not objected to by the executive power within a term of ten days, will be considered approved.

Art. 79. A bill completely rejected by the executive power, may not again be considered by the Chamber of Representatives in the course of sessions of that year. If the veto of the executive power only falls on one part of the project, this will return to the Chamber of Representatives. If the chamber ratifies it in its first vote by two-thirds of the votes, at two readings separated by an interval of three days each, the project will become law.

The Judicial Power

Art. 80. The judicial power of the Republic will be exercised by a Supreme Court composed of three members and the tribunal of accounts and other lower tribunals and courts established by law.

Art. 81. In order to be a member of the Supreme Court, it is required to be a native citizen, to have reached the age of thirty-five years, to have a university degree of doctor in law, and to have an irreproachable public and private life.

Art. 82. The members of the Supreme Court and other judges and magistrates of the judicial power will discharge their offices for five years, but the law will establish the conditions and requirements for permanence of the judicial magistrates.

Art. 83. The members of the Supreme Court may be removed in a political trial by the Chamber of Representatives before the council of state, for badly discharging their functions and for constituting a danger for the honest administration of justice. Members of the tribunal of accounts and the magistrates of the lower tribunals and courts may be judged before the Supreme Court for breach of trust, badly discharging their functions, and dishonesty.

Art. 84. The members of the Supreme Court will be appointed by the

executive power in agreement with the council of state. The other magistrates and judges of the judicial power will be appointed by the executive power in agreement with the Supreme Court.

Art. 85. The tribunal of accounts will hear trials of administrative litigation and of the examination and approval of the accounts of investment of the public money. Members of the tribunal of accounts will be appointed by the executive power in agreement with the Supreme Court.

Art. 86. In order to beamember of the tribunal of accounts it is required to be a Paraguayan citizen, to have reached thirty years of age, and to have a university degree, or have been minister or chief of the financial administration. The law will establish the form of giving permanence to members of the tribunal of accounts.

Art. 87. The independence of the judicial power is guaranteed. Only it may hear and decide acts of a litigious character; its power is exclusive in such acts, although the law may establish judges of the first instance as administrative authorities for administrative litigation. In no case may the President of the Republic or the ministers or other functionaries arrogate to themselves judicial powers, or revive closed proceedings, or paralyze those in action, or intervene in any manner in trials. Acts of this kind are always null. No judicial magistrate may be molested for decisions given in the exercise of his functions, or arrested except in case of being taken in flagrante delicto. Any complaint or accusation against them should be ventilated exclusively before the Supreme Court. Those who violate the independence of the judicial magistrates, or arrest them, besides suffering the penalties fixed by the penal code, will also be disqualified for the exercise of any public function for a period of five years.

Art. 88. The Supreme Court is the high chamber of justice of the Republic and in that capacity exercises the superintendence of all the lower tribunals and courts.

Art. 89. The Supreme Court takes cognizance of conflicts of jusrisdiction between judges, and between these and functionaries of the executive power.

Art. 90. Defense before the courts of the Republic is free. Challenging of the courts and judges without cause is prohibited.

Art. 91. All judicial sentences must be founded on this Constitution and on law.

Art. 92. The members of the Supreme Court will take the oath from the hands of the President of the Republic faithfully to discharge their obligations, and the magistrates and judges will do so before the Supreme Court.

Art. 93. The Supreme Court will dictate its own regulations and employ and discharge all the employees subordinate to the judicial power. It will present annually a memorandum to the President of the Republic regarding the measures accomplished and the estate and needs of national justice.

Amendment of the Constitution

Art. 94. No total amendment of this Constitution may be made until ten years after its promulgation. The need of amendment must be

declared by the National Assembly with two-thirds of the votes of its members.

With the same number of votes the Assembly may, however, declare the need of introducing partial reforms suggested by experience, and if it does so, will submit them to a plebiscite which should coincide with the elections for the renewal of the present presidential term.

The present presidential term will end August 15, 1943.

Given in the City of Asunción, Capital of the Republic of Paraguay, on the tenth day of July of the year of Our Lord One Thousand Nine Hundred and Forty.

COMMENTS ON THE CONSTITUTION OF PARAGUAY

JOSÉ F. ESTIGARRIBIA [1]

The problem of constitutional amendment as an immediate necessity was stated by the law of Congress of February 16, 1940.

The Constitution of 1870, which served as a juridical path to the reconstruction of the country, had fulfilled its historic mission, and it was time to proceed to a readaptation of the same, in view of numerous questions that had arisen in the national scene and even in the realm of pure doctrine.

Against the system chosen seventy years ago were invoked, above all, its slowness in the solution of problems, its lack of preparation to judge critical situations and efficiency to defend all the civilization of the country. Therefore it was deemed that there should be imposed a new order of powers within a frame that would guarantee fundamental individual rights and would, at the same time, assure the supremacy of the general interest over particular interests. The then present reform concerned the organization more than the content; we were to continue being a democratic and representative republic, in accordance with our true tradition.

The reform was not directed to the creation of a totalitarian state, but rather to the perfecting of the democratic régime, since sovereignty would continue to reside essentially in the people, from whose vote authority must come. Individual rights were to be respected within the social whole and the dignity of man was to be guarded without sacrificing the rights on altars of absolutists concepts.

The situation created by the war of the Chaco and world problems, required that our country organize itself juridically to meet advantageously the difficulties that might arise, in order to avoid anarchy and to accelerate the rhythm of its progress, which was retarded in the economic, social and cultural aspects.

[1] This is a special article which was kindly furnished by former President Estigarribia for this compilation at the request of the editor. The translation is by Dorothy W. Peaslee. It is of interest not only as a comment on the Paraguayan Constitution, but also as expressing its author's views on constitutional organization.

Paraguay needed a constitution more genuinely its own, without detriment to the cardinal principles of American democracy stated the Constitution of Philadelphia and the Argentine Constitution of 1853, and adopted by our country in the Constitution of 1870, which arose out of a great disaster. The new form, on the other hand, arose in an atmosphere strengthened by a great victory. It was a revision necessary to the national status.

The new charter gave to the administrative power a greater breadth of functions for the benefit of the general good and not for the benefit of persons, parties, or any social class. It looked to a strong but not despotic executive power; greater responsibility should involve greater ability to meet it.

The strengthening of the state juridical powers did not seek to create a dictatorial system, since dictatorship consists essentially in the discretional exercise of functions, but it sought rather to defend more ably our society and to broaden the radius of action of the State in that which refers to its intervention in social and economic life, by which the discarded concept of a neutral and indifferent State is abandoned. The modern State cannot be simply a policeman.

The struggle between capital and labor, the interests of trade unions, the existence of powerful economic forces, the diversity of conflicting doctrines, require that the modern State assume at certain times a supremacy within juridical limits sufficient to make it respectable and efficient. In countries of primitive development, where private initiative is weak and where problems exist greater than the capacity of individuals, the State may not practice the doctrine of laissez faire without compromising progress. The State must assume representation of the vital interests of the nation in that which concerns its independence, its future, and the historical orientation which characterizes each South American republic.

In the place of precarious and violent dictatorships which are at times called to overcome anarchy or to meet great national or international crises, it is juridically preferable to provide and equip the State with the mechanism necessary to fulfill its present and historic function....

We must march toward a perfecting of Paraguayan democracy, not toward its suppression. We tried to incorporate other concepts and other forms in the life of the State which, without being essentially political, form an equal part of the national life. One of the faults of our Senate consisted in the fact that that body was in reality nothing but the Chamber of Deputies reduced in number, when other representatives should have formed part of it with other powers, which would have differentiated the Senate from the popular Chamber.

In federal countries like the United States and Argentina, the Senate has another characteristic; it represents the States or provinces. But in a unitary republic it is not appropriate to give it this function.

In consequence, an institution should be looked for with a different counterbalance, which would give equilibrium but not destroy the legislative power of the Chamber of Representatives. The creation of the council of state met this need; it was made up of ministers and representa-

tives of different sectors of opinions as members by right. The simple reading of the powers given to the council of state justifies its creation. It was to be an organ of counsel and direct assistance for the President of the Republic. It was not to be precisely a legislative arm, although it would be called to pronounce on questions of public interest, but it would participate in parliamentary life by deliberation and authority. The council of state was to be a counterbalance, and at the same time an intermediary institution between the Chamber of Representatives and the President of the nation...

By the new Constitution, general elections must occur every five years, which would be true plebiscites, for the appointment of the highest authorities of the nation and to facilitate the formation of governments supported by a strong majority.

Thus, then, the lengthening of the parliamentary period and the diminishing of the number of elections, responded to the thought of avoiding bossism and contributing to the formation of a healthy public opinion that would pronounce its verdict each five years with the greatest independence and serenity. The activity of citizens in our time may also be exercised in other fields, such as culture, economy, organization, even sports, which are as interesting as mere political activity, in such a manner that the infrequency of elections does not imply enervation of the civic spirit.

For the same considerations, the appointment of substitutes was established to fill vacancies in the Chamber of Representatives in order to avoid special elections to Congress.

Numerous details and powers indicated by the Constitution of 1870, for the executive power as well as for the Congress, were suppressed in the new charter; some because unneccessary; other because superfluous or even anachronistic, in order to choose a system of general and basic concepts most suitable to a constitution. For the rigidity of the old charter were substituted the wide concepts of the new one, which leaves adequate regulation to the care of the law. For this reason the new statute is less long than the previous one, in spite of covering a greater number of functions.

The new Constitution contemplates the reform of the Paraguayan State in order to make it more efficient, to bring it nearer to the vital problems of the country and to give it the juridical instruments to guarantee the peace, to work for the general well being, to orient the national economy, and to realize the aspirations of progress hoped for in all the Republic.

The new State must be a pure nationalism, gifted with greater capacity to realize social justice and to serve as a regulator of national life, without sacrificing the individual and political rights that are the essence of the democratic representative system.

Seventy years after the promulgation of the previous Constitution, we adopted another, which signified a progress in the organization of a greater nationalism and which better considered the national reality, without sacrificing liberty or derogating the institutions which have become meat and tradition.

A Constitution has two fundamental parts: the organization of the State and the fixing of the individual rights.

Occidental civilization has formed a collection of rights and guarantees which can be considered as definitely consolidated, and they are those which refer to the social rights of man. These rights are those of forming a family, owning property, working, exercising any lawful industry, traveling freely, adopting a profession, teaching, and learning; and, more specifically, some political rights belong to citizens, such as concurring in the formation of the State as a voter or one elected, stating ideas by the press, etc.

In this order of ideas, the new Constitution must necessarily consecrate the rights that constitute the patrimony of continental civilization, since America must be, by its social conditions, republican and democratic.

But such rights may not be "previous and superior to society" but rather should develop within the natural limits indicated by three fundamental elements in every State: the right of third persons, public order, and morality.

Therefore, the readaptation of the old Constitution had to be made to look for a greater equilibrium between the rights of individuals and the rights of society.

It was not a question of suppressing individual rights as done in absolutist States, but of improving them, of placing them on a new plane, so that there would be equilibrium in the legal functioning of those rights, so as not to fall into anarchy nor into instability, to evils that afflict the countries of the New World with sufficient frequency and which conspire against their progress.

It is in the political organization that a radical and profound reform was most urgently needed. The purely individualistic State must be readapted to the new conditions of the place and time.

In a country of rudimentary economy, in which private initiative is weak or nonexistent, in which the culture has not yet reached a sufficient extension or profundity, the State may not be neutral nor leave many sections of social life essential to progress simply to private initiative.

The reform which had to be realized in the country was the reform of the State, without impairing the basic principles of democracy or suppressing individual and political rights...

The new Constitution tended to separate the judicial power even more from political life. And one of the methods was to give life tenure to its members and broaden their juridical functions, granting to the judge a greater breadth of powers, for the benefit of a more strict justice and one with a greater guaranty for society.

A necessary complement to the judicial power is the creation of a tribunal of administrative mediation, a new subject of modern law, not provided for in the previous Constitution. The tribunal of accounts must discharge this function, without prejudice to the examination of the investment of the public money, which is its present purpose.

By the reform, then, the judicial department gained in power. What could be called the undivided estate of the juridical civilization of the

nation was turned over to it, which should remain the same in spite of political changes. A nation can suffer political crises but should not suffer crises of justice, because the essential factors of an organized society depend on justice.

As regards the executive and legislative powers, the specialization of functions made it desirable to give the executive power a wide range, which would cover all that related to the administration of the country, the regulation of its economy, the intervention of governmental direction in conflicts of private interests; and to give to Congress the function of providing the general standards. Congress would thus be a true legislative power, it should be said, specializing in the adoption of general rules of conduct indispensable to a society. One of the characteristics of legislation should be its stability, its permanence as a guarantee of social tranquility, a characteristic which does not fit the complexity and character of administrative affairs, which should only receive broad directive laws for their development. The crisis of parliamentarianism has arisen out of the excess of functions which have been attributed to Congress, to the point of turning over to a legislative assembly the mission of governing, when this should belong to the administrative power.

Parliament had been inefficient, in many cases, because its radius of action included all sectors of society. It did not occupy itself only with the ratification of laws but also with their execution.

Parliament would be the gainer when its functions are defined as of the legislative arm, the debate of general rules of law and confiding the task of governing, of acting, to the administrative power.

It has been said that the executive power should be given all possible power, but within the law. And that is what a modern constitution should do. Amplify the functions of the executive power, giving it standards so as to avoid arbitrariness and abuse.

The organization of contemporary society demands a strong, expeditious executive power that can immediately resolve many of the questions which daily arise in social life...

Therefore, before giving Congress the power of balancing the action of the executive power with interpellation or with political trial, it is preferable to indicate concretely its function of dictating general standards, with the power to demand complete information on what has been acted on. In our time the juridical powers should add to themselves the vigorous influence of public opinion, the press, the radio, as factors of government.

The administrative power has extended itself because of the character of contemporary society, which demands more execution, in contrast to the customary and lengthy negotiation characteristic of our past bureaucratic régimes.

This amplification of powers is not dictatorship, because these powers are based on the rule of law. They are not created for the benefit of one man or one party, but rather respond to a change of system necessary in the organization of the modern State. For the State-policeman is substituted the State-public servant, who today assumes the character of

regulator of social and economic life. Returning to absolutism by it was not our consideration, but the better organization of social life.

It should not be forgotten that the Constitution and contemporary political organization charge the executive power with two fundamental functions which demand execution: internal order and the defense of the national sovereignty. These functions do not permit an excess of deliberation. We must defend our liberties, our civilization, our independence itself, on the basis of order and discipline. Without disciplined and systematic order national defense cannot be faced. In short, the reform was to signify a perfectioning of Paraguayan democracy and not its suppression or substitution.

Reform should respond to the conditions of the medium and time, which are the co-ordinates of a constitution. A superficial examination of our medium tells us that we are a country thinly populated, of a race somewhat individualistic, of insuffient culture and embryonic economy; a country that needs to progress in order to guarantee its independence and encourage the vital forces of nationality. As regards the time, we can say that, as a result of the war of the Chaco and other political circumstances, there had occurred an anarchy dangerous to the national existence, and ideas had overcome all legal precepts, to such a point that the existing electoral law, which established the forced representation of the minority, had not achieved anything and Parliament was made up of one single party. The electoral law had become a mere declaration, because hates were greater than the principles which inspired its adoption.

In order to overcome the two factors of the medium and the time, it was advisable to realize the reform of the Paraguayan State in such a manner that it be made more able, more adequate for the fulfillment of its functions of accomplishing justice, of achieving general well-being and assuring the benefits of liberty for us and for our posterity.

The new charter responded not only to the needs of the historic time in which the world was living, but also to the situation and conditions of Paraguay itself. It was no longer the adoption of a foreign charter; it was the harvest of an experience of one hundred and thirty years of independent life, seventy of them lived under democratic, individualistic rule. None of the fundamental guarantees enjoyed by the citizen were suppressed by it; by it the State was reorganized for the fulfillment of its historic mission, in order to bring it closer to all the life of the nation. Because of its inland situation and its destiny, Paraguay must count on institutions that make it competent for its defense and progress. In this sense the new Constitution was more nationalist than the previous one.

JOSÉ F. ESTIGARRIBIA
President of the Republic of Paraguay

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PERU

SUMMARY

International Status

Peru is a member of the United Nations. It signed the Charter in San Francisco June 26, 1945, and ratified it October 15, 1945. It also signed the United Nations Declaration of January 1, 1942.

It was a member of the League of Nations and signed the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause (Article 36).[1] It is a

[1] It is not, as of the time of our going to press, deemed subject to the compulsory jurisdiction of the International Court of Justice under Article 36 of its Statute. See Yearbook of the Court, 1951–52, pp. 35-43.

member of the Organization of the American States, the Postal Union, and numerous other international organizations.[1]

The independence of Peru from Spain was proclaimed on July 28, 1821, and was finally achieved with the victory of Ayacucho, in December, 1824, although it was not formally recognized by Spain until after further hostilities as late as 1866, when Peru was supported by Chile, Bolivia and Ecuador. Border disputes arose between Peru and each of her neighbors. One of these led to war with Chile, from 1879 to 1881, and the loss by Peru of the nitrate field of Tarapaca. The last of these disputes, the one with Ecuador, was settled in 1942.

Form of National Government

Peru has a written constitution proclaimed April 9, 1933, with amendments of 1936 and 1940.[2] It provides that Peru is a unitary and "democratic Republic." [3]

Source of Sovereign Power

Sovereignty is stated to emanate from the people.[4]

Rights of the People

The Constitution guarantees that no law has retroactive effect,[5] the right of association and contract,[6] inviolability of property,[7] protection of authors and inventors,[8] liberty of commerce and industry,[9] protection of labor,[10] of marriage, the family and maternity;[11] prohibition of the penalty of confiscation and detention for debt;[12] freedom of religion,[13] the right to petition,[14] inviolability of the abode,[15] the right to peaceful assembly,[16] freedom of the press,[17] inviolability of correspondence,[18] and freedom to enter, leave, and travel in the country.[19] Primary instruction is free and obligatory.[20] There are provisions regarding labor relations and social security.[21]

Legislative Department

Congress is bicameral, composed of a Chamber of Deputies elected by direct suffrage for a period of six years and a functional Senate elected for the same period, as provided in a separate law.[22]

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[1] See Table I.

[2] The first effective Constitution was that of March 18, 1828. New Constitutions were adopted in 1834, 1839, 1856, 1860, and 1919. The 1860 Constitution was suspended from 1865 to 1867 and from 1879 to 1881. The Constitution of 1933 was in 1939 the subject of several amendments which were invalidated in 1945 on the ground that the plebiscite in which they were approved was without constitutional warrant.

[3] Const. of 1933, Arts. 1, 2. [4] Id., Art. 1. [5] Id., Art. 25.
[6] Id., Art. 27. [7] Id., Art. 29. [8] Id., Art. 30.
[9] Id., Art. 40. [10] Id., Art. 46. [11] Id., Art. 51.
[12] Id., Arts. 57, 58. [13] Id., Art. 59. [14] Id., Art. 60.
[15] Id., Art. 61. [16] Id., Art. 62. [17] Id., Art. 63.
[18] Id., Art. 66. [19] Id., Art. 67. [20] Id., Art. 72.
[21] Id., Arts. 43-46; 48-50. [22] Id., Arts. 89, 90, 93, 94.

Executive Department

Executive power is vested in the President elected by direct suffrage for a term of six years.[1] He may not be re-elected until after the expiration of one term.[2] Provision is made for a council of ministers appointed by the President.[3] They may attend sessions of Congress and participate in the debates and must attend if required to answer questions.[4] If a minister receives a vote of censure in Congress he must resign.[5]

Judicial Department

Provision is made for a Supreme Court of Justice whose members are elected by Congress from a list presented by the executive power.[6] The Constitution states that the judicial power may hear cases regarding regulations and government resolutions and decrees which infringe the Constitution.[7]

Area, Population, Language

Peru has an area of 482,256 square miles and a population (1950 official estimate) of 8,492,873. Spanish is the official language, but much of the Indian population speaks Quechua or Aymara.

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[1] Const. of 1933, Arts. 135, 139.
[2] Id., Art. 143.
[3] Id., Arts. 157, 158.
[4] Id., Arts. 168, 169.
[5] Id., Arts. 172, 173.
[6] Id., Arts. 221, 222.
[7] Id., Art. 133.

CONSTITUTION of the REPUBLIC OF PERU

April 9, 1933 [1]

PART I

THE STATE, TERRITORY, AND NATIONALITY

Art. 1. Peru is a democratic Republic.

The power of the State emanates from the people and is exercised by the officials with the limitations which the constitution and the laws establish.

Art. 2. The State is one and indivisible.

Art. 3. The territory of the State is inalienable.

Art. 4. Peruvians are persons born in the territory of the Republic. The children of a Peruvian father or mother, whatever may have been the place of their birth, provided they are domiciled in the Republic or register themselves in the civil register or in the respective consulate, are also Peruvians. It is presumed that minors who are resident in the national territory, and are the children of unknown parents, have been born in Peru.

Art. 5. Adult aliens domiciled in the Republic for more than two consecutive years who renounce their nationality may be naturalized. Naturalization is granted according to the law and has only individual effect.

Their nationality of origin is not lost by persons born in Spanish territory who become naturalized Peruvians according to the procedure and requisites laid down by law and in conformity with the provisions of the treaty which is concluded with the Spanish Republic on the basis of reciprocity.

Art. 6. A foreign woman married to a Peruvian acquires the nationality of her husband. A Peruvian woman married to a foreigner retains Peruvian nationality unless it is expressly renounced.

Art. 7. Peruvian nationality is lost:

(1) By entering the armed service of a foreign power without the permission of Congress, or by accepting employment from another state which involves the exercise of authority or jurisdiction; and

(2) By acquiring foreign nationality. The case of reciprocity contemplated in the second paragraph of Article 5 is excepted.

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[1] As amended by Laws No. 8237, April 1, 1936; No. 9166, September 5, 1940; and No. 9178 of September 26, 1940. The translation here used for the Constitution as originally proclaimed is from *British and Foreign State Papers*, Vol. CXXXVI. Minor changes have been made in that translation.

Part II

CONSTITUTIONAL GUARANTEES

Chapter I

National and Social Guarantees

Art. 8. Only for the public service may the law create, alter, or suppress taxes, and exempt from the payment thereof, wholly or in part.

There are no personal privileges as regards taxes.

Art. 9. The general budget determines annually the revenue and the expenditure of the Republic. The law regulates the preparation, approval, and execution of the general budget. In the case of any sum collected or employed contrary to the law, the person ordering the illegal collection or expenditure shall be held responsible. The person carrying the order into effect shall also be held responsible if he does not prove his innocence.

Immediate publication of the estimates and of the account of revenue and expenditure of all the branches of the public powers is obligatory, culprits being held responsible.

Art. 10. A special department, the functions of which shall be subject to the law, shall control the execution of the general budget of the Republic and the activities of the bodies which collect or administer revenue or property of the State. The head of the department shall be appointed by the President of the Republic in agreement with the council of ministers. The law shall specify his duties.

Art. 11. The State guarantees the payment of the public debt contracted in conformity with the Constitution and the laws.

Art. 12. The law determines the monetary system of the Republic.

The issue of notes is the privilege of the State, which exercises it through a national central banking institution entrusted with the regulation of the currency.

Art. 13. A special department, the functions of which shall be determined by law, shall exercise, on behalf of the State, the supervision of banking enterprises.

Art. 14. The State shall maintain by the means at its disposal the stability of the currency and the free conversion of bank notes. Only in exceptional cases, at the request of the executive power and with the assent of the body entrusted with the regulation of the currency and the head of the department supervising banking enterprises, shall Congress be able to pass a law decreeing temporary non-conversion of bank notes.

Art. 15. National loans must be authorized or approved by a law fixing the conditions and indicating the objects for which they are to be employed, which must be of a reproductive character or connected with national defence.

Art. 16. Industrial and commercial monopolies and cornering of the market are prohibited. The law shall fix the penalties to be imposed on offenders. Only the law may establish State monopolies and exclusive privileges solely in the national interest.

Art. 17. Mercantile companies, national or foreign, are subject, with-

out restrictions, to the laws of the Republic. In every state contract with foreigners, or in the concessions which grant them in the latters' favor, it must be expressly stated that they will submit to the laws and tribunals of the Republic and renounce all diplomatic claims.

Art. 18. No person may receive more than one salary or emolument from the State, whatever be his functions or post, with the exception of one additional emolument on account of teaching. Salaries or emoluments paid by local corporations or by societies subordinate in any form to the executive power are included in this prohibition.

Art. 19. Acts of persons who usurp public functions and posts conferred without the requisites laid down by the constitution and the laws are null and void.

Art. 20. A person occupying a public post is directly and immediately responsible for his acts in the exercise of his functions. The law shall determine the manner of making this responsibility effective. The ministry of justice is obliged to demand the fulfillment of the provisions of this article.

Art. 21. No person may exercise public functions designated in the Constitution without taking an oath to fulfill them.

Art. 22. Every functionary or public servant, civil or military, possessing property or income independent of his emoluments as such, is obliged expressly and specifically to declare them, in the manner determined by law.

Art. 23. The constitution and the laws afford protection to, and carry obligations equally for, all the inhabitants of the Republic. It shall be possible to issue special laws because the nature of things so demands, but not because of the difference of persons.

Art. 24. No one is obliged to do what the law does not demand, nor may he be prevented from doing what it does not forbid.

Art. 25. No law has retroactive force or effect.

Art. 26. Claims may be submitted to Congress for infringements of the constitution.

Art. 27. The State recognizes the liberty of association and of contract. The conditions of such exercise are governed by law.

Art. 28. The law shall establish the maximum interest for loans of money. Every agreement to the contrary is null and void. Those who infringe this rule shall be punished.

Art. 29. Property is inviolable, whether it be material, intellectual, literary, or artistic. No one may be deprived of his own except for reason of public utility legally proven and after appraised compensation.

Art. 30. The State guarantees and protects the rights of authors and inventors. The law shall regulate such exercise.

Art. 31. Property, whoever may be the owner, is governed exclusively by the laws of the Republic and is subject to the taxes, charges, and limitations established by them.

Art. 32. Foreigners, as regards property, are in the same condition as Peruvians, without being able in any case to invoke an exceptional position in this respect or have recourse to diplomatic claims.

Art. 33. Public things, the use of which is for all, such as rivers, lakes, and public roads, are not objects of private property.

Art. 34. Property must be used in harmony with social interests. The law shall fix the limits and modalities of the right of property.

Art. 35. The law may, for reasons of national interest, establish special restrictions and prohibitions for acquiring and transferring determined classes of property, whether this be by its nature, its condition, or its situation in the territory.

Art. 36. Within fifty kilometres of the frontiers, foreigners may not acquire or possess, under any title, lands, waters, mines, or fuel, directly or indirectly, individually or collectively, under pain of loss, to the benefit of the State, of the acquired property, except in the case of national necessity declared by express law.

Art. 37. Mines, lands, forests, waters, and, in general, all natural sources of wealth belong to the State, excepting legally acquired rights. The law shall fix the conditions of their utilization by the State, or of their concession, in property or usufruct, to private persons.

Art. 38. The State may, by virtue of a law, take over or nationalize land, sea, river, lake and aerial transport, or other public services in private ownership, after compensation and in conformity with the laws in force.

Art. 39. The rates for passages and freights shall, without any exception, be fixed and collected solely in national currency.

Art. 40. The State recognizes the liberty of commerce and industry. The law shall indicate the requirements to which its exercise is subject and the guarantees accorded to it. When required by public security or necessity, the law may lay down limitations or reservations to the said exercise, or authorize the executive power to lay them down without in any case such restrictions having a personal or confiscatory character.

Art. 41. The State shall receive part of the profits of mining enterprises, in the amount and proportion which the law shall necessarily determine.

Art. 42. The State guarantees the liberty of work. Any profession, industry or office which is not contrary to morals, health, or public security may be exercised freely.

Art. 43. The State shall legislate the collective labor contract.

Art. 44. Any stipulation in the labor contract which restricts the exercise of civil, political, and social rights is prohibited.

Art. 45. The State shall favor a régime of participation by employees and workers in the profits of enterprises, and shall legislate upon the other aspects of relations between the former and the latter and upon the protection of employees and workers in general.

Art. 46. The State shall legislate upon the general organization and the securities of industrial labor, and upon the guarantees therein of life, health, and hygiene. The law shall fix the maximum conditions of labor, the compensation for the length of services rendered and for accidents, as also the minimum salaries in relation to age, sex, nature of work, and conditions and requirements in the various regions of the country

Art. 47. The State shall favor the preservation and extension of medium and small rural property, and may by means of a law and on payment of compensation, expropriate lands in private ownership, especially those which are not worked, in order to subdivide them or transfer them under the conditions which the law fixes.

Art. 48. The law shall establish a régime of prevision for the economic consequences of unemployment, age, illness, invalidity, and death; and shall encourage institutions of social solidarity, savings, and insurance establishments and co-operative societies.

Art. 49. In extraordinary circumstances of social necessity, laws may be passed, or the executive power may be authorized to adopt measures tending to reduce the cost of living.

Goods shall not be expropriated in any of these cases without due compensation.

Art. 50. The State is charged with the supervision of public health and the care of private health, and shall pass laws providing for the control of hygiene and health as may be necessary, and also those which promote the physical, moral and social improvement of the population.

Art. 51. Marriage, the family, and maternity are under the protection of the law.

Art. 52. It is the primordial duty of the State to protect the physical, mental, and moral health of infants. The State defends the right of the child to home life, education, vocational instruction, and ample assistance when it finds itself abandoned, ill or in misfortune. The State shall entrust the fulfillment of the provisions of this article to adequate technical organizations.

Art. 53. The State does not recognize the legal existence of political parties of international organization. Persons who belong to such may not fulfill any political function.

Art. 54. The death penalty shall be imposed for crimes of treason to the country and qualified homicide, and for all crimes which the law specifies.

Chapter II

Individual Guarantees

Art. 55. No one may be obliged to perform personal labor without his free consent and without due recompense.

Art. 56. No one may be detained except on a written warrant, with a reason assigned, from the competent judge or from the authorities entrusted with the preservation of public order, except in cases of *flagrante delicto*, and in any event the detained person must be brought, within twenty-four hours or in the interval of time allowed for distance, before the proper court, which shall order his liberty, or issue a warrant of imprisonment in the period which the law indicates.

Art. 57. No one shall be condemned for an act or omission which, at the time it was committed, is not qualified in the law in an express and unequivocal manner as a punishable offence, nor shall he be judged except

by the tribunals which the laws lay down. Any declaration obtained by violence is devoid of value.

The penalty of confiscation of goods may not be imposed.

Art. 58. There is no detention for debt.

Art. 59. The liberty of conscience and belief is inviolable.

No one shall be persecuted on account of his ideas.

Art. 60. The right of petition may be exercised individually or collectively. The armed forces may not exercise it.

Art. 61. The abode is inviolable. It may not be entered without the prior production of a written warrant, with a reason assigned, from the judge or the competent authorities.

Art. 62. All persons have the right peacefully to assemble without arms and without compromising public order. The law shall regulate the exercise of the right of assembly.

Art. 63. The State guarantees the liberty of the press. All have the right freely to utter their ideas and opinions by means of the press or by any other method of diffusion, but with the responsibility which the law establishes. The responsibility appertains to the author and the publisher of the punishable publication, who shall be jointly responsible for the indemnification due to the injured person.

Art. 64. The ordinary tribunals are competent to deal with press offences.

Art. 65. Public performances are subject to censorship.

Art. 66. Correspondence is inviolable. Letters and private papers may not be taken possession of, intercepted or searched, except by the judicial authority, in the cases and in the manner established by law.

Letters and private papers violated or abstracted have no effect in courts of law.

Art. 67. The right to enter, cross, and leave the country is free, with the limitations which are established by the penal, sanitary, and aliens laws.

Art. 68. No one may be banished from the territory of the Republic, nor removed from his place of residence, except by a writ of sentence or by application of the aliens law.

Art. 69. All the individual and social rights recognized by the constitution admit of the action of *habeas corpus*.

Art. 70. When necessary for the security of the State, the executive power may totally or partially suspend the guarantees declared in Articles 56, 61, 62, 67, and 68 throughout or in part of the national territory. If the suspension of the guarantees is decreed during the sessions of Congress, the executive power shall immediately inform it thereof.

The period of the suspension of guarantees shall not exceed thirty days. Any extension requires a fresh decree.

The law shall determine the faculties of the executive power during the suspension of guarantees.

Part III

EDUCATION

Art. 71. The technical direction of education devolves on the states.

Art. 72. Primary instruction is obligatory and free.

Art. 73. There shall be at least one school in every place where the school-going population amounts to thirty pupils.

Complete primary instruction shall be given in every provincial and district capital.

Art. 74. Schools functioning in industrial, agricultural, or mining centers shall be maintained by the respective proprietors or undertakings.

Art. 75. The State promotes education in its secondary and superior grades, with a tendency to free education.

Art. 76. In each department there shall be at least one school of an industrial scope.

Art. 77. The State promotes the technical education of workers.

Art. 78. The State promotes and contributes to the maintenance of pre-school and post-school education, and of schools for backward and abnormal children.

Art. 79. The moral and civic education of the child is obligatory, and shall necessarily be inspired by national aggrandizement and human solidarity.

Art. 80. The State guarantees the liberty of the professorate.

Art. 81. Professorship is a public career and gives right to the emoluments which the law fixes.

Art. 82. Archaeological, artistic, and historic treasures are under the guardianship of the State.

Art. 83. The law shall indicate the minimum amount of the revenue destined for the maintenance and diffusion of education and the proportion in which it must annually be increased.

Part IV

CITIZENSHIP AND SUFFRAGE

Art. 84. Citizens are male Peruvians of age, married persons over eighteen years and those who are emancipated.

Art. 85. The exercise of citizenship is suspended:

1. By physical or mental incapacity;
2. By religious vocation; and
3. By serving a sentence which imposes a penalty of deprivation of liberty.

Art. 86. The right of suffrage is enjoyed by citizens who know how to read and write; and, in municipal elections by Peruvian women who are adults or who are or have been married, and by mothers of families although not yet of age.

Art. 87. Persons may not vote if their exercise of citizenship has been suspended, nor may the members of the armed forces while they are in the service. There are no other disqualifications.

Art. 88. The electoral power is autonomous. The register is permanent.

Registration and the vote are obligatory for males until the age of sixty, and optional beyond that age.

The vote is secret.

The system of election shall give representation to minorities, with a tendency to proportionality.

PART V

THE LEGISLATIVE POWER

Art. 89. Congress is composed of a Chamber of Deputies, elected by direct suffrage, and a functional Senate.

Art. 90. The deputies and the senators are elected in the manner and by the electoral circumscriptions which the law determines.

Art. 91. The number of deputies and senators shall be fixed by law.

Art. 92. The deputies and senators represent the nation and are not subject to any imperative mandate.

Art. 93. The Chamber of Deputies is elected for a period of six years, and is renewed integrally at the expiration of its mandate.[1]

Art. 94. The Senate is elected for a period of six years, and is renewed integrally upon the termination of its mandate, pending the organization of the functional Senate.[1]

Art. 95. The senators and deputies elected to fill vacancies which occur shall conclude the period commenced by the deputy or senator whom they replace.

Art. 96. The legisative mandate cannot be renounced, except in the case of re-election. The resignation shall be presented to the chamber in question.

Art. 97. The executive power convokes general elections for the President of the Republic and deputies, and for the renewal of the senatorial thirds.

He also convokes by-elections to fill vacancies produced during the legislative period in the Senate or the Chamber of Deputies, after a declaration of the vacancy and the agreement of the chamber in question.

If the executive power does not make the convocations on the dates or within the periods which the law specifies, they shall be made, according to the case, by the president of Congress for general elections and by the president of each chamber for by-elections.

Art. 98. To be a deputy it is necessary to be a Peruvian by birth, to enjoy the right of suffrage, to have completed twenty-five years of age and to be a native of the department to which the electoral circumscription belongs or to have had in it three years' continuous residence.

To be a senator it is necessary to be a Peruvian by birth, to enjoy the right of suffrage, and have completed thirty-five years of age.

Art. 99. The following persons are not eligible as deputies or senators, if they have not left their posts six months before the election:

[1] As amended by Law No. 9178, September 26, 1940.

(1) The President of the Republic, the ministers of state and the prefects, sub-prefects, and governors;
(2) The members of the judicial power;
(3) The members of the departmental councils or of the municipal councils of the electoral circumscription in question; and
(4) The members of the armed forces who are in the service, public employees directly removable by the executive power, those of the departmental or municipal councils, public benevolent societies and institutions or corporations which are in any manner subordinate to this power and those which are subject to its veto.

Art. 100. The members of the clergy are likewise not eligible as deputies or senators.

Art. 101. There is incompatibility between the legislative mandate and any public function, whether of national, departmental, or municipal administration. Included in this incompatibility are the employees of public benevolent societies, the departmental or municipal councils, and of corporations in any manner subordinate to the executive power.

Art. 102. The law shall fix the incompatibility between the legitimate mandate and the posts of manager, attorney, promotor, or lawyer of foreign or national companies which have contracts with the State, exploit national sources of production, or administer revenue or public services; or of institutions in which the executive power intervenes directly or indirectly.

Art. 103. The legislative mandate is vacated *ipso facto* by accepting any employment, post, or benefice the appointment to which, or the nomination or proposal to which, devolves on the executive power. The post of minister of state is excepted. There are also excepted the posts of extraordinary commissions of an international character, with the approval of the chamber in question, without, in this case, the deputy or senator on commission being able to prolong his absence for more than a year. There may be accepted, in the same manner, unremunerated commissions from the executive power, with the prior authorization of the chamber in question.

Art. 104. Deputies and senators are not responsible to any tribunal, or to any authority, for the votes they may give or the opinions they may express in the exercise of their functions.

Art. 105. Senators and deputies are inviolable in the exercise of their functions, and may not be accused or arrested without previous authorization of the chamber to which they belong, from one month before the opening of the legislature until one month after its close, except *in flagrante delicto*, in which case they shall be placed at the disposal of the chamber in question within twenty-four hours.

Art. 106. Senators and deputies may not conclude by themselves or by an intermediary contracts with the national administration, or with the departmental or municipal administration, nor may they obtain concessions of public property.

This prohibition does not include the ordinary concessions of mines, waters, and lands on the eastern side of the Andes.

Deputies and senators may not accept from anyone mandates to bring

about business in which are concerned, in the exercise of their functions, the administrative authorities in general.

The transgression of these prohibitions involves the nullity of the act and the loss of the legislative mandate.

Art. 107. Congress shall be installed each year on the 28th July, with or without the convocation of the executive power.

The ordinary legislature lasts one hundred and twenty natural days.

Art. 108. The President of the Republic, in agreement with the council of ministers, may convoke Congress to an extraordinary legislature. The dates of installation and of closing shall be fixed in the decree of convocation.

The President of the Republic must convoke Congress to an extraordinary legislature when it is requested by half plus one of the unimpeded members of Congress. In this case, the legislature ends when Congress so decides.

Art. 109. The quorum for the installation of Congress in ordinary or extraordinary legislature is fifty-five per cent of the legal number of members of each chamber.

Art. 110. The installation of Congress in ordinary legislature shall be effected in the presence of the President of the Republic. This presence is not essential in order that Congress may inaugurate its functions.

Art. 111. In extraordinary legislature, Congress and each of the chambers has the same attributes as in the ordinary legislature.

Art. 112. Neither chamber may function during the recess of the other.

Art. 113. The presidency of Congress shall be taken alternatively by the presidents of the chambers. The president of the Senate presides at the inauguration session.

Art. 114. Each chamber elects its directive board annually.

Art. 115. Each chamber organizes its secretariat, appoints and removes its employees, sanctions its appropriations, and arranges its economy and internal police; it grants in conformity with the law retiring and superannuation pensions and gratuites to its employees or to their relatives.

Art. 116. Relations between both chambers, and of each of them and Congress with the executive power, and the functioning of Congress and the chambers, shall be established by the internal rules of Congress, which shall have the force of law.

Art. 117. The sessions of Congress and of each of the chambers shall be public, except in the cases specified in the internal rules.

Art. 118. The armed forces may not enter the precincts of Congress nor of the chambers at any time without the authorization of the respective president.

The executive power is obliged to place at the disposal of Congress and of each chamber, during the legislature and the functioning of the chamber in preparatory councils, the armed forces requested by the president in question.

Art. 119. Each chamber has the right to appoint commissions of enquiry. The national, departmental, or municipal administrative authori-

ties, and the judicial authorities, are obliged to submit to the said commissions the information and documents which they request.

Any deputy or senator may ask the ministers of state for data and reports which he considers necessary for the exercise of his functions.

Art. 120. Congress may not grant personal thanks which are translated into treasury expenditure, nor increase the emoluments of public functionaries and employees, except on the initiative of the executive power.

Art. 121. It appertains to the Chamber of Deputies to impeach before the Senate the President of the Republic, the members of both chambers, the ministers of state and the members of the Supreme Court of Justice, for infractions of the Constitution and for any crime committed in the execution of their functions which, according to law, must be punished.

Art. 122. It appertains to the Senate to declare whether there is or is not a true case in consequence of the accusations made by the Chamber of Deputies. In the first case, the accused shall be suspended in the exercise of his functions and shall be subjected to justice according to law.

Art. 123. The functions of Congress are:

(1) To enact laws; to interpret, amend, and repeal existing laws;

(2) To open and close ordinary and extraordinary legislatures at the time which the constitution fixes;

(3) To appoint its place of session and determine whether there are or not to be armed forces, in what number and at what distance;

(4) To examine the infractions of the Constitution and do what is necessary in order to make effective the responsibility of those who infringe it;

(5) To impose taxation and suppress existing taxation; sanction the budget; approve or disapprove the general accounts of the Republic submitted annually by the executive power, and approve the estimates of the departmental councils;

(6) To authorize the executive power to negotiate loans pledging the national treasury and indicating funds for their amortization;

(7) To issue customs tariffs;

(8) To recognize the national debt and indicate the means for its consolidation and amortization;

(9) To create and suppress public posts and assign to them the proper emoluments, with the exception of those whose creation or abolition devolves on other bodies according to the law;

(10) To fix the content, weight, and type and the denomination of the coinage, as also the system of weights and measures;

(11) To accept or otherwise the resignation from his post of the President of the Republic;

(12) To declare vacant the presidency of the Republic in the cases which the Constitution indicates;

(13) To approve or disapprove the proposals for promotion which, subject to the law, are made by the executive power for generals of division and vice-admirals, generals of brigade and rear-admirals, colonels and naval captains; and to grant them, without the requirement of proposal by the executive power, for eminent services calling for national gratitude;

(14) To establish new archbishoprics and bishoprics or to abolish those already existing at the request of the executive power;[1]

(15) To effect the demarcation and division of the national territory;

(16) To solve the conflicts which arise between the executive power and the departmental councils;

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[1] As amended by Law No. 9166, September 5, 1940.

(17) To make awards to towns, corporations, or individuals for eminent services rendered to the Republic;
(18) To grant consent for the entry of foreign troops into the territory of the Republic, provided that it does not affect national sovereignty in any way;
(19) To decide upon the declaration of war on the initiative or following a statement by the executive power, and to summon the latter to negotiate peace;
(20) To determine in each ordinary legislature, and in the extraordinary legislatures when required, the effectives of the armed forces;
(21) To approve or disapprove the treaties, concordats, and other conventions concluded with foreign governments;
(22) To exercise the right of pardon. Only during the recess of Congress may the executive power grant pardon to persons convicted for political-social crimes; and
(23) To exercise the other essential attributes of legislative power.

Part VI

ENACTMENT AND PROMULGATION OF THE LAWS

Art. 124. Senators, deputies, and the executive power have the right of initiative in the enactment of laws and legislative resolutions; and the members of the judicial power through the Supreme Court of Justice in judicial matters.

Art. 125. Bills approved by one chamber shall pass to the other for revision. Additions shall be subjected to the same procedure as bills.

Art. 126. Bills amended or rejected by the revising chamber shall be sent back to the chamber of origin in order that it may decide whether or not it insists on its original decision.

Art. 127. In the case of insistence, Congress shall decide.

Art. 128. Within ten days following the receipt by the President of the Republic of a law approved by Congress, the former must promulgate it and order its observance.

Art. 129. If the President of the Republic does not promulgate and order the observance of the law within ten days, it shall be promulgated and its observance ordered by the president of Congress, who shall order its publication in some periodical.

Art. 130. In drafting laws Congress shall use this formula:

> The Congress of the Peruvian Republic has enacted the following law:
> .....
> Let it be communicated to the executive power for promulgation.

The Executive, in promulgating and ordering the observance of laws, shall use this formula:

> The President of the Republic:
> Whereas Congress has enacted the following law:
> .....
> Therefore: I order that it be published and observed.

Art. 131. To interpret, amend, or repeal laws, the same procedure shall be observed as for their enactment.

Art. 132. The law is obligatory from the day following its promulgation and publication, except when the law itself provides other wise.

Art. 133. Popular action can be taken before the judicial power against regulations, and against the government resolutions and decrees of a general character which infringe the Constitution or the laws, without prejudice to the political responsibility of ministers.

The law shall establish the judicial procedure in question.

PART VII

THE EXECUTIVE POWER

Chapter I

The President of the Republic

Art. 134. The President of the Republic is the head of the State, and personifies the nation.

Art. 135. The President of the Republic is elected by direct suffrage.

Art. 136. In order to be elected President of the Republic, it is necessary to be a Peruvian by birth, to enjoy the right of suffrage, to be thirty-five years of age, and to have resided ten years continuously in the territory of the Republic.

Art. 137. The following are not eligible for the presidency or vice-presidencies of the Republic:[1]

(1) The ministers of state and the members of the armed forces who are in the service, if they have not left their posts six months before the election;[1]
(2) A citizen who, by whatever title, is exercising the presidency of the Republic at the time of the election;
(3) Relatives within the fourth degree of consanguinity or the second of affinity of the person who exercises the presidency of the Republic, or who has exercised it in the year preceding the election;
(4) The members of the judicial power;
(5) The members of the clergy.

Art. 138. In order to be proclaimed President of the Republic by the national electoral board, it is necessary to have obtained the majority of the votes, provided that this majority is not less than one-third part of the valid votes.

If none of the candidates has received the required majority, the national electoral board shall inform Congress of the result of the count.
In this case, Congress shall elect the President of the Republic from among the three candidates who have obtained the largest number of valid votes.

Art. 139. The presidential period shall last for six years, and commence on the 28th of July of the year in which the election takes place, even though the elected person may not have assumed his functions on that date.

Art. 140. The citizen proclaimed President of the Republic shall take an oath before Congress on assuming his functions.

Art. 141. The election of the President of the Republic shall be made at the time of the general election for deputies.

Art. 142. There is no immediate presidential re-election. This prohibition may not be modified or repealed. The author or authors of a pro-

[1] As amended by Law No. 8237, April 1, 1936.

posal for modification or repeal, and those who support it, directly or indirectly, shall cease *ipso facto* in the occupation of their respective posts and shall be permanently incapacitated for the exercise of any public function.

Art. 143. A citizen who has exercised the presidency of the Republic may not be elected again until after the expiration of a presidential period.

Art. 144. The presidency of the Republic is vacated, besides in the case of death:

(1) By permanent physical or moral incapacity of the President, declared by Congress;
(2) By the acceptance of his resignation;
(3) By a judicial sentence condemning him for the offences enumerated in Article 150;
(4) By leaving the territory of the Republic without the permission of Congress; and
(5) By not returning to the territory of the Republic on the expiration of the permission granted to him by Congress.

Art. 145. The exercise of the presidency of the Republic is suspended:

(1) By the President's commanding the armed forces in person;
(2) By the temporary physical incapacity of the President declared by Congress; and
(3) By being brought to trial according to Article 150.

Art. 146. [Repealed by Law No. 8237, April 1, 1936.]

Art. 147. In the case of vacancy of the presidency of the Republic, Congress shall elect the President for the rest of the presidential period.

If, on the vacancy occurring, Congress is functioning, the election of the President shall be made within three days. If Congress is in recess, it must assemble in extraordinary sessions for the sole object of electing the President and receiving his oath. The election, in this case, shall be made within twenty days counting from that on which the vacancy occurred.

The convocation of Congress to assemble in extraordinary sessions to elect the President of the Republic is effected by the president of the Senate or, in default of the latter, by the president of the Chamber of Deputies.

Art. 148. The election of the President of the Republic by Congress shall be made by secret vote, in permanent and continuous session. The person obtaining an absolute majority of the votes shall be proclaimed.

Art. 149. The President of the Republic shall present a message on the termination of his presidential period and on the inauguration of the functions of Congress in ordinary legislature. He may present messages at any time. The presidential messages must be submitted to the council of ministers for approval.

Art. 150. The President of the Republic, during his period of office, may only be accused of treason to the country; for having prevented the presidential or parliamentry elections; for having dissolved Congress, or prevented or impeded its meeting or functioning, or the meeting or functioning of the national electoral board.

Art. 151. The emoluments of the President of the Republic shall be

fixed by law, and their increase shall only have effect in the next presidential period.

Art. 152. The President of the Republic may not leave the national territory without the permission of Congress, which shall fix the period for which the same is granted.

Art. 153. The President of the Republic may not personally command the armed forces without permission from Congress. In the case of his commanding them, he shall have only the attributes of commander-in-chief, subject to the military laws and regulations, and shall be responsible in conformity with them.

Art. 154. The attributes of the President of the Republic are:

(1) To represent the State at home and abroad;
(2) To maintain internal order and the external security of the Republic, without contravening the Constitution or the laws;
(3) To convoke, according to the Constitution, a general election for President of the Republic and for deputies, and for the renewal of the senatorial thirds; and by-elections for deputies and senators;
(4) To convoke Congress to ordinary and extraordinary legislatures;
(5) To attend the opening of Congress in ordinary legislature;
(6) To intervene in the enactment of laws and legislative resolutions, in conformity with the Constitution;
(7) To appoint and remove the president of the council of ministers and the ministers of state, in conformity with the Constitution;
(8) To make regulations in respect of laws, without transgressing them or mutilating them and, with this same restriction, to issue decrees and resolutions;
(9) To administer the national treasury;
(10) To organize and distribute the armed forces and to use them in the service of the Republic;
(11) To appoint, remove, and grant leave of absence, in conformity with the law, to public officials and employees whose appointment or removal does not devolve on other officials or corporations;
(12) To grant, in conformity with the law, retirement and superannuation pensions and gratuities;
(13) To decide conflicts which arise between the departmental councils;
(14) To enforce the observance of the decisions of the judicial power;
(15) To require the tribunals and courts to administer justice promptly;
(16) To direct international relations;
(17) To appoint and remove diplomatic agents, with the approval of the council of ministers;
(18) To appoint consuls;
(19) To receive diplomatic agents and recognize consuls;
(20) To conclude, with the approval of the council of ministers, international treaties, concordats, and conventions and submit them to the cognizance of Congress;
(21) To exercise the national patronage in accordance with the existing laws and practices;
(22) [Repealed by Law No. 9166, September 5, 1940;]
(23) To submit to Congress lists of three names for the election of the archbishop and bishops; [1]
(24) To submit the names of the archbishop and bishops to the Holy See, and recognize the respective bulls;
(25) To make nominations for the dignities and canonries of the

[1] Law No. 9166, September 5, 1940, amends this section to provide that "the native Peruvian ecclesiastics who must occupy the vacancies in archbishoprics and bishoprics shall be designated by the President of the Republic in council of ministers."

cathedrals and for the curacies and other ecclesiastical benefices, having regard to the existing laws and practices;

(26) To accede to or reject, with the assent of Congress, having heard beforehand the Supreme Court of Justice if contentious subjects are in question, the pontifical conciliar decrees, briefs, and rescripts; and the bulls when they do not refer to the institution of the archbishop or bishop and

(27) To exercise the other functions of government and administration which the Constitution and the laws entrust to him.

Art. 155. At the termination of his constitutional period, the President of the Republic shall become part of the Senate for a senatorial period.

Chapter II

The Ministers of State

Art. 156. The law shall determine the number of ministries, their denominations, and the departments of administration appertaining to each.

Art. 157. The ministers of state in assembly form the council of ministers. Its organization and functions are determined by law. The council of ministers has its president.

Art. 158. The President of the Republic appoints and removes the president of the council. He appoints and removes the other ministers, on the proposal and with the agreement, respectively, of the president of the council.

Art. 159. The president of the council countersigns his own appointment and that of the other ministers.

Art. 160. In order to be a minister of state, it is necessary to have the same personal qualifications as to be a deputy.

Art. 161. The members of the judicial power and the members of the clergy may not be appointed ministers of state.

Art. 162. There are no ministers *pro tempore*. The President of the Republic may, on the proposal of the president of the council, entrust to a minister, who retains his own ministry, the charge of another in the event of vacancy or impediment on the part of the serving minister, but this charge may not be prolonged for more than thirty days or be transferred successively to the other ministers.

Art. 163. The President of the Republic convokes extraordinarily and presides over the council of ministers; he has the right to preside over it when it is convoked ordinarily or extraordinarily by the president of the council.

Any decision of the council requires the affirmatory votes of the majority of its members.

Art. 164. The council of ministers has a deliberative vote and a consultative vote in the cases specified by law.

Art. 165. The President of the Republic adjusts, with the consultative vote of the council, conflicts of competence among the ministers. His decision is countersigned by the president of the council.

Art. 166. The acts of government and administration of the President of the Republic are countersigned by the ministers of the departments. Without this requirement they are null and void.

Art. 167. The president of the council, on assuming his functions, shall attend the Chamber of Deputies and the Senate separately, in company with the other ministers, and shall explain the general policy of the executive power.

Art. 168. The council of ministers in full, or the ministers separately, may attend the sessions of Congress or of the chambers and participate in the debates.

Art. 169. The attendance of the council of ministers, or of any of the ministers, is obligatory if Congress or either of the chambers call for them in order to interpellate them.

Art. 170. The interpellation shall be made in writing. For its acceptance it requires one-fifth of the votes of the legal representatives.

Art. 171. Congress, or the chamber, shall indicate the day and hour for the ministers to reply to the interpellations.

Art. 172. A vote of censure against the council of ministers or against any of the ministers may be moved by a single deputy or senator, and the vote shall be taken at the same session.

Art. 173. The censured minister must resign. The President of the Republic shall accept the resignation.

Art. 174. The non-approval of a ministerial initiative does not oblige the minister to resign, except in the case of his having made approval a matter of confidence.

Art. 175. The exercise of the functions of a deputy or senator is not suspended while he exercises charge of a ministry.

Art. 176. The ministers may not exercise any other public function, or any professional activities.

They shall not intervene, directly or indirectly, in the direction or management of any private undertaking or association.

Art. 177. The minister for finance shall transmit to the Chamber of Deputies, within thirty days of the installation of Congress in ordinary legislature, the draft general budget of the Republic for the next year, with its explanatory memorandum.

A copy of the explanatory memorandum and draft budget shall be transmitted to the Senate by the minister.

He shall also send, within the same period, to the Senate and the Chamber of Deputies the general accounts of the revenue and expenditure of the Republic for the preceding fiscal year, with the report of the official entrusted with the control of the execution of the budget.

The accounts shall be submitted to the study of a commission of senators and deputies, who shall have all the faculties of the parliamentary commissions of enquiry.

Art. 178. Each minister directs, in conformity with the general policy of the executive power, the subjects within the competence of his respective ministry.

Art. 179. The ministers are responsible civilly and criminally for their own acts and for the presidential acts which they countersign.

Unless they resign immediately, all the ministers are collectively responsible for offenses against or infractions of the Constitution and of the

laws which the President of the Republic commits, or which are agreed on in the council, even though they refrain from voting.

Chapter III

The Consultative Commissions and Technical Councils

Art. 180. In each ministry there shall be one or more consultative commissions composed of Peruvian citizens who are specialists in the branches of the administration in question. The law shall determine their organization and functions.

Art. 181. There shall be technical councils of administrative co-operation in the departments of education; agriculture, including waters and cattle and exploitation of forest; industries, including commerce; mines; health; public works; posts and telegraphs; native matters; labor; and others specified by law.

Part VIII

THE COUNCIL OF NATIONAL ECONOMICS

Art. 182. There shall be a council of national economics composed of representatives of the consuming population, capital, labor, and the liberal professions. A law shall determine its organization and functions.

Part IX

THE INTERNAL ADMINISTRATION OF THE REPUBLIC

Art. 183. The territory of the Republic is divided into departments, provinces, and districts. There exist, moreover, the coastal provinces of Tumbes and Moquegua and the constitutional province of Callao.

For the creation of departments, the same procedure shall be followed as for the modification of the Constitution.

Art. 184. The city of Lima is the capital of the Republic.

Art. 185. There shall be prefects in the departments; sub-prefects in the provinces, except in the coastal provinces, the constitutional province of Callao and those which have as capital that of the department; governors in the districts; and lieutenant-governors where necessary.

The prefects shall be appointed with the approval of the council of ministers. The law shall establish the requirements for appointment as prefect.

Art. 186. The law shall specify the attributes of the political authorities.

Art. 187. The political officials dealt with in this part, against whom judicial responsibility is declared for acts performed in the exercise of their functions, shall be permanently incapacitated from occupying any public post, without prejudice to the penalty imposed on them by the tribunals.

PART X

DEPARTMENTAL AND MUNICIPAL ADMINISTRATION

Chapter I

Departmental Councils

Art. 188. The territorial circumscriptions have administrative and economic autonomy, in conformity with the Constitution and the organic law in question.

Art. 189. There shall be departmental councils in the places which the law indicates.

Art. 190. The law shall fix the number of members of each departmental council, who shall be elected by direct and secret suffrage, giving representation to the minorities, with a tendency to proportionality. The council shall be renewed every four years. Their members may not be re-elected.

Art. 191. The resolutions and decisions of the councils shall be executed by their president.

Art. 192. The councils have the faculty to organize, administer, and control, in conformity with the provisions of the law, the departments of education, health, public works of a departmental character, roads, agriculture, cattle, industries, mines, benevolence, social provision, labor and others concerned with the requirements of their circumscriptions.

Art. 193. The attributes of the departmental councils, in addition to those which the law indicates, are the following:

(1) To collect and use their revenues;

(2) To draw up, in the month of August of each year, their estimates for the following year;

(3) To make representations, with explanations, to the executive power to secure the dismissal of the political authorities of their circumscriptions;

(4) To give an account to the executive power of the shortcomings committed by the officials and employees whose appointment and whose removal devolve on the former;

(5) To give an account to the Supreme Court of Justice of the shortcommings committed by the members of the judicial power;

(6) To see that the body entrusted with the collection of the fiscal revenues fulfills its legal and contractual obligations, and to render an account to Congress and the executive power of the infractions which it commits;

(7) To decide in the last instance on the administrative matters of the municipal councils, public benevolent societies, national universities, and colleges, in the cases in which a petition of appeal is in accordance with law;

(8) To approve each year the estimates of the provincial municipal councils, public benevolent societies, national colleges, and technical water commissions, and to be competent to deal with the estimates of the district municipal councils when these are in appeal;

(9) To register officially the native communities in conformity with the law in the appropriate register, for the purposes of their recognition as juridical persons; and

(10) To protect the native communities; make a census and form a register of their real property, and grant, in conformity with the law, to those who do not possess them, the title-deeds to property which they apply for. The decisions to this effect arrived at by the departmental

councils shall be revised by the executive power if the communities complain of them.

Art. 194. Revenues of the departmental councils, in addition to those assigned by special laws, are the following:

(1) The proceeds of their own property which the law assigns to them;
(2) The predial and mining taxes;
(3) The taxes on industrial and ecclesiastical patents;
(4) The fees on transfers of property and inheritances;
(5) The fees for registration of public deeds;
(6) The progressive income tax;
(7) The tax on income from movable capital;
(8) The additional import duties destined for land improvement and the other additional duties of departmental application;
(9) The receipts of the register of real mercantile property and of the agriculture pledges;
(10) The tax on motive power;
(11) The concession fees on forests, uncultivated ground, and land on the eastern side of the Andes;
(12) Taxes of a departmental or local character which do not appertain to the municipal councils, public benevolent societies, or other corporations; and
(13) The subventions and distributions granted by the State.

Art. 195. The creation and existence of general taxes for the benefit of a determined area are prohibited, unless they are assigned to works which have a national character declared by Congress.

Art. 196. No charges may be imposed on internal imports or exports.

Art. 197. For the creation of local taxes and excise duties, it is necessary to have at least two-thirds of the votes of the council. If the two-thirds are not reached, the council may appeal to Congress requesting the creation. If the executive power vetoes a tax or excise duty created by the departmental council, Congress shall decide.

Art. 198. For the final reduction or suppression of local taxes or excise duties, the procedure laid down in the preceding article shall be followed.

Art. 199. The departmental councils shall submit to Congress, in the month of August of each year, the estimates for the following year. In the case of non-fulfillment of this provision, the councils shall be subject to the sanctions which the law establishes. If the estimates are not approved by Congress by the 31st December, they shall commence to be executed.

Art. 200. In the month of March of each year, the departmental councils shall transmit their accounts for the preceding year to the higher tribunal of accounts for examination and approval.

Art. 201. The departmental councils may contract loans, the sinking fund and interest of which do not affect more than fifteen per cent of their revenue for the previous year, but only with the affirmative vote of two-thirds of the council. All the loans contracted by the councils must be employed in works of a reproductive character.

Art. 202. The organic law of the departmental councils shall lay down their organization, attributes, functioning, and all that is not provided by the Constitution.

Chapter II

The Municipal Councils

Art. 203. There shall be municipal councils in the provincial and district capitals and in the towns determined by the respective departmental council.

Art. 204. Women with a right to the municipal vote may be elected to the municipal councils.

Art. 205. The native communities shall have a representative, designated by them in the manner which the law specifies, in each district municipal council and in those created by a decision of the departmental council.

Art. 206. The provincial municipal councils have administrative and economic autonomy in the exercise of the functions appertaining to them in conformity with the laws, without prejudice to the provisions of paragraphs (7) and (8) of Article 193.

Part XI

THE NATIVE COMMUNITIES

Art. 207. The native communities have a legal existence and juridical personality.

Art. 208. The State guarantees the integrity of the property of the communities.

The law shall organize the corresponding register of real property.

Art. 209. The property of the communities is imprescriptible and inalienable, except in the case of expropriation on account of public utility, on payment of compensation. It is, moreover, not attachable.

Art. 210. Neither the municipal councils nor any corporation or authority shall intervene in the collection or administration of the income and property of the communities.

Art. 211. The State shall endeavor to provide by preference lands for the native communities who do not possess them in sufficient quantity for their needs, and may expropriate lands in private ownership for this purpose, on payment of compensation.

Art. 212. The State shall issue the civil, penal, economic, educational, and administrative legislation which the peculiar conditions of the natives demand.

Part XII

THE ARMED FORCES

Art. 213. The purpose of the armed forces is to assure the rights of the Republic, the fulfillment of the Constitution and of the laws and the preservation of public order.

Art. 214. Every Peruvian is obliged to contribute toward national defence and to submit to military obligations.

Art. 215. The military laws and regulations govern the organization of the armed forces and their discipline.

Art. 216. The effectives of the armed forces and the number of general, superior, and subaltern officers shall be fixed by law. The executive power may not propose promotions, nor Congress approve them, except in the case of vacancies.

Art. 217. Military rank, honors, and pensions may not be withdrawn except by a judicial sentence in the cases determined by law.

Art. 218. The members of the armed forces who belong to Congress may not be promoted to the rank of general of division, vice-admiral, general of brigade, rear-admiral, colonel, and naval captain while their legislative mandate continues.

This prohibition is not applicable to those who, after receiving the consent of their respective chamber, re-enter the service in the case of national war.

Art. 219. Recruitment in cases not authorized by the laws and military regulations is an offence which may be denounced by popular action before the judges or Congress against the person who orders it.

Part XIII

THE JUDICIAL POWER

Art. 220. The power of administering justice is exercised by the tribunals and courts, with the guarantees and according to the procedure established in the Constitution and the laws.

Art. 221. There shall be a Surpeme Court of Justice in the capital of the republic; superior courts in the departments which the law determines; courts of first instance in the provincial capitals; courts of lawyer justices of the peace in the places which the law specifies; and courts of justices of the peace in all towns.

The law shall lay down the organization of the judicial power, the form of the appointments, and the conditions and requirements to which they shall be subject.

Art. 222. The members and attorneys of the Supreme Court of Justice shall be elected by Congress from among ten candidates proposed by the executive power.

Art. 223. The members and attorneys of the superior courts shall be appointed by the executive power, on the proposal of the Supreme Court, in two lists of three names each; and the judges of first instance and the fiscal agents, on the proposal of the respective superior court in two lists of three names each.

Art. 224. The appointments of the members and attorneys of the superior courts and of the judges and fiscal agents, shall be ratified by the Supreme Court in the time and form which the law determines. Non-ratification does not constitute a penalty, nor deprive of the right to emoluments acquired in conformity with the law; but it does prevent re-entry into the judicial service.

Art. 225. The following may not be appointed to any judicial post: the President of the Republic, the ministers of state, the members of the legislative power, the directors of the ministries and the officials who exercise political authority while in the exercise of their functions.

Art. 226. The members of the judicial power may not occupy any post dependent on the election of Congress, or the appointment of the executive power, or of any other administrative authority or corporation. Exception is made for diplomatic posts, those of university education, the codification of law reform commissions, the delegations of Peru to international or scientific congresses and conferences, and the functions of arbiter or barrister in the courts of international arbitration in which any right of Peru is disputed.

The acceptance of an appointment prohibited by this article involves the loss of the judicial post and all the emoluments appertaining thereto.

Art. 227. Publicity is essential in trials. The tribunals may deliberate in secret, but the vote shall be pronounced aloud and publicly.

Reasons for sentences shall be given, as also the law or the grounds on which they are based.

Art. 228. All trials by commission are prohibited. No power or authority may assume jurisdiction in cases pending before the judicial power. Neither may terminated cases be revived.

Art. 229. The law shall determine the organization and the attributes of the military tribunals and of the other special tribunals and courts which are set up in accordance with the nature of affairs.

Art. 230. The State shall compensate the victims of judicial errors in criminal matters, after appeal in the form which the law determines.

Art. 231. Popular action can be taken for the denunciation of offences against the functional duties or any others committed by the members of the judicial power in the exercise of their functions. It can also be taken for the denunciation of offences against the execution of the judicial decisions committed by officials of the executive power.

Part XIV

RELIGION

Art. 232. Respecting the sentiments of the national majority, the State protects the Catholic, apostolic and Roman religion. Other religions enjoy liberty for the exercise of their respective worships.

Art. 233. The State exercises the national patronage in conformity with existing laws and practices.

Art. 234. Relations between the State and the Catholic Church shall be governed by concordats concluded by the executive power and approved by Congress.[1]

Art. 235. To fill the position of archbishop and bishop, it is necessary to be a Peruvian by birth.

Part XV

MODIFICATION OF THE CONSTITUTION

Art. 236. Any constitutional modification must be approved by the chambers in ordinary legislature and be ratified by both chambers in

[1] As amended by Law No. 9166, September 5, 1940.

another ordinary legislature. The approval and ratification require the majority of votes of the legal number of members in each of the chambers.

The initiative is vested in the deputies and senators and in the President of the Republic with the approval of the council of ministers.

Part XVI

TRANSITORY PROVISIONS

1. The legislative and presidential periods of 1936–41 shall commence on the 8th December, 1936.

The President of the Republic and the deputies who assume their functions on that day shall be maintained in the exercise of them until the 28th July, 1941. After that the executive power and the Chamber of Deputies shall be renewed every five years, as provided for in Articles 93 and 139.

2. The Senate shall be composed, in the present legislative period, of forty senators: twenty-five elected from among its members by the present Constituent Congress, and fifteen elected by direct suffrage.

The senatorial mandate shall terminate in this case on the 8th December, 1936.

3. The Constituent Congress shall continue in function until the Senate is installed with the full numbers designated in the form which the preceding transitory provisions lay down. In the meantime the constitutional articles on the dual-chamber functioning of Congress shall remain in suspense.

4. Congress shall pass the laws of organization of the unions and corporations and of the election of the functional Senate to be installed on the 28th July, 1941, the date on which Article 94, establishing the biennial renewal by thirds of the Senate, shall enter into force.

5. The fifteen senators to be elected by direct suffrage in conformity with the second transitory provision must have been born in the electoral circumscription in question or have resided in it for at least three continuous years.

6. Pending the constitution of the Senate, the second paragraph of Article 128 shall be read as follows: 'If the executive has observations to make, they shall be presented to Congress within ten days certain. The law having been reconsidered in Congress with the observations of the executive and, nevertheless, again approved, shall be sanctioned and its promulgation and fulfillment ordered.'

7. The provision contained in Article 167 shall only enter into force when the Senate is constituted.

8. The electoral law which the Constituent Congress passes in order that the next elections for representatives to Congress may be held in conformity therewith, shall determine the time in which the officials enumerated in Article 99 must resign their posts, the effects of the said article remaining in suspense on this occasion.

9. Pending the issue of a law to determine who shall exercise the functions which the present laws entrust to the sub-prefects in the capitals of

departments, the constitutional province of Callao and the coastal provinces of Tumbes and Moquegua, the provisions of Article 185 shall not apply in so far as it suppresses these sub-prefectures.

Let it be communicated to the executive power.

LAW OF CONSTITUTUTIONAL REFORM

No. 8237

1st. April, 1936 [1]

Art. 1. There shall be two Vice-Presidents of the Republic, known as First and Second, who shall be elected simultaneously, in the same manner, with the same qualifications and for the same period as the President.

Art. 2. In cases of a vacancy [of the Presidency of the Republic] covered by article 144 of the State Constitution, the First Vice-President shall conclude the uncompleted period of office. In the cases covered by Article 145, he shall only take charge for the period of the President's impediment.

Art. 3. In the case of the vacancy of the Presidency and of the First Vice-Presidency, the Second Vice-President shall conclude the uncompleted period of office.

In the case of temporary impediment of the President and of the First Vice-President, the Second shall take charge until the person designated by law shall be available.

Art. 4. Only in the case of absence of the President and the two Vice-Presidents shall the cabinet assume the executive power, until Congress shall have elected a President for the remainder of the presidential term, in accordance with the prescriptions of Article 147 of the Constitution.

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[1] Articles 5 and 6 are omitted. Article 5 amended Article 137 of the Constitution to read as it appears above. Article 6 repealed Article 146 of the Constitution.

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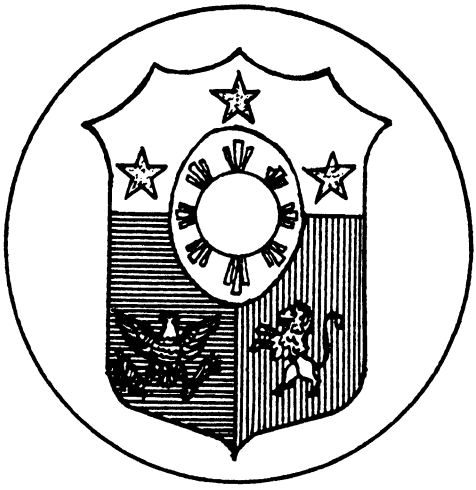

THE PHILIPPINES

SUMMARY

International Status

The Philippines is a member of the United Nations. Representatives of the Philippine Commonwealth signed the Charter at San Francisco on June 26, 1945 even prior to the proclamation of the Republic, and ratification by the Republic was deposited on October 11, 1946. By virtue of its membership in the United Nations, the Philippines is a party to the Statute of the International Court of Justice. It is subject to the compulsory jurisdiction of that Court.[1] It is also a member of other international organizations.[2]

[1] See Yearbook of the Court, 1951–52, pp. 35-43, 1944.
[2] See Table I.

The Philippine Islands were ceded to the United States by Spain, following the war between the United States and Spain in 1899. Measures of self government were gradually adopted and a commonwealth under a written constitution was created on February 8, 1935. The Constitution was amended by resolutions of the Philippine National Assembly on September 15, 1939 and April 11, 1940, approved by the President of the United States on November 10, 1939 and December 2, 1940. It was further amended by the Philippine Congress on September 8, 1946, and ratified by plebiscite on March 11, 1947.

The independent Republic of the Philippines was proclaimed on July 4, 1946, and was immediately recognized by the United States and other Powers. An agreement concluded between the Republic and the United States on March 14, 1947, provides for the maintenance of American military and naval bases in the islands, during a period of ninety-nine years, and for the availability of these bases to the Security Council of the United Nations in the interest of international security.

Form of National Government

"The Philippines is a republican state." [1]

Source of Sovereign Power

"Sovereignty resides in the people and all government authority emanates from them." [1]

Rights of the People

The Bill of Rights, set forth in Article III of the Constitution, guarantees due process of law with respect to deprivation of life, liberty or property and prosecution for criminal offenses; equal protection of the laws; just compensation for private property taken for public use; security against unreasonable searches and seizures; liberty of abode and change thereof; privacy of communication and correspondence; the right of association; freedom of religion, speech and the press; the rights of peaceable assembly and petition; security against impairment of the obligation of contracts, ex post facto laws, bills of attainder, imprisonment for debt and involuntary servitude; the right of habeas corpus; release on bail except upon charges of capital offenses when evidence of guilt is strong; the presumption of innocence in all criminal prosecutions; security against self-incrimination and double jeopardy; prohibition of excessive fines and cruel and unusual punishment; and free access to the courts.[2]

There are constitutional provisions for the conservation and utilization of natural resources and a declaration of their ownership by the State.[3]

[1] Constitution of 1935, as amended in 1939, 1940, and 1947, Art. II, Sec. 1.
[2] Id., Art. III, Sec. 1.
[3] Id., Art. XIII, Sec. 1.

Their exploitation, subject to existing grants, is limited to citizens of the Philippines and corporations or associations at least sixty per cent of the capital of which is owned by such citizens.[1] There are restrictions on the size of land holdings and upon transfers of land.[2]

Legislative Department

The legislative power is vested in a Congress, consisting of a Senate and a House of Representatives.[3] The Senate is composed of twenty-four members chosen at large by the qualified electors, as provided by law, for a term of six years; the first senators elected were divided into three equal groups, to serve, respectively, for six, four and two years.[4] The House of Representatives is composed of not more than one hundred and twenty members, apportioned among the provinces according to the number of their respective inhabitants and elected for a term of four years by the qualified electors in the several representative districts.[5] Bills passed by the Congress may be vetoed by the President of the Philippines but become law, notwithstanding the veto, upon being passed again by vote of two-thirds of all the members of each house.[6]

Executive Department

The executive power is vested in the President of the Philippines, elected, with the Vice-President, by direct vote of the people, for a term of four years.[7] No person may serve as President for more than eight consecutive years.[8] The President has control of all the executive departments, bureaus, or offices, and exercises general supervision over all local governments.[9] He nominates and, with the consent of a commission on appointments (consisting of twelve senators and twelve members of the House of Representatives, elected by the houses, respectively, on the basis of proportional representation of the political parties therein), appoints the heads of the executive departments and bureaus and other high officers, including ambassadors, ministers and consuls.[10] The Vice-President may be appointed by the President as a member of the Cabinet and also as head of an executive department.[11] The heads of departments have the right to appear before and be heard by either house of Congress on any matter pertaining to their departments.[12]

Judicial Department

The judicial power is vested "in one Supreme Court and in such inferior courts as may be established by law." [13] The Supreme Court has "juris-

[1] Constitution of 1935, as amended in 1939, 1940, and 1947, Art. XIII, Sec. 1.
[2] Id., Art. XIII, Secs. 2, 3, 5. [3] Id., Art. VI, Sec. 1.
[4] Id., Art. VI, Secs. 2, 3. [5] Id., Art. VI, Secs. 5, 6. [6] Id., Art. VI, Sec. 20.
[7] Id., Art. VII, Secs. 1, 2. [8] Id., Art. VII, Sec. 5. [9] Id., Art. VII, Sec. 10 (1).
[10] Id., Art. VI, Sec. 12; Art. VII, Sec. 10 (3), (7). [11] Id., Art. VII, Sec. 11 (3)
[12] Id., Art. VI, Sec. 24. [13] Id., Art. VIII, Sec. 1.

diction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in .... all cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulations is in question." [1] The members of the Supreme Court and all judges of the inferior courts are appointed by the President with the consent of the commission on appointments.[2]

Area, Population, Language

The area of the Philippines is 114,830 square miles. The estimated population is 19,000,000. The official alnguages are English and Spanish. Congress is required to "take steps toward the development and adoption of a common language based on one of the existing native languages." [3]

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[1] Constitution of 1935, as amended in 1939, 1940, and 1947, Art. VIII, Secs. 2, 10.
[2] Id., Art. VIII, Sec. 5. [3] Id., Art. XIV., Sec. 3.

CONSTITUTION of the PHILIPPINES[1]

February 8, 1935 as amended

The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a régime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

Article I

The National Territory

SEC. 1. The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present government of the Philippine Islands exercises jurisdiction.

Article II

Declaration of Principles

SEC. 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SEC. 2. The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SEC. 3. The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as part of the law of the Nation.

SEC. 4. The natural right and duty of parents in the rearing of the

[1] Adopted February 8, 1935; amended by resolutions of Philippine National Assembly September 15, 1939, and April 11, 1940, approved by President of United States November 10, 1939, and December 2, 1940; further amended by resolution of Philippine Congress September 8, 1946, ratified by plebiscite March 11, 1947. The copy here published was supplied by the Philippine Embassy at Washington January 3, 1948.

youth for civic efficiency should receive the aid and support of the government.

SEC. 5. The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State.

Article III

Bill of Rights

SEC. 1. (1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(2) Private property shall not be taken for public use without just compensation.

(3) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

(7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

(9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall, without the consent of the Congress of the Philippines, accept any present, emolument, office, or title of any kind whatever from any foreign state.

(10) No law impairing the obligation of contracts shall be passed.

(11) No *ex post facto* law or bill of attainder shall be enacted.

(12) No person shall be imprisoned for debt or nonpayment of a poll tax.

(13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

(14) The privilege of the writ of *habeas corpus* shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.

(15) No person shall be held to answer for a criminal offense without due process of law.

(16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf:

(18) No person shall be compelled to be a witness against himself.

(19) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

(20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

(21) Free access to the courts shall not be denied to any person by reason of poverty.

Article IV

Citizenship

SEC. 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

Article V

Suffrage

SEC. 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

Article VI

Legislative Department

SEC. 1. The legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives.

SEC. 2. The Senate shall be composed of twenty-four senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law.

SEC. 3. The term of office of senators shall be six years and shall begin on the thirtieth day of December next following their election. The first senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the senators of the first group to serve for a term of six years; those of the second group, for four years; and those of the third group, for two years.

SEC. 4. No person shall be a senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualified elector, and a resident of the Philippines for not less than two years immediately prior to his election.

SEC. 5. The House of Representatives shall be composed of not more than one hundred and twenty members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one member. The Congress shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present assembly districts. Each representative district shall comprise, as far as practicable, contiguous and compact territory.

SEC. 6. The term of office of the members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

SEC. 7. No person shall be a member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SEC. 8. (1) Elections for senators and members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the senator or member of the House of Representatives thus elected shall serve only for the unexpired term.

SEC. 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special

session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

SEC. 10. (1) The Senate shall elect its president and the House of Representatves its speaker.

Each house shall choose such other officers as may be required.

(2) A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as such house may provide.

(3) Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all its members, expel a member.

(4) Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the *yeas* and *nays* on any question shall, at the request of one-fifth of the members present, be entered in the journal.

(5) Neither house during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 11. The Senate and the House of Representatives shall each have an electoral tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective members. Each electoral tribunal shall be composed of nine members, three of whom shall be justices of the Supreme Court to be designated by the chief justice, and the remaining six shall be members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each house, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior justice in each electoral tribunal shall be its chairman.

SEC. 12. There shall be a commission on appointments consisting of twelve senators and twelve members of the House of Representatives, elected by each house, respectively, on the basis of proportional representation of the political parties therein. The president of the Senate shall be the chairman ex-officio of the commission, but shall not vote, except in case of tie.

SEC. 13. The electoral tribunals and the commission on appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of their president and speaker, respectively. The commission on appointments shall meet only while the Congress is in session, at the call of its chairman or a majority of its members, to discharge such powers and functions as are herein conferred upon it.

SEC. 14. The senators and the members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of traveling expenses to and from their respective districts in the case of members of

the House of Representatives, and to and from their places of residence in the case of senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the president of the Senate and the speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

SEC. 15. The senators and members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress, and in going to and returning from the same, and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 16. No senator or member of the House of Representatives may hold any other office or employment in the government without forfeiting his seat, nor shall any senator or member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a member of the Congress.

SEC. 17. No senator or member of the House of Representatives shall directly or indirectly be financially interested in any contract with the government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the electoral tribunals or before any court in any civil case wherein the government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any cause or matter where he may be called upon to act on account of his office. No member of the commission on appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

SEC. 18. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

SEC. 19. (1) The President shall submit within fifteen days of the opening of each regular session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the government as specified in the budget, except the appropriations for the Congress and the judicial department. The form of the budget and the information that it should contain shall be prescribed by law.

(2) No provision or enctment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; but if not, he shall return it with his objections to the house where it originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of such house shall agree to pass the bill, it shall be sent, together with the objections, to the other house by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house, it shall become a law. In all such cases, the votes of each house shall be determined by *yeas* and *nays*, and the names of the members voting for and against shall be entered on its journal. If any bill shall not be returned by the President as herein provided within twenty days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the members of each house.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SEC. 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either house unless it shall have been printed and copies thereof in its final form furnished its members at least three calendar days prior to its passage, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendemnt thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the journal.

SEC. 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SEC. 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the government.

(2) No money shall be paid out of the treasury except in purusance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 24. The heads of departments upon their own initiative or upon the request of either house may appear before and be heard by such house on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 25. The Congress shall, with the cncurrence of two-thirds of all the members of each house, have the sole power to declare war.

SEC. 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

Article VII

Executive Department

SEC. 1. The executive power shall be vested in a president of the Philippines.

SEC. 2. The President shall hold his office during a term of four years and, together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the national government, directed to the president of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the members of the Congress in joint session assembled.

SEC. 3. No person may be elected to the office of President or Vice-President unless he be a natural-born citizen of the Philippines, a qualified

voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of four years after their election, and the terms of their successors shall begin from such time.

SEC. 5. No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service of the incumbent for the full term for which he was elected.

SEC. 6. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a president shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President shall act as President until a president shall have qualified, and the Congress may by law provide for the case wherein neither a president-elect nor a vice-president-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a president or vice-president shall have qualified.

SEC. 7. Before he enter on the execution of his office, the President shall take the following oath or affirmation:

> I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God. (In case of affirmation, last sentence will be omitted).

SEC. 8. In the event of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

SEC. 9. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the government or any of its subdivisions or instrumentalities. Until the Congress shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

SEC. 10. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local

governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the commission on appointments, shall appoint the heads of the executive departments and bureaus, officers of the army from the rank of colonel, of the navy and air forces from the rank of captain or commander, and all other officers of the government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the Congress may by law vest the appointment of inferior officers, in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the Congress, but such appointments shall be effective only until disapproval by the commission on appointments or until the next adjournment of the Congress.

(5) The President shall from time to time give to the Congress information of the state of the Nation and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the Congress.

(7) The President shall have the power, with the concurrence of two-thirds of all the members of the Senate, to make treaties, and with the consent of the commission on appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the government of the Philippines.

SEC. 11. (1) The executive departments of the present government of the Philippine Islands shall continue as now authorized by law until the Congress shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

Article VIII

Judicial Department

SEC. 1. The judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SEC. 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Surpeme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisidction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in—

(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulations is in question;
(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto;
(3) All cases in which the jurisdiction of any trial court is in issue;
(4) All criminal cases in which the penalty imposed is death or life imprisonment;
(5) All cases in which an error or question of law is involved.

SEC. 3. Until the Congress shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

SEC. 4. The Supreme Court shall be composed of a chief justice and ten associate justices and may sit either *in banc* or in two division unless otherwise provided by law.

SEC. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the commission on appointments.

SEC. 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

SEC. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The Congress shall by law determine the residence of judges of inferior courts.

SEC. 8. The Congress shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SEC. 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until

the Congress shall provide otherwise, the chief justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each associate justice, fifteen thousand pesos.

SEC. 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court *in banc*, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the court.

SEC. 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a justice for the writing of the opinion of the court. Any justice dissenting from a decision shall state the reasons for his dissent.

SEC. 12. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based.

SEC. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared rules of courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter, or supplement the rules concerning pleading practice, and procedure, and the admission to the practice of law in the Philippines.

Article IX

Impeachment

SEC. 1. The President, the Vice-President, the justices of the Supreme Court, and the auditor general, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The House of Representatives, by a vote of two-thirds of all its members, shall have the sole power of impeachment.

SEC. 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the senators shall be on oath or affirmation. When the President of the Philippines is on trial, the chief justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the members of the Senate.

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.

Article X

Commission on Elections

SEC. 1. There shall be an independent commission on elections com-

posed of a chairman and two other members to be appointed by the President with the consent of the commission on appointments, who shall hold office for a term of nine years and may not be reappointed. Of the members of the commission first appointed, one shall hold office for nine years, another for six years, and the third for three years. The chairman and the other members of the commission on elections may be removed from office only by impeachment in the manner provided in this Constitution.

Until the Congress shall provide otherwise, the chairman of the commission shall receive an annual salary of twelve thousand pesos, and the other members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

SEC. 2. The commission on elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the government, when so required by the commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the commission shall be subject to review by the Supreme Court.

No pardon, parole, or supension of sentence for the violation of any election law may be granted without the favorable recommendation of the commission.

SEC. 3. The chairman and members of the commission on elections shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the government or any subdivision or instrumentality thereof.

SEC. 4. The commission on elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.

Article XI

General Auditing Office

SEC. 1. There shall be a general auditing office under the direction and control of an auditor general, who shall hold office for a term of ten years and may not be reappointed. The auditor general shall be appointed by the President with the consent of the commission on appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the Congress shall provide otherwise, the auditor general shall receive an annual compensation of twelve thousand pesos.

SEC. 2. The auditor general shall examine, audit, and settle all ac-

counts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the provinces or municipalities thereof. He shall keep the general accounts of the government and preserve the vouchers pertaining thereto. It shall be the duty of the auditor general to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. He shall also perform such other functions as may be prescribed by law.

SEC. 3. The decisions of the auditor general shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the auditor general may be taken directly to a court of record in the manner provided by law.

SEC. 4. The auditor general shall submit to the President and the Congress an annual report covering the financial condition and operations of the government, and such other reports as may be required.

Article XII

Civil Service

SEC. 1. A civil service embracing all branches and subdivisions of the government shall be provided by law. Appointments in the civil service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SEC. 2. Officers and employees in the civil service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SEC. 3. No officer or employee of the government shall receive additional or double compensation unless specifically authorized by law.

SEC. 4. No officer or employee in the civil service shall be removed or suspended except for cause as provided by law.

Article XIII

Conservation and Utilization of Natural Resources

SEC. 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural re-

sources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in execss of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The Congress may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the government.

Article XIV

General Provisions

SEC. 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SEC. 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 3. The Congress shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral charac-

ter, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SEC. 7. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty *per centum* of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual, firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the public interest so requires.

SEC. 9. The government shall organize and maintain a national police force to preserve public order and enforce the law.

SEC. 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

Article XV

Amendments

SEC. 1. The Congress in joint session assembled, by a vote of three-fourths of all the members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

Article XVI

Transitory Provisions

SEC. 1. The first election of the officers provided in this Constitution and the inauguration of the government of the Commonwealth of the Philippines shall take place as provided in Public Act numbered one hundred and twenty-seven of the Congress of the United States, approved March twenty-four nineteen hundred and thirty-four.

SEC. 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter,

such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the Congress of the Philippines, and all references in such laws to the government or officials of the Philippine Islands shall be construed, in so far as applicable, to refer to the government and corresponding officials under this Constitution.

SEC. 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases, civil and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SEC. 4. All officers and employees in the existing government of the Philippine Islands shall continue in office until the Congress shall provide otherwise, but all officers whose appointments are by this Constitution vested in the President shall vacate their respective offices upon the appointment and qualification of their successors, if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth of the Philippines.

SEC. 5. The members of the House of Representatives for the Mountain Province shall be elected as may be provided by law. The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for members of the House of Representatives in such districts as may be provided by law.

SEC. 6. The provisions of this Constitution, except those contained in this Article and in Article V, and those which refer to the election and qualifications of officers to be elected under this Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

Article XVII

Special Provisions Effective upon the Proclamation of the Independence of the Philippines

SEC. 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines—

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent government of the Philippines and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities of the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippines; and where bonds have been issued under authority of an act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the government of the Philippines will make

adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The government of the Philippines will embody the foregoing provisions of this article [except subsection (2)] in a treaty with the United States.

Article XVIII

The Commonwealth and the Republic

SEC. 1. The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

Notwithstanding the provisions of section one, Article Thirteen, and section eight, Article Fourteen, of the foregoing Constitution, during the effectivity of the executive agreement entered into by the President of the Philippines with the President of the United States on the fourth of July, nineteen hundred and forty-six, pursuant to the provisions of Commonwealth Act numbered seven hundred and thirty-three, but in no case to extend beyond the third of July, nineteen hundred and seventy-four, the disposition, exploitation, development and utilization, of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces and sources of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprize owned or controlled, directly or indirectly, by citizens of the United States in the same manner as to, and under the same conditions imposed upon, citizens of the Philippines or corporations or associations owned or controlled by the citizens of the Philippines.

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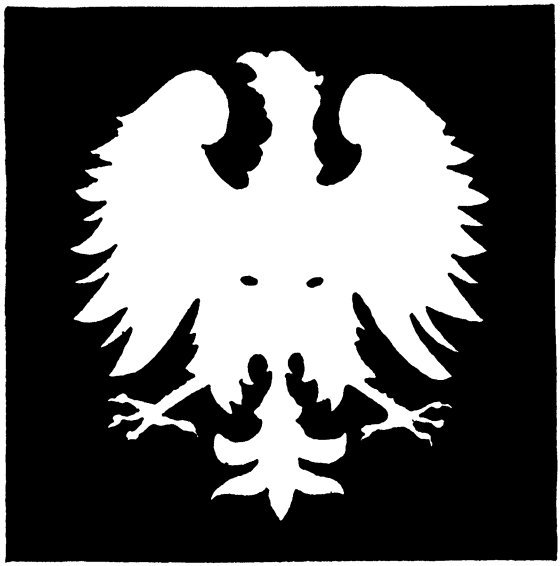

POLAND

SUMMARY

International Status

Poland is a member of the United Nations. It was not represented at the San Francisco Conference, but a place was provided in the Charter for its ultimate signature and its ratification was deposited October 24, 1945.

Poland was a member of the League of Nations. It signed but did not ratify the Statute of the Permanent Court of International Justice of 1921. It is a party to the Statute of the International Court of Justice of 1945 by virtue of its membership in the United Nations.[1] It is a member of other international organizations.[2]

[1] It is not subject to compulsory jurisdiction of the Court. See Year book of the Court 1951–52, pp. 35-43.

[2] See Table I.

Since the middle ages Poland has for the most part been surrounded by powerful neighbors, and has had a turbulent and unfortunate history. The king was early elected by feudal nobles, the single vote of one of whom was sufficient to veto legislation in the Diet. The First Partition of Poland by Austria and Russia occurred in 1772. With realization of the faults of the situation, the Constitution of 1791 was promulgated, attempting to correct the most serious errors of the old régime. However, Russia refused to recognize that Constitution and, together with Prussia, seized Polish territory in 1793 for the Second Partition. The Third Partition occurred in 1795 with Austria, Russia and Prussia dividing the remains of Poland among them.

During the period of Napoleon's power, a Grand Duchy of Warsaw was set up but, upon his defeat, Poland fell into the hands of the Tsar Alexander, and the Treaty of Vienna restored the boundaries existing before the advent of Napoleon. In 1815 Poland was declared a Kingdom forever a part of Russia and was granted a Constitution. After an unsuccessful rebellion in 1831, Poland was merged with Russia and brought under the absolute control of the Tsar. Another unsuccessful revolt in 1846 resulted in the suppression of the Constitution. There was another insurrection in 1863 which was also suppressed, and the policy of Russification continued. Meanwhile the Prussian part of Poland was subject to attempted Germanization. Austrian Poland received promise of autonomy as early as 1866 but its application was again and again deferred.

During World War I there was rapid evolution of Poland's independence and in 1917 the provisional Russian government granted it such independence. The plight of Poland had already received international recognition by reference to it in President Wilson's "Fourteen Points." On November 9, 1918 Polish independence was declared and five days later, upon withdrawal of the German troops, General Joseph Pilsudski assumed power.

The determination of boundaries was extremely difficult. The solution of the Paris Peace Conference resulted in the inclusion of German minorities in the Corridor and part of Upper Silesia, and Ruthenian and Jewish minorities in Galicia to the south. The question of the eastern boundary as drawn by the Curzon Line provoked war between Poland and the USSR lasting from 1919 to 1921. The Treaty of Riga of that year placed the boundary considerably east of that line as it was proposed by the Peace Conference.

Non-aggression pacts were signed with the USSR in 1931 and with Germany in 1934. However, on September 1, 1939 German troops invaded Poland and by a treaty of partition of September 29th, 1939 the country was divided between Germany and the USSR. A government in exile was formed in Paris and moved to London. In 1941 it signed an agreement with the USSR abrogating the German-Russian accord partitioning

Poland. In 1945 it ceded to the USSR 69,860 square miles of Polish territory in the east and received in exchange 38,896 square miles of former German territory in the west.

Form of National Government

The Constitution of July 22, 1952, which replaced the provisional Constitutional Act of February 19, 1947,[1] declares that the Polish People's Republic is a republic of the working people, based on an alliance between the working class and the working peasants.[2] Article 1 states that it is a "State of People's Democracy".

Source of Sovereign Power

The "power belongs to the working people of town and country" [3]

Rights of the People

The right to work, "ensured by the social ownership of the basic means of production,"[4] the right to rest and leisure,[5] the right to health protection,[6] the right to education,[7] the right to benefit from cultural achievements [8] are guaranteed. Women have equal rights with men.[9] Equality of rights irrespective of nationality, race or religion is provided.[10] The Constitution provides for freedom of religion, speech, press, assembly and processions,[11] the right of association,[12] of petitioning the public authorities,[13] inviolability of the person, home and correspondence.[14]

Legislative Department

Legislative power is vested in the Seym which is "the highest organ of State authority." [15] Deputies are elected, on the basis of one to 60,000 inhabitants, by universal, direct, equal, and secret suffrage, for a term of four years.[16]

Executive Department

The Council of State, composed of a President, four Vice-presidents, a Secretary and nine members, is elected by the Seym from among its members and issues decrees in intervals between sessions having the force of laws.[17] It performs other functions of an executive character and is accountable to the Seym for all its activities.[18]

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[1] A Constitution approved by the Constituent Diet on February 20, 1919, was observed as a provisional constitution until March 17, 1921, when a permanent constitution was adopted. The latter was superseded on April 23, 1935, by a new constitution. The Constitutional Act of 1947 incorporates by reference Articles 21, 22, 24, 40, 42-53, and 56-63 of the Constitution of 1921.

[2] Const. of 1952, Preamble. [3] Id., Art. 1. [4] Id., Art. 58.
[5] Id., Art. 59. [6] Id., Art. 60. [7] Id., Art. 61.
[8] Id., Art. 62. [9] Id., Art. 66. [10] Id., Art. 69.
[11] Id., Arts. 70, 71. [12] Id., Art. 72. [13] Id., Art. 73.
[14] Id., Art. 74. [15] Id., Art. 15. [16] Id., Arts. 16, 23, 80.
[17] Id. Arts. 24, 26. [18] Id., Art. 25.

The "supreme executive and administrative organ" is the Council of Ministers which is appointed by and responsible to the Seym or, when the latter is not in session, to the Council of State.[1]

Judicial Department

Justice is administered by the Supreme Court, Vovoideship Courts, District Courts and Special Courts.[2] Judges and people's assessors are elected, the Judges of the Supreme Court by the Council of State for a term of five years.[3] The Council of State lays down universally binding interpretations of laws.[4]

Area, Population, Language

Poland has an area of 120,818 square miles with a population (1950 census) of 24,976,926. Polish, Russian and German are spoken.

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[1] Const., of 1952, Art. 30. [2] Id., Art. 46. [3] Id., Arts. 50, 51.
[4] Id., Art. 25.

CONSTITUTION OF THE POLISH PEOPLE'S REPUBLIC[1]

July 22, 1952

The Polish People's Republic is a republic of the working people.

The Polish People's Republic carries on the most glorious progressive traditions of the Polish Nation and gives effect to the liberation ideals of the working masses.

The Polish working people, under the leadership of the heroic working class, and on the basis of the alliance between workers and peasants, fought for many decades for the liberation from national enslavement imposed upon the Nation by the Prussian, Austrian and Russian conquerors and colonisers, just as they fought for the abolition of exploitation by the Polish capitalists and landlords.

During the Occupation, the Polish Nation waged an unflinching heroic fight against the murderous Nazi invasion. The historic victory of the Union of Soviet Socialist Republics over fascism liberated Polish soil, enabled the Polish working people to take power into their own hands, and established conditions for the national re-birth of Poland within new and just frontiers. The Recovered Territories were restored to Poland forever.

By carrying out the memorable directives of the Manifesto of the Polish Committee of National Liberation of July 22nd, 1944, and by developing the principles laid down in the programme of that Manifesto, the People's Authority—thanks to the selfless and creative efforts of the Polish working people in the fight against the bitter resistance of the remnants of the old capitalist-landlord system—has accomplished great social changes. As a result of revolutionary struggles and transformations, the power of the capitalists and landlords has been overthrown, a State of People's Democracy has been firmly established, and a new social system, in accord with the interests and aspirations of the great majority of the people, is taking shape and growing in strength.

The legal principles of this system are laid down by the Constitution of the Polish People's Republic.

The basis of the People's Authority in Poland to-day is the alliance between the working class and the working peasants. In the alliance, the leading role belongs to the working class—the leading class of the people, the class based on the revolutionary gains of the Polish and international working class movement, and on the historic experience of victorious socialist building in the Union of Soviet Socialist Republics, the first State of workers and peasants.

Implementing the will of the Polish Nation, the Legislative Seym of the

[1] Published in Warsaw, 1953; kindly supplied by the Polish Embassy in Washington.

Republic of Poland, in accordance with its purpose, solemnly adopts the present Constitution as the fundamental law by which the Polish Nation and all organs of authority of the Polish working people shall be guided, in order:

To consolidate the People's State as the fundamental power assuring to the Polish Nation the highest degree of prosperity, its independence and sovereignty;

To accelerate the political, economic and cultural development of the Fatherland, and the growth of its resources;

To strengthen the patriotic feelings, the unity and solidarity of the Polish Nation in its struggle still further to improve social conditions, to eliminate completely the exploitation of man by man, and to put into effect the great ideals of Socialism;

To strengthen friendship and co-operation between nations, on the basis of the alliance and brotherhood which to-day link the Polish Nation with the peace-loving nations of the world for the attainment of their common aim—to make aggression impossible and to consolidate world peace.

Chapter I

Political Structure

Art. 1. 1. The Polish People's Republic is a State of People's Democracy.

2. In the Polish People's Republic the power belongs to the working people of town and country.

Art. 2. 1. The working people exercise the authority of the State through their representatives elected to the Seym of the Polish People's Republic, and to the People's Councils, on the basis of universal, equal and direct suffrage by secret ballot.

2. The people's representatives in the Seym of the Polish People's Republic, and in the People's Councils, are responsible to their constituents and may be recalled by them.

Art. 3. The Polish People's Republic:

1. safeguards the achievements of the Polish working people of town and country and secures their power and freedom against forces hostile to the people;

2. secures the development and continuous growth of the productive forces of the country through its industrialisation and through elimination of economic, technical and cultural backwardness;

3. organises a planned economy on the basis of undertakings constituting social property;

4. places restrictions on, gradually ejects and abolishes, those classes of society which live by exploiting the workers and peasants;

5. ensures a continual rise in the level of the prosperity, health and cultural standards of the people;

6. secures the development of national culture in all its aspects.

Art. 4. 1. The laws of the Polish People's Republic express the interests and the will of the working people.

2. Strict compliance with the laws of the Polish People's Republic is the fundamental duty of every organ of the State and of every citizen.

3. All organs of State power and administration act on the basis of law.

Art. 5. All organs of State power and administration are supported in the exercise of their functions by the conscious and active cooperation of the broadest masses of the people, and they are bound:

1. to account to the Nation for their work;

2. to examine carefully and take into consideration, in accordance with existing legislation, reasonable proposals, complaints and wishes of the citizens;

3. to interpret to the working people the basic aims and guiding principles of the policy of the People's Authority in the various fields of State, economic and cultural activity.

Art. 6. The armed forces of the Polish People's Republic safeguard the sovereignty and independence of the Polish Nation, its security and peace.

Chapter II

Social and Economic Structure

Art. 7. 1. The Polish People's Republic promotes, on the basis of socialised means of production, trade, communications and credit, the economic and cultural life of the country in accordance with the national economic plan and, in particular, through the expansion of Socialist State industry, which is the decisive factor in the transformation of social and economic relations.

2. The State has the monopoly of foreign trade.

3. The principal aim of the planned economic policy of the Polish People Republic is the constant development of the productive forces of the country, the continuous raising of the standard of living of the working people, and the strengthening of the power, defence capacity and independence of the Fatherland.

Art. 8. The national wealth, that is, the mineral deposits, waters, State forests, mines, roads, rail, water and air transport, means of communication, banks, State industrial establishments, State farms and State machine stations, State commercial enterprises and communal enterprises and utilities, is the subject of special care and protection by the State and by all citizens.

Art. 9. 1. The Polish People's Republic strengthens, according to plan, the economic bond between town and country founded on brotherly co-operation between workers and peasants.

2. For this purpose, the Polish People's Republic secures a continuous increase in the output of State industry, serving to meet the all-round needs of the rural population in their capacity as producers and consumers; at the same time exerting a planned influence on the constant growth of production of agricultural commodities which supplies industry with raw materials and the urban population with foodstuffs.

Art. 10. 1. The Polish People's Republic protects the individual farms of working peasants and assists them with a view to safeguarding

them against capitalist exploitation, to increasing production, to raising the technical level of agriculture and to improving their welfare.

2. The Polish People's Republic gives special support and all-round aid to the co-operative farms set up, on the basis of voluntary membership, as forms of collective economy. By applying methods of the most efficient collective cultivation and mechanised work, collective farming enables the working peasants to reach a turning point in production, and contributes to the complete elimination of exploitation in the countryside and to a rapid and considerable improvement in the level of its prosperity and culture.

3. The principal forms of State support and help for co-operative farms are the State machine stations, which make it possible to employ modern technology; and State credits on easy terms.

Art. 11. The Polish People's Republic promotes the development of various forms of the co-operative movement in town and country and gives it every help in the fulfilment of its tasks, while extending special care and protection to co-operative property, as constituting social property.

Art. 12. The Polish People's Republic recognises and protects, on the basis of existing laws, individual property and the right to inherit lands, buildings and other means of production belonging to peasants, craftsmen and persons engaged in domestic handicrafts.

Art. 13. The Polish People's Republic guarantees to citizens full protection of personal property and the right to inherit such property.

Art. 14. 1. Work is the right, the duty and a matter of honour for every citizen. By their work, by the observance of work discipline, by work emulation and the perfecting of methods of work, the working people of town and country add to the strength and power of the Fatherland, raise the level of prosperity of the people and expedite the full realisation of the socialist system.

2. Work champions enjoy the respect of the whole nation.

3. The Polish People's Republic gives increasing practical effect to the principle: 'From each according to his ability, to each according to his work.'

Chapter III

The Supreme Organs of State Authority

Art. 15. 1. The highest organ of State authority is the Seym of the Polish People's Republic.

2. The Seym, which is the highest spokesman of the will of the working people of town and country, realises the sovereign rights of the Nation.

3. The Seym passes laws and exercises control over the functioning of other organs of State authority and administration.

Art. 16. 1. Deputies to the Seym are elected by the citizens in electoral districts, in the proportion of one Deputy to 60,000 inhabitants.

2. The validity of the election of a Deputy is confirmed by the Seym.

3. No deputy may be either prosecuted or arrested, without the consent of the Seym, and when the Seym is not in session, without the consent of the Council of State.

Art. 17. 1. The Seym meets in sessions. The sessions of the Seym are convened by the Council of State at least twice a year. The Council of State is also bound to convene a session on a written motion by one-third of the total number of Deputies.

2. The first session of a newly elected Seym must be convened within a period of one month after the date of the elections.

Art. 18. 1. The Seym elects from among its members a Chairman, Deputy Chairmen and committees.

2. The Chairman or his deputy presides over the debates and supervises the course of the work of the Seym.

3. The debates of the Seym are open to the public. The Seym may vote the holding of a secret meeting if the interests of the State require it.

4. The order of work of the Seym, the nature and number of committees, are defined by rules of procedure adopted by the Seym.

Art. 19. 1. The Seym adopts the national economic plans for a period of a number of years.

2. The Seym adopts every year the State budget.

Art. 20. 1. The right to propose legislation is vested in the Council of State, the Government and the Deputies.

2. Laws passed by the Seym are signed by the President of the Council of State and its Secretary. Laws are published in the Journal of Laws by order of the President of the Council of State.

Art. 21. The Seym may appoint a Commission to examine a specified matter. The terms of reference and the procedure of the Commission are determined by the Seym.

Art. 22. The Chairman of the Council of Ministers or individual Ministers are bound to give an answer within seven days, to a question put by a Deputy.

Art. 23. 1. The Seym is elected for a term of four years.

2. The Council of State orders the holding of elections to the Seym not later than one month before the expiry of the term of office of the Seym, the date of elections to be fixed on a work-free day within two months after the expiry of the term of office of the Seym.

Art. 24. 1. At its first sitting, the Seym elects from among its members the Council of State, consisting of:

the President of the Council of State,
four Vice-Presidents,
the Secretary of the Council of State,
nine Members.

2. The Chairman and Deputy Chairmen of the Seym may be elected to the Council of State as Vice Presidents or as Members.

3. After the expiry of the term of office of the Seym, the Council of State acts until the election of a Council of State by the newly elected Seym.

Art. 25. 1. The Council of State:

i. orders the holding of elections to the Seym;

ii. convenes sessions of the Seym;

iii. lays down universally binding interpretation of laws;

iv. issues decrees having the force of law;

v. appoints and recalls plenipotentiary representatives of the Polish People's Republic in other States;

vi. receives letters of credence and of recall of diplomatic representatives of other States accredited to the Council of State;

vii. ratifies and denounces international treaties;

viii. appoints to civilian and military posts specified by law;

ix. awards orders and decorations, and confers titles of honour;

x. exercises the right of pardon;

xi. exercises other functions vested in the Council of State by the Constitution or assigned to it by law.

2. The Council of State is accountable to the Seym for all its activities.

3. The Council of State acts as a body.

4. The Council of State is represented by its President or his Deputy.

Art. 26. 1. In the intervals between the sessions of the Seym, the Council of State issues decrees having the force of law. The Council of State submits its decrees for approval to the next session of the Seym.

2. Decrees issued by the Council of State are signed by the President of the Council of State and its Secretary. Decrees are published in the Journal of Laws by order of the President of the Council of State.

Art. 27. The Council of State exercises ultimate supervision over the People's Councils. Specific powers of the Council of State in this respect are determined by law.

Art. 28. 1. A decision concerning the declaration of a state of war may be adopted only in the event of armed aggression having been committed against the Polish People's Republic, or if, in pursuance of international agreements, the necessity of common defence against aggression should arise. Such a decision is voted by the Seym or, if the Seym is not in session, by the Council of State.

2. The Council of State may, should considerations of the defence or security of the State so require, proclaim martial law in parts or in the entire territory of the Polish People's Republic. For similar reasons the Council of State may proclaim partial or general mobilisation.

Chapter IV

The Supreme Organs of State Administration

Art. 29. 1. The Seym appoints and recalls the Government of the Polish People's Republic—the Council of Ministers or its individual members.

2. In the intervals between sessions of the Seym, the Council of State, on the motion of the Chairman of the Council of Ministers, appoints and recalls members of the Council of Ministers. The Council of State submits its decisions for approval to the next session of the Seym.

Art. 30. 1. The Council of Ministers is the supreme executive and administrative organ of State Authority.

2. The Council of Ministers is responsible and accountable to the Seym for its work, and when the Seym is not in session, to the Council of State.

Art. 31. The Council of Ministers consists of:

the Chairman of the Council of Ministers, who presides,
the Vice-Chairmen of the Council of Ministers,
the Chairmen of such Commissions and Committees as are specified by law, and fulfil the functions of the highest organs of State administration.

Art. 32. The Council of Ministers:

1. co-ordinates the activities of Ministries and other organs under its jurisdiction and gives directives as to their work;

2. adopts yearly and submits to the Seym the State budget estimates, adopts and submits to the Seym the draft of the national economic plan for a period of a number of years;

3. adopts the yearly national economic plans;

4. ensures the execution of laws;

5. supervises the execution of the national economic plan and of the State budget;

6. presents to the Seym an annual report on the execution of the State budget;

7. ensures the protection of public order, of the interests of State and of the rights of citizens;

8. in pursuance of laws and in order to give them effect, issues regulations, adopts decisions and supervises their execution;

9. exercises general guidance in the sphere of relations with other States;

10. exercises general guidance regarding the defence capacity of the country and the organisation of the Armed Forces of the Polish People's Republic, and establishes the annual contingent of citizens to be called up for military service;

11. directs the work of the Praesidia of the People's Councils.

Art. 33. 1. Ministers direct specified branches of State administration. The sphere of competence of Ministers is determined by law.

2. Ministers issue orders and regulations in pursuance of laws and for the execution of laws.

3. The Council of Ministers may rescind an order or a regulation issued by a Minister.

Chapter V

The Local Organs of State Authority

Art. 34. 1. The organs of State authority in rural communities, in towns, in boroughs of larger towns, in districts and voivodeships are the People's Councils.

2. The People's Councils are elected by the population for a term of three years.

Art. 35. The People's Councils express the will of the working people, and develop their creative initiative and activity in order to increase the strength, prosperity and culture of the nation.

Art. 36. The People's Councils strengthen the links between the State authority and working people of town and country, drawing increasing numbers of the working people into participation in governing the State.

Art. 37. The People's Councils direct, within the limits of their ju-

risdiction, economic, social and cultural activities, linking local requirements with the general tasks of the State.

Art. 38. The People's Councils take constant care of the everyday needs and interests of the population, combat any manifestations of arbitrary and bureaucratic attitude towards citizens, exercise and promote social supervision over the activities of offices, enterprises, establishments and institutions.

Art. 39. The People's Councils ensure the maintenance of public order and watch over the observance of the people's rule of law, protect social property, safeguard the rights of citizens and co-operate in strengthening the defence capacity and security of the State.

Art. 40. The People's Councils fully exploit all local resources and possibilities for the general economic and cultural development of the area, for meeting to an increasing extent the supply and services' needs of the population, as well as for the expansion of communal institutions and facilities connected with public services, education, culture, sanitation and sport.

Art. 41. The People's Councils adopt local economic plans and local budgets.

Art. 42. 1. The People's Councils meet in sessions.

2. The Praesidia elected by the People's Councils are the executive and administrative organs of those Councils.

3. The Praesidium of a People's Council is responsible to the People's Council by which it has been elected, and to the Praesidium of the People's Council of a higher level.

Art. 43. The People's Councils appoint committees for various spheres of their activity. The committees of the People's Councils maintain constant and close links with the population, mobilise it for co-operation in implementing the Council's tasks, exercise social supervision on behalf of the Council and submit proposals to the Council and its organs.

Art. 44. 1. A People's Council rescinds the decision of a People's Council of a lower level or of the Praesidium of such Council, if that decision is at variance with the law or incompatible with the basic line of the policy of the State.

2. The Praesidium of a People's Council may suspend the execution of a lower level and submit the case for decision at the next meeting of its own People's Council.

Art. 45. The details of composition as well as the terms of reference and the rules of procedure of the People's Councils and their organs are established by law.

Chapter VI

The Courts and the Public Prosecutor's Office

Art. 46. 1. The administration of justice in the Polish People's Republic is carried out by the Supreme Court ,Voivodeship Courts, District Courts and Special Courts.

2. Organisation, jurisdiction and procedure of the Courts are established by law.

Art. 47. The Courts pronounce judgment in the name of the Polish People's Republic.

Art. 48. The Courts are the custodians of the political and social system of the Polish People's Republic, they protect the achievements of the Polish working people, safeguard the people's rule of law, social property and the rights of citizens, and punish offenders.

Art. 49. People's assessors take part in the hearing of cases and the pronouncement of judgment, except in cases specified by law.

Art. 50. 1. Judges and people's assessors are elected.

2. The procedure of election and the term of office of judges and assessors of Voivodeship and District Courts are established by law.

3. The procedure of appointment of judges of Special Courts is established by law.

Art. 51. 1. The Supreme Court is the highest judicial organ and supervises the activity of all other courts concerning the pronouncement of judgment.

2. The procedure for the exercise of supervision by the Supreme Court is established by law.

3. The Supreme Court is elected by the Council of State for a term of five years.

Art. 52. Judges are independent and subject only to the law.

Art. 53. 1. Cases in all courts of the Polish People's Republic are heard in public. The law may specify exceptions to this principle.

2. The accused is guaranteed the right to legal defence. He may have a defense counsel, either of his choice or appointed by the Court.

Art. 54. 1. The Public Prosecutor General of the Polish People's Republic safeguards the people's rule of law, watches over the protection of social property and ensures that the rights of citizens are respected.

2. The Public Prosecutor General supervises, in particular, the prosecution of offenses endangering the political and social system, security and independence of the Polish People's Republic.

3. The limits of jurisdiction and the scope of activity of the Public Prosecutor General are established by law.

Art. 55. 1. The Public Prosecutor General of the Polish People's Republic is appointed and recalled by the Council of State.

2. The mode of appointing and of recalling Public Prosecutors subordinate to the Public Prosecutor General, are, together with the principles of the organisation and procedure of organs of the Public Prosecutor's Office, established by law.

3. The Public Prosecutor General is accountable to the Council of State for the activity of the Public Prosecutor's Office.

Art. 56. The organs of the Public Prosecutor's Office are subordinate to the Public Prosecutor General of the Polish People's Republic and in the exercise of their functions are independent of local organs.

Chapter VII

Fundamental Rights and Duties of Citizens

Art. 57. The Polish People's Republic, by consolidating and multiplying the gains of the working people, strengthens and extends the rights and liberties of the citizens.

Art. 58. 1. Citizens of the Polish People's Republic have the right to work, that is, the right to employment paid in accordance with the quantity and quality of work done.

2. The right to work is ensured by the social ownership of the basic means of production, by the development of a social and co-operative system in the countryside, free from exploitation; by the planned growth of the productive forces; by the elimination of sources of economic crises and by the abolition of unemployment.

Art. 59. 1. Citizens of the Polish People's Republic have the right to rest and leisure.

2. The right to rest and leisure is assured to manual and office workers by reduction of working hours through the application of the 8-hour working day and shorter work time in cases specified by law, by the institution according to law of days off work and by annual holidays with pay.

3. The organisation of worker's holiday schemes, the development of the tourist movement, of health resorts, sports facilities, houses of culture, clubs, recreation rooms, parks and other leisure time facilities, create possibilities for healthy and cultural relaxation for an increasing number of working people in town and country.

Art. 60. 1. Citizens of the Polish People's Republic have the right to health protection and to aid in the event of sickness or incapacity for work.

2. Effect is being given to this right on an increasing scale through:

i. the development of social insurance for manual and office workers to cover sickness, old age and incapacity for work, as well as through the expansion of various forms of social assistance;

ii. the development of the State organised protection of the health of the population, the expansion of sanitation services and the raising of the health standards in town and country, consistent improvement of safety conditions, protection and hygiene of work, a wide campaign for the prevention of and fighthing disease, increasing access to free medical attention, the development of hospitals, sanatoria, medical aid centres, rural health centres, and care for the disabled.

Art. 61. 1. Citizens of the Polish People's Republic have the right to education.

2. This right is ensured on an increasing scale by:

i. universal, free and compulsory primary schools;

ii. a constant development of secondary schools, providing general or vocational education, and of schools of academic level;

iii. the help of the State in raising the skill of citizens employed in industrial establishments and other places of employment in town and country;

iv. a scheme of State scholarships, the development of hostels, boarding schools and students' homes, together with other forms of material aid for the children of workers, working peasants and intelligentsia.

Art. 62. 1. Citizens of the Polish People's Republic have the right to benefit from cultural achievements and to participate in the development of national culture.

2. This right is ensured on an increasing scale by developing and making accessible to the working people in town and country libraries, books, press, radio, cinemas, theatres, museums and exhibitions, houses of culture, clubs and recreation rooms; by a general fostering and promoting of the cultural creative activity of the people and of the development of creative talents.

Art. 63. The Polish People's Republic fosters the all-round development of science based on the achievements of the most advanced thought of mankind and of Polish progressive thought—the development of science in the service of the Nation.

Art. 64. The Polish People's Republic takes care of the development of Art and Letters, which express the needs and aspirations of the Nation and which are in accord with the best progressive traditions of Polish creative thought.

Art. 65. The Polish People's Republic extends special protection to the creative intelligentsia—to those working in science, education, literature and art, as well as to pioneers of technical progress, to rationalisers and inventors.

Art. 66. 1. Women in the Polish People's Republic have equal rights with men in all spheres of public, political, economic, social and cultural life.

2. The equality of rights of women is guaranteed by:

i. equal rights with men to work and pay according to the principle "equal pay for equal work," the right to rest and leisure, to social insurance, to education, to honours and decorations, to hold public appointments;

ii. mother-and-child care, protection of expectant mothers, paid holidays during the period before and after confinement, the development of a network of maternity homes, crèches and nursery schools, the extension of a network of service establishments and restaurants and canteens.

Art. 67. 1. Marriage and the family are under the care and protection of the Polish People's Republic. The State gives particular care to families with many children.

2. A child born out of wedlock suffers no loss of rights.

Art. 68. The Polish People's Republic gives particularly careful attention to the education of youth and guarantees them the most extensive possibilities for development.

Art. 69. 1. Citizens of the Polish People's Republic, irrespective of nationality, race or religion, enjoy equal rights in all spheres of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect granting of privileges or restriction of rights, on account of nationality, race or religion, is punishable by law.

2. The spreading of hatred or contempt, the provocation of strife or the humiliation of man on account of national, racial or religious differences are forbidden.

Art. 70. 1. The Polish People's Republic guarantees freedom of conscience and religion to citizens. The Church and other religious bodies

may freely exercise their religious functions. It is forbidden to prevent citizens from taking part in religious activities or rites. It is also forbidden to coerce anybody to participate in religious activities or rites.

2. The Church is separated from the State. The principles of the relationship between Church and State are, together with the legal and patrimonial position of religious bodies, determined by law.

3. The abuse of the freedom of conscience and religion for purposes prejudicial to the interests of the Polish People's Republic is punishable.

Art. 71. 1. The Polish People's Republic guarantees its citizens freedom of speech, of the press, of meetings and assemblies, of processions and demonstrations.

2. The making available to the working people and their organisations of the use of printing shops, stocks of paper, public buildings and halls, means of communication, the radio and other indispensable material means, serves to give effect to this freedom.

Art. 72. 1. In order to promote the political, social, economic and cultural activity of the working people of town and country, the Polish People's Republic guarantees to citizens the right of association.

2. Political organisations, trade unions, associations of working peasants, co-operative associations, youth, women's, sports and defence organisations, cultural, technical and scientific associations, as well as other working people's social organisations unite the citizens for active participation in political, social, economic and cultural life.

3. The setting up of, and participation in, associations the aims or activities of which are directed against the political or social system or against the legal order of the Polish People's Republic are forbidden.

Art. 73. 1. Citizens have the right to approach all organs of the State with complaints and grievances.

2. Citizen's complaints and grievances are to be examined and settled in an expeditious and just manner. Those guilty of protraction or of displaying a soulless and bureaucratic attitude towards citizens' complaints and grievances will be held responsible.

Art. 74. 1. The Polish People's Republic guarantees to citizens inviolability of the person. A citizen may be deprived of his freedom only in cases specified by law. A detained person must be set free unless, within forty-eight hours from the moment of his detention, a warrant of arrest issued by the Court or the Procurator has been served on him.

2. The law protects the inviolability of the home and the privacy of correspondence. Search of the home is permissible only in cases specified by law.

3. Property may by seized only in cases established by law, by virtue of a final judgment.

Art. 75. The Polish People's Republic grants asylum, to citizens of foreign countries persecuted for defending the interests of the working people, for struggling for social progress, for activity in defence of peace, for fighting for national liberation or for scientific activity.

Art. 76. It is the duty of every citizen of the Polish People's Republic to abide by the provisions of the Constitution and of the laws, to maintain

socialist work discipline, to respect the rules of social intercourse and to discharge conscientiously their duties towards the State.

Art. 77. 1. It is the duty of every citizen of the Polish People's Republic to safeguard and strengthen social property, which is the unshakable foundation of the development of the State, the source of the wealth and might of the country.

2. Persons who commit sabotage, subversion, inflict damage or who otherwise injure social property, are punishable with all the severity of law.

Art. 78. 1. To defend the country is the most sacred duty of every citizen.

2. Military service is an honourable patriotic duty of citizens of the Polish People's Republic.

Art. 79. 1. Vigilance against the enemies of the nation and the diligent guarding of State secrets is the duty of every citizen of the Polish People's Republic.

2. High treason—espionage, impairing the Armed Forces, desertion to the enemy—is punishable as the gravest of crimes with all the severity of law.

Chapter VIII

Principles of Electoral Law

Art. 80. Elections to the Seym and to the People's Councils are universal, equal, direct and carried out by secret ballot.

Art. 81. Every citizen who has reached the age of eighteen has, irrespective of sex, nationality and race, religion, education, length of residence, social origin, profession or property, the right to vote.

Art. 82. Every citizen who has reached the age of eighteen is eligible for election to the People's Councils, and every citizen who has reached the age of twenty-one is eligible for election to the Seym.

Art. 83. Women have all electoral rights on equal terms with men.

Art. 84. Citizens serving in the Armed Forces have all electoral rights on equal terms with civilians.

Art. 85. Electoral rights are denied only to insane persons and to persons deprived by Court decision of public rights.

Art. 86. Candidates for the Seym and candidates for the People's Councils are nominated by political and social organisations in town and country.

Art. 87. It is the duty of Deputies to the Seym and of members of People's Councils to report to the electors on their work and on the activity of the body to which they have been elected.

Art. 88. The procedure for nomination of candidates and for holding elections, as well as the procedure for the recall of Deputies to the Seym and of members of People's Councils, are established by law.

Chapter IX

Coat-of-Arms, Colours and Capital of the Polish People's Republic

Art. 89. 1. The Coat-of-Arms of the Polish People's Republic is the image of a white eagle on a red field.

2. The colours of the Polish People's Republic are white and red.

3. The details are established by law.

Art. 90. The capital of the Polish People's Republic is Warsaw, the city of the heroic traditions of the Polish Nation.

Chapter X

Procedure for Amending the Constitution

Art. 91. The Constitution may be amended only by an Act passed by the Seym of the Polish People's Republic by a majority of not less than two-thirds of the votes, not less than half the total number of Deputies being present.

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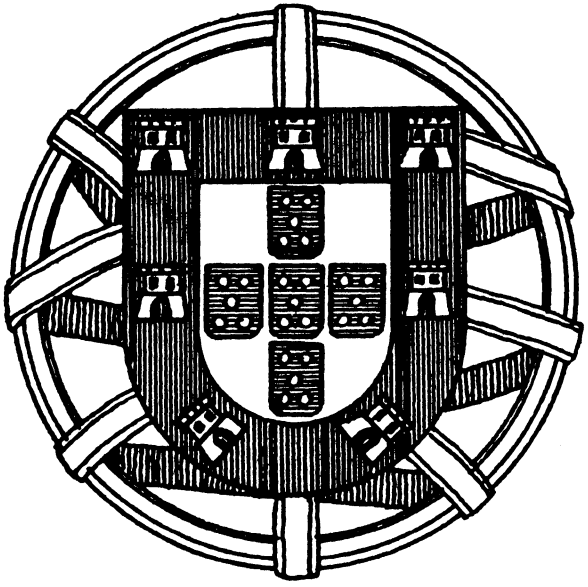

PORTUGAL

SUMMARY

International Status

Portugal is a member of the United Nations.[1] It was neutral during World War II. It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice and also accepted the optional clause relating to compulsory jurisdiction (Art. 36).[2] It is a member of the Postal Union and numerous other international organizations.[3]

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[1] Application, first made in 1946, was accepted December 14, 1955.
[2] Portugal is also a party to the Statute of the International Court of Justice.
[3] See Table I.

Portugal has been an independent nation since the year 1147, except for an interval due to a dynastic union under the crown of Spain from 1580 to 1640.

The French invasion under Napoleon in 1807 forced the Prince Regent to remove the capital of the country to Brazil. He returned to Lisbon in 1821. There was civil war from 1828 to 1834. In 1910 a revolution ended the monarchy and a republic was proclaimed. During the next sixteen years there were sixteen revolutions and forty changes of ministry. In May 1926, Marshal Gomes da Costa marched with the army on Lisbon and took over the government without firing a shot. General Carmona became President in 1926 and was twice re-elected by direct suffrage. Dr. Oliveira Salazar, who was appointed minister of finance in 1926 and again in 1928, became head of the government in 1932.

Form of National Government

Portugal has a written constitution, promulgated April 11, 1933, and approved by national plebiscite, which states that Portugal is a "unitary and corporative republic." [1] The State is vested with the "right and duty" to "supervise the coordination and control of economic and social life," [2] and "the economic organization of the nation must .... create a collective existence from which the State shall derive power and the citizens justice". [3]

Title VII of the Constitution provides for the government of the Portuguese colonies.

Source of Sovereign Power

Sovereignty is vested in the nation. [4]

Rights of the People

The Constitution guarantees equality before the law, [5] the right to life and personal inviolability, freedom of religion, freedom to express thought, freedom of education, inviolability of domicile, secrecy of correspondence, personal liberty, freedom of association, the right of property and the right of petition. [6] The family is especially protected. [7]

Legislative Department

The Constitution provides for the National Assembly and the Corporative Chamber. The former is made up of one hundred and twenty deputies elected by the "citizen electors" for a term of four years. [8] The Corporative Chamber consists of representatives of local autonomous bodies and social interests. [9] It may only give opinions, advice, and suggestions regarding matters before the National Assembly. [10]

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[1] Const. of 1935, Art. 5.
[2] Id., Art. 31.
[3] Id., Art. 29.
[4] Id., Art. 71.
[5] Id., Art. 5.
[6] Id., Art. 8.
[7] Id., Arts. 12-15.
[8] Id., Art. 85.
[9] Id., Art. 102.
[10] Id., Art. 103.

Executive Department

Executive power is vested in the President elected by direct suffrage of the "citizen electors" for a term of seven years.[1] Relatives of the Kings of Portugal are ineligible.[2] The President is responsible to the nation, not the vote of the National Assembly.[3]

Provision is made for a council of state.[4] The president of the council and ministers are appointed by the President [5] and the former is responsible to the President of the Republic.[6] The "government" is not dependent on the favorable vote of the National Assembly.[7]

Judicial Department

Provision is made for a Supreme Court of Justice and other courts, whose judges are appointed for life and are irremovable.[8] Only the National Assembly may pronounce on the constitutionality of laws.[9]

Area, Population, Language

Portugal has an area of 35,582 square miles and a population (1950 census) of 8,441,312. The language is Portuguese.

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[1] Const. of 1935, Art. 72. [2] Id., Art. 74. [3] Id., Art. 78.
[4] Id., Art. 83. [5] Id., Art. 107. [6] Id., Art. 108.
[7] Id., Art. 112. [8] Id., Arts. 116, 119. [9] Id., Art. 123.

POLITICAL CONSTITUTION of the PORTUGUESE REPUBLIC[1]

August 1, 1935 as amended

PART I

FUNDAMENTAL GUARANTEES

SECTION I

THE PORTUGUESE NATION

1. The territory of Portugal is that which at present belongs to it and comprises:

(1) In Europe: the mainland and the archipelagos of Madeira and the Azores;

(2) In West Africa: Cape Verde archipelago, Guinea, S. Tomé and Principe and their dependencies, S. João Baptista de Ajudá, Cabinda, and Angola;

(3) In East Africa: Mozambique;

(4) In Asia: the State of India and Macao and their respective dependencies;

(5) In Oceania: Timor and its dependencies.

Sole paragraph. The nation does not renounce the rights which it has or may hereafter have over any other territory.

2.[2] The State shall not in any way alienate part of the national territory or the sovereign rights it exercises over it, except in so far as concerns the rectification of frontiers when approved by the National Assembly.

(1) No part of national territory may be acquired by the Government or public legal entity of a foreign country, except for the installation of diplomatic or consular representation where there is reciprocity in favour of the Portuguese State.

(2) In the Overseas Territories the acquisition by a foreign Government of land or buildings for the installation of consular representation shall be subject to the approval of the choice of the site in question by the Minister of Overseas Portugal.

3. The nation shall comprise all Portuguese citizens resident in or outside its territory, who shall be held to be subject to the State and Portuguese laws, without prejudice to the rules of international law applicable.

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[1] Revised version published in the supplement of the *Diário do Govêrno*, No. 176, 1st series, 1st August 1935, with amendment contained in law No. 1945 of 21st December 1936; translation published by Portuguese Government in 1937. Amendments of 18th December 1937, 23rd April 1938, and 17th September 1945; translated from Portuguese text published by Coimbra Editora, Limitada, in 1945. Amendment of June 11, 1951 as published by S.N.I. Books, Lisbon, 1953.

[2] Text laid down by the Law No. 2.048, 1951.

Sole paragraph. Without prejudice to the provisions of international law, foreigners sojourning or resident in Portugal shall also be subject to the State and to Portuguese laws.

4. The Portuguese nation shall constitute an independent State. In the domestic sphere, its sovereignty shall only admit the limitations of morality and law, and internationally, those restrictions imposed by conventions or treaties freely concluded, or by customary law freely accepted. Its duty shall be to co-operate with other states in the preparation and adoption of measures in the interests of peace among peoples and the progress of humanity.

Sole paragraph. Portugal shall advocate arbitration as a means of settling international disputes.

5. The Portuguese State is a unitary and corporative republic founded on the equality of its citizens before the law, the free access of all classes to the benefits of civilization, and the participation of all the structural elements of the nation in its administrative life and the enactment of its laws.

Sole paragraph. Equality before the law includes the right of provision with public employment in conformity with capability or services rendered, and does not admit any privilege of birth, titular or other nobility, sex or position, subject, however, where women are concerned, to differences due to their nature and the welfare of the family and, in regard to the obligations and privileges of citizens, to differences imposed by varying circumstances or natural conditions.

6.[1] It is the duty of the State:

(1) To promote the unity and establish the juridical order of the nation by defining and enforcing respect for the rights and guarantees of morality justice or the law, in the interest of the individual, of the families, and the local autonomous, and the public or private bodies;

(2) To co-ordinate, stimulate and direct all social activities in order to promote a proper harmony of interests within the lawful subordination of private interests to the general good;

(3) To strive to improve the conditions of the least favoured social classes, endeavoring to secure for them a standard of living compatible with human dignity;

(4) To protect public health.

Section II

THE CITIZENS

7. The civil law shall determine the manner in which Portuguese citizenship is acquired and forfeited. A citizen shall enjoy the rights and guarantees laid down by the Constitution, but naturalized citizens shall be subject to the restrictions prescribed by law.

Sole paragraph. Foreigners resident in Portugal shall enjoy the same rights and guarantees, unless the law determines otherwise. This shall not apply to political and public rights which correspond to a duty toward the State, although, as regards public rights, reciprocity of advantages granted to Portuguese nationals by other States shall be observed.

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[1] Text laid down by the Law No. 2.048, 1951.

8. The following constitute the rights and individual guarantees of Portuguese citizens:

(1) The right to life and personal inviolability.
(2) The right to good name and reputation.
(3) Liberty and inviolability of religous beliefs and practice, on the ground of which no one may be persecuted, deprived of a right or exempted from any obligation or civic duty. No one shall be compelled to answer questions concerning the religion which he professes, unless for statistical enquiry prescribed by law.
(4) The free expression of thought in any form.
(5) Freedom of education.
(6) Inviolability of domicile and secrecy of correspondence on conditions determined by law.
(7) Freedom of choice of profession, or nature of work, industry, or commerce, subject to the legal restrictions required for the public welfare and the exceptions which only the State and administrative bodies can grant according to the provisions of the law, for reasons of recognized public utility.
(8) No one shall be deprived of personal liberty or arrested without a charge being brought, except in the cases contemplated in paragraphs 3 and 4.
(9) No one shall receive a penal conviction except by virtue of a law of earlier date which declares the act or omission to be punishable.
(10) The right of examination, both sides being heard, and the accused being given the necessary guarantees for defense before and after the drawing up of the charge.
(11) No one shall suffer punishment by perpetual imprisonment, or the penalty of death, except, as regards the latter, during a state of belligerency with a foreign country, in which case the sentence must be carried out in the theater of war.
(12) There shall be no confiscation of goods or transfer of any punishment from the person of the delinquent.
(13) No one shall suffer imprisonment for failure to pay costs or stamps.
(14) Freedom of meeting and association.
(15) The right of property and the right to transfer it during life or owing to death, according to the conditions laid down by the civil law.
(16) There shall be no payment of taxes which have not been decreed in accordance with the Constitution.
(17) The right to reparation for all actual damage in conformity with the provisions of the law, which may also prescribe pecuniary reparation for wrongs of a moral character.
(18) The right of making representation or petition, claim or complaint to government departments or any authorities, in defense of personal rights or general interests.
(19) The right of resistance to any order which may infringe individual guarantees, unless they have been legally suspended, and of repelling by force private aggression when recourse to public authority is impossible.
(20) Penal sentences shall be subject to revision, and the right of indemnification by the national treasury for loss and damage shall be assured to the convicted person or his heirs by measures to be defined by law.

1. The enumerations of the above rights and guarantees shall not exclude any others derived from the Constitution or the laws, it being understood that citizens should always exercise them without injuring the rights of third parties, or damaging the interests of society or the principles of morality.

2. Special laws shall control the exercise of the liberty of the expression of opinion, education, and meeting and association. As regards the first item, they shall prevent, by precautionary or re-

strictive measures, the perversion of public opinion in its function as a social force, and shall protect the moral integrity of citizens who, when libelled or abused in a periodical publication, shall have the right to have inserted in the same, free of charge, a correction or explanation, without prejudice to any other liability or proceedings prescribed by law.

3. Imprisonment without specific charge is authorized in cases of *flagrante delicto*, and for the following offenses when either committed, prevented, or attempted: those against the safety of the State; the counterfeiting of money, and forgery of bank-notes and government bonds; wilful homicide; burglary and robbery; theft, fraud, or breach of trust, when perpetrated by an habitual criminal; fraudulent bankruptcy; arson; the manufacture, possession, or use of explosive bombs and other similar appliances.

4. Except in the cases specified in the preceding paragraph, imprisonment in a public jail, or detention in a private residence or institution for lunatics, may only be effected on a written order from the competent authorities, and shall not be continued on the accused offering proper bail or bond in regard to residence, if allowed by law.

The exceptional safeguard of *habeas corpus* may be used against an abuse of authority in the circumstances prescribed in a special law.

9.[1] No one shall be prejudiced in his situation or permanent employment by virtue of the obligation to undergo military service or in consequence of his service in the civil defence of the territory.

10. The State shall bestow distinctions of honor or awards on those citizens who become conspicuous by reason of their personal merit or civic or military deeds, and likewise on foreigners for international services; orders, decorations, medals, or diplomas shall be instituted by law for this purpose.

11. The sovereign organs are jointly and severally precluded from suspending the Constitution or limiting the rights therein granted, except in the cases contemplated in the same.

Section III

THE FAMILY

12. The State shall ensure the constitution and protection of the family as the source of the maintenance and development of the race, the primary basis of education, discipline, and social harmony, and, by its association and representation in the parish and the town, the foundation of all political and administrative order.

13. The constitution of the family is based upon:

(1) Marriage and legitimate offspring;

(2) Equality of the rights and duties of husband and wife in regard to the maintenance and education of their legitimate children;

(3) The obligation to register the marriage and the birth of children.

1. The civil law shall determine the principles governing the persons and goods of husband and wife, parental authority and its revocation, the rights of succession in the direct or collateral line, and the right of maintenance.

2. Legitimate children shall be guaranteed the full rights necessary for the strength and unity of the family, and rights corresponding to their position shall also be recognized in the case of illegitimate children who can be adopted as offspring, and likewise children about

[1] Text laid down by the Law No. 2.048, 1951.

to be born, particularly the right to maintenance, which shall be provided by those upon whom, after investigation, the duty is found to fall.

14. With the object of protecting the family it appertains to the State and local bodies:

(1) To encourage the establishment of separate homes under healthy conditions and the institution of the family household;
(2) To protect maternity;
(3) To adjust taxation in accordance with legitimate family obligations and to promote the adoption of the family wage;
(4) To assist parents in the discharge of their duty of instructing and educating their children, and to co-operate with them by means of public institutions for education and correction, or by encouraging private establishments destined for the same purpose;
(5) To take all precautions likely to avert the corruption of morals.

15. The registration of the civil status of citizen is a matter pertaining to the State.

Section IV

CORPORATIVE ORGANIZATIONS

16. It shall be the duty of the State to authorize, unless prevented by existing legislation, all corporative organizations, for intellectual, social, and economic purposes, and to promote and assist their formation.

17. The principal aims of the corporations, associations, or organizations, referred to in the preceding article, shall be scientific, literary, or artistic, or physical training; relief, benevolence, or charity; and technical improvement or unification of interests.

Sole paragraph. The constitution of these bodies and the exercise of their functions shall be controlled by special regulations.

18. Foreigners domiciled in Portugal may participate in the corporative organizations referred to, on conditions to be determined by law; they shall not be allowed, however, to share in the exercise of the political rights granted to these bodies.

Section V

THE FAMILY, CORPORATIVE ORGANIZATIONS, AND AUTONOMOUS BODIES AS POLITICAL UNITS

19. Families shall have the exclusive right to elect the parish boards.

Sole paragraph. This right shall be exercised by the head of the family.

20. All the component parts of the nation shall be represented in the corporative organizations, through their appropriate organs, and it shall be their business to participate in the election of the municipal chambers and provincial boards and in the constitution of the Corporative Chamber.

21. Under the political organization of the State the parish boards shall participate in the election of the municipal chambers, who will in turn help to elect the provincial boards. Local autonomous bodies shall be represented in the Corporative Chamber.

Section VI

PUBLIC OPINION

22. Public opinion is a fundamental element of the politics and administration of the country; it shall be the duty of the State to protect it against all those agencies which distort it contrary to truth, justice, good administration, and the common welfare.

23. The press exercises a function of a public nature and may not therefore refuse to insert any official notices of normal dimensions, on matters of national importance, sent to it by the government.

Section VII

ADMINISTRATIVE ORDER

24. Public officials shall be at the service of the community and not at the service of any party or organization of private interests; it is their duty to respect the authority of the State and cause others to do so.

25.[1] The employees and servants of local autonomous authorities, of the corporative bodies and organisations for economic co-ordination, of bodies engaged in services of public interest, are subject to the discipline prescribed in the previous article.

26. Planned interruption of public services or those of collective concern shall involve the dismissal of the delinquents, apart from other liabilities which the law may prescribe.

27. No one shall be allowed to hold a plurality of offices in the employment either of the State or local bodies, or of both, except on the conditions contemplated by law.

Sole paragraph. Rules as to incompatibility, whether in regard to public offices, or to the exercise of other professions in conjunction with same, shall be determined by special a law.

28. All citizens shall be compelled to lend their services and co-operation to the State and local bodies in accordance with the laws, and to contribute toward public burdens according to their means.

Section VIII

THE ECONOMIC AND SOCIAL ORDER

29. The economic organization of the nation must provide the maximum production and wealth for the welfare of society, and create a collective existence from which the State shall derive power and the citizens justice.

30. The State shall regulate its economic relations with other countries according to the principle of appropriate co-operation, without prejudice to the commercial advantages to be obtained from particular countries, or the necessity for protection against external threats or attacks.

31. It shall be the right and duty of the State to supervise the co-ordination and control of economic and social life with the following objects:

[1] Text laid down by the Law No. 2.048, 1951.

(1) To establish a proper balance of the population, the professions, occupations, capital and labor;
(2) To protect the national economic system from agricultural, industrial, and commercial ventures of a parasitic nature, or of a character incompatible with the higher interests of human life;
(3) To secure the lowest price and the highest wage consistent with the fair remuneration of the other factors of production, by means of the improvement of technical methods, services, and credit;
(4) To develop the settlement of the national territories, protect emigrants, and regulate emigration.

32. The State shall encourage those private economic activities which, when the costs are relatively equal, are the most profitable, but without detriment to the social benefit conferred by small home industries and the protection due to them.

33. The State may intervene directly in the management of private economic operations only when it is essential to finance them and in order to secure greater social benefits than would otherwise be obtained.

Sole paragraph. State undertakings carried on for the purpose of profit, even if they are working on the basis of free competition, shall likewise be subject to the stipulation laid down in the latter part of the present article.

34. The State shall promote the formation and development of the national corporative economic system. Care shall be taken to prevent any tendency among its constituent parts to indulge in unrestrained competition with each other, contrary to their own just aims and those of society; they shall be encouraged rather to collaborate as members of the same community.

35. Property, capital, and labor shall fulfill a social duty in a system of economic co-operation and natural interest, and the law may determine the conditions of their use or exploitation in accordance with the common aim in view.

36. Labor, whether unskilled or specialized or technical, may be associated in an undertaking, in any form that circumstances may render advisable.

37. Only economic corporations which are recognized by the State may conclude collective labor contracts, in accordance with the law, and those made without their intervention shall be null and void.

38.[1] Disputes arising out of labour contracts shall be the concern of special tribunals.

39. In their economic relation with one another, neither capital nor labor shall be allowed to suspend operations with the object of vindicating their respective interests.

40.[1] Obstacles will be placed in the way of the accumulation of posts in private enterprises, as being contrary to public economy and morality.

41. The State shall promote and encourage community concerns, and provident, co-operative, and mutual benefit institutions.

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[1] Text laid down by the Law No. 2.048, 1951.

Section IX

EDUCATION, INSTRUCTION AND NATIONAL CULTURE

42. Education and instruction shall be obligatory and the concern of the family in co-operation with public or private institutions.

43. The State shall officially maintain primary, complementary, secondary, and high schools, and institutions for advanced education.

1. Elementary, primary instruction is obligatory and may be given at home, or in private or State schools.

2. The arts sciences shall be encouraged and their development, teaching and propaganda favored, so long as respect is maintained for the Constitution, the authorities and the co-ordinating activity of the State.

3. The instruction furnished by the State besides instilling new physical vigor and improving the intellectual faculties, aims at the formation of character, of professional values as well as of every moral and civic virtue, the former in accordance with the traditional principles of Christian doctrine and morals, of the country.

(4) No authority shall be required for the teaching of religion in private schools.

44. The establishment of private schools on the lines of the State schools shall be free, but subject to State inspection; the schools may be subsidized by the State or authorized to grant diplomas if their *curricula* and the standard of their teaching staff are not inferior to those of the corresponding public institutions.

Section X

THE RELATIONS OF THE STATE WITH THE CATHOLIC CHURCH AND THE RÉGIME OF CULTS

45.[1] The Catholic religion may be freely practised, in public or in private, as the religion of the Portuguese Nation. The Catholic Church shall enjoy juridical personality and may organise itself in conformity with the canon law and create thereunder associations or organizations whose juridical personality shall be equally recognized. The relationship between the State and the Catholic Church shall be one of separation, with diplomatic relations maintained between the Holy See and Portugal by means of reciprocal representation, and concordats or agreements entered into in the sphere of the Padroado and where other matters of common interest are or need to be regulated.

46. Without prejudice to the provisions of concordats in the matter of the *Padroado*, the State shall maintain the régime of separation in relation to the Catholic Church and any other religion or cult practised within Portuguese territory, and the diplomatic relations between the Holy See and Portugal, with reciprocity of representation.

47. The State may not assign to any other purpose any chapel, building, appurtenance, or object of worship belonging to a religious body.

48. Public cemeteries shall be secular in character, and ministers of any religion may freely practise their respective rites therein.

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[1] Text laid down by the Law No. 2.048, 1951.

Section XI

THE PUBLIC AND PRIVATE DOMAINS OF THE STATE

49. The public domain of the State shall comprise the following:

(1) Mineral deposits, medicinal mineral water springs, and other natural wealth below the surface;

(2) Maritime waters and their beds;

(3) Lakes, lagoons, and navigable watercourses, and waters on which floating operations can be performed, with their respective beds or channels, as well as those which shall be recognized, by special decree, to be of public utility as suitable for the production of electric power, national or regional, or for irrigation;

(4) Dykes opened up by the State;

(5) The aerial strata above the land, beyond such limits as the law fixes in favor of the owner of the surface;

(6) Railways of public importance of any kind, public highways, and roads;

(7) Territorial areas reserved for military defense;

(8) Any other property placed by law under the régime of the public domain.

1. The authority of the State over the property of the public domain and its use by the citizens shall be regulated by law and by the international conventions concluded by Portugal, the prior rights of the State and the acquired rights of private persons continuing to be reserved. The latter rights, however, shall be subject to expropriation to be determined by the public requirements upon payment of reasonable compensation.

2. Rocks and common earths, and materials commonly employed in buildings ,shall be expressly excepted from the natural wealth specified in (1).

3. The State shall undertake the delimitation of those lands which are private and abut on the property of the public domain.

50. The administration of property on the mainland and in the adjacent islands and belonging to the private domain of the State appertains to the ministry of finance, except when it is expressly attributed to any other ministry.

51. No State property or rights which affect its prestige or the more important national interests may be alienated.

52. Artistic, historical, and natural monuments, and artistic objects officially recognized as such, shall be under the protection of the State and their alienation in favor of foreigners is prohibited.

Section XII

NATIONAL DEFENSE

53. The State shall assure the existence and prestige of those military and naval institutions which are required by the supreme needs to defend national integrity and to maintain order and public tranquility.

Sole paragraph. There shall be one military organization for the entire territory.

54. Military service shall be general and compulsory. The law shall determine the conditions of service.

55. The law shall regulate the general organization of the nation for war time, in accordance with the principle of a nation in arms.

56. The State shall promote, encourage, and assist civil institutions whose aim is to teach and discipline young persons in preparation for the fulfillment of their military and patriotic duties.

57. No citizen may hold or obtain employment from the State or local autonomous bodies unless he has fulfilled the duties to which he is liable under military law.

58. The State shall guarantee protection and pensions to persons who are incapacitated in military service in defense of the country or of order, and also to the families of individuals who lose their lives in such service.

Section XIII

ADMINISTRATION OF CONCERNS IN WHICH THE COMMUNITY MAY HAVE AN INTEREST

59. All undertakings which contemplate the utilization or exploitation of anything forming part of the State public domain shall be regarded as of interest to the community and shall be subject to special State régimes of administration, competition, supervision, or control, in accordance with the needs of public security, national defense, and economic and social relations.

60. Uniform rules, which shall not affect necessary particularities in points of minor importance, shall control the following:

(1) The establishment or alteration of land, river, maritime, and air communications, whatever their nature or purpose may be;

(2) The construction of works for the utilization of water supply or coal for the production of electric power, as well as the construction of grid systems for its transmission, supply, or distribution, and also general plant for agricultural hydraulic purposes;

(3) The exploitation of public services in connection with the above mentioned communications, works, and grid systems.

61.[1] The State will promote the development of the public improvements mentioned in the previous article, namely the development of the national merchant navy, having particularly in view connections with the overseas territories and with those countries where the Portuguese are numerous.

62. The tables of charges relating to the exploitation of public services by concessions shall be subject to control and legal inspection by the State.

Section XIV

STATE FINANCES

63. There shall be a single general State budget for the mainland and adjacent islands, showing the sum total of public receipts and expenditure and likewise those of the autonomous services. Detailed explanation of these may be published separately.

64. The general State budget shall be drawn up annually and put into effect by the government, in conformity with the legal provisions in

[1] Text laid down by the Law No. 2.048, 1951.

force, and particularly the law of authorization contemplated in Article 91 (4).

65. The expenditure which corresponds to the legal and contractual obligations of the State, or is permanent owing to its nature or purpose, including interest charges and amortization of the public debt, must be taken as basis for fixing taxation and other State revenue.

66. The budget must state the measures which are essential for meeting the total expenditure.

67. Recourse may not be had to borrowing, unless for extraordinary expenditure for economic expansion, amortization of other loans, and indispensable increase of State patrimony, or vital requirements for the defense and preservation of the nation.

Sole paragraph. The necessary supplies may be obtained, however, by means of floating debt, representing receipts of the current administrative period, at the end of which the amount must be liquidated, or the treasury placed in a position to liquidate it through their funds.

68. The State may not reduce the capital or interest of the funded public debt to the detriment of the bondholders, but may convert it on equitable terms.

69. Sums due on account of deposits placed in State funds or its credit institutions may not be subjected to compulsory consolidation.

70. The law shall fix general principles in regard to the following matters:

(1) Taxation;
(2) Charges to be levied in the public services;
(3) Administration and exploitation of State property and undertakings.

1. In the matter of taxation the law shall determine the incidence, rate, exemptions, where cause for such exists, and the claims and reliefs to be allowed in the taxpayer's favor.

2. The collection of taxes established for an indefinite time, or for a fixed period exceeding a single administrative period, shall be subject to the sanction of the National Assembly.

Part II
POLITICAL ORGANIZATION OF THE STATE

Section I
SOVEREIGNTY

71. Sovereignty shall reside in the nation; its organs are the Head of the State, the National Assembly, the government and the courts of justice.

Section II
THE HEAD OF THE STATE

Chapter I

The Election of the President of the Republic and His Prerogatives

72.[1] The Chief of the State is the President of the Republic elected by the Nation.

[1] Text laid down by the Law No. 2.048, 1951.

1. The President is elected for a term of seven years which may not be extended save in the case of events which make it impossible to summon the electoral colleges. In this event the mandate shall terminate as soon as his successor assumes office.

2. The election shall take place on the Sunday nearest to the sixth day preceding the end of each Presidential term, by direct suffrage of the citizen electors.

3. The final scrutiny of votes shall be made by the Supreme Court of Justice, which shall proclaim President the citizen obtaining the largest number of votes.

73.[1] Only a Portuguese citizen over thirty-five years of age, who has always possessed Portuguese nationality, and is in full enjoyment of his civil and political rights, may be elected President of the Republic.

1. No candidate may stand for election who does not offer guarantees of respect for and fidelity to the fundamental principles of the political and social order laid down in the Constitution.

2. If the candidate elected is a member of the National Assembly he shall forfeit his seat.

74. Relatives of the Kings of Portugal, within the sixth degree, are ineligible for the office of President of the Republic.

75. The President-elect shall take up his duties on the day on which his predecessor's mandate expires, and assume office before the National Assembly, using the following form of oath:

I swear to maintain and loyally and faithfully carry out the Constitution of the Republic, to obey the laws, to promote the general welfare of the nation, and to uphold and protect the integrity and independence of the Portuguese Fatherland.

76. The President of the Republic may not go abroad without the assent of the National Assembly and the government.

Sole paragraph. Failure to observe the provisions of this article shall with full force of law involve loss of office.

77. The President of the Republic shall receive a salary, to be fixed before his election, and may choose two State properties which he may wish to use as the presidential secretariat and as a private residence for himself and the members of his family.

78. The President of the Republic shall be directly and exclusively responsible to the nation for actions performed in the exercise of his duties. Both the exercise of the latter and his magistracy shall be independent of any vote of the National Assembly.

Sole paragraph. For crimes unconnected with the exercise of his functions, the President shall be answerable to ordinary courts of law, but only after conclusion of his mandate.

79. The President of the Republic may resign his office in a message addressed to the nation and published in the *Diário de Govêrno*.

80.[1] In the event of the Presidency of the Republic falling vacant owing to the death, resignation, or permanent physical disability of the President, or owing to his absence abroad without the assent of the Nation-

[1] Text laid down by the Law No. 2.048, 1951.

al Assembly and the government, the National Assembly shall meet of its own right on the 60th day after the vacancy occurs, to deliberate on the presidential election.

(1) The President's permanent physical disability must be recognized by the Council of State summoned for the purpose by the President of the Council of Ministers who, if the disability is confirmed, shall publish in the *Diário de Govêrno* an announcement of the presidential vacancy.

(2) Until the election provided for in this article takes place or when for any reason there is a temporary interruption in the exercise of the presidential function, the President of the Council shall be invested with the attributes of the Chief of State in addition to those of his office.

Chapter II

Attributes of the President of the Republic

81. It shall be the business of the President of the Republic:

(1) To appoint the president of the council and the ministers from among Portuguese citizens, and to dismiss them;

(2) Solemnly to open the first meeting of each legislative session and to address messages to the National Assembly, directing them to the president of same, who shall read them at the first meeting after receipt;

(3) To fix a day, in accordance with the electoral law, for a general election or by-election of deputies;

(4)[1] To give constituent powers to the National Assembly and to submit to a national plebiscite such alterations of the Constitution as may refer to the legislative functions or to public bodies charged therewith, in accordance with Article 125 (1) and (2);

(5) To convoke the National Assembly in extraordinary session, in time of urgent public emergency, for the consideration of definite matters, and to adjourn its sessions, without prejudice to the duration fixed for the legislative session in each year;

(6) To dissolve the National Assembly when the supreme interests of the nation so require;

(7) To represent the nation and direct the foreign policy of the State; to conclude international conventions and negotiate treaties of peace, alliance, arbitration, and commerce, submitting them through the government to the National Assembly for approval;

(8) To grant pardons and commute punishments. The pardon may not be granted until half the punishment has been served;

(9) To promulgate and cause to be published the laws and resolutions of the National Assembly as well as the decree-laws and decrees laying down regulations, and to sign all individual decrees, which will otherwise be null and void.

82. The acts of the President of the Republic must be countersigned by the president of the council and by the appropriate minister or ministers or otherwise they shall *ipso facto* be null and void.

Sole paragraph. Countersignatures are not required for:

(i) The appointment and dismissal of the president of the council;

(ii) Messages addressed to the National Assembly;

(iii) The message of resignation from office.

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[1] The wording of this clause is the result of laws nos. 1885 and 2048 of 1935 and 1953 respectively.

Chapter III

The Council of State

83. The council of state shall act in conjunction with the President of the Republic and shall be composed of the following members:

(1) The president of the council of ministers;
(2) The president of the National Assembly;
(3) The president of the Corporative Chamber;
(4) The president of the Supreme Court of Justice;
(5) The procurator-general of the Republic;
(6) Ten public men of outstanding ability, appointed for life by the Head of the State.

84.[1] The Council of State shall be obliged to discharge the following functions:

(a) to decide on the suitability of candidates to the Presidency of the Republic, for the purpose of the provision in paragraph 1 of Article 73;
(b) to assist the Chief of State when exercising certain of the functions assigned to him by paragraphs 4, 5, 6 of Article 81 and sole paragraph of Article 87;
(c) to deliver its opinion, in the manner laid down by paragraph 1, of Article 80, in all emergencies threatening the life of the Nation and whenever the President of the Republic deems it necessary to summon it.

Sole paragraph. The Council shall meet in its own right to consider candidatures for the Presidency of the Republic, and at such meetings neither the Chief of State nor any Councillor who is a candidate shall be present.

Section III

THE NATIONAL ASSEMBLY

Chapter I

Constitution of the National Assembly

85.[1] The National Assembly shall be composed of one hundred and twenty Deputies, elected by the direct vote of the citizen electors, and its mandate will continue for a period of four years which may not be prolonged save in the case of events which make the convocation of the electoral colleges impossible.

1. The necessary qualifications for deputies, and the organization of the electoral colleges and election procedure, shall be determined by a special law.
2. No one may be a member of the National Assembly and of the Corporative Chamber at the same time.
3. Vacancies occurring in the National Assembly, when they reach the number fixed by the electoral law, up to one-fifth of the legal number of deputies, shall be filled by means of by-elections, the new mandates expiring at the end of the legislature.
4. Deputies may resign, but the effectiveness of a resignation is subject to acceptance by the Assembly or its president, according to whether it is presented during or between sessions. A resignation, when accepted, dates from its acceptance.

[1] Text laid down by the Law No. 2.048, 1951.

86. It shall be the business of the National Assembly to examine and recognize the powers of its members, elect its committee, draw up its own regulations and determine its internal discipline.

87. On the dissolution of the National Assembly elections must be held within sixty days, under the electoral law in force at the time of the dissolution. The new chambers meet within thirty days following the completion of the electoral proceedings, unless the legislative session of that year has been concluded, and continue for a full legislature, without reckoning the period in which they have functioned in order to complete the previous legislative session, and without prejudice to the right of dissolution.

Sole paragraph. Should the supreme interests of the country render it advisable, the period of sixty days fixed in this article may be extended to six months.

88. On the completion of the final ordinary legislative session of the four-year period, the National Assembly shall remain in being, until the result of the new general elections has been verified.

Chapter II

Members of the National Assembly

89. The members of the National Assembly shall enjoy the following immunities and prerogatives:

(a) They shall be inviolable as regards the opinions and votes which they give in the exercise of their mandate, subject to the limitations laid down in paragraphs 1 and 2.

(b) They cannot be called upon to serve on juries, or as experts or witnesses, without the sanction of the Assembly.

(c) Neither can they be detained or remain arrested without the assent of the Assembly, except for an offense involving a major penalty or its equivalent in the scale of punishments, and, in that case, when *in flagrante delicto* or by virtue of judicial order.

(d) If any deputy is prosecuted for a criminal offense and held for sentence or the equivalent, the judge shall notify the fact to the Assembly who, except in the case contemplated in the latter part of (c) of this article, shall decide whether or not the deputy should be suspended for the purpose of the continuation of the proceedings.

(e) They shall have the right to remuneration on conditions which shall be determined by the electoral law.

1. Inviolability in respect of their opinions and votes shall not exempt members of the National Assembly from civil and criminal liability for libel, slander and abuse, outrage on public morality, or public incitement to crime.

2. The National Assembly may withdraw the mandates of those deputies who express opinions opposed to the existence of Portugal as an independent State, or in any way instigate to the violent overthrow of the social and political order.

3. The immunities and prerogatives set forth in (b), (c), (d), and (e) shall only be effective during the actual exercise of legislative duties.

90.[1] Members of the National Assembly will forfeit their mandate if they:

(1) Accept from the government or from any foreign government remunerated employment or payment for service;

[1] Translation kindly provided by the American Embassy, Lisbon.

(2) Exercise their respective positions during the functioning of the National Assembly, if they are either civil or military public functionaries;

(3) Occupy posts in the administrative, executive, or inspection services which are not exercised by government appointment, or as legal or technical advisers in undertakings or companies, formed for the purposes of special State contracts or concessions, or which hold a State privilege not granted by the general law, or receive a State subsidy or guarantee of profit or interest;

(4) Enter into contracts with the government;

(5) Act as concessionaires, contractors, or partners in firms contracting for public concessions, auctions or undertakings, or participate in State financial operations.

1. The following are exempt from dispositions of Item No. (1) above:

a) Temporary diplomatic missions and military commissions or commands which do not involve residence outside of the continent;

b) Appointments because of merit, legal promotions, conversion on a permanent basis of those wages which were only temporary and appointments to equivalent positions resulting from remodeling of services;

c) Those appointments which by law are made by the government after examination or on the proposal of entities which are legally entitled to recommend or select the functionary as well as appointments for positions and posts which can only be filled by a certain class or category of functionaries.

2.[1] The recognition by the President of the facts referred to in Nos. (1) and (2) has the same effect as the acceptance of the resignation.

3. The cases referred to in Nos. (4) and (5) also involve the nullification of the contracts or acts provided therein.

Chapter III

Attributes of the National Assembly

91. It shall be the business of the National Assembly:

(1) To make, interpret, suspend, and revoke laws;

(2) To safeguard the observance of the Constitution and the laws and consider the acts of the government or the administration;

(3) To receive the accounts for each financial year, which shall be laid before it with the report and resolution of the court of accounts (if the accounts have been appraised by this court), and other details necessary for their consideration;

(4) To authorize the government, up to 15th December of each year, to collect the State revenue and meet public expenditure for the ensuing financial period, and to determine in the appropriate law of authorization the principles which shall govern that part of the budget dealing with expenditure of amounts not fixed in accordance with any existing laws;

(5) To authorize the government to effect loans and other credit operations, not included in the floating debt, and to fix the general terms on which they may be carried out;

(6) To authorize the Head of the State to make war, should recourse to arbitration be impossible or of no avail, except in the case of actual or imminent aggression by foreign forces, and to make peace;

(7) To approve international conventions and treaties, in accordance with the provisions of Article 81 (7);

(8) To declare a state of siege, with total or partial suspension of the constitutional guarantees, in one or more places in the national territory,

[1] Text land down by Law No. 2.048, 1953.

in the case of actual or imminent aggression by foreign forces, or when public order and safety are seriously disturbed or threatened;
(9) To define the boundaries of the nation's territories;
(10) To grant amnesties;
(11) To take cognizance of the messages from the Head of the State;
(12)[1] To discuss the revision of the Constitution;
(13) To bestow legislative powers on the government.

92. Laws voted by the National Assembly must be confined to ratification of the general fundamentals of juridical rules, but the constitutional legality of any provisions contained therein cannot be contested on the ground of violation of this principle.

93.[1] The approval of the general principles of the following shall be the exclusive concern of the National Assembly:

(a) the organization of national defence;
(b) the weight, value and denomination of coinage in currency;
(c) the standards of weights and measures;
(d) the creation of banks or issuing institutions;
(e) the organization of the law-courts.

Chapter IV

Activities of the National Assembly and Promulgation of Laws and Resolutions

94. The National Assembly shall hold its sessions for a period of three months, beginning on 25th November of each year, without prejudice to the provisions of Articles 75, 76 and 81, No. 5.

Sole paragraph. The president of the National Assembly, when he considers it appropriate, may extend its effective functioning by one month or interrupt the same without prejudice to the period fixed in this article for the legislative session, provided that the termination thereof shall be not later than 30th April.

95. The National Assembly shall sit in plenary sessions, and its resolutions shall be taken by absolute majority vote, a majority of the legal number of its members being present; and it may organize itself into permanent commissions or establish special commissions for specified purposes.

1. The sessions shall be public, unless otherwise decided by the Assembly or its president.
2. The commissions shall continue their activites only during the effective functioning of the Assembly, except when such activities should be continued by reason of their nature or of the special purpose for which commissions are established.
3. [1] Ministers and Under-Secretaries may take part in the sessions where amendments suggested by the Corporative Chamber are under consideration, one delegate of that Chamber may take part in the proceedings.

96. The members of the National Assembly may, apart from the effective functioning thereof, hear, consult, or request information from any official corporation or station in regard to matters of public administration; public stations, however, may not reply without previous authoriza-

[1] Text laid down by the Law No. 2.048, 1951.

tion from the respective minister, whose sanction may only be lawfully withheld for reasons of State secrecy.

97. The initiative in legislation is vested in the government, or in any of the members of the National Assembly without distinction, but the members may not present bills nor proposed amendments involving increase of State expenditure or decrease of State revenue created by prior laws.

Sole paragraph.[1] During the discussion of proposals or bills, the Government may submit amendments for the consideration of the Assembly provided those amendments deal with matters on which a vote has not yet been taken.

98. Bills passed by the National Assembly shall be sent to the President of the Republic for promulgation as law within the following fifteen days.

Sole paragraph. Bills not promulgated within the said period shall be submitted for reconsideration by the National Assembly and, if they are then passed by a two-thirds majority of the number of members in actual service, the Head of the State may not refuse to promulgate them.

99. Promulgation shall be effected in the following form:

In the name of the nation, the National Assembly decrees and I promulgate the following law (or resolution).

Sole paragraph. The following shall be promulgated as resolutions:

(a) The ratifications of decree-laws;

(b)[1] The decisions referred to in Articles 2, 80 and 91 (3), (6), (7), and other like Articles

100. Motions or bills laid before the National Assembly and not discussed in the respective session shall be brought up again in the following sessions of the same legislature; should they be finally rejected, they may not be brought up again in the same legislative session, except when a dissolution of the National Assembly has taken place.

101. The standing orders of the Assembly shall lay down:

(a) That the agenda may not be deviated from for any matter without prior notice of at least twenty-four hours;

(b) The conditions for presentation of bills.

Chapter V

The Corporative Chamber

102.[1] There shall be a Corporative Chamber, equal in length of term with the National Assembly, composed of representatives of local autonomous bodies and social interests, the latter being those of an administrative, moral, cultural and economic order; the law shall designate those bodies on which such representation falls, the manner of their selections and the duration of their mandate.

1. When offices become vacant whose holders have, in that capacity, a seat in the Corporative Chamber, the respective interests shall be represented by the persons required by law or statute to replace them. The same principle shall apply to cases of disability.

[1] Text laid down by Law No. 2.048, 1951.

2. Except in the case contemplated in the preceding paragraph, vacancies occurring in the Corporative Chamber shall be filled in the manner in which the persons being replaced were appointed.

3. [1] The provisions of Article 89 and its subsections shall apply to the members of this Chamber; but the action envisaged in (b), (c) and (d) of that article shall be taken on the authority, or by the decision, of the President. The amount of the remuneration mentioned in (e) (of Article 89) and the conditions on which it is granted shall be regulated by law.

103. It shall be the business of the Corporative Chamber to report and give an opinion on all motions or bills and on all international conventions or treaties brought before the National Assembly, prior to the commencement of their discussion by the latter.

1. The opinion shall be given within thirty days or within such period as the government or the Assembly shall fix, if the matter is considered urgent.

2. Should no opinion have been sent to the National Assembly on the lapse of the periods referred to in the preceding paragraph, the discussion may be opened immediately.

3. [1] If the Corporative Chamber, while advising on general grounds the rejection of a bill, recommends that it be replaced by another, the Government or any Deputy may adopt the bill in question and it shall then be considered jointly with the original bill, independently of further reference to the Corporative Chamber. If the latter suggests alterations of detail in a proposal or bill, the National Assembly may decide that the voting be cast first on the text proposed by the Corporative Chamber and any Deputy may always move such amendments as his own.

104.[1] The Corporative Chamber shall function in plenary sessions or in committees and sub-committees.

(1) There will be committees for administrative, moral, cultural and economic questions and sub-committees for specialized questions within each committee.

(2) When the matter under discussion so requires, two or more committees or sub-committees may meet jointly.

(3) The President of the Council, the Minister of Corporations, and the Ministers and Under-Secretaries of State concerned, or their representatives may take part in the discussion of proposals or bills, as also may a Deputy in the case of a bill which he has originated.

(4) Sessions of the committees and sub-committees of the Corporative Chamber shall not be held in public but plenary sessions may be.

105.[1] The Government may consult the Corporative Chamber on enactments to be published or on draft bills to be presented to the National Assembly; it may decide that the work of the committees or sub-committees shall continue or take place during adjournments, interruptions or intervals between legislative sessions; and it may request the convocation of all or any of the committees or sub-committees in order to make a communication to them.

Sec. 1. The discussion of draft bills in the National Assembly shall not be dependent on fresh reference to the Corporative Chamber if the latter has already been consulted by the Government.[1]

Sec. 2. During the legislative session of the National Assembly the Corporative Chamber may suggest to the Government such measures as it considers advisable or necessary.

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[1] Text laid down by Law No. 2.048, 1951.

106. The Provisions of Article 86 apply to the Corporative Chamber, except insofar as concerns the verification of powers. This duty shall be entrusted to a special commission elected by the Chamber, and in Article 101 (a) and (b) the respective Committees and Sub-Committees shall also enjoy the facilities conferred by Article 96 on the members of the National Assembly.[1]

Section IV

THE GOVERNMENT

107. The government shall consist of the president of the council, who may conduct the affairs of one or more ministries, and the ministers or those who may be substituted for them, in matters within their competence, when they are absent from the mainland and interim ministers have not been appointed to the respective posts.

1. The president of the council shall be appointed and dismissed at will by the President of the Republic. The ministers and under-secretaries of state, if there be such, shall be appointed by the President of the Republic on the recommendation of the president of the council, who shall countersign their appointments, and likewise the resignations of retiring ministers.

2. The functions of the under-secretaries of state shall cease on the resignation of the respective ministers.

108. The president of the council shall be responsible to the President of the Republic for the general policy of the government, and shall coordinate and direct the activities of all the ministers, who shall be responsible to him politically for their acts.

109. It shall be the business of the government:

(1) To countersign the acts of the President of the Republic;

(2) To make decree-laws and, in cases of urgency, to approve international conventions and treaties;

(3) To draw up decrees, regulations, and instructions for the due execution of the laws;

(4) To superintend public administration as a whole, causing the laws and resolutions of the National Assembly to be carried out, exercising supreme control over the acts of administrative bodies and collective persons of administrative public utility, and executing all measures relating to the appointment, transfer, resignation, retirement, superannuation, dismissal, or reinstatement of civil or military officials, subject to the right of appeal of the parties concerned to the competent tribunals.

1. All measures of the President of the Republic and the government which involve an increase or decrease of revenue or expenditure shall be countersigned by the minister for finance.

2. Legislative authorizations may not be utilized more than once, except those which, by virtue of their particular terms, cover repeated applications. Nevertheless, the government may apportion their use until they are expended.

3. [1] Decree-laws published by the Government while the National Assembly is sitting, if they fall outside the scope authorized by law, shall be subject to ratification. This will be held to have been granted if, during the first ten sessions after publication, at least ten Deputies have not required that such decree-laws be submitted to the Assembly for its consideration.

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[1] Text laid down by the Law No. 2.048, 1951.

Should ratification be refused, the decree-law will cease to have effect from the day on which the appropriate notice, issued by the President of the Assembly, is published in the Government Gazette.

The ratification may be granted subject to amendments; in this case the decree-law will be sent to the Corporative Chamber, if it has not already been consulted, but will continue in force unless the National Assembly, by a majority of two-thirds of the Deputies actually functioning, suspends its effect insofar as concerns the creation or re-organization of services involving an increase of personnel or alteration of their respective ranks in relation to the existing staffs.

4. When a law is not self-executing, the government shall issue the respective decrees within six months from its publication unless some other period is fixed.

5. The appointment of governors of the colonies shall be made by the ministers in council.

6. [1] The appointment, transfer, removal, retirement, pensioning, dismissal or reinstatement of the President of the Supreme Court of Justice, of the Procurator-General of the Republic, of diplomatic and consular agents and of Governors-General and Governors of the Overseas Provinces, shall be made by decree.

110. Ministers may not exercise any other public duties, or any private employment, in addition to their portfolios.

1. Ministers shall be subject to the remaining prohibitions and provisions of Article 90.

2. Members of the National Assembly or of the Corporative Chamber who accept the office of minister or under-secretary of state shall not forfeit their mandates, but may not sit in their respective chambers.

111. The Council of Ministers shall meet when its president, or the Head of the State. considers it necessary. When the said president, or the Head of the State, shall think fit, the meeting shall be under the presidency of the latter, and it shall be obligatory for him to preside when he has to use the powers conferred upon him in Article 81 (2), (3), (4), (5), (6), and (8).

112. The government shall depend exclusively on the confidence of the President of the Republic, and their retention of power shall not depend on the fate suffered by their bills, or on any vote of the National Assembly.

113. The president of the council shall transmit to the president of the National Assembly the bills to be submitted to the latter, together with any explanations requested of the government, or which the government may deem appropriate.

Sole paragraph. In the case of matters affecting the higher interests of the country, the president of the council may appear in the National Assembly to attend to same.

114. Each minister shall incur political, civil, and criminal liability for any acts which he may legalize or execute. Ministers shall be tried by the ordinary tribunals for acts involving civil or criminal liability.

Sole paragraph. Should any minister be prosecuted for a criminal offense, and the proceedings be in any stage up to and including judgment, the Supreme Court of Justice in full session, the procurator-general of the Republic being present, shall decide whether the minister shall be tried immediately, in which case his suspension shall be decided on, or whether the sentence shall be served on the completion of his tenure of office.

[1] Text laid down by the Law No. 2.048, 1951.

115. Criminal liability attaches to the acts of ministers and under-secretaries of state and government agents which are directed against:

(1) The political existence of the nation;
(2) The Constitution and the established political system;
(3) The free exercise of the organs of sovereignty;
(4) The enjoyment and exercise of political and individual rights;
(5) The internal security of the country;
(6) The integrity of the administration;
(7) The custody and constitutional employment of public monies;
(8) The law dealing with public accounts.

Sole paragraph. Conviction for any of these crimes involves the loss of office and incapacity to exercise public functions.

Section V

THE COURTS

116. The judicial power shall be exercised by ordinary and special courts.

The ordinary courts are the Supreme Court of Justice and the courts of second and first instance, which shall have the territorial and material jurisdiction determined by law.

117. The establishment of special courts with exclusive competence to try a certain category of crime or certain categories of crimes, shall not be allowed, unless the crimes are fiscal, social, or directed against the safety of the State.

118. The State shall be represented at the courts by the Public Ministry.

119. Judges of the ordinary courts shall be appointed for life and are irremovable; the conditions of their appointment, promotion, dismissal, suspension, transfer, and allocation outside the cadre shall be fixed by law, and they may not accept any other office of profit from the government, but this shall not prejudice their requisition for permanent or temporary commissions.

120. Judges shall not be held responsible for the judgments pronounced by them, except in cases which the law shall specify.

121. The hearing of the courts shall be public, except in the special cases prescribed by law, and whenever publicity is contrary to order, the interests of the State, or good morals.

122. In the execution of their decisions and judgments, the courts shall have the right to the collaboration of other authorities, should they require it.

123. In cases submitted for judgment, the courts may not apply laws, decrees, or any other ordinances which transgress the provisions of this Constitution or violate the principles therein contained.

Sole paragraph[1]. The organic or formal constitutional illegality of ordinances promulgated by the President of the Republic may only be called into question by the National Assembly either on its own initiative or on that of the Government, and the National Assembly shall determine the effects of such constitutional illegality, without prejudice however to situations created by *causae judicatae*.

[1] Text laid down by the Law No. 2.048, 1951.

124. Penalties and precautionary measures which aim at the protection of society and, as far as possible, the social rehabilitation of the offender, shall be introduced as a means of preventing and checking crime.

Section VI

POLITICAL AND ADMINISTRATIVE DIVISIONS AND LOCAL AUTONOMOUS BODIES

125. The territory of the mainland shall be divided into communes, formed of parishes, and grouped into districts and provinces, the boundaries of all such areas being fixed by law.

1. The communes of Lisbon and Oporto shall be subdivided into wards, and the latter into parishes.
2. The division of the territory of the adjacent islands and its administrative organization shall be regulated by a special law.

126. The administrative bodies shall be the municipal chambers, parish boards, and provincial boards.

127.[1] The administrative activities of local autonomous authorities are subject to scrutiny by government inspectors and the resolutions of their executive committees may be subject to the confirmation or require the approval of other bodies or authorities and be submitted to examination.[1]

128. In order to execute their resolutions, and for other purposes specified in the laws, administrative bodies shall have a president or committees appointed according to the terms of the same laws.

129. The resolutions of the administrative bodies may only be amended or annulled in the cases and in the manner contemplated in the administrative laws.

130. Administrative bodies shall have financial autonomy under conditions to be determined by law, but municipal chambers shall be bound to distribute a part of their revenue among the parishes, for the purpose of rural improvements, such part to be fixed by law.

131. Systems of local taxation shall be drawn up in a manner which shall not prejudice the fiscal organization or the finances of the State, or impede the circulation of produce and merchandise between the districts of the country.

132. The administrative bodies may only be dissolved in such cases and in such manner as provided for in administrative laws.

Section VII

OVERSEAS PORTUGAL [1]

Chapter I

Fundamental Principles

133. It is intrinsic in the Portuguese Nation to fulfil its historic mission of colonization in the lands of the Discoveries under their sovereignty and to diffuse among the populations inhabiting them the benefits of their civilization, as also to exercise the moral influence enjoined upon it by the Patronage of the East.

[1] Text laid down by the Law No. 2.048, 1951.

134. The Overseas Territories of Portugal described in Article 1, II-V, shall be known as "provinces". Their politico-administrative organization shall be on lines best suited to their geographical situation and their social standards.

135. The Overseas Provinces, as an integral part of the Portuguese State, are united as between themselves and with Metropolitan Portugal.

136. This unity between the Overseas Provinces and Metropolitan Portugal involves in particular the obligation to contribute in an adequate manner to the preservation of the integrity and defence of the whole Nation and the aims of the national policy as defined in the common interest, by the bodies in which sovereignty resides.

Chapter II

General guarantees

137. The rights, liberties and individual guarantees enshrined in the Constitution, are assured to nationals and foreigners alike in the Overseas Provinces, within the terms of the law, but without prejudice to the right to refuse entry to both nationals and foreigners into any Overseas Province or to order their expulsion, in accordance with the regulations, if grave inconvenience of a domestic or international character should be caused by their presence. Appeals against such decisions may be made to the Government alone.

138. Regard shall be given in the overseas territories to the state of development of the native inhabitants. To this end and where necessary there shall be established, by special statutes, in the spirit of Portuguese public and private law, systems in keeping with native usage and customs, provided that these are not incompatible with morality, the dictates of humanity or the free exercise of Portuguese sovereignty.

139. The State shall ensure, in its overseas territories, liberty of conscience and the free exercise of the various religions, subject only to such restrictions as may be required for the preservation of the rights and interests of Portuguese sovereignty, for the maintenance of public order and in conformity with international treaties and conventions.

140. The Portuguese catholic missions overseas and the establishments for training personnel for their services and for those of the Padroado shall, in conformity with the concordata and other agreements concluded with the Holy See, enjoy juridical personality and shall be protected and assisted by the State, as being institutions of education and assistance and instruments of civilization.

Chapter III

Special guarantees for natives

141. The State guarantees, through special measures in the stage of transition, the protection and defence of the natives living in the provinces, in accordance with the principles of humanity and sovereignty, the provisions of this chapter and international conventions.

The authorities and the law-courts shall prevent and punish in ac-

cordance with the law all abuses against the persons and property of the natives.

142. The State shall establish public Portuguese institutions and encourage the establishment of private Portuguese institutions to uphold the rights of the natives and to give them assistance.

143. The natives are guaranteed, in accordance with the law, in their property and in the possession of their lands and crops and this principle shall be respected in all concessions made by the State.

144. Natives contracted for the service of the State or for administrative bodies shall be paid for their work.

145. The following are prohibited:

(1) Systems whereby the State undertakes to provide native labour to any firms working for their own profit.

2. Systems whereby the natives in any territorial area are compelled to work for such firms, whatever the pretext.

146. The State may only compel the natives to work on public works of general interest to the community, on tasks of which the finished product will belong to them, in the execution of judicial sentences of a penal character or for the discharge of fiscal liabilities.

147. The system of native contract labour shall be based on individual liberty and on the right to a fair wage and assistance, the public authorities intervening only for the purpose of regulation.

Chapter IV

The political and administrative system

148. The Overseas Provinces shall be guaranteed the right of administrative decentralization and financial autonomy in conformity with the Constitution and with their state of development and resources, without prejudice to the provisions of Article 175.

Sole §. Political unity shall be maintained in each overseas province by the establishment of a single capital and government of the province.

149. The overseas provinces shall, as a rule, be governed by special legislation passed by the legislative bodies of metropolitan Portugal or, according to circumstances in each Province, by the provincial legislative bodies, within the legislative limits established by law.

150. The following bodies in metropolitan Portugal shall have the right to legislate for Overseas Portugal:

1. The National Assembly, at the instance of the Minister of Overseas Portugal, on matters in which of necessity legislation is required by the terms of Article 93, and also in the following:

(a) The general system of government of the Overseas Provinces;

(b) The definition of the powers of the metropolitan Government and of the governments of the Overseas Provinces in matters relating to the area and duration of territorial concessions or to others which involve exclusive rights or special privileges;

(c) Authorisation for contracts, not being loans, when they require special security or guarantees.

2. The Governement when, under the terms of the Constitution, it has by decree-law, to take action affecting the whole national territory; or when an executive measure provides for questions of common concern

both to metropolitan Portugal and one or more of the overseas provinces.

3. The Minister for Overseas Portugal, whose authority covers all matters involving the higher or general interests of national policy in Overseas Portugal or which are common to more than one overseas province, as specified in the legal system described in 1 (a) of this article.

§ 1. The legislative power of the Minister for Overseas Portugal shall be exercised after consultation with the Council for the Overseas, except in cases of urgency and others prescribed by law, as also in those cases where the Council delays for more than thirty days in delivering its opinion on the reference made to it by the Minister. The executive measures taken in the exercise of his legislative power shall be published in the form of decrees, promulgated and countersigned as provided for by the Constitution. The form of a ministerial legislative enactment shall be adopted when the Minister is exercising his functions in any of the Overseas Provinces and that of an order in the other cases provided for in the law.

§ 2. All enactments to be enforced in the Overseas Provinces shall contain an instruction from the Minister of Overseas, to the effect that they must be published in the Official Bulletin of the Province or Provinces concerned.

§ 3. The constitutional validity of the provisions contained in such enactments shall not be contested on the grounds that they violate this article, save as provided in Article 123, sole §.

151. All matters of exclusive concern to an Overseas Province and outside the scope, as defined in the previous Article, of the National Assembly, the Government or the Minister for Overseas Portugal shall be dealt with by the legislative bodies of the Overseas Provinces prescribed by law.

§ 1. Agreements and conventions outside the terms of Articles 81 (VII) and 91 (VII) which the governments of the Overseas Provinces, duly authorized, negotiate with the governments of other provinces or territories, national or foreign, shall require the approval of the Overseas Minister.

§ 2. The enactments of the Overseas governments cannot revoke, suspend or run contrary to the provisions of the Constitution or of any other enactments passed by the legislative bodies of Metropolitan Portugal.

152. The legislative functions of each of the governments of the Overseas Provinces, within their jurisdiction, shall be exercised under the supervision of the bodies in which sovereignty resides and shall be, as a rule, in accordance with the vote of a council in which representation is suited to local social conditions.

153. The Government shall superintend and control the whole administration of the overseas provinces, according to the Constitution and the organic law or laws referred to in Article 150 (1) a) through the bodies prescribed by those laws.

154. In each of the Overseas Provinces there shall be, as the supreme authority a Governor or Governor-General, with powers and prerogatives defined by law. They shall not be entrusted in any way with powers which, under the Constitution, belong to the National Assembly, to the Government or to the Minister for Overseas Portugal, save such limited powers as may be granted by the proper authority, for specified matters and in exceptional circumstances.

Sole §. No person connected with the direction or management of enterprises which have their head offices or sphere of activity in a Province may be appointed governor of that province.

155. The executive functions in each Overseas Province shall be discharged by the Governor, who, in the cases provided for by law, shall be assisted by a consultative body.

156. The administrative division of the Overseas Provinces and the conditions on which local autonomous bodies may be established shall be decided by law, having regard to the importance, the development and the population of each area.

Sole §. Without prejudice to the provision of the sole § of Article 7, foreigners permanently resident in a territory for not less then five years and who are able to read and write Portuguese may be members of administrative bodies up to a maximum of one-third of the total number of members.

157. It is the supreme duty and honour of the Governor, in each of the Overseas Provinces, to uphold the sovereign rights of the Nation and to promote the welfare of the province, in accordance with the principles enshrined in the Constitution and in the laws.

Chapter V

The economic order

158. The economic organization of Overseas Portugal shall form part of the general economic organization of the Portuguese Nation and shall thereby take its place in the world economy.

Sole §. To attain the ends indicated in this Article the free circulation of products within the whole national territory shall be facilitated by suitable means, including the gradual reduction or suspension of customs duties. The same principle shall be applied as far as possible to the movement of persons and capital.

159. The economic systems of the Overseas Provinces shall be established in harmony with the needs of their development and the well-being of their population, with fair reciprocity between them and the neighbouring countries, and with the rights and legitimate advantages of the Portuguese Nation, of which they are an integral part.

160. Without prejudice to the decentralization prescribed by Article 148, it is for Metropolitan Portugal to secure, through measures taken by the competent bodies, a proper balance in the interests which, under the previous Article, should be considered as a whole in the economic systems of the Overseas Territories.

161. The law shall specify those areas of land and other properties overseas, which, because they are used or intended for use as public property or involve the prestige of the State or are required for supreme national purposes, cannot be ceded or in any way alienated.

Sole §. The law shall also regulate the use or occupation of such areas of land by public or private bodies when it is in the interests of the State and on a temporary basis.

162. The concessions granted by the State or by the local autonomous bodies in the sphere of their competence shall always be subject to conditions which insure the national interest and other requirements of the national economy even when they are to be effected with the aid of foreign capital.

To this end special measures will be passed to govern the situation.

163. The administration and operation of ports and airports in Overseas Portugal shall in future be reserved to the State. Exceptions to this allowed in each port or airport in connection with certain installations or services shall be regulated by special law.

164. Neither the State nor local autonomous bodies may, in Overseas Portugal, grant to private or collective enterprise:

1. The exercise of the prerogatives of public administration;
2. The right to levy or fix any charge or tax. This does not include the collection of public revenue whose sale by auction is allowed by law;
3. The possessions of land or the exclusive right of prospecting for minerals, with the right of sub-lease to other enterprises.

Sole §. In Overseas Territories where concessions of the nature of those mentioned in this Article exist, the following will be observed;

(a) They may not be renewed, in whole or in part;
(b) The State will exercise its right of cancellation or redemption, in accordance with the relevant laws or contracts.

Chapter VI

The financial system

165. The Overseas Provinces shall have collective personality in public law, with the right to acquire, contract and take legal proceedings.

166. Each of the Overseas Provinces has its own assets and liabilities, with the right to dispose of its property and revenue and the responsibility for its expenditure and debts and its acts and contracts, in conformity with the law.

167. The following are state property in each of the Overseas Provinces within the limits of its territory: waste lands and those lands in respect of which neither public nor private title has been finally established; unclaimed inheritances and other real or personal property which do not belong to anybody; real or personal property which the Overseas Province acquires, or which belong to it legally, outside its territory, including shares of profits or of any other kind which may be due to it.

§ 1. The administration of those properties of the Overseas Provinces which are situated in Metropolitan Portugal shall be carried out by the Ministry for Overseas Portugal.

§ 2. The shares and bonds of concessionary companies belonging to an Overseas Province may be made over or mortgaged only to the Public Treasury or to such credit establishments as the Government may designate; and the proceeds derived therefrom as a result of any financial operation may likewise be made over to the said institutions alone.

168. Each Overseas Province shall have its own separate budget, drawn up in accordance with a uniform plan and in harmony with the

principles contained in Articles 63 and 66, and approved in the appropriate Provincial bodies in accordance with such terms as may be enjoined by the law.

§ 1. The budget of each Overseas Province shall include only such revenue and expenditure as is authorised by legal enactments.

§ 2. If the budget cannot be put into effect by the beginning of the final year, the budget of the previous year and the credits sanctioned to meet new permanent charges shall continue in force provisionally, on a monthly basis, but only in respect of ordinary expenditure.

169. The general system described in Article 150 *a*) shall provide for:

1. The expenditure and revenue which belong to the Overseas Provinces separately or in common, as well as those pertaining to Metropolitan Portugal;
2. The rules of control or superintendence to which the Governments of the Overseas Provinces shall be subject by way of safeguard for their finances.

170. The accounting of the Overseas Provinces shall be organized like that of continental Portugal with such modifications as may be necessitated by special circumstances.

171. The annual accounts of the Overseas Provinces shall be sent to the Ministry for the Overseas Provinces for submission, after audit and check, to the Court of Accounts for their examination in the manner and within the time limit fixed by law; and for consideration by the National Assembly in accordance with Article 91 (3).

172. Continental Portugal shall give financial assistance to the Overseas Provinces, against the necessary guarantees.

173. The Overseas Provinces may not contract loans in foreign countries.

Sole §. When it is necessary to have recourse to foreign markets to obtain capital intended for the government of any Overseas Province, the financial operation shall be made exclusively to the account of Metropolitan Portugal, without the Province assuming any responsibility towards those markets. The Province in question shall, however, assume full responsibility vis-à-vis Metropolitan Portugal.

174. The rights of the Public Treasury or of the credit establishments described in Article 167 (2) as regards the past or future debts of the Overseas Provinces shall not be subject to prescription.

175. The financial autonomy of the Overseas Provinces shall be subject to such temporary restrictions as may be inevitable should a serious situation arise in connection with their finances or should there be danger of their affecting the finances of Metropolitan Portugal.

Supplementary Provisions

a) *Revision of the Constitution*

176. The Constitution may be revised every ten years, counted from the date of the last law of revision; and the National Assembly whose life includes the last year of the decade or the National Assemblies which follow the tenth year, shall for this purpose, enjoy constituent powers until the law of revision is published.

§ 1. Constitutional revision may be anticipated by five years if, at the beginning of the legislative session corresponding to the last year of the five-year term, it is so decided by two-thirds of the Deputies in effective exercise of their mandate.

In this case the ten year period shall likewise be counted from the date of the law of revision then voted.

§ 2. Once a proposal or draft bill for constitutional revision has been presented, others may only be presented within twenty days from the date of the first presentation.

§ 3. Proposals or draft bills for constitutional revision shall not be accepted for consideration unless the proposed amendments are clearly defined.

§ 4. As soon as the law of revision has been published the constituent powers of the National Assembly shall cease.

177. Notwithstanding the provisions of the preceding article, should public interest urgently demand it, the Head of the State, after consulting the Council of State, may by a decree signed by all the Ministers[1]:

I) determine that the National Assembly to be elected shall assume constituent powers and revise the Constitution in such parts as specified in the relative decree;

II) submit to a national plebiscite the alterations of the Constitution referring to the legislature or its instruments; such approved alterations shall enter into effect as soon as the final results of the plebiscite are published in the *Diario do Governo*.

b) *Special and Temporary Provisions*

178. A transitional regime shall be adopted for carrying into effect the sole § of Art. 53, with such temporary restrictions as are deemed essential.

179. Until such time as the corporative organization of the Nation is completed, temporary measures shall be adopted to give effect to the principle of organic representation laid down in Title V of Part I[1]

180. Laws, and decrees having the force of law, that have been or may be published not later than the first meeting of the National Assembly shall continue in operation and remain in force as laws insofar as they contain nothing explicitly or implicitly contrary to the principles contained in the present Constitution.

181. The laws and decree laws referred to in the preceding article may nevertheless be revoked by regulating decrees in all matters concerning internal service organisation provided the juridical position of private individuals at law and the statute of Civil Servants are unaffected.

Sole §. The restrictions laid down in this article do not include laws and decree laws defining what constitutes legislative matter, nor the exceptions under § 1 of Art. 70 and Art. 93.

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[1] Text laid down by the Law No. 1.885.

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RUMANIA

SUMMARY

International Status

Rumania is a member of the United Nations.[1] It signed the Three Power Pact for mutual co-operation with Germany, Italy, and Japan on November 23, 1940. It declared war on the USSR on June 28, 1941, and on Britain and the United States in December of that year. It accepted the armistice terms of these three powers on August 23, 1945, and signed a treaty of peace with them on February 10, 1947.

It was a member of the League of Nations. It signed and ratified the

[1] Application, first made in 1947, was accepted December 14, 1955.

Statute of the Permanent Court of International Justice of 1921 and accepted the optional clause (Article 36). It is also a party to the Statute of the International Court of Justice of 1945. It is a member of other international organizations.[1]

Rumania was formed by the union of the two principalities of Wallachia and Moldavia in 1859. The Treaty of Berlin of 1878 proclaimed its independence from Turkish control. In 1916 Rumania entered the first World War on the side of the Allies. It submitted to the Treaty of Bucharest of May 7, 1918, by which it became a satellite of Germany, but entered the war against Germany again on November 9 of that year. By decisions of the Paris Peace Conference of 1919, it gained new territories, including Bessarabia, Bukowina, Transylvania, Crisana, Maramuresh, and a part of Banat, which increased the total area from 53,489 to 122,282 square miles. It recognized the loss of Bessarabia and Northern Bukowina to the USSR in the treaty of peace of 1947.

In 1927, on the death of King Ferdinand, Michael became king with a regency, owing to the renunciation of the throne on the part of his father, Carol. The latter returned in 1930 and the regency was abolished. In 1940, Carol abdicated again and Michael became King once more. Michael renounced the throne, under pressure, in the spring of 1948, and Rumania was proclaimed a popular republic under a new constitution on April 13, 1948.

Form of National Government

The Constitution of 1948 was superseded by a new Constitution adopted on September 24, 1952. This Constitution states that "the Rumanian People's Republic is a State of working people of town and country." [2]

Source of Sovereign Power

"In the Rumanian People's Republic power belongs to the working people of town and country, who exercise it through the Grand National Assembly and the People's Councils." [3]

Rights of the People

The Constitution guarantees the right to work, to rest and leisure, to maintenance in old age and in case of sickness or disability, and to education.[4] Equality of rights in all spheres of economical, political and cultural activities, the right of national minorities to use their own language and equal rights for women are assured.[5] Freedom of conscience and religion, speech, press, assembly, meetings, processions and demonstrations, and the right of association except "any Association of a Fascist or antidemocratic character" are provided for.[6] The Constitution guarantees

[1] See Table I.
[2] Const., Preamble and Art. 1.
[3] Id., Art. 4.
[4] Id., Arts. 77-80.
[5] Id., Arts. 81-83.
[6] Id., Arts. 84-86.

inviolability of asylum to foreign citizens "prosecuted for defending the interests of the working people or for scientific activity, or for participating in the struggle for national liberation or defense of peace." [1]

Art. 90 provides that "it is the duty of every citizen of the Rumanian People's Republic to abide by the Constitution."

Legislative Department

The Grand National Assembly is the highest organ of State power and the sole legislative organ.[2] Its members are elected for a term of four years on the basis of one Deputy for every 40,000 of population.[3] The Presidium of the Grand National Assembly, consisting of a President, two Vice-Presidents, a Secretary and thirteen Ministers, is elected by and accountable to the Assembly for all its activities.[4]

Executive Department

The highest executive and administrative organ is the Council of Ministers appointed by the Grand National Assembly and composed of the Chairman and Vice-Chairman of the Council of Ministers, the Chairmen of the State Planning, State Control, State Supply, State Agricultural Products Delivery, Higher Education, Cinematography and Arts Committees or Commissions and of the Ministers of the Rumanian People's Republic.[5] The Council of Ministers is responsible to the Grand National Assembly or, in intervals between sessions, to the Presidium.[6]

Judicial Department

Justice is administered by the Supreme Court, Regional Courts, People's Courts and special Courts as established by law.[7] Members of the Supreme Court are elected by the Grand National Assembly for a term of five years.[8] All other courts include as a rule people's assessors.[9]

Area, Population, Language

The area of Rumania is 91.671 square miles with a population (1948 census) of 15,872,624. The language is Rumanian but national minorities are guaranteed the free use of their own language and tuition of all categories in their own language.[10]

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[1] Const., Arts. 87-89.
[2] Id., Arts. 22, 23.
[3] Id., Art. 25.
[4] Id., Arts. 35, 36.
[5] Id., Arts. 42, 43.
[6] Id., Art. 44.
[7] Id., Art. 64.
[8] Id., Art. 67.
[9] Id., Art. 66.
[10] Id., Art. 82.

CONSTITUTION of the RUMANIAN PEOPLE'S REPUBLIC[1]

September 24, 1952

The Rumanian People's Republic is a State of working people of town and country.

The Rumanian People's Republic came into being as a result of the historic victory of the Soviet Union over German fascism and of Rumania's liberation by the glorious Soviet Army—a liberation which enabled the working people, headed by the working class, led by the Communist Party, to overthrow the fascist dictatorship, to smash the power of the exploiting classes and to create the people's democratic State which fully corresponds to the interests and aspirations of the popular masses of Rumania.

It was thus possible to crown with an historic victory the century-old struggle waged by the Rumanian working people for freedom and national independence, the heroic battles of the working class allied to the working peasantry for the overthrow of the capitalist-landlord regime and for shaking off the imperialist yoke.

The setting up and strengthening of the people's democratic State, the friendship and alliance with the great Soviet Union, and the selfless and brotherly support and aid granted by the latter, ensure the independence, State sovereignty, development and flourishing of the Rumanian People's Republic.

The Armed Forces of the Rumanian People's Republic stand guard over the borders of the country, guard over the sovereignty and independence of the Rumanian people, their security and peace.

The foreign policy of the Rumanian People's Republic is a policy of defending peace, a policy of friendship and alliance with the Union of Soviet Socialist Republics and the countries of people's democracy, a policy of peace and friendship with all peace-loving peoples.

The national minorities in the Rumanian People's Republic enjoy full equality in rights with the Rumanian people. In the Rumanian People's Republic, administrative-territorial autonomy is ensured to the Magyar population of the Szekely districts, where it forms a compact mass.

The present Constitution of the Rumanian People's Republic embodies the results so far obtained by the working people headed by the working class, in building socialist society in our country.

The policy of the people's democratic State is directed towards abolishing exploitation of man by man, and towards building Socialism.

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[1] Translation kindly supplied by the Rumanian Legation in Washington D.C.

Chapter I

THE SOCIAL STRUCTURE

Art. 1. The Rumanian People's Republic is a State of working people of town and country.

Art. 2. The foundation of people's power in the Rumanian People's Republic is the alliance of the working class with the working peasantry, an alliance in which the leading role is held by the working class.

Art. 3. The Rumanian People's Republic came into being and strengthened as a result of the liberation of the country by the Armed Forces of the Union of Soviet Socialist Republics from under the yoke of fascism and imperialist domination, as a result of the overthrow of the power of the landlords and capitalists by the masses of the people in town and countryside headed by the working class under the leadership of the Rumanian Communist Party.

Art. 4. In the Rumanian People's Republic power belongs to the working people of town and country, who exercise it through the Grand National Assembly and the People's Councils.

The People's Councils are the political foundation of the Rumanian People's Republic.

Art. 5. The national economy of the Rumanian People's Republic includes three social-economic sectors: the socialist sector, the sector of small-scale production of commodities, and the private -capitalist sector.

Art. 6. The foundation of the socialist social-economic sector is the socialist ownership of the means of production, which exists either in the form of State property (common property of the people) or in the form of co-operative-collective property (property of collective farms or of co-operative organizations).

In the socialist sector of national economy, the exploitation of man by man is abolished.

The socialist sector, which plays the leading role in the national economy of the Rumanian People's Republic, constitutes the basis for the development of the country along the road of Socialism. The people's democratic State, proclaiming as its main task the building of Socialism, ceaselessly strengthens and widens the socialist sector, and ensures a steady rise in the material well-being and cultural level of the working people.

Art. 7. All the mineral wealth, the factories, plants and mines, forests, waters, sources of natural energy, communications of every kind, rail, river, sea and air transport, banks, post, telegraph, telephone, radio, printing means, cinematography and theatre, State farms, Machine and Tractor Stations, communal enterprises and the nationalized part of the fund of dwelling houses in the towns, are State property—common property of the people.

Art. 8. The land in the Rumanian Peopele's Republic belongs to those who till it.

Art. 9. The livestock and implements of collective farms and co-operatives, their products, as well as all their enterprises and buildings, constitute the common property of the collective farms and co-operatives.

Peasants who are members of collective farms have for their personal

use a plot of household land, and, as their personal property, the husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements—in according with the rules of the collective farm.

Art. 10. Small-scale production of commodities in the Rumanian People'sRepublic includes small and medium peasant holdings with private land ownership based on the producer's own labour, as well as the workshops of handicraftsmen who do not exploit the labour of others. The State protects the right of private ownership of the land of peasants with small and medium holdings, according to the laws in force.

The People's democratic State supports the peasants with small and medium holdings, and the handicraftsmen, with the aim of protecting them against capitalist exploitation, increasing their production and raising their well-being.

Art. 11. The private-capitalist sector in the Rumanian People's Republic includes kulak holdings, private commercial enterprises, small non-nationalized industrial enterprises based on the exploitation of wage labour.

The people's democratic State consistently pursues a policy of restricting and dislodging the capitalist elements.

Art. 12. The personal property right of the citizens of the Rumanian People's Republic in their incomes and savings from work, in their dwelling houses and subsidiary home enterprises, in articles of domestic and personal use, as well as the right of citizens to inherit personal property, is protected by law.

Art. 13. The economic life of the Rumanian People's Republic develops on the basis of the State national-economic plan, in the interests of building Socialism, of ceaselessly raising the material and cultural well-being of the working people, of strengthening the national independence of the country and its defensive capacity.

Art. 14. In the Rumanian People's Republic foreign trade constitutes State monopoly.

Art. 15. In the Rumanian People's Republic work is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle: 'He who does not work, neither shall he eat'.

In the Rumanian People's Republic there is carried into effect on an ever wider scale the principle of Socialism: 'From each according to his ability, to each according to his work'.

Chapter II

THE STATE STRUCTURE

Art. 16. The State system of the Rumanian People's Republic is the system of people's democracy, representing the power of the working people.

Art. 17. The Rumanian people's democratic State—a unitary, sovereign and independent State:

a) defends the independence and sovereignty of the Rumanian people, the gains of the working people of town and country, the rights, liberties and power of those who work, against the enemies of the working people;

b) ensures the strengthening and development of the productive forces of the country by means of socialist industrialization, the liquidation of economic, technical and cultural backwardness, the gradual socialist transformation of agriculture on the basis of voluntary agreement of the working peasants;

c) organizes and develops planned economy, basing itself on State and co-operative enterprises;

d) organizes the defence of the Republic against external enemies and directs the Armed Forces of the country;

e) safeguards the internal security of the citizens, renders harmless and suppresses the enemies of the people;

f) directs the monetary and credit system, drafts and fulfils the State budget, determines the taxes, levies and revenues needed for the requirements of the State;

g) administers the banks and the State industrial, agricultural and trading enterprises and institutions;

h) directs public education of all grades;

i) ensures a steady rise in the well-being and the health of the masses of the people in town and country;

j) ensures the development of the culture of the Rumanian people and of the culture of the national minorities, socialist in content, national in form;

k) watches over the application and observance of the Constitution and the laws of the Rumanian People's Republic—the expression of the will and interests of the working people.

The exact observance and application of the Constitution and the laws of the country—compulsory throughout the territory of the Republic—are the main duty of every State institution and of every citizen.

Art. 18. The Rumanian People's Republic consists of the following administrative-territorial divisions:

The regions of Arad, Bacău, Baia Mare, Bârlad, Bucharest, Cluj, Constanţa, Craiova, Galaţi, Hunedoara, Iaşi, Oradea, Piteşti, Ploeşti, Stalin, Suceava, Timişoara and the Magyar Autonomous Region.

Art. 19. The Magyar Autonomous Region of the Rumanian People's Republic consists of the territory inhabited by the compact Magyar Szekely population and has its autonomous administrative body elected by the population of the Autonomous Region.

The Magyar Autonomous Region includes the districts of Ciuc, Gheorgheni, Odorhei, Reghin, Sângeorgiu de Pădure, Sf. Gheorghe, Târgu-Mureş, Târgu-Săcuesc, Topliţa.

The administrative centre of the Magyar Autonomous Region is the town of Târgu-Mures.

Art. 20. The laws of the Rumanian People's Republic, the decisions and directives of the central organs of the State, are compulsory on the territory of the Magyar Autonomous Region.

Art. 21. The Statute of the Magyar Autonomous Region is elaborated by the People's Council of the Autonomous Region and submitted for approval to the Grand National Assembly of the Rumanian People's Republic.

Chapter III

THE HIGHEST ORGAN OF STATE POWER IN THE RUMANIAN PEOPLE'S REPUBLIC

Art. 22. The highest organ of State power in the Rumanian People's Republic is the Grand National Assembly of the Rumanian People's Republic.

Art. 23. The Grand National Assembly is the sole legislative organ of the Rumanian People's Republic.

Art. 24. The Grand National Assembly is directly competent:

a) to elect the Presidium of the Grand National Assembly of the Rumanian People's Republic;

b) to appoint the Government of the Rumanian People's Republic;

c) to amend the Constitution;

d) to decide on questions of war and peace;

e) to establish the national-economic plans;

f) to approve the State budget and the report on fulfillment of the State budget and to determine the taxes and revenues earmarked to the State budget;

g) to establish the number and names of Ministries, to fuse and abolish Ministries;

h) to amend the division into regions of the territory of the Rumanian People's Republic;

i) to grant amnesty;

j) to exercise general control over the application of the Constitution.

Art. 25. The Grand National Assembly is elected by the working people, citizens of the Rumanian People's Republic, voting by election districts on the basis of one deputy for every 40,000 of the population.

The Grand National Assembly is elected for a term of four years.

Art. 26. A law is considered adopted if passed by a simple majority of the Grand National Assembly.

Art. 27. Laws adopted by the Grand National Assembly are signed by the President and Secretary of the Presidium and published in the Official Bulletin of the Grand National Assembly.

The observance of laws adopted by the Grand National Assembly is binding for all citizens of the Rumanian People's Republic.

Art. 28. Sessions of the Grand National Assembly are held twice a a year. The Presidium of the Grand National Assembly convenes the sessions of the Grand National Assembly.

Art. 29. Extraordinary sessions of the Grand National Assembly may be convened by the Presidium of the Grand National Assembly or on the demand of one third at least of the total number of deputies.

Art. 30. The Grand National Assembly elects at every legislature a President and two Vice-Presidents who conduct the sittings of the Grand National Assembly in accordance with the internal regulations.

Art. 31. The Grand National Assembly validates the mandates of the deputies elected.

With a view to verifying the conditions in which the election of each deputy has taken place, the Grand National Assembly elects a Credentials Commission. This Commission submits its report for approval to the

Grand National Assembly, which decides whether to validate or to annul the election of this or that deputy.

Art. 32. The Grand National Assembly may appoint commissions of investigation and audit on various problems.

All State organs and officials are obliged to submit to these commissions any information and documents required.

The Grand National Assembly establishes separately for each commission its powers and mode of functioning.

Art. 33. Every deputy has the right to put questions or interpellate the Government or any of the Ministers. The Government or the Minister to whom a question has been addressed is obliged to give a verbal or written reply within a maximum of three days.

Art. 34. No deputy to the Grand National Assembly may be prosecuted or arrested without the consent of the Grand National Assembly during sessions, or, when the Grand National Assembly is not in session, without the consent of the Presidium of the Grand National Assembly.

Art. 35. The Grand National Assembly of the Rumanian People's Republic elects the Presidium of the Grand National Assembly, consisting of a President, two Vice-Presidents, a Secretary and thirteen members.

Art. 36. The Presidium of the Grand National Assembly is accountable to the Grand National Assembly of the Rumanian People's Republic for all its activities.

Art. 37. The Presidium of the Grand National Assembly of the Rumanian People's Republic:

(a) convenes the sessions of the Grand National Assembly;

(b) issues decrees;

(c) gives interpretations of the laws in force in the Rumanian People's Republic;

(d) conducts nation-wide polls (referendums);

(e) annuls decisions and orders of the Council of Ministers if they do not conform to law;

(f) in the intervals between sessions of the Grand National Assembly, releases and appoints Ministers in the Government on the recommendation of the Chairman of the Council of Ministers subject to subsequent confirmation by the Grand National Assembly;

(g) institutes decorations, medals and titles of honour of the Rumanian People's Republic;

(h) awards decorations and medals and confers titles of honour of the Rumanian People's Republic; institutes military titles, diplomatic ranks and other special titles;

(i) in the interval between sessions of the Grand National Assembly of the Rumanian People's Republic, on the recommendation of the Government, proclaims a state of war in the event of armed aggression directed against the Rumanian People's Republic or against any other State towards which the Rumanian People's Republic has mutual defence obligations arising from international treaties;

(j) appoints and recalls the Commander-in-Chief of the Armed Forces of the Rumanian People's Republic;

(k) orders partial or general mobilization;

(l) exercises the right of pardon and commutation of punishment;

(m) ratifies and denounces international treaties of the Rumanian People's Republic;

(n) appoints and recalls plenipotentiary representatives of the Rumanian People's Republic to foreign States;

(o) receives the letters of credence and recall of diplomatic representatives accredited to it by foreign States;

(p) in the interests of the defence of the Rumanian People's Republic or of the maintenance of public order and the security of the State proclaims a state of emergency in certain localities or throughout the territory of the country.

Art. 38. The mandate of the Grand National Assembly ceases on the expiration of the term of office for which it has been elected.

Art. 39. On the expiration of the term of office of the Grand National Assembly of the Rumanian People's Republic, the Presidium of the Grand National Assembly orders new eleetions to be held within a period not exceeding three months from the date of expiration of the term of office of the Grand National Assembly.

The Presidium in office retains its powers until the election of the new Presidium by the new Grand National Assembly of the Rumanian People's Republic.

Art. 40. In the event of war or other emergency, the Grand National Assembly may prolong its term of office for the duration of the emergency.

Art. 41. The newly elected Grand National Assembly is convened by the outgoing Presidium within a period not exceeding three months after the elections.

Chapter IV

The Organs of State Administration of the Rumanian People's Republic

Art. 42. The highest executive and administrative organ of the State power of the Rumanian People's Republic is the Council of Ministers of the Rumanian People's Republic.

Art. 43. The Council of Ministers is appointed by the Grand National Assembly of the Rumanian People's Republic and consists of:

The Chairman of the Council of Ministers of the Rumanian People's Republic;
The Vice-Chairman of the Council of Ministers of the Rumanian People's Republic;
The Chairman of the State Planning Committee;
The Chairman of the State Control Commission;
The Ministers of the Rumanian People's Republic;
The Chairman of the State Supply Committee;
The Chairman of the State Agricultural Products Delivery Committee;
The Chairman of the Committee for Higher Education;
The Chairman of the Cinematography Committee;
The Chairman of the Arts Committee.

Art. 44. The Council of Ministers is responsible and accountable for its activity to the Grand National Assembly, or, in the intervals between sessions of the Grand National Assembly, to the Presidium of the Grand National Assembly.

Art. 45. The Council of Ministers of the Rumanian People's Republic issues decisions and orders on the basis and in pursuance of the laws in operation and verifies their execution.

Art. 46. Decisions and orders of the Council of Ministers of the Ru-

manian People's Republic are binding throughout the territory of the Rumanian People's Republic.

Art. 47. The Council of Ministers of the Rumanian People's Republic

(a) co-ordinates and directs the work of the Ministries and of other institutions under its jurisdiction;

(b) adopts measures to carry out the national-economic plan and State budget and to consolidate the monetary and credit system;

(c) adopts measures for the maintenance of public order, for the protection of the interests of the State, and for the safeguarding of the rights of citizens;

(d) exercises general guidance in the sphere of relations with foreign States;

(e) fixes the annual contingent of citizens to be called up for active military service and directs the general organization of the Armed Forces of the country;

(f) sets up, whenever necessary special committees and commissions as well as central administrations under the Council of Ministers, for economic, cultural, juridical and military affairs.

Art. 48. The Council of Ministers of the Rumanian People's Republic may annul orders and instructions of Ministers which do not conform with the laws and with the decisions of the Council of Ministers.

Art. 49. Within the limits of the jurisdiction of their respective Ministries, the Ministers issue orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of Ministers, and verify their execution.

Art. 50. The Ministries of the Rumanian People's Republic are the following:

The Ministry of Foreign Affairs;
The Ministry of Internal Affairs;
The Ministry of Agriculture;
The Ministry of Foreign Trade;
The Ministry of Home Trade;
The Ministry of Constructions and of the Building Materials Industry;
The Ministry of Cults;
The Ministry of Power Stations and the Electrical Equipment Industry;
The Ministry of Finance;
The Ministry of the Armed Forces;
The Ministry of State Farms;
The Ministry of Communal Economy and Local Industry;
The Ministry of Forestry;
The Ministry of the Food Industry;
The Ministry of the Meat, Fish and Dairy Industry;
The Ministry of the Coal Industry;
The Ministry of the Chemical Industry;
The Ministry of the Metallurgical Industry;
The Ministry of the Oil Industry;
The Ministry of the Timber, Paper and Cellulose Industry;
The Ministry of Light Industry;
The Ministry of Public Education;
The Ministry of Justice;
The Ministry of Postal Administration and Tele-Communication;
The Ministry of Social Maintenance;
The Ministry of Health;
The Ministry of State Security;
The Ministry of Transport.

Chapter V

THE LOCAL ORGANS OF STATE POWER

Art. 51. The organs of State power in regions, districts, towns and rural localities are the People's Councils of the working people of town and country.

Art. 52. The People's Councils consist of deputies elected for a term of two years by the working people, citizens of the Rumanian People's Republic, of the respective regions, districts, towns and rural localities.

The basis of representation for the People's Councils is determined by law.

Art. 53. The People's Councils direct the work of the organs of administration subordinate to them, direct local economic and cultural affairs, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, and draw up the local budgets.

Art. 54. The People's Councils organize the active participation of the working people in the management of State and public affairs and in the building of Socialism.

Art. 55. The People's Councils adopt decisions and issue orders within the limits of the rights vested in them by the laws of the Rumanian People's Republic.

Art. 56. The executive and administrative organs of the People's Councils of regions, districts, towns and rural localities are the Executive Committees elected by the deputies of the People's Councils and consisting of a Chairman, Vice-Chairman, a Secretary and members.

Art. 57. The organ of State power of the Magyar Autonomous Region is the People's Council of the Autonomous Region.

The executive and administrative organ of the People's Council of the Magyar Autonomous Region is the Executive Committee elected by it.

Art. 58. The People's Council of the Magyar Autonomous Region is elected by the working people of the Autonomous Region, citizens of the Rumanian People's Republic, for a term of two years; the basis of representation is determined by law.

Art. 59. The executive and administrative organ of the People's Councils in small localities consists of the Chairman, Vice-Chairman and Secretary, elected by the deputies of the respective People's Council.

Art. 60. The executive and administrative organs of the People's Councils are accountable for their activities both to the People's Council which elected them and to the Executive Committee of the directly superior People's Council.

Art. 61. The People's Councils of regions, districts and towns set up sections of the Executive Committees.

The organization, functions and activities of the sections are determined by law.

Art. 62. The sections of the Executive Committees of the People's Councils are subordinate to the respective People's Council and Executive Committee, as well as to the corresponding section of the Executive Committee of the directly superior People's Council and to the respective Ministries.

Art. 63. On the expiration of the term of office of the People's Councils the Executive Committees retain their powers until the newly elected People's Councils have formed new executive organs.

Chapter VI

THE COURTS AND THE PROCURATOR'S OFFICE

Art. 64. In the Rumanian People's Republic, justice is administered by the Supreme Court of the Rumanian People's Republic, the Regional Courts and the People's Courts as well as by special Courts established by law.

The organization, competence and procedure of the Courts are established by law.

Art. 65. The Courts defend the system of people's democracy and the gains of the working people; they ensure public law, public property and the rights of the citizens.

Art. 66. In all Courts cases are tried with the participation of people's assessors, except in cases for which the law provides otherwise.

Art. 67. The Supreme Court of the Rumanian People's Republic is elected by the Grand National Assembly for a term of five years.

Judges and people's assessors are elected in accordance with the procedure established by law.

The appointment of judges to special Courts is also established by law.

Art. 68. In the Rumanian People's Republic, judicial proceedings are conducted in the Rumanian language; in regions and districts inhabited by a population of non-Rumanian nationality, the use of the own language of that population is ensured.

Persons not knowing the language in which the judicial proceedings are conducted, are guaranteed the opportunity of acquainting themselves, through an interpreter, with the material of the case, and likewise the right to use their own language in Court and in the conclusions to the case.

Art. 69. In all Courts cases are heard in public, unless otherwise provided for by law.

The accused is guaranteed the right to defence.

Art. 70. Judges are independent and subject only to the law.

Art. 71. The Courts deliver their decisions on behalf of the people.

Art. 72. The Supreme Court of the Rumanian People's Republic supervises the judicial activities of all Courts of the Rumanian People's Republic.

Art. 73. Supreme supervisory power to ensure the observance of the law by the Ministries and other central organs, by the local organs of State power and administration, as well as by officials and other citizens, is vested in the Procurator-General of the Rumanian People's Republic.

Art. 74. The Procurator-General of the Rumanian People's Republic is appointed by the Grand National Assembly for a term of five years.

Deputies of the Procurator-General of the Rumanian People's Republic and procurators of the local units of the Procurator's Office are appointed by the Procurator-General for a term of four years.

Art. 75. The Procurator-General is responsible to the Grand National Assembly of the Rumanian People's Republic and—in the interval between sessions— to the Presidium of the Grand National Assembly and to the Council of Ministers.

Art. 76. The organs of the Procurator's Office are independent of any local organs, being subordinate solely to the Procurator-General of the Rumanian People's Republic.

Chapter VII

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Art. 77. Citizens of the Rumanian People's Republic are ensured the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is guaranteed by the existence and development of the socialist organization of the national economy, the steady and systematic growth of the productive forces in the Rumanian People's Republic, the elimination of the possibility of economic crises and the abolition of unemployment.

Art. 78. Citizens of the Rumanian People's Republic have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers; by the reduction of the working day to less than eight hours for certain trades in which conditions of work are arduous, and for sections where conditions of work are particularly arduous; by the institution of annual vacations with full pay for all factory and office workers, and by the provision of rest-homes, sanatoria and cultural establishments for the accommodation of the working people.

Art. 79. Citizens of the Rumanian People's Republic have the right to maintenance in old age and also in case of sickness or disability.

This right is guaranteed by the broad development of social insurance of factory and office workers at State expense, free medical service for the working people, and by the provision of health resorts for the use of the working people.

Art. 80. Citizens of the Rumanian People's Republic have the right to education.

This right is ensured by universal, compulsory and free elementary education; by a system of State stipends for deserving students and pupils of higher educational establishments and medium and elementary schools; and by the organization in industrial enterprises, State farms, Machine and Tractor Stations and collective farms of free vocational training for the working people.

Education of all categories is provided for by the State.

The State takes care of the development of science, literature and arts.

Art. 81. The working people, citizens of the Rumanian People's Republic, irrespective of their nationality or race, are ensured full equality in rights in all spheres of economic, political and cultural activity.

Any direct or indirect restriction of the rights of the working people,

citizens of the Rumanian People's Republic, the establishment of any direct or indirect privileges for citizens on account of their race or nationality, as well as any manifestation of chauvinism, race hatred, national hatred or nationalist chauvinistic propaganda, is punishable by law.

Art. 82. In the Rumanian People's Republic, the national minorities are guaranteed the free use of their own language, tuition of all categories in their own language, and books, newspapers, and theatres in their own language. In districts inhabited also by populations of a nationality other than the Rumanian, all organs and institutions shall use orally and in writing the language of the respective nationalities as well, and shall appoint officials from among the ranks of the respective nationality or of other local inhabitants conversant with the language and the way of life of the local population.

Art. 83. Women in the Rumanian People's Republic have equal rights with men in all spheres of economic, political, government and cultural activity.

Women have equal rights with men to work, payment for work, rest and leisure, social insurance and education.

The State protects marriage and the family, and defends the interests of mother and child. The State grants aid to mothers of large families and unmarried mothers, maternity leave with full pay, and provides maternity homes, crèches and day-nurseries.

Art. 84. All citizens of the Rumanian People's Republic are guaranteed freedom of conscience.

Religious cults are free to organize themselves and may function freely. All citizens of the Rumanian People's Republic are guaranteed freedom of religious worship.

The school is separated from the church. No religious creed, congregation or community may open or maintain institutions of general education, but only special schools for training the personnel of the cult.

The manner of organization and functioning of religious cults is regulated by law.

Art. 85. In conformity with the interests of the working people and in order to strengthen the system of people's democracy, the citizens of the Rumanian People's Republic are guaranteed by law:

a) freedom of speech;
b) freedom of the press;
c) freedom of assembly, including the holding of mass meetings;
d) freedom of street processions and demonstrations.

These rights are ensured by placing at the disposal of the working masses and their organizations, printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

Art. 86. In conformity with the interests of the working people and in order to develop the political and public activity of the masses of the people, the citizens of the Rumanian People's Republic are guaranteed the right to unite in public organizations, trade unions, co-operative societies,

women and youth organizations, sports organizations and cultural, technical and scientific societies.

Any association of a fascist or anti-democratic character is prohibited. Participation in such associations is punishable by law.

The most active and conscious citizens in the ranks of the working class and of other sections of the working people unite in the Rumanian Worker's Party, the vanguard of the working people, in their struggle to strengthen and develop the people's democratic system and to build the socialist society.

The Rumanian Workers' Party is the leading force of organizations of the working people as well as of the State organs and institutions. All organizations of the working people in the Rumanian People's Republic rally round it.

Art. 87. Citizens of the Rumanian People's Republic are guaranteed inviolability of the person.

No person may be placed under arrest except by decision of a Court or of the Procurator, in conformity with the provisions of the law.

Art. 88. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Art. 89. The Rumanian People's Republic affords the right of asylum to foreign citizens prosecuted for defending the interests of the working people, or for scientific activity, or for participating in the struggle for national liberation or the defence of peace.

Art. 90. It is the duty of every citizen of the Rumanian People's Republic to abide by the Constitution and to observe the laws of the people's democratic State; to safeguard, fortify and develop public socialist property; to maintain labour discipline; actively to contribute to the strengthening of the system of people's democracy and to the economic and cultural advancement of the country.

Art. 91. Military service is compulsory. Military service in the Armed Forces of the Rumanian People's Republic is an honourable duty of the citizens of the Rumanian Peoples Republic.

Art. 92. To defend the motherland is the sacred duty of every citizen of the Rumanian People's Republic. Treason to the motherland, violation of the oath of allegiance, desertion to the enemy, impairing the defensive capacity of the State, espionage, constitute the gravest of crimes against the people and State and are punishable with all the severity of the law.

Chapter VIII

THE ELECTORAL SYSTEM

Art. 93. The deputies to the Grand National Assembly and to the People's Councils are elected on the basis of universal, equal and direct suffrage by secret ballot.

Art. 94. The deputies are elected on the basis of universal suffrage.

All working people, citizens of the Rumanian People's Republic, who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, profession or residence, have the right to vote in the

election of deputies, with the exception of insane persons, of persons who have been sentenced by a court of law to deprivation of electoral rights, and of persons declared unworthy by law.

Any working person, citizen of the Rumanian People's Republic, who has reached the age of twenty-three and who has the right to vote, is eligible for election to the Grand National Assembly and to the People's Councils.

Art. 95. The deputies are elected by equal suffrage. All working people, citizens of the Rumanian People's Republic, participate in elections on an equal footing, and each citizen is entitled to one vote.

Art. 96. Women have the right to elect and be elected to the Grand National Assembly and to the People's Councils on equal terms with men.

Art. 97. Citizens serving in the Armed Forces of the Rumanian People's Republic have the right to elect and be elected on equal terms with all working people, citizens of the Rumanian People's Republic.

Art. 98. The deputies are elected by direct suffrage. The working people, citizens of the Rumanian People's Republic, participate in the election for the Grand National Assembly and for all the People's Councils by direct vote.

Art. 99. Voting at elections of deputies is secret.

Art. 100. Candidates are nominated by election districts according to norms established by law.

The right to nominate candidates is secured to all organizations of working people: organizations of the Rumanian Workers' Party, trade unions, co-operatives, youth organizations and other mass organizations and cultural societies.

Art. 101. It is the duty of every deputy to report to his electors on his work and on the work of the elected body to which he belongs.

The deputy may be recalled at any time upon decision of a majority of the electors, in the manner established by law.

Chapter IX

Arms, Flag and Capital of the Rumanian Peoples' Republic

Art. 102. The arms of the Rumanian People's Republic are wooded mountains over which the sun is rising, with an oil-derrick at the left and surrounded by ears of grain. At the top of the arms is a five-pointed star. At the bottom of the arms the ears are furled in a three-coloured ribbon on which are written the letters: R.P.R.

Art. 103. The flag of the Rumanian People's Republic bears the colours: red, yellow and blue arranged vertically, with the blue stripe next to the staff. In the centre are the arms of the Rumanian People's Republic.

Art. 104. The capital of the Rumanian People's Republic is the City of Bucharest.

Chapter X

Procedure for Amending the Constitution of the Rumanian People's Republic

Art. 105. The Constitution of the Rumanian People's Republic may be amended only by a law adopted by the Grand National Assembly.

The bill on amending the Constitution is considered adopted if not less than two-thirds of the total number of members of the Grand National Assembly of the Rumanian People's Republic have voted for it.

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SAN MARINO

SUMMARY

International Status

San Marino is not a member of the United Nations. It was not a member of the League of Nations or a party to the Paris Pact, or the Statute of the Permanent Court of International Justice. It is a member of the Postal Union and a few other international organizations.[1]

San Marino was neutral until September 21, 1944, when it declared war on Germany nine days after it was invaded by the latter. On the following day the British captured the capital city and freed the Republic of German troops.

[1] See Table I.

San Marino claims to be the oldest State in Europe, dating from the fourth century. Its institutions and series of statutes date from the twelfth century, when the proprietors of the abbey of that name, having declared that they were the vassals of none, formed themselves into a commune. All the succeeding governments in Italy have respected its integrity. In 1862, the Kingdom of Italy concluded a treaty, which it has renewed from time to time as late as 1939, guaranteeing the liberty and independence of the republic and extending it protective friendship.

Form of National Government

San Marino has an electoral law issued in 1926. This was preceded by the laws of 1906, 1907, 1915, and 1920.

Source of Sovereign power

The source of sovereignty is not stated.

Rights of the People

There is no statement of rights.

Legislative Department

Legislative power is in the hands of the Great and General Council of sixty members. Fifty-eight of these are elected by the *Arringo* which consists of the heads of families. Two governing captains in charge of the electoral committees are members by right.[1]

Executive Department

Two members of the Great Council are chosen to exercise the executive power for a term of six months.[2]

Judicial Department

There is no provision regarding courts.

Area, Population, Language

San Marino has an area of 38 square miles and a population (1950) of 12,780. The language is Italian.

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[1] Electoral Law, Arts. 1, 2.
[2] No express constitutional provision.

ELECTORAL LAW OF SAN MARINO[1]

November 18, 1926

Chapter I

Composition of the Council

Art. 1. The great and general council of the republic emanates from the assembly [*Arringo*] of the heads of families. It is composed of sixty members, of which two are so by right and fifty-eight are elected.

Art. 2. The governing captains in charge at the time of the meeting of the electoral committees belong to the new legislature by right, reservation being made of the provision in Article 14.

Art. 3. The fifty-eight elected members are named by the *Arringo* meeting in electoral committees and are chosen, in a partial and exceptional manner, by the council by co-optation, with such ways and formalities as the following articles establish.

Chapter II

Conditions of the Electorate

Art. 4. In accordance with the statute and decision of March 25, 1906, of the general *Arringo*, the heads of San Marino families, either by origin or naturalization, are electors.

Any one who lives in the home of an older relative who has the electoral right is not considered the head of a family, although he has reached his majority.

However, in spite of living together with the head of a family and provided they have reached their majority, the following can be electors: (1) licentiates; (2) members of the militia; (3) individuals personally inscribed on the rolls as contributors to the tax on income for a sum at least 150 liras a year.

Art. 5. The following are excluded from the electoral function: (a) women; (b) those interdicted and those incapable by feebleness of mind; (c) those condemned to permanent or temporary forfeiture of their full juridical capacity; those condemned to repressive penalty for crimes or for electoral corruption, and also those who have fallen into a state of judicial bankruptcy or who have not arrived at an agreement with their own creditors.

If the electoral right of the head of a family is lost for one of the above reasons, it passes to the oldest member living with the family and having the qualifications of an elector.

Art. 6. The elector cannot exercise his right except in the parish where he has civil domicile.

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[1] Translated by Dorothy W. Peaslee from Dareste, *Les Constitutions Modernes*, Vol. II, p. 423.

If he has transferred his domicile to another parish, he has the right to be inscribed on the electoral list of that parish upon request presented to the office of civil status on January 1 at the earliest and February 16 at the latest of the same year.

If he has transferred his residence out of the territory of the republic, he must exercise his political right in the parish where he had his last domicile or residence; and if he cannot prove his last domicile or residence he may choose the parish where he will be inscribed, provided that he makes the request to the office of civil status within the time indicated in the previous paragraph.

Art. 7. The electoral lists, one to each commune, are officially established; they include in alphabetical order, under their first and surnames, and with the indication of the name of the father, all those who possess the qualifications necessary to be an elector.

They are drawn up by a commission composed of the secretary of the interior, the president, the officer of the civil status, the clerk of the court and three members named by the legislature of the council.

This commission must revise, complete, and publish the list every year before January 31 by depositing it in the office of the civil status and posting it in every electoral parish.

Art. 8. Within fifteen days from the publication of the list, all citizens, even those not directly interested, can make a written or oral protest against the electoral list before the officer of the civil status.

Decision upon such protest shall be made without appeal in the course of the month of February by the commissioner of law. From the moment when the lists have been declared definitive, they cannot be modified until the revision of the following year, and in the election taking place at any time during the year, only the electors inscribed on the lists definitively established shall take part.

Art. 9. The lists can, however, be modified due to the death of any electors or the sudden disappearance of any person for one of the conditions stated in Articles 4 and 5.

Art. 10. The electoral lists must be accessible to all in the office of the civil status and must be kept there.

Chapter III

The Electoral College—Complementary Elections during the Legislature—Convocation of Committees

Art. 11. The members of the Grand Council are renewed every six years and whenever, by resignation or for any other reason, half plus one of the members disappear.

Art. 12. The election of the councilors above stated—subject to the provisions of Articles 13 to 38—is made by one sole college, by balloting, by majority, and with proprotional representation for the seats of the minority.

Art. 13. The elective seats that during a legislature become vacant for any reason whatsoever shall be distributed by the council by cooptation.

Nomination shall be made by means of ballots among the candidates proposed by the councilors, drawn by lot, of a number double that of the vacant seats. After the candidates have been announced each councilor may freely add another in such a manner, however, that the total of the said candidates shall not be more than triple that of the free seats.

The nomination can also be made by means of ballots carrying as many names as there are councilors to be elected, on the condition that this manner be proposed by ten councilors at least and accepted by the Regent.

The validity of the nomination requires the majority of the voters.

Art. 14. The assembly for the general election of the council is convoked by the Regent by a decision published fifteen days at least before that for which the convocation is made. This, in the months of March and September, cannot be fixed except for the day following that on which designation is made of the new regent-captains. To these latter (and not to those who must abandon the power) shall belong the nomination by right for which Article 2 provides.

Art. 15. Ten days at least before the day fixed for the elections, the electoral commission shall have posted in each parish the list of the electors of the section to which the parish belongs; this posting constitutes the invitation to vote and replaces the certificate of inscription.

Chapter IV

Formalities Previous to the Vote

Art. 16. The list of candidates must be presented by thirty electors at least and deposited, before mid-day of the sixth day before the vote, at the secretariat of the interior, which shall give a receipt therefor.

The signatures of the electors, on a single document or on different documents, must be legalized by a notary public or by the secretary of the interior. For the illiterate electors the declaration of the functionary charged with legalization shall take the place of signature.

No elector may sign more than one list of candidates, under penalty of a fine that can reach one hundred lira.

The declaration of the presentation of the list of candidates must also contain indication of a delegate and a substitute authorized to take part in the operations of the central office and to designate from the list, before mid-day of the day preceding the vote, the name of the actual representative and his substitute at the bureau of each electoral district.

Art. 17. Each list may contain any number of candidates provided it does not exceed that of the councilors to be elected; it must indicate the first name, surname, and descent of each candidate.

Lists containing less than forty-six candidates cannot be admitted to compete for the places reserved for the majority; this is in conformity with the dispositions of Article 38.

No candidate may be inscribed in more than one list.

The candidacy must be accepted in a declaration signed and legalized by a notary public or by the secretary of the interior; this declaration

must be presented within the time fixed in the first part of the preceding article.

Art. 18. In the four days that precede the vote, the electoral commission mentioned in Article 8 must verify the list of candidates; take note of the counter-signatures; eliminate from the list the names of those from whom the prescribed acceptance is missing; discard the lists which are not subscribed by the required number of electors or in the legal form fixed for the presentation; communicate by individual act, notified by bailiff to the delegate who presents the list, the irregularities observed, allowing a peremptory delay of forty-eight hours from the time of the notification to make it conform with the prescriptions of the law.

Art. 19. In the twenty-four hours from the presentation of the list provided for in Article 16, the department of the interior shall deliver the ballots to the delegates of each committee.

The ballots must be on good white paper. The counter-signature of the committee must be placed on one of the sides of the ballot.

Art. 20. Each committee before mid-day of the day preceding the vote must remit to the department of the interior ten copies of the form of ballot which the electoral commission must later deliver to all the presidents of the electoral bureaus.

Chapter V

Conditions of Eligibility

Art. 21. Other than the general conditions of the electorate expressed in Articles 4 and 5, it is necessary to be eligible as councilor:

(1) To know how to read and write;
(2) Not to be in any ecclesiastical post;
(3) To be domiciled in the republic.

Chapter VI

Procedure of General Elections

Art. 22. Seats of the electoral bureaus, that is of the electoral districts are: Citta, Borgo, Serravalle, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino. The electoral commission may for the rest modify the electoral sections with the agreement of the Regent.

Art. 23. The commission provided for in Article 7 is charged with drawing up each year and making public before January 31, by deposit in the office of the civil status and by posting in all the electoral districts, a list of citizens who shall be presidents of the voting bureaus during the year.

The commission must choose the said presidents from the following category of San Marino citizens, electors, domiciled or residing in the territory of the republic:

(a) Diplomats and those having academic degrees;
(b) Holders of technical or gymnasium diplomas;
(c) Individuals who have occupied at another time the office of president of a bureau in a preceding election.

Excluded from this list are: the secretaries of the interior and of the exterior, the officer of the civil status, the clerk of the court, the three members elected by the electoral commission and the members of the board of elections.

[Period for complaints against the list: Cf. Article 8].

The commission, in a meeting prior to and near the time of the convocation of the committees, shall proceed to the nomination of the presidents of each of the electoral bureaus; in case of non-acceptance of a nomination it shall take the necessary measures.

Art. 24. The morning of the day fixed for the balloting, the presidents of the electoral bureaus must report to the palace of government to receive there from the electoral commission all the necessary materials for the voting, together with the envelopes in which must be placed the form of ballot and the list of the representatives designated for each list.

The envelopes must be delivered in number corresponding to that of the electors inscribed, augmented by a third; all without exception must bear the stamp of the electoral commission.

Arts. 25–26. [Constitution of the bureau of voting. Nomination of two secretaries.]

Art. 27. The representatives of the different lists have the right to be present at all the operations of the electoral bureau.

It is permitted to them to deliver to the electors, before the latter go into the booth, the ballot with the list; but they must abstain from all propaganda or solicitation.

The president of the bureau may require any representative to leave who exercises pressure or disturbs the procedure of the election.

Art. 28. The president of the bureau and the representatives of the lists and the electors that accompany the president for service [drivers and soldiers], vote in the bureau where they exercise their office.

Art. 29. [Presence at the bureau].

Art. 30. [Attributes of the bureau .... to judge in the first instance the contests relative to the irregularity of the operations].

Art. 31. [Closing the room and the election process to non-electors].

Art. 32. [Posting, during the operations, the two lists of resident and non-resident electors registered in the district].

Art. 33. [Procedure of the vote, the return of ballots, and marginal notations.]

Art. 34. [Maintenance of order. Removal and disposition of armed forces.]

Art. 35. A ballot placed in the box represents one vote for a list.

Art. 36. [The opening and closing of the ballots.]

Chapter VII

The Verification of the Elections and the Proclamation of the Elected

Art. 37. [The counting and placing under seal of the bulletins, the report and other documents in a return envelope, the same evening as the balloting, to the commissioner of law.]

Art. 38. The following day the presidents of each of the bureaus shall meet with the delegate of each of the lists according to Article 16, in the audience room of the tribunal at ten o'clock, under the presidency of the commissioner of law, to constitute the central electoral bureau, which shall proceed to the following operations:

(1) The counting of the votes obtained by each list in all the districts;

(2) Determination of the list that received the most votes and the right to forty-six councilors.

If the list that has obtained the majority of votes contains a number of candidates less than forty-six, it can compete only for the seats belonging to the majority for which the following paragraph provides; and all the seats belonging to the majority shall pass to the list that has forty-six candidates.

If the list that has obtained the majority of votes contains a number of candidates greater than forty-six, the forty-six designated first in the order of the list presented to the secretariat of the interior, in conformity with Article 16, shall be declared elected. The remainder of the candidates may compete for the seats reserved to the minority as provided in paragraph (3) below;

(3) Division of the remaining fifth of the seats of councilors [12] between the list of the majority and that of the minority. If necessary, this procedure shall be followed: (a) the sum of the votes obtained by the list that has the majority, as stated in the preceding paragraph, shall be divided successively by 47, 48, 49, 50 . . . . ; the sum of the votes obtained by the other list shall be divided by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; (b) of the quotients thus obtained, the highest shall be chosen in disposing of them in accordance with a diminishing scale of 12; (c) to each list shall be allocated as many seats of the minority as it contains times the quotient in the graduated scale. In case of equality of quotients among the lists of the minority, the seat belongs to that which has received the greatest number of votes. The seats are allowed to the candidates as provided in the last paragraph of the preceding number.

If the list that obtains the majority of the councilors contains only forty-six names of candidates, the seats of the minority eventually pertaining to that list shall be allocated by the Grand and General Council according to the rule of Article 14.

If none of the lists contains forty-six candidates, the seats shall be apportioned by dividing the sum of the votes of each of them by 1, 2, 3, 4, etc. successively, until arrival at the number of councilors to be elected; as a consequence, the highest in number equal to that of the councilors to be elected shall be chosen from among the quotient thus obtained, disposing of them in accordance with a descending scale. Each of the lists shall have as many representatives (to be chosen according to the order of inscription on the list) as the quotient belonging to it shall be included in the graduated scale. If there is an equality of quotients, the seat shall be given to the list that obtained the greatest number of votes. If by this manner of procedure all of the elective seats are not provided for, those that remain shall be provided for by the Grand and General Council according to the rule established in Article 13, subject to the condition that the councilors attain the number of thirty; for lack of which the Regent shall make a new convocation of electoral committees;

(4) Proclamation of the elected and declaration of the number of vacant seats eventually at the disposition of the Grand and General Council.

Art. 39. It is forbidden to the central bureau to deliberate on, and also to discuss, the allocation of votes, the complaints, protests, and incidents that occur in the voting places, and to occupy itself with any subject other than those determined in the preceding article.

Art. 40. The central bureau, upon the completion of the operations confided to it, transmits all the envelopes to the secretariat of the interior, which in turn delivers them to the board of elections.

Art. 41. Within three days, the secretariat of the interior publishes the result of the ballots and notifies each of those elected.

Art. 42. The permanent board of elections is presided over by the Regent and composed of five members, elected by the council and remaining in office during all of the legislature.

Art. 43. The role of the board is to examine all the electoral documents, to receive appeals formulated by the electors within ten days of the election regarding all questions of eligibility or electoral procedure, to provide for the eventual expulsion of ineligibles ...., to declare seats vacant according to the principles of Articles 38, and to propose quickly the validation of all the councilors declared elected.

For elections in which there are no protests, that is to say, in the cases where those elected fulfill all the conditions of eligibility required by the present law and where the electoral operations have taken place regularly, the council simply takes note of the conclusions of the board of elections.

It proceeds, on the contrary, to vote on the conclusions of the board, for acceptance or rejection, in particular cases of contested, doubtful, or irregular election.

Art. 44. If from the report of the bureau of an electoral district it appears that the operations have been prevented by violence or that the ballots have been violently scattered in order to prevent the counting, the Regent will convoke the committees in the said district for the following Sunday. In such case the operations of the central bureau prescribed in Article 38 shall be postponed to the day after the supplementary balloting.

Art. 45. The councilors must take oath within two months from the validation of their election.

Those who fail to do so without just cause shall be deprived of their mandate.

Art. 46. [Penal sanction for every restraint on the free exercise of political rights.]

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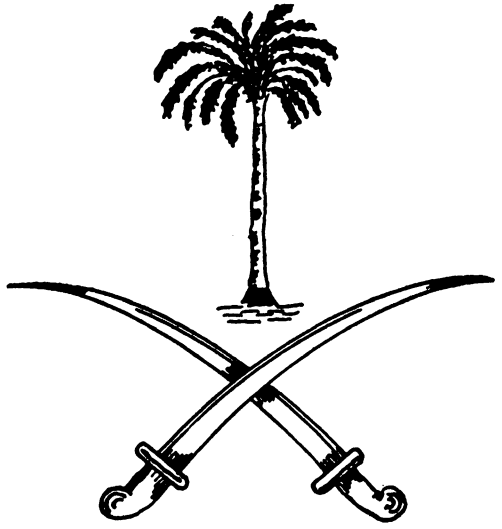

SAUDI ARABIA

SUMMARY

International Status

Saudi Arabia is a member of the United Nations. It signed the Charter in San Francisco on June 26, 1945, and deposited its ratification on October 24, 1945. It adhered on March 6, 1945, to the United Nations Declaration of January 1, 1942.

The Hejaz, now a part of Saudi Arabia, was one of the original members of the League of Nations but did not sign the Statute of the Permanent Court of International Justice of 1921. By virtue of its membership in the United Nations, Saudi Arabia is a party to the Statute of the International Court of Justice of 1945. It is not, as of the time of

our going to press, subject to the compulsory jurisdiction of the Court.[1] It is a member of the Universal Postal Union and other international organizations.[2]

On January 15, 1902, Abdel Aziz ibn Abdel Rahman Al Faisal Al Séoud, previously a refugee in Koweit, reconquered Riad, the capital of the Nejd, which had been seized by the Rashid family. During the next twenty-five years he continued extending his domain until, on January 29, 1927, he became King of the Hejaz, Nejd and Dependencies. By the end of 1931 his government had been generally recognized by other governments. The name of the Kingdom was changed to Saudi Arabia by a royal decree of September 18, 1932.

Saudi Arabia declared war on Germany and Japan on March 1, 1945.

Form of National Government

In 1932 it was proposed to provide a single constitution for the whole country. This has not yet been done and the dual character of the state is provisionally maintained with two capitals, Mecca and Riyadh. According to the constitution of August 29, 1926, the kingdom of the Hejaz, is "a monarchical, constitutional and Moslem state." [3] The entire administration of the Kingdom is "in the hands of the King," subject to "the standards of the noble Sharia." [4]

Source of Sovereign Power

The source of the sovereign power is not stated in any of the constitutional documents.

Rights of the People

The constitutional documents contain no specific guarantees of individual rights. The King is, however, "bound by the standards of the noble Sharia," and the legal standards in the Kingdom must be "in conformity with the Book of God, the Sunna of the Prophet .... and the conduct of the Prophet's companions and the first virtuous generations." [5]

Legislative Department

Legislative functions are performed by an advisory council composed of the viceroy, his advisers and six notables designated by the King.[6] This council meets at Mecca each week and oftener if necessary to consider matters referred to it by the viceroyalty and makes decisions subject to the approval of the King.[7] The departmental directors, upon summons by the viceroyalty, attend meetings of the council at which questions relating to the departments are discussed.[8]

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[1] See Yearbook of the Court, 1951–52, p. 43.
[2] See Table I.
[3] Constitution of the Kingdom of the Hejaz, Art. 2.
[4] Id., Art. 5.
[5] Id., Arts. 5, 6.
[6] Id., Art. 28.
[7] Id., Arts. 29, 31.
[8] Id., Art. 30.

There are also, in the municipalities of Mecca, Medina, and Jedda, general municipal councils which may pass resolutions, subject to approval by the advisory council and by the King, with respect to the administration of those municipalities.[1]

Executive Department

The King, in whose hands is the entire administration of the Kingdom, appoints a viceroy (lieutenant general) and as many directors and chiefs as are necessary. The directors and chiefs are responsible to the viceroy, who is, in turn, responsible to the King.[2] The affairs of the Kingdom are divided into six fundamental sections: Sharia, internal, foreign, financial, public instruction, and military.[3] There is a council of ministers, composed of a president, the minister of foreign affairs, the minister of finance and the minister of the advisory council.[4] The council of ministers meets every evening when the majority of its members are in the same place and, in any event, at least once a week.[5] The president of the council of ministers serves also as viceroy, minister of foreign affairs, and minister of military affairs.[6]

Judicial Department

The constitutional documents contain no reference to judicial organs except in the provision that the presidency of the judiciary is one of the services belonging to the president of the council of ministers,[7] and the provision that the directorate of the Sharia tribunals, in so far as they are not subject to the presidency general, is entrusted to the ministry of the interior.[8]

Area, Population, Language

The area of Saudi Arabia is approximately 350,000 square miles. Its population is estimated at 6,000,000. The official language is Arabic.[9]

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[1] Constitution of the Kingdom of the Hejaz, Arts. 62-71. [2] Id., Arts. 5-8.
[3] Id., Art. 9. [4] Decree of December 29, 1931, Art. 1.
[5] Id., Art. 12. [6] Id., Art. 3. [7] Id., Art. 16.
[8] Id., Art. 17; cf. Art. 3 and note thereon. [9] Constitution of the Hejaz Art. 4.

CONSTITUTIONAL DOCUMENTS OF SAUDI ARABIA[1]

CONSTITUTION OF THE KINGDOM OF HEJAZ

August 29, 1926

PART I

The Kingdom, Constitution, Capital, Official Language

Art. 1. The parts of the Kingdom of the Hejaz, with its known boundaries, are bound together and may not be divided or separated in any way.

Art. 2. The Arabic State of the Hejaz is a monarchical, constitutional, and Moslem state, independent in its internal and external affairs.

Art. 3. Holy Mecca is the capital of the State of the Hejaz.

Art. 4. The Arabic language is the official language of the State.

PART II

Administration of the Kingdom, Legal Standards, the Vice-Royalty, the Responsibility of the Administration

Art. 5. The entire administration of the Kingdom of the Hejaz is in the hands of His Majesty Abdel Aziz I ibn Abdel Rahman Al Faisal Al Séoud. His Majesty is bound by the standards of the noble Sharia.

Art. 6. In the Kingdom of the Hejaz, the legal standards shall be always in conformity with the Book of God, the Sunna of the Prophet—the benediction of God be upon him—and the conduct of the prophet's companions and the first virtuous generations.

Art. 7. His Majesty the King will appoint a viceroy (lieutenant general) and as many directors and chiefs as shall be necessary for the administration of the Kingdom.

Art. 8. The viceroyalty being the co-ordinating organ for all departments of the government and their different sections, each departmental director and each chief shall be held responsible to the viceroyalty for the

[1] The documents used here are those which are considered to be the principal constitutional documents of the Kingdom of Saudi Arabia. English translations of the Hejaz Constitution and the decree constituting Nejd a Kingdom have appeared in *British and Foreign State Papers*, Vol. 124, Part II, pp. 880-888, and Vol. 130, Part I, p. 879, respectively, and in Helen Miller Davis, *Constitutions, etc. of States of the Near and Middle East*, pp. 248-258. The Decree of December 29, 1931, so far as the editor is informed, has not appeared heretofore in English. An English translation of the Decree of September 18, 1932, is in Helen Miller Davis, *op. cit.*, pp. 259-260. The translations here used were made from the French translations in *Revue Egyptienne de Droit International*, Vol. 3 (1947), pp. 146-156, except as to Articles 56-79 of the Hejaz Constitution, which have been reproduced from *British and Foreign State Papers*, Vol. 124, Part II. Observe the provisions of the Decree of December 29, 1931, Art. 6, which contemplates the formation of a new constitution.

administration of all matters within their several assignments. The viceroyalty is, in turn, responsible to His Majesty the King.

PART III

The Affairs of the Kingdom of the Hejaz

Art. 9. The affairs of the Kingdom of the Hejaz are divided into six fundamental sections:

(1) Sharia affairs;
(2) Internal affairs;
(3) Foreign affairs;
(4) Financial affairs;
(5) Affairs of public instruction;
(6) Military affairs.

(1) Sharia Affairs

Art. 10. Sharia affairs mean affairs and questions relating to the Sharia law, the two holy territories, the wakfs, the mosques, and all the religious establishments.

(2) Internal Affairs

Art. 11. Internal affairs mean affairs of the public security, telegraphs, posts, public hygiene, municipalities, public works, commerce, agriculture, industry, mines, and other private institutions. They are, with their agencies, directly administered by the viceroyalty.

Art. 12. The viceroyalty being responsible for internal affairs and their good administration, the directors of public security, the telegraphs, the post and public hygiene must exercise their functions within the limits of the orders and instructions issued to them by the viceroyalty.

Art. 13. The chiefs of the municipalities must exercise their functions within the limits of the instructions which shall be promulgated with reference to the municipalities and their organization. The municipality of the capital is attached to internal affairs, and each of the other municipalities is attached to the highest administrative official of the region.

Art. 14. The commission on pilgrimage is composed, under the presidency of the viceroy, of the directors of the departments that are concerned with matters of pilgrimage, and of qualified persons of importance designated by His Majesty the King.

Art. 15. The commission on pilgrimage has full authority to study all matters and cases relating to pilgrimage and pilgrims, to consider them on their merits and take such decisions as may be required by the public interest, convenience, and necessity.

Art. 16. All decisions of the commission on pilgrimage shall be enforced by the viceroyalty, after the high royal sanction.

(3) Foreign Affairs

Art. 17. Foreign affairs mean the direction of the foreign policy of the State in the desired manner. They are divided into four sections: political, administrative, legal, and consular.

Art. 18. The direction of foreign affairs is entrusted by His Majesty the King to the person who is most highly competent and qualified to perform those special duties.

Art. 19. The department of foreign affairs shall be directly attached to his royal majesty but shall receive orders from the viceroyalty with respect to the administrative and consular sections.

(4) Financial Affairs

Art. 20. Financial affairs mean the conduct and organization of the different sources of revenue and the general expenditures of the State. Its agencies are the following:

(a) The department of finance;
(b) The treasuries and branches thereof;
(c) The bureaus of accounting of the departments that have revenues;
(d) The department of customs.

Art. 21. The department of finance, with the abovementioned agencies, is attached to the viceroyalty.

Art. 22. All financial officials are, in order of rank, responsible for the good administration and regularity of financial matters.

(5) Affairs of Public Instruction

Art. 23. Affairs of public instruction mean the diffusion of learning, skills, and arts; the opening of schools (primary and secondary); the scrupulous protection of scientific (religious) institutes; and the special care to be accorded to the principles of the true religion throughout the Kingdom of the Hejaz.

Art. 24. Affairs of public instruction are administered by a directorate attached to the viceroyalty.

Art. 25. A law on public instruction shall be promulgated, and its provisions shall be applied progressively. Primary teaching shall be free in all parts of the Kingdom.

(6) Military Affairs

Art. 26. Military affairs mean all the agencies which maintain the strength and standing of the Kingdom at home and abroad.

Art. 27. Functions relating to military affairs or growing out of the same are regulated by His Majesty the King.

PART IV

The Councils: the Advisory Council, the Council of Medina, the Council of Jedda, the District Councils, the Village and Tribal Councils

The Advisory Council

Art. 28. In the capital (Mecca) there shall be established an advisory council, composed of the viceroy, his advisers, and six notables designated by His Majesty the King from among persons who are competent and qualified.

Art. 29. The advisory council shall meet each week and oftener if necessary, under the presidency of the viceroy or one of his advisers, to consider the matters and questions referred to it by the viceroyalty, to study them carefully, discuss them and take decisions by majority vote.

Art. 30. In case of need, the departmental directors, upon summons by the viceroyalty, shall attend the meetings of the advisory council at which questions relating to their departments are discussed.

Art. 31. The decisions of this council shall be executed after they have been submitted to His Majesty the King by the viceroyalty and have received his august approval.

The Councils of Jedda and Medina

Art. 32. At Jedda and Medina, respectively, there shall be established an administrative council, composed of the Kaimakam, his assistant, the chief officials, and four notables designated by His Majesty the King from among persons who are competent and qualified.

Art. 33. Each of the two councils established by virtue of the preceding article shall meet once each week, or oftener if necessary, under the presidency of the Kaimakam or his assistant, to consider the matters and questions referred to it with respect to the two cities and to take decisions by majority vote.

Art. 34. The decisions of the administrative councils of Jedda and Medina are communicated to the viceroy and executed, pursuant to Article 31, after submission to and approval by His Majesty the King.

Art. 35. Decisions and regulations clothed with the high sanction of the King, as well as the royal ordinances, shall, after registration by the royal bureau, be communicated for execution to the viceroyalty, which will make them known to all the departments and sections of the administration.

Art. 36. The term of office of the notables appointed to the advisory council under Article 28 and to the administrative councils of Jedda and Medina under Article 32 shall be only one year, at the the end of which other members shall be appointed.

Art. 37. Former members may be appointed for a new term.

The District Councils

Art. 38. In the chief town of each district there shall be established a council, composed, under the presidency of the chief of the district, of the assistant to the chief, the principal officials and persons appointed from the notables of the population. The council shall meet once each week or oftener.

Art. 39. The councils established by virtue of the preceding Article have the functions of considering and discussing the notes and official questions communicated to them by the district chiefs and taking the decisions required by the public interest.

Art. 40. The decisions of the district councils are submitted to the Kaimakam of the province to which the district in question belongs. The Kaimakam will, in turn, communicate them, with his observations, to the

viceroy, who will submit them to His Majesty the King. After having received the high sanction of the King, these decisions will be executed.

The Village and the Tribal Councils

Art. 41. In each village or important tribe there shall be established a council, under the presidency of the sheikh, composed of a Sharia jurist and two persons chosen from among the notables of the population, to consider matters relating to the administration of the provinces or of districts, villages and tribes.

Art. 42. The village and tribal councils are responsible to their administrative superiors, in conformity with the regulations contemplated in the preceding Article, for matters and questions within their competence.

(Arts. 43 to 55. No longer in force.)[1]

PART VII

Employees

Art. 56. All members of councils and all government employees should possess the following qualifications:

(1) They should be subjects of His Majesty the King.
(2) They should be properly qualified and competent.
(3) They should be of good character and address.
(4) They should not have forfeited their legal Sharia rights.

Art. 57. Persons who are not His Majesty's subjects, and whose employment is considered necessary, may be engaged on contract for limited periods and under special conditions.

Art. 58. Any civil servants among those mentioned in Article 56 have their rights and honor guaranteed by the government.

Art. 59. A civil servant who shows efficiency and application in his work shall not be transferred to another department without his consent.

Art. 60. Any civil servant whose innocence of any charge against him is proved before a court shall not be dismissed from his employment.

Art. 61. Rules and regulations shall be drawn up regarding government employees, setting forth the terms of their employment, promotion, salaries, rights, functions, grades, dismissal, pensions, trials, and everything in connection with the same.

PART VIII

General Municipal Councils

Art. 62. A council shall be elected in each of the municipalities of Mecca, Medina, and Jedda, and shall be called the "general municipal council."

Art. 63. Its members shall be landlords, members of special crafts and

[1] According to note at page 151 of *Revue Egyptienne de Droit International, sup. cit.*, Articles 43 to 45 related to a court of accounts; Articles 46 to 55, to the inspection of accounts.

professions, which will be mentioned in the municipal regulations, and the notables who will be elected by His Majesty the King or the viceroy after their names have been submitted for membership of the general municipal council.

Art. 64. The membership of persons elected for a general municipal council will not be considered valid until after approval by His Majesty the King.

Art. 65. The members of a general municipal council shall not exceed twelve in number in the capital, and eight in Medina and Jedda.

Art. 66. Any member elected to a municipal council should be a subject of His Majesty the King, not less than thirty years of age, and should be a capable and competent person, able to read and write Arabic well. He must be in possession of his legal and Sharia rights and known to be of good conduct.

Art. 67. The general municipal councils must meet once every month, or more frequently if necessary, under the presidency of one of the members, who will be elected at each sitting.

Art. 68. The general municipal councils have full right to examine everything in connection with the municipalities and to pass resolutions to ensure their good administration and order.

Art. 69. Every resolution passed by the general municipal councils in the capital should be transmitted to the viceroy's office or, in the case of Jedda and Medina, to the office of the Kaimakam, who after investigating it should submit it to the office of the viceroy. The latter in turn will submit it to the Advisory Council, which, after investigation and endorsement, will pass it to His Majesty the King through the viceroy.

Art. 70. The directors of the municipalities should act in accordance with the resolutions passed by the general municipal councils and approved by His Majesty the King, and should carefully comply with them.

Art. 71. The general municipal councils have the right to draw up, modify, or increase, when necessary, the municipal budgets. They can do so after the approval of His Majesty the King, as laid down in Article 69.

Art. 72. As the directors of the municipalities are held responsible to the general municipal councils, they should be prepared to answer in detail any inquiry or question put forward by the members in accordance with the law which will be drawn up regarding the organization of the municipalities.

Art. 73. The municipal members have no right to go beyond the limits of such of the foregoing articles as may be valid and may be laid down in the organization of the municipalities.

Art. 74. The period of validity of membership of the general municipal councils is three years, after which new elections must take place in accordance with Article 63.

Art. 75. Former members are eligible for re-election.

Art. 76. Membership of the general municipal councils is an honorary position.

PART IX

Municipal Administration Committees

Art. 77. In every municipality there shall be a committee composed of the director of the municipality and other heads of its different sections.

Art. 78. The function of these committees is to investigate ways and means for executing the resolutions passed by the general municipal councils, by carefully examining everything which is passed to them and by reaching decisions regarding the same.

Art. 79. Administrative committees should meet twice every week, or more often if necessary.

DECREE CONSTITUTING THE NEJD A KINGDOM AND UNITING IT WITH THE HEJAZ

January 29, 1927.

In response to the petition presented to us by those who have the power to loose and to bind in the Sultanate of the Nejd and its dependencies, we have ordered that the said Sultanate and its Dependencies become the "Kingdom of the Nejd and its Dependencies" and that our title be henceforth "King of the Hejaz, the Nejd and Dependencies." We pray God to give us success and aid to fulfill our task. He is the best of aids.

DECREE ESTABLISHING A COUNCIL OF MINISTERS

December 29, 1931

Art. 1. The council of ministers is composed of the president, the minister of foreign affairs, the minister of finance and the minister of the advisory council.

Art. 2. The president of the council of ministers, in the absence of His Majesty the King, becomes *ex officio* viceroy. But when His Majesty is present, he is only president of the council of ministers.

Art. 3. He serves at present as president of the council of ministers and also as viceroy, minister of the interior, of foreign affairs, and of military affairs.[1]

Art. 4. The council of ministers shall have a general bureau directed by a responsible chief. From this bureau shall be transmitted to the ministries and administrations the decisions of the council of ministers and those of the president of the council either in that capacity or, in the absence of His Majesty the King, in the capacity of viceroy.

[1] The ministry of the interior is stated to have been abolished in 1934, its functions being taken over by the presidency of the council. See *Revue Egyptienne, sup. cit.*, p. 152.

Art. 5. The council of ministers derives its authority from His Majesty the King. The ministers are jointly responsible to His Majesty the King for the conduct of the general policy of the State, and personally responsible for the acts of their respective ministries.

Art. 6. The decisions of the council are valid when they are taken by majority of votes; they become enforceable only if they are signed by the majority, including the minister concerned with them.

Art. 7. In case of disagreement of the ministers upon any question or in case of objections to a majority decision, the president of the council, acting as viceroy, may, if the question is important, order the execution of the decision on his own responsibility; if the question can be deferred until His Majesty the King is consulted, execution shall be delayed to consult His Majesty and obtain his orders.

Art. 8. The ministers may demand of one another explanations and the presentation of a written statement of what their colleagues have done with respect to a previous decision the execution of which was entrusted to one or more of them. The colleague responsible for such execution shall present such statement and, if he refuses and it is not possible to reconcile the parties, the question shall be submitted to His Majesty the King to relieve the parties of all responsibility.

Art. 9. The president of the council is the channel through which the royal decrees are transmitted to the administrations and the ministries, which must likewise apply to the president with respect to official questions.

Art. 10. If a minister, a chief of administration, or a simple subject has knowledge of a new fact which might benefit or endanger the State and which is not governed by the existing laws, he shall in writing inform the president of the council, and the latter, after having considered it and added the necessary observations, shall communicate it to His Majesty the King, who will take such action thereupon as he may deem appropriate.

Art. 11. If the president of the council gives a minister an order for action upon a matter for which there are no written provisions in the existing decrees, or for which there has been no decision of the council of ministers, or if there is such a decision but the minister concerned is opposed thereto, the minister must execute such order immediately when it is in writing and based on a sovereign order dated and numbered, provided that, in case the sovereign order relied upon is not clearly expressed, the question shall be laid before His Majesty the King.

Art. 12. The council shall meet each evening when the majority of its members are in the same place; in any event, a weekly meeting is necessary, by day or night, to attend to all the matters submitted to the council after the preparation which the bureau is required to make of such matters.

Art. 13. The absence of a minister, on the occasion of discussions which require his presence because they concern his department, may not delay the work; the decisions shall be taken and notified as usual to the ministers, including the absent minister. If the minister concerned objects to a decision taken in his absence, he shall immediately explain his ob-

jections to the president and to his colleagues in order that the execution thereof may be suspended until a meeting and deliberation of the ministers. If no objection has been formulated, the decision shall be executed. The absence of objection by a minister within twenty-four hours of his receipt of notice of a decision taken in his absence shall be deemed to be approval by him unless he has a legitimate excuse for delaying objection; otherwise the decision is final.

Art. 14. The decisions of the council are communicated to each of the ministers charged with their execution, as provided in decision No. 7 of the council, set forth in report No. 6 of the session of Friday night, November 26, 1931.

Art. 15. A special report shall be prepared for each session of the council of ministers, and each decision shall be separately set forth therein. The original report signed by the ministers shall be kept at the bureau of the council, and the necessary copies thereof shall be distributed. The reports shall also be transcribed in chronological order in a special grand register.

Art. 16. To the president of the council belong the following services:

(1) The royal office;
(2) Foreign affairs;
(3) Finance;
(4) Military affairs;
(5) The advisory council;
(6) The interior;
(7) The presidency of the judiciary;
(8) The emirs of the dependencies.

Other offices inferior to these services shall be co-ordinated with the departmental chiefs to which they are allocated, and the latter shall, in turn, be co-ordinated with the presidency of the council.

Art. 17. The ministry of the interior shall have charge of the following directorates:

(1) Public hygiene;
(2) Public instruction;
(3) Posts and telegraphs;
(4) Quarantine;
(5) General police;
(6) The Sharia tribunals, in the cases in which they are not subject to their presidency general;
(7) The municipalities.

Art. 18. The preceding Article does not mean that the directorates may not communicate with His Highness the Emir, but it means that any correspondence addressed to the minister of the interior and received by the bureau shall be immediately transmitted by the latter to the interior.

Art. 19. The existing viceroyalty in its present form is divided into two sections: one attached to the ministry of the interior, which continues to be the seat of the existing viceroyalty without change of its activities, and the other attached to the presidency of the council and transferred thereto. When this division is effected, the directorates shall be notified in order that they may address to the ministry of the interior the correspondence which concerns that ministry and to the presidency of the coun-

cil, the correspondence which concerns directorates immediately attached thereto.

Art. 20. The name of the existing viceroyalty shall be changed to ministry of the interior, and the name of the royal bureau shall become "bureau of the viceroy and of the presidency of the council of ministers."

Art. 21. The acts bearing the signature of His Highness the Emir shall be classified as follows:

(1) Acts issued when his highness is acting as viceroy in the absence of His Majesty the King shall be signed: "The Vice-Roy."

(2) Acts issued when His Majesty the King is present, or when His Highness the Emir is only the president of the council of ministers, shall be signed: "The President of the Council of Ministers."

(3) Acts issued by the ministry of foreign affairs shall be signed: "The Ministers of Foreign Affairs."

(4) Acts issued by the ministry of the interior shall be signed: "The Minister of the Interior."

Art. 22. The directorates shall be informed of these provisions in order that they may observe them in the acts issued by them or in correspondence addressed to His Highness the Emir.

Art. 23. The bureau shall be organized in such a way as to facilitate reference to the papers concerning each directorate or each subject. The registers and copies of letters sent and received shall be carefully kept.

Art. 24. It is preferable that the bureau be organized as follows:.

President of the bureau and his assistant;

Chief of despatches; chief of registers and archives; correspondence with the council of ministers and the royal bureau; correspondence with the directorates; section of stenographers and copyists.

Art. 25. The president of the bureau is the connecting link among the departments, the right arm of the Emir. He attends the meetings of the council of ministers, takes part in its work and in the authoritative supervision of the affairs of the bureau.

Art. 26. The assistant (of the president of the bureau) assumes responsibility for the business of the bureau. He supervises the officials of the bureau, the safe-keeping and registration of papers, the replies to letters, etc. Each of the other officials has duties in the performance of which he is aided, if necessary, by an assistant; they must keep and distribute (the documents) and perform the acts that concern them.

Art. 27. The agencies of the ministry of the interior shall be governed in such a way as to assure their functioning; clerks and officials in excess of the number required shall be transferred to the bureau of the presidency of the council.

DECREE NO. 2716 FOR ESTABLISHMENT OF THE KINGDOM OF SAUDI ARABIA

September 18, 1932

Trusting in God, relying on the communications that have come to us from our various subjects in the Kingdom of the Hejaz, Nejd, and Dependencies, and yielding to the desire of public opinion for the unification of the parts of this Arabic Kingdom, we have ordered the following:

Art. 1. The name of the Kingdom of the Hejaz, Nejd, and Dependencies is changed to Kingdom of Saudi Arabia, and our title shall henceforth be King of the Kingdom of Saudi Arabia.

Art. 2. This change shall take effect on the date of its promulgation.

Art. 3. This change shall have no effect on international treaties, obligations, and agreements, which remain valid and subsistent. It shall likewise have no effect on contracts and agreements between individuals, which continue to be enforceable.

Art. 4. All regulations, instructions, and decrees heretofore issued by us shall continue to be valid and subsistent after this change.

Art. 5. The existing agencies of our government of the Hejaz, Nejd, and Dependencies shall provisionally retain their present status, pending the establishment of new agencies for the entire Kingdom on the basis of the new unification.

Art. 6. Our existing council of ministers must immediately proceed to the preparation of a fundamental statute (Constitution) of the Kingdom, a statute for the succession to the throne, and a statute for governmental organization, and must submit them to us for the issuance of the pertinent decrees.

Art. 7. In connection with the preparation of the statute above mentioned, the president of our council of ministers shall add to the members of the council one or more competent persons, in order to profit by their advice and to be guided by their knowledge.

Art. 8. We have chosen Thursday, the twenty-first of Guimada I, the year 1351 of the Hegira, corresponding to the first day of the constellation of Libra (September 22), for the promulgation of the unification of this Kingdom of Saudi Arabia. We pray to God for success!

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SPAIN

SUMMARY

INTERNATIONAL STATUS

Spain became a member of the United Nations on December 14, 1955. It was neutral during World War II.

It was a member of the League of Nations and signed the Paris Pact of 1928. It was a party to the Statute of the Permanent Court of International Justice of 1921 and accepted the optional clause (Article 36). It is also a party to the Statute of the International Court of Justice of 1945.[1] It is a member of the Postal Union and numerous other international organizations.[2]

[1] See Art. 93 of Charter of U. N.

[2] Table I.

The Moors were expelled from Spain, with the capture of Granada in 1492, after a struggle or crusade which had lasted since 711. During the sixteenth century there was an enormous expansion of the Spanish Empire. After the defeat of the Armada in 1588 and the death of Philip II ten years later, Spain began to suffer a decline of political power.

The nineteenth century began with Napoleon's invasion of the peninsula and the loss of most of the colonies, and ended with the loss of the remaining ones in 1898. The intervening years witnessed civil war. In 1873 the King abdicated and the first republic was proclaimed, but in 1874 another *pronunciamento* restored the monarchy.

In 1923 there was a coup d'état on the part of the captain-general of Catalonia, Primo de Rivera y Orbaneja, and he became a dictator under the King. In 1931 the monarchy was overthrown in a bloodless revolution and the second Spanish republic was proclaimed. This lasted until after the elections of 1936, in which the Leftist parties won a majority. A counter-revolution under General Francisco Franco then broke out. The Civil War continued until March, 1939. The Franco government was recognized by Great Britain and France in February of that year and by the United States in April. The Franco regime was confirmed by a plebiscite conducted in 1937.

Form of National Government

The fundamental laws of Spain are the Charter of the Spanish People, promulgated July 16, 1945; the Act of July 17, 1942, amended March 9, 1946, creating the Cortes; the Referendum Act of October 22, 1945; the Law of Succession of June 7, 1947; and the Labor Charter of July 6, 1947.

According to the Law of Succession,[1] Spain is a Catholic, social, and representative state which declares itself to be a kingdom. The powers of the office of Chief of State, now held by Franco, will, in the event of a vacancy, be exercised by a council of regency, composed of the president of the Cortes, the highest ranking prelate of the Catholic Church, and the highest ranking officer of the land, sea, and air forces.[2] The Chief of State may at any moment submit to the Cortes the name of the person he believes should succeed him, either as king or as regent.[3] If the Chief of State dies or is declared incapable of exercising office before a successor is named, the council of regency, the members of the government, and a council of the kingdom (composed of the members of the council of regency and ten other persons) will propose to the Cortes a person of royal blood as king, or a person not of royal blood as regent.[4]

Source of Sovereign Power

The source of sovereign power is not stated in any of the fundamental

[1] Law of Succession, Art. 1.
[2] Law of Succession, Art. 3.
[3] Id., Art. 6.
[4] Id., Arts. 4, 8.

laws. According to a letter from the Spanish Embassy in Washington to the editor, dated July 31, 1948, "the source of power in Spain lies in the Spanish people, itself."

Rights of the People

The Charter of the Spanish People of 1945 declares that the law protects equally the rights of all Spaniards, without class preference or discrimination of persons.[1] All Spaniards have a right to receive education.[2] The profession and practice of the Catholic religion enjoy official protection, but no one will be molested because of his religious beliefs or the private exercise of his cult.[3] No one will be obliged to pay taxes other than those established by the Cortes.[4] All Spaniards have a right to participate in public office of a representative character,[5] to express their ideas freely so long as they do not advocate overthrow of the fundamental principles of government,[6] and to fix their residence within the national territory.[7] Liberty and inviolability of correspondence within the national territory are guaranteed.[8] The home of a Spaniard may not be entered or searched without his permission or a warrant from competent authority.[9] Freedom of association for lawful ends and according to the provisions of the laws,[10] freedom from arbitrary arrest,[11] freedom from condemnation under laws not previously enacted or without prior hearing and defense,[12] and the right of petition are assured.[13] Private property is recognized and protected as a natural means for the fulfillment of individual ends, subject to the necessities of the nation and to the common good.[14] Sentences of confiscation are prohibited, and expropriation may be effected only in the interest of public and/or social welfare and after due indemnification according to law.[15] Detailed provisions regarding the rights of labor are set forth in the Labor Charter.

Legislative Department

The supreme power to issue legal orders of a general nature is still vested in the Chief of State.[16] The Cortes, which is the legislative body created by the Act of July 17, 1942, as amended March 9, 1946, is an instrument of co-operation with the Chief of State in the enactment of law.[17]

The members of the Cortes are called *procuradores*. The ex officio members are the ministers of state; the national councilors; the presi-

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[1] Charter of the Spanish People, Art. 3.
[2] Id., Art. 5.
[3] Id., Art. 6.
[4] Id., Art. 9.
[5] Id., Arts. 10, 11.
[6] Id., Art. 12.
[7] Id., Art. 14.
[8] Id., Art. 13.
[9] Id., Art. 15.
[10] Id., Art. 16.
[11] Id., Art. 18.
[12] Id., Art. 19.
[13] Id., Art. 21.
[14] Id., Art. 30.
[15] Id., Art. 32.
[16] Preamble of Act of July 17, 1942, as amended.
[17] Ibid.

dents of the council of state, the Supreme Court of Justice, and the supreme court of military justice; the mayors of the fifty provincial capitals and of Ceuta and Melilla (Morocco); and the presidents of the universities, the Spanish Institute, the higher council for scientific research, and the institute of civil engineers. A number of members not to exceed fifty may be appointed by the Chief of State on the basis of their ecclesiastical, administrative, military, or other public rank or their outstanding service to Spain. The remaining members are elected as follows: one by each of the municipalities other than the provincial capitals, Ceuta, and Melilla; one by each of the provincial deputations and inter-island communal councils of the Canary Islands; two by the members of each of the royal academies belonging to the Spanish Institute; two by the members of the higher council for scientific research; one by the president of the association of engineers; two by the bar associations; two by the medical association; one each by the pharmacists association, the veterinarians association, the architects association, the association of bachelors and doctors of arts and sciences, the public notaries association, the national corporation of registrars, and the association of solicitors; three by each of the official chambers of commerce; and a number, not to exceed one-third of the total number of members of the Cortes, by the national syndicates.[1]

The president, vice-presidents, and secretaries of the Cortes are appointed by the Chief of State.[2] The Cortes meets either in full session or in committees. The committees are appointed, and the agenda both for the full sessions and for the committees are prepared, by the president of the Cortes with the agreement of the government.[3]

Executive Department

The executive power is exercised by the Chief of State with the advice of the council of the kingdom, which must be consulted on matters of importance, including specifically return of bills to the Cortes for further study, declarations of war or signing of peace, and submission to the Cortes of the name of a successor to the Chief of State.[4] The council of the kingdom consists of the president of the Cortes, the highest ranking prelate of the Catholic Church, the highest ranking officer of the land, sea, and air forces, the president of the council of state, the president of the Supreme Court, the president of the Spanish Institute, a councilor elected by each of the four groups represented in the Cortes (syndicates, local governments, university presidents, and professional associations), and three councilors named by the Chief of State from the membership of the Cortes.[5]

[1] Act of July 17, 1942, as amended, Art. 2.
[2] Id., Art. 7.
[3] Id., Art. 8.
[4] Law of Succession, Arts. 2-5.
[5] Id.. Art. 4.

Judicial Department

The judiciary, other than a special labor judiciary contemplated in the Labor Charter,[1] is not provided for in the fundamental laws, but functions with independence according to custom and under other statutes.

Area, Population, Language

Spain has an area of 194,232 square miles and a population (1950 census) of 27,976,755. The language of the country is Castilian.

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[1] Labor Charter, Art. VII.

CHARTER OF THE SPANISH PEOPLE[1]

July 16, 1945

Art. 1. The Spanish State proclaims as a guiding principle of its acts, respect for the dignity, integrity, and liberty of the human person, recognizing man, as bearer of eternal values and member of the national community, to be holder of titles of duties and rights, the exercise of which it guarantees for the common good.

TITLE I

Duties and Rights of the Spanish people

Chapter I

Art. 2. Spaniards owe faithful service to their country, loyalty to the Chief of State and obedience to its laws.

Art. 3. The law protects equally the rights of all Spaniards without class preference or discrimination of persons.

Art. 4. Spaniards have a right to the respect of their personal and family honor. He who should offend it, whatever be his condition, will be made responsible.

Art. 5. All Spaniards have a right to receive education and instruction and the duty of acquiring them either in the family circle or in private or public centers of their own free election. The State will see that no talent is wasted because of lack of economic means.

Art. 6. The profession and practice of the Catholic religion, which is that of the Spanish State, will enjoy official protection.

Nobody will be molested because of his religious beliefs or the private exercise of his cult. No external ceremonies or manifestations will be permitted except those of the Catholic religion.

Art. 7. It is a title of honor for Spaniards to serve in the armed forces of their country.

All Spaniards are obliged to this service when they are called to it according to law.

Art. 8. By means of laws, and always with a general character, those personal services that the interest of the nation and public need require will be obligatory.

Art. 9. Spaniards will contribute to the maintenance of public charges according to their economic capacity. Nobody will be obliged to pay tributes that have not been established by law voted by the Cortes.

Art. 10. All Spaniards have a right to participate in public office of a representative character, through the family, the municipality, and the syndicate (without barring other representation that the laws may establish).

[1] Translations of Spanish constitutional documents were kindly provided by the Spanish Embassy in Washington, D.C.

Art. 11. All Spaniards may hold office and public functions according to their merits and capacity.

Art. 12. All Spaniards may freely express their ideas as long as they do not advocate the overthrow of the fundamental principles of government.

Art. 13. Inside national territory, the State guarantees the liberty and inviolability of correspondence.

Art. 14. Spaniards are at liberty to fix their residence inside national territory.

Art. 15. Nobody may enter the home of a Spaniard or effect a search in it without his permission, unless with a warrant from the competent authority and in the case and form established by law.

Art. 16. Spaniards may unite and associate themselves freely for lawful ends and according to what is established by law.

The State may create and maintain such agencies as are deemed necessary for the accomplishment of its service. Fundamental rulings which will have the character of law, will co-ordinate the exercise of this right with that recognized in the preceding paragraph.

Art. 17. Spaniards have a right to legal security. All organisms of the State will act according to a hierarchical order of pre-established rulings, that may not be interpreted arbitrarily or altered.

Art. 18. No Spaniard may be arrested except in the cases and in the form prescribed by law. Within a period of seventy-two hours all arrested persons will be set free or turned over to the juridical authorities.

Art. 19. Nobody may be condemned except under a law prior to the act, under sentence by a competent tribunal, and after hearing and defense of the interested party.

Art. 20. No Spaniard may be deprived of his nationality except for treason, as defined in the penal laws, or for entering the armed services or exercising public office in a foreign country against the expressed prohibition of the Chief of State.

Art. 21. Spaniards may address individual petitions to the Chief of State, to the Cortes, and to public authorities.

Corporations, public officers, and members of the armed forces and institutions may only exercise this right according to the laws by which they are ruled.

Chapter II

Art. 22. The State recognizes and protects the family as a natural and fundamental institution of society with rights and duties prior and superior to all human positive law.

Matrimony is one and indissoluble.

The State will specially protect families with numerous children.

Art. 23. Parents are obliged to provide for, educate, and instruct their children. The State will suspend the exercise of *patria potestad* or will depirve of it all who do not exercise it with dignity, and will transfer the custody of minors to those to whom it corresponds by law.

Chapter III

Art. 24. All Spaniards have a right to work and the duty to occupy themselves in some socially useful activity.

Art. 25. Work, because of its essentially human character, cannot be reduced to the idea of merchandise, or be the object of a transaction incompatible with personal dignity. It constitutes in itself an attribute of honor and a sufficient title to demand guardianship and assistance from the State.

Art. 26. The State recognizes in an enterprise a community of efforts of technique, labor, and capital in their different forms, and consequently proclaims the right of these elements to participate in gains.

The State will see that relations between them shall be maintained in the strictest equity and in an order that subordinates economic values to human values, to the interests of the nation and the exigencies of the common good.

Art. 27. All workers will be protected by the State in their right to a just and sufficient return, which will as a minimum provide them and their families with well-being sufficient for a moral and dignified existence.

Art. 28. The Spanish State guarantees the workers security in distress, and recognizes their rights to assistance in the cases of old age, death, sickness, maternity, accidents, invalidity, unemployment, and other hazards that are the object of social insurance.

Art. 29. The State will maintain institutions of assistance and will protect and foster those created by the Church, the corporations, and private enterprise.

Art. 30. The Spanish State recognizes and protects private property as a natural means for the fulfillment of individual ends.

All forms of property remain subordinated to the necessities of the nation and to the common good.

No source of wealth will be allowed to remain unproductive, unduly destroyed, or applied to illicit ends.

Art. 31. The State will make available to all Spaniards the access to those forms of property more intimately connected with the human person, the home, inheritance, implements of production, and goods of daily use.

Art. 32. In no case will a sentence of confiscation of property be passed.

Nobody may be expropriated except in the interest of public and/or social welfare, after corresponding indemnity and according to what the law disposes.

TITLE II

The Exercise and Guarantees of the Rights

Art. 33. The exercise of the rights that are recognized in this Charter may not prejudice the spiritual, national, and social unity of the community.

Art. 34. The Cortes will vote the necessary laws for the exercise of the rights recognized by this Charter.

Art. 35. The enforcement of Articles 12, 13, 14, 15, 16 and 18 may

temporarily be suspended in part or in whole by the government by means of a decree which must define and limit the scope and duration of this measure.

Art. 36. Any violation of any of the rights proclaimed in this Charter will be punishable by laws which will determine, in each case, the actions that may be taken in its defense before the competent jurisdictions.

ACT OF JULY 17, 1942 CREATING THE SPANISH CORTES

As amended by Act of March 9, 1946

Art. 1. The Cortes are the superior body through which the Spanish people participate in the tasks of government. The principal mission of the Cortes consists in the preparation and elaboration of laws, subject to the concurrence of the Chief of State.

Art. 2. The members (*procuradores*) of the Cortes are ex-officio or elective, to wit:

(a) The Ministers [of State];

(b) The national councilors;

(c) The presidents of the council of state, of the Supreme Court of Justice, and of the supreme court of military justice;

(d) Representatives of the national syndicates (guilds and labor unions) not to number more than one-third of the total number of the members;

(e) The mayors of the fifty provincial capitals, those of Ceuta and Melilla (Morocco), and a representative for each of the other municipalities within each province, elected by the municipalities from among their numbers; a representative for each provincial deputation and inter-island communal council of the Canary Islands, elected by these corporations from among their numbers;

(f) The presidents of the universities;

(g) The presidents of the Spanish Institute and two representatives elected from among the members of the royal academies of which it is composed; the president of the higher council for scientific research, and two representatives of the same elected from among its members;

(h) The president of the institute of civil engineers and one other representative of the same, elected by the president of the association of engineers; two representatives of the bar associations; two representatives of the medical association; a representative of the pharmacists association; a representative of the veterinarians association; a representative of the architects association; a representative of the association of bachelors and doctors of arts and sciences; a representative of the public notaries association; a representative of the national corporation of registrars; and one representative of the association of solicitors—all elected by their respective associations; three representatives of the official chambers of commerce, elected by their respective chambers;

(i) Those persons who through their ecclesiastical, administrative, military, or other public rank, or through their outstanding service to Spain, should be nominated by the Chief of State, in a number not to exceed fifty.

Art. 3. To be a member of the Cortes, the following qualifications are required:

(1) To be a Spanish citizen and of age;

(2) To enjoy full civil rights and not to be under civil and public inhabilitation consequent to penal sentence.

Art. 4. Members of the Cortes shall establish before the president of the same the election, nomination, or office which entitles them to membership. The president of the Cortes shall swear them in, seat them, and issue the corresponding titles.

Art. 5. The members of the Cortes cannot be arrested without previous authorization by their President, except in cases of *flagrante delicto*. In this case, the president of the Cortes shall be notified.

Art. 6. Ex-officio membership of the Cortes shall be predicated upon the tenure of office to which a member was elected or chosen. Those nominated by the Chief of State shall lose their membership through his revocation. Otherwise, the term of membership shall be for three years, and members may be re-elected; but if during these three years, a representative of a deputation, municipality, or corporation ceases in such office, he shall cease to be a member.

Art. 7. The president, the two vice-presidents, and the four secretaries of the Cortes shall be nominated by decree of the Chief of State.

Art. 8. The Cortes may meet in full session and in committees. The committees are created and appointed by the president of the Cortes, with the government's agreement. The President also establishes, with the government's agreement, the agenda for both full sessions and committees.

Art. 9. The Cortes shall meet in full session for the study of laws which so require, and whenever called by the president, with the government's agreement.

Art. 10. The full session of the Cortes shall be required to pass upon laws bearing on any of the following matters:

(a) Ordinary and extraordinary budgets of the State;
(b) Important economic or financial bills;
(c) The creation or amendment of the system of taxation;
(d) Bank and currency regulations;
(e) The economic activity of the syndicates and legislation fundamentally affecting the national economy;
(f) Basic laws regulating the acquisition and loss of Spanish citizenship and the rights and duties of Spaniards;
(g) The political-legal organization of the institutions of government;
(h) The regulation of local government;
(i) Fundamental aspects of civil, mercantile, social, penal, and procedural law;
(j) Fundamental aspects of the judiciary and public administration;
(k) The regulation of agriculture, commerce, and industry;
(l) The laws affecting national education;
(m) Any other law which the government on its own initiative, or on that of the respective committees of the Cortes, should decide to submit to a full session of the Cortes. The government may also submit to full session measures which do not have the character of law.

Art. 11. Proposed laws to be submitted to the full session shall previously be studied and reported on by the respective committees.

Art. 12. The committees of the Cortes have jurisdiction over all other legislation not included in Article 10, but which has the character of law, either because it is established in a law subsequent to the present, or be-

cause it is ordered by a committee composed of the president of the Cortes, a minister appointed by the government, a member of the political council, a member of the Cortes with a law degree, the presidents of the council of state and of the Supreme Court of Justice. This committee shall report by request of the government, on the initiative of the latter, or on that of the president of the Cortes.

Art. 13. In the event of war or emergency, the government shall be empowered to regulate, by decree-law, matters covered by Articles 10 and 12. Immediately after the publication of the decree-law, the government shall inform the Cortes of the same.

Art. 14. The Cortes in full session or in committees, according to the circumstances, shall be heard for the ratification of treaties affecting matters within the competence of the Cortes, as specified in the above articles.

Art. 15. The legislative committees, apart from passing on projected laws of the government, may propose laws to the president of the Cortes, who, by agreement with the government, shall include them in the agenda.

The legislative committees may be empowered by the president of the Cortes to study special subjects, carry out investigations, and draft petitions or suggestions. For this purpose, they may establish special committees as distinct from legislative committees.

Art. 16. The president of the Cortes shall send laws drafted by the same to the government for their approval by the Chief of State.

Art. 17. The Chief of State may return laws to the Cortes for further study.

Additional Articles to 1942 Act

1. The Cortes shall establish with government agreement their rules of procedure and by-laws.

2. Elections for those members who hold elective seats shall be announced during the first fifteen days of October.

Additional Articles to 1946 Act

1. The members elected by the municipalities and deputations, to which reference is made in Article 2 (e), shall lose their mandate when elections are held for renewal of municipal and provincial government.

2. The present elective members of the Cortes shall continue to hold their mandates until the first of May of this year, when the new members shall be elected.

REFERENDUM ACT

October 22, 1945

All Spaniards are entitled to co-operate in the tasks of the State through the natural institutions constituted by the family, the municipal corporations, and the syndicates, and the basic laws, which are to give new life and greater spontaneity to these institutions within a system of Chris-

tian life in common, having been published with the object of protecting the nation against the error observed in the political history of peoples which cause the will of the nation to be supplanted by the subjective judgment of its rulers in matters of major importance. The Head of the State, invoking the faculties conferred upon him by the Acts of the thirtieth of January, 1938 (R. 1938, 91) and the eighth of August, 1939 (R. 1939, 970), has thought fit to institute a direct consultation of the nation by public referendum when he considers such consultation opportune and advisable owing to the exceptional importance of the laws or the uncertainty of public opinion.

In virtue of which, I declare:

Art. 1. When the exceptional importance of any law makes it advisable or the public interest so demands, the Head of the State shall be empowered, in order to serve the nation more faithfully, to submit to referendum a bill drafted by the Cortes.

Art. 2. The government is hereby authorized to issue complementary orders for the compiling of the register of voters and the execution of the present act.

LAW OF SUCCESSION TO THE CHIEF OF STATE

June 7, 1947

Art. 1. Spain, as a political unit, is a Catholic, social, and representative state which, in accordance with its traditions, declares itself to be a kingdom.

Art. 2. The office of Chief of State is held by the Caudillo of Spain and of the Crusade, Generalissimo of the Spanish Armies, Don Francisco Franco Bahamondo.

Art. 3. Should the Office of Chief of State fall vacant, its powers shall be exercised by a council of regency composed of the president of the Cortes, the highest prelate of the hierarchy [of the Church], councillor of the kingdom, and the captain-general of the land, sea, and air forces or the highest ranking lieutenant-general, in that order. The president of the council shall be the president of the Cortes and its decisions, to be legal, must be passed upon by two of its three members and always by the president.

Art. 4. A 'council of the kingdom' shall advise the Chief of State on all matters and resolutions which are of importance and proper to this office. Its president shall be the president of the Cortes and its members the following:

The highest ranking prelate of the hierarchy, member of the Cortes;
The captain-general of the land, sea, and air forces, or the highest-ranking lieutenant-general on the active list, in that order;
The president of the council of state;
The president of the Supreme Court;
The president of the Spanish Institute;

A councilor elected by each of the groups represented in the Cortes:
(a) Syndicates (trades-unions and labor-unions),
(b) Local government,
(c) University presidents,
(d) Professional associations;

Three councilors named by the Chief of State from the membership of the Cortes, one from the ex-officio members, one from those named by him, and one from the elective members.

Membership of the council shall be predicated on the tenure of the office to which the councilor was elected or chosen.

Art. 5. The Chief of State shall necessarily consult the council of the kingdom on the following:

(1) Return for further study to the Cortes of laws prepared by it;
(2) Declaration of war or signing of peace;
(3) Submission of the name of the successor to the Cortes;
(4) All matters stipulated by this law.

Art. 6. At any moment the Chief of State may submit to the Cortes the name of the person he believes should succeed him, either as king or as regent, and according to the conditions stipulated by this law; he may also, likewise, submit to the Cortes the repeal of any previous proposal of succession, although this last may have already been accepted by the Cortes.

Art. 7. Should the office of Chief of State be vacant and the successor appointed as by the previous article, the council of the regency shall assume the powers of this office to call a joint session of the Cortes and the council of the kingdom to take the successor's oath of office as prescribed in this law and to name him king or regent.

Art. 8. Should the Chief of State die or be declared incapable of exercising office without a successor having been named, the council of the regency shall assume full powers and, within a period of three days, shall call a meeting of the members of the government and the council of the kingdom who, in an uninterrupted and secret session, shall decide, by a minimum of two-thirds, on the person of royal blood whom, possessing the conditions stipulated by this law, and in consideration of the superior interests of the nation, they shall propose to the Cortes as king.

If in the judgment of this session there exists no person of royal blood fulfilling the necessary requirements, or if their proposal shall not be accepted by the Cortes, they shall propose as regent that person who, on the basis of prestige, qualifications, and possible services to the nation, should hold the office. On making this proposal, the session may fix a time limit and other conditions to the regency, and the Cortes shall pass on each of these.

A plenary session of the Cortes shall be held within eight days, and the successor, having obtained the approval of the Cortes, shall take the oath of office stipulated by this law, in virtue of which the council of regency shall immediately cede its powers to the successor.

Art. 9. To exercise the office of Chief of State as king or regent, it shall be necessary to be male, Spanish, to be thirty years of age, to profess the Catholic religion, to possess those qualities necessary to fulfill the high office, to pledge respect of the fundamental laws and to swear to uphold the principles of the national movement.

Art. 10. The fundamental laws of the nation are: The Charter of the Spanish People, the Labor Charter, the Constitutent Law of the Cortes, the present Law of Succession, the Law of National Referendum, and whatever other law shall be latterly promulgated as fundamental.

To repeal or modify these laws, a national referendum shall be required, as well as the approval of the Cortes.

Art. 11. Once the person of the king has been named, the regular succession will be that of primogeniture and representation, with preference to the older over the younger line; within the same line, to the closer over the more distant grade of relationship; within the same grade, to the male over the female, who shall not be able to reign but who shall, in such cases, transmit her rights to her male heirs; and within the same sex, the older over the younger; all without prejudice to those exceptions and requisites set forth in the articles of this law.

Art. 12. All delegation of rights before assuming the throne, abdication once the successor has been named, renunciation in any case, royal marriage and marriage of the immediate successor must be approved by the Cortes after report from the council of the kingdom.

Art. 13. On the advice of the council of the kingdom, the Chief of State may submit to the Cortes the exclusion from succession of those persons of royal blood who lack the necessary capacity to govern or, because of their noted indifference to the basic principles of the State or because of their actions, have forfeited their rights to succession as established by this law.

Art. 14. The incapacity of the Chief of State, appraised by two-thirds of the members of the government, shall be communicated by report to the council of the kingdom. Should the council agree to this report, by two-thirds majority, its president shall submit it to the Cortes which, meeting within eight days, shall adopt the necessary measures.

Art. 15. Any act taken under this law by the Cortes must be approved by a majority of two-thirds of the members present who must form an absolute majority of the total membership of the Cortes.

LABOR CHARTER

Declaration of March 9, 1938, converted into basic law of the nation by the referendum of July 6, 1947

Renewing the Catholic tradition of social justice and human feeling which inspired the laws of the Spanish Empire, the State—national inasmuch as it is an instrument completely at the service of the whole country, and syndicalist inasmuch as it stands for reaction against both liberal capitalism and Marxist materialism—undertakes the task of carrying out, with militant, constructive, and religious spirit, the revolution of which Spain is in need and which is to restore permanently to Spaniards country, bread, and justice.

To achieve this end—and laboring for the unity, freedom, and greatness of Spain proclaimed by our motto—the State shall enter the social sphere

with the resolve to place wealth at the service of the Spanish people and to subordinate its economy to this purpose.

Basing its action upon the concept of Spain as a unit with a common destiny, it declares, herewith, its desire that the production of Spain—in the brotherly union of its elements—should also be a unit contributing to the strength of the country and an instrument of security.

By these declarations which are to inspire its social and economic policy, the recently-established Spanish State faithfully expresses the desires and the demands of all those who are fighting in the trenches and who, because of their honor, courage, and work, are the aristocracy of this age.

Before all Spaniards, irrevocably united in sacrifice and hope, WE DECLARE:

I

1. Work is man's share in production through the voluntary contribution of his intellectual and manual faculties, according to personal vocation, with a view to decency and ease in his own life and the greater development of the nation's economy.

2. Because it is essentially personal and human, work cannot be debased to the material concept of merchandise, nor can it be the object of transactions incompatible with the personal dignity of man.

3. The right to work is consequent to the duty imposed by God upon man to achieve his individual end and the prosperity and greatness of the country.

4. The State values and esteems the performance of work as the fruitful expression of man's creative spirit, it shall protect it by virtue of the law, concede it every consideration and make it compatible with the fulfillment of man's other individual ends in the family and society.

5. The performance of work in any form, as a social duty, shall be required from all able-bodied Spaniards, as an obligatory contribution to the nation's wealth.

6. Work constitutes one of the noblest attributes of rank and honor and constitutes sufficient title to help and protection from the State.

7. Service is work performed with heroism and abnegation, because of a desire to contribute to that higher good represented by Spain.

8. All Spaniards have a right to work. The satisfaction of this right is the State's first mission.

II

1. The State undertakes to exert constant and effective action on behalf of workers, their life, and their means of livelihood. It shall limit the duration of the working day so that it may not be excessive, and shall grant labor every kind of defensive and humanitarian guarantee. It shall expressly forbid night work of women and children, regulate work at home, and free married women from the need to work in shops and factories.

2. The State shall maintain Sunday rest as a condition sacred to work.

3. The law shall oblige all concerned to keep traditional prescribed religious feasts and declared civic holidays, to attend the ceremonies ordered by the national heads of the movement, without loss of pay but providing for the technical needs of industry and trade.

4. The eighteenth of July, the anniversary of the uprising, having been declared a national feast, it shall be considered the feast of "the exaltation of labor."

5. Every worker shall be entitled to a yearly holiday with full pay to enable him to take a well earned rest, and institutions to ensure the fulfillment of this clause shall be established for that purpose.

6. The necessary institutions shall be set up to give workers access, during their spare time and hours of recreation, to the enjoyment of all the benefits of culture, military service, health, and games.

III

1. Remuneration for work shall be sufficient, as a minimum, to enable the worker and his family to live a moral and dignified life.

2. Family allowances shall be established by means of special agencies.

3. Gradually and inflexibly, the standard of living of workers shall be raised in a measure compatible with the higher interests of the nation.

4. The State shall fix the bases for the regulation of work and the relations between employers and employees shall be ruled by these. The performance of work and its remuneration, the reciprocal duty of honesty, aid, and protection on the part of employers and loyalty and subordination on that of employees shall be the matter of these regulations.

5. Through the syndicates, the State shall seek information as to whether the financial and other conditions of work are those to which workers are justly entitled.

6. The security and permanence of workers in their employment shall be of concern to the State.

7. As stipulated by the law, employers shall be obliged to keep their staffs informed of the progress of production and thus strengthen the workers' sense of responsibility.

IV

1. Craftsmanship—a living legacy of the old guilds—shall be encouraged and effectively protected, for it is the projection of the human person in work and represents a form of production equally distant from capitalist concentration and Marxism.

V

1. The regulations for work on the land shall be adjusted to the special circumstances of such work and to the seasonal changes imposed by nature.

2. The State shall provide specially for the technical training of agricultural producers, fitting them to perform all the jobs required by their specialty.

3. The prices of main products shall be controlled and reassessed in order to ensure employers on the land a minimum profit in normal circum-

stances and, as a consequence of this, to make it possible to exact wages that shall enable workers to improve their living conditions.

4. An aim shall be to endow every peasant family with a small holding, or family garden, so that its members may provide their elementary needs and be occupied in their spare time.

5. The embellishment of rural life shall be achieved by perfecting rural dwellings and improving the hygienic conditions of the villages and hamlets of Spain.

6. The State shall guarantee the tenant-farmers security in the cultivation of the land by means of long-term contracts ensuring them against unjustified eviction and enabling them to recover the money spent in improving their farms. The State desires to intervene in order to make the land pass, on just terms, into the ownership of those who work it directly.

VI

1. The State shall attend with special care to those who earn their living on the sea, providing them with institutions capable of preventing the depreciation of their goods and making it easier for them to attain to the ownership of the necessary implements for the plying of their trade.

VII

1. A new labor judiciary shall be created, governed by the principle that this function of justice belongs to the State.

VIII

1. Capital is an instrument of production.

2. The company, as a producing unit, shall regulate its elements in such a way as to give precedence to the human over the instrumental, and subordinating them all to the common good.

3. The head of the company shall himself assume its direction and shall be responsible to the State.

4. The company's profits, after payment of a just interest on capital, shall be applied to building up reserves needed to ensure its stability, perfect its production, and improve the working and living conditions of its employees.

IX

1. Credit shall be regulated in such a way that, in addition to performing its function of developing the nation's wealth, it shall contribute to the creation and maintenance of small agricultural, fishing, industrial, and commercial holdings.

2. Honor and trust, founded on competence and work, shall constitute effective guarantees for the granting of loans.

The State shall prosecute all forms of usury.

X

1. Provident foresight shall give workers the certainty of help in misfortune.

2. Social insurance providing for old age, incapacity, maternity, industrial accidents, occupational diseases, tuberculosis, and forced unemployment shall be provided and the aim shall be total insurance. The first objective shall be the providing of adequate pensions to aged workers.

XI

1. National production constitutes an economic unit at the service of the country. It is the duty of all Spaniards to defend, improve, and increase it. All factors concerned in production shall be subordinated to the higher interest of the nation.

2. All individual or collective acts that in any way disturb the normalcy of production or militate against it shall be considered as crimes against the nation.

3. Any wilful lowering of output at work shall be penalized.

4. As a general rule, the State shall not enter the business field except where private enterprise is lacking or when the interests of the nation so demand.

5. The State, either through its agencies or through syndicates, shall prevent all unfair competition in the fields of production, as well as all such activities as may prejudice the normal establishment or development of national economy, and, on the other hand, it shall encourage all such activities as may lead to the perfection of this economy.

6. The State recognizes private initiative as the well-springs of the economic life of the nation.

XII

1. The State recognizes and protects private enterprise as a natural means for the performance of individual, family, and social functions. All forms of property shall be subordinated to the interest of the nation, whose interpreter is the State.

2. The State assumes the task of multiplying the forms of ownership vitally bound to the human person and making them accessible to all Spaniards; i.e., the home, small land holdings, and the working instruments or goods of daily use.

3. It recognizes the family as the primary natural unit, the basis of society, and as a moral institution endowed with rights that are inalienable and above all positive law. In order better to guarantee its preservation and continuity, family heritages are not subject to seizure.

XIII

1. The national syndicalist organization of the State shall be inspired on the principles of unity, universality, and order.

2. All factors of the nation's economic life shall be grouped, by branches of production or service, in vertical syndicates. The liberal and technical professions shall be organized in a similar way, to be determined by law.

3. The vertical syndicate is a corporation of public law constituted by the enrollment in a single agency of all the elements that devote their activities to the fulfillment of the economic process within a specified

service or branch of production regulated under the direction of the State.

4. The vertical syndicate is an instrument at the service of the State, by means of which the latter shall mainly carry out its economic policy. The syndicate must know the problems of production and propose solutions for them, subordinating these to the national interest. The vertical syndicate shall be empowered to intervene, through the conduct of specialized bureaus, in the regulation, supervision, and enforcement of working conditions.

5. The vertical syndicate may set up, maintain, or control bureaus for research; moral, physical, and vocational training; and charity, help, and social work, in the interests of the producers.

6. It shall set up labor exchanges to provide employment for workers in keeping with their abilities and qualifications.

7. It is the task of the syndicates to furnish the State with such data as are required for the drawing up of production statistics.

The law of the syndicates shall specify the manner in which the existing economic and professional associations are to be incorporated into the new organization.

XIV

1. The State shall issue the necessary orders to protect national labor within our territory and, by means of labor treaties with other powers, it shall take steps to ensure the status of Spanish workers residing abroad.

XV

1. At the time when this Charter is published, Spain is engaged in a heroic military task in which she is preserving the values of the spirit and of world culture at the expense of a great part of her own material wealth.

National production must correspond in all its phases to the generosity of our fighting youth and to that of Spain itself.

Therefore, in this Charter of rights and duties, we hereby declare as urgent and inevitable that the elements of production should resolutely contribute their fair share to the remaking of Spain and the bases of its strength.

XVI

1. The State undertakes to place its fighting youth in positions of work, honor, and command, to which they are entitled as Spaniards and which they have won as heroes.

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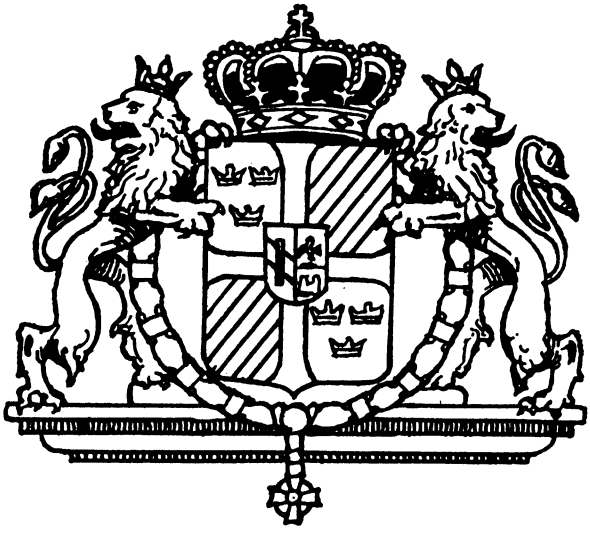

SWEDEN

SUMMARY

International Status

Sweden was not an original member of the United Nations, but it was granted membership on November 9, 1946. It was neutral during World War II.

It was a member of the League of Nations and signed the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause. It is subject to the compulsory jurisdiction of the International Court of Justice under Article 36 of its Statute.[1] It is a member of the Postal Union, and numerous other international organizations.[2]

[1] See Yearbook of the Court 1951–52, pp. 35-43, 194.
[2] See Table I

In the middle of the fourteenth century, Sweden received its first code of law. Until the sixteenth century the Swedish monarchy was elected and was dependent on a powerful feudal aristocracy. In 1523 Gustavus Vasa was elected King after driving the Danes out of Sweden, and the crown became hereditary. The Riksdag gradually was accepted as a permanent institution, and in 1617 the first organic law determining parliamentary forms was promulgated. In the eighteenth century the powers of the legislative branch expanded at the expense of the executive branch until the *coup d'état* of 1772 and the Acts of Union and Settlement of 1789 set up an absolute monarchy under Gustavus III.

During the Napoleonic wars, Russia in 1809 took Finland from Sweden. The latter joined the allies against Napoleon later, and in 1814 Norway was united to Sweden.

For more than one hundred years Sweden's foreign relations have been peaceful. It became a member of the League of Nations in March, 1920, and in June of that year accepted an adverse decision from the Council on the Aaland question.

Form of National Government

Sweden has a written constitution adopted in 1809, with several amendments, and the Organic Law of the Riksdag, adopted June 22, 1866. The Constitution declares that Sweden is an hereditary monarchy.[1]

This Constitution was enacted after the deposition of the king and the election of a new one, Charles XIII. It repeals the previous constitution of 1772 and fundamental laws such as the Act of Union and Act of Settlement of 1789, the Riksdag Law of 1617, and others.[2]

Source of Sovereign Power

The source of sovereign power is not expressly stated, but the constitution was promulgated by "the undersigned estates, counts, barons, bishops, nobles, clergy, burghers, and common peasants"; and was confirmed by the King.[3]

Rights of the People

The Constitution provides that the King shall not deprive anyone or allow anyone to be deprived of life, honor, personal liberty, or well-being without legal trial and sentence; that he shall not deprive anyone or permit anyone to be deprived of real or personal property without due trial and judgment in accordance with the provisions of the Swedish law and statutes; that he shall not disturb or allow to be disturbed the peace of any person in his home; that he shall not banish any person from one place to another; that he shall not constrain or allow to be constrained the con-

[1] Const. of 1809, Art. 1. [2] Id., Preamble. [3] Id., Preamble.

science of any person, but shall protect everyone in the free exercise of his religion, provided he does not thereby disturb public order or occasion general offense; and that he shall cause everyone to be tried by the court to the jurisdiction of which he is properly subject. It also declares to be a constitutional law the law to be adopted regarding freedom of the press, and it provides that "the ancient privileges, advantages, rights, and liberties of the estates of the kingdom shall remain in force." [1]

Legislative Department

Legislative power is exercised by the Riksdag, which is divided into two chambers. Their composition is determined by the Riksdag Law.[2] Provision is made for a foreign affairs committee of sixteen members with which the King must consult "concerning the relations of the kingdom with foreign powers." [3]

The one hundred and fifty members of the upper chamber are elected by the provincial councils for a term of eight years.[4] The lower chamber consists of two hundred and thirty members who are elected for four years by direct universal suffrage.[5]

Executive Department

Executive power is vested in the King.[6] Provision is made for a council of state composed of the heads of departments of administration and not less than three councilors without portfolio; all government business except that relating to matters of military command must be decided upon by the King in council of state.[7] In practice, executive power is in the hands of the council, which acts as a cabinet and is responsible to the majority in Parliament.

Judicial Department

The judicial power, which belongs to the King, is vested in not less than twelve lords justices appointed by the King who form the Supreme Court.[8] It is the final court of appeal and decides on the proper interpretation of laws.[9] Three of its members plus one legal member of the supreme administrative court form the King's law council, which gives its opinion on proposals of law or statutes referred to it by the King.[10]

Area, Population, Language

Sweden has an area of 173,347 square miles and a population (1951 estimate) of 7,099,204. The language is Swedish.

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[1] Const. of 1809, Arts. 16, 85, 114. [2] Id., Art. 49. [3] Id., Art. 54.
[4] Organic Law of the Riksdag of 1866, Art. 6.
[5] Id., Arts. 13, 16. [6] Const. of 1809, Art. 1. [7] Id., Arts. 4, 5, 6, 7.
[8] Id., Art. 17. [9] Id., Arts. 18, 19. [10] Id., Art. 21.

CONSTITUTION[1] of the KINGDOM OF SWEDEN

June 6, 1809, as amended

WE, CARL, by the Grace of God King of Sweden, the Goths, and the Wends, &c., &c., &c., Heir to Norway, Duke of Schleswig-Holstein, Stormarn, and Ditmarsen, Count of Oldenburg and Delmenhorst, &c., &c., &c., hereby make known that we, having with unlimited confidence unconditionally entrusted to the estates of the country the drawing up of a new constitution, to form in perpetuity the basis of the happiness and independence of a common fatherland, do carry out a duty dear to our heart and aspired after when we by these presents publicly promulgate the fundamental law which has, after the most careful consideration, been unanimously enacted and accepted by the estates now assembled and delivered to us in the hall of state this day, in conjunction with their voluntary and unanimous offer of Sweden's crown and government. As we, with deepest emotion and loving participation in the fortunes of the people who have given us such an unforgettable proof of confidence and affection, have acceded to this their desire, we have attached a much more certain hope for the success of our unremitting endeavors to serve the welfare of the fatherland, inasmuch as our and our subjects' mutual rights and obligations are so clearly laid down in the new Constitution that they incorporate the Swedish nation's liberty as by law established while maintaining the sanctity of the crown and its capacity of action. We are, consequently, pleased to adopt, accept and confirm this constitution approved by the estates of the kingdom, exactly as it follows textually:—

We, the undersigned estates, counts, barons, bishops, nobles, clergy, burghers, and common peasants who are now, on our own behalf and that of our brethren at home, met in a general national assembly, hereby make known that, in consequence of the recent change of rule, to which we have given our unanimous ratification, we delegates of the Swedish nation have acquired the right, by drawing up an amended State constitution, ourselves to ameliorate the condition of the fatherland in the future; we have, therefore, in repealing the fundamental laws more or less in operation prior to the present, namely, the constitution of the twenty-first August, 1772, the Act of Union and Act of Settlement of the

[1] See Vol. 132, British & Foreign State Papers, pp. 887 *et seq.* Translations of amendments since 1933 have been kindly provided by Mr. Gosta Brunnstrom and Mr. Erik de Braunerhielm, of the Swedish Embassy in Washington, and Dr. Gunnar Heckscher, a distinguished authority on Swedish constitutional law. The translation in British & Foreign State Papers has also been revised in accordance with suggestions of Dr. Heckscher.

twenty-first February and the third April, 1789, the Riksdag Law of the twenty-fourth January, 1617, as well as all such other more ancient and modern laws, acts, decrees, enactments and decisions as have been comprised under the name of fundamental laws, agreed and confirmed that there be enacted for the kingdom of Sweden and lands subordinate thereto the following instrument of government, which shall be in operation from this day onwards as the principal constitutional law of the country; we reserve, moreover, the right to enact before this National Assembly closes, in the manner prescribed in Article 85 of this instrument of government, the remaining constitutional laws there specified.

Art. 1. The realm of Sweden shall be governed by a king and shall be an hereditary monarchy with the order of succession as established by the law of succession.

Art. 2. The King shall always belong to the pure evangelical faith, as adopted and explained in the unaltered Augsburg Confession and in the resolution of the Upsala Synod of the year 1593.

Art. 3. The person of the King shall be held sacred and reverenced; he shall not be subject to any prosecution for his actions.

Art. 4. The King alone shall govern the kingdom in accordance with the provisions of this instrument of government; he shall, however, in the cases hereafter specified, seek the information and advice of a council of state, to which the King shall summon and appoint capable, experienced, honorable, and generally respected native Swedish subjects who profess the pure evangelical faith. Persons related by direct ascending or descending kinship, brothers and/or sisters, and spouses, may not be members of the council of state at the same time.

Art. 5. For the various branches of administration of the kingdom, there shall be departments of state in the number determined by law enacted by the King and the Riksdag jointly.

The further distribution of duties among the departments shall be determined by the King in a special order, publicly promulgated.

For each department the King shall select a head and spokesman from among the members of the council of state. The head of the department to which foreign affairs appertain shall be the minister for foreign affairs.

Art. 6. The council of state shall be composed of heads of departments, together with not less than three councilors without portfolio, as determined by law enacted by the King and the Riksdag jointly. Of the councilors without portfolio at least two must have held civil office.

The King shall appoint one member of the council of state to be prime minister and principal member of the council.

The members of the council of state may be present at all business which is dealt with at the council.

Art. 7. All the business of the government, except that mentioned in Article 15, shall be submitted to the King in council of state and be decided there.

Art. 8. The King may not give a decision upon a matter upon which the council of state must be consulted, unless at least three councilors of state are present in addition to the one submitting the matter. Unless

they have a legitimate excuse, all members of the council shall be present for the consideration of all measures of special weight and importance, which, according to the agenda previously circulated, are brought before the council and affect the general administration of the kingdom. Such measures are: questions and proposals regarding the adoption of new general laws, the repeal or amendment of those hitherto in force, new general arrangements within the various branches of administration, and other questions of a similar character.

Art. 9. Minutes shall be kept of all measures which are submitted to the King in Council. When the safety of the kingdom is concerned, or particularly important reasons demand secrecy concerning the relations of the kingdom with foreign powers, separate minutes on the matter shall be kept.

Such members of the council of state as are present, being held responsible for their advice, with the consequences specified in Articles 106 and 107, are under the obligation to express and explain their opinions, which shall be entered in the minutes; nevertheless, it is reserved to the King alone to decide. Should at any time the unexpected event occur that the King's decision would be manifestly contrary to the constitution of the kingdom or its general laws, it shall be the duty of the members of the council of state to make energetic representations against such decision. Any member who does not separately enter his opinion in the minutes shall be held responsible as if he had supported the King in such a decision.

Art. 10. Before matters are submitted to the King in council, they shall be investigated by the member submitting them, who shall collect for this purpose the necessary information from the competent administrative offices.

Art. 11. In matters which concern the relations of the State with foreign powers, all communications to foreign powers or to the King's envoys abroad shall, without regard to the nature of the business, be made through the minister for foreign affairs.

Art. 12. The King shall have power to enter into agreements with foreign powers after the council of state has been heard upon the subject. When such agreements deal with matters which are required under this instrument of government to be decided by the Riksdag, either alone or with the King, or when, though not dealing with such matters, they are of major importance, they shall be laid before the Riksdag for approval; and such agreements shall contain a reservation making their validity dependent upon the Riksdag's sanction.

Should there be an occasion when the interests of the State require that agreements, which are of great importance but do not deal with matters required to be decided by the Riksdag, should be concluded without the confirmation of the Riksdag, this may be done, but in such circumstances the committee on foreign affairs or the advisory committee shall be given an opportunity to express its opinion before the agreement is concluded.

Art. 13. If the King wishes to declare war or to conclude peace, he shall convene all the members of the council of state in extraordinary

council, lay before them the causes and circumstances to be considered, and ask for their opinions concerning the matter; each of them shall separately enter his opinion in the minutes, under the responsibility laid down in Article 107. The King may then make and execute such decision as he considers in the best interests of the kingdom.

Art. 14. The King shall be commander-in-chief of the armed forces of the kingdom.

Art. 15. Matters of military command, that is to say, those in which the King acts directly in his capacity of commander-in-chief of the armed forces, shall be decided by the King, provided he is himself exercising the royal power, in the presence of the head of the department under whose authority the matter falls. The latter is bound, under his responsibility, to express his opinion upon the measures adopted by the King at the time when such measures are under consideration; when his opinion is not in conformity with the King's decision, he shall enter his objections and advice in a minute which the King shall authenticate with his royal signature.

The matters of government which are to be considered matters of military command shall be determined by a law enacted by the King and the Riksdag jointly.

Art. 16. The King shall maintain, and further, justice and truth, prevent and forbid iniquity and injustice; he shall not deprive anyone or allow anyone to be deprived of life, honor, personal liberty or well-being, without legal trial and sentence; he shall not deprive anyone or permit anyone to be deprived of any real or personal property without due trial and judgment in accordance with the provisions of the Swedish law and statutes; he shall not disturb or allow to be disturbed the peace of any person in his home; he shall not banish any person from one place to another; he shall not constrain or allow to be constrained the conscience of any person, but shall protect everyone in the free exercise of his religion, provided he does not thereby disturb public order or occasion general offense. The King shall cause everyone to be tried by the court to the jurisdiction of which he is properly subject.

Art. 17. The judicial power of the King shall be vested in at least twelve experienced and honest persons, learned in the law, who shall be appointed by him; they must have fulfilled the conditions required by law for the exercise of judicial functions. They shall be called "lords justices" and shall constitute the Supreme Court of Justice. Their number may not exceed twelve unless the King and the Riksdag decree, in accordance with Article 87, paragraph (1), that the Supreme Court shall work in divisions; in this case the number of lords justices, within the limits defined above, and the distribution of business between the divisions shall be regulated in the same ordinance. Further provisions as to the composition and services of the Supreme Court shall be prescribed by law, enacted by the King and the Riksdag jointly, in the order provided by Article 87, paragraph (1).

Art. 18. The King's right to examine and decide appeals which, according to the laws, may be brought before him in the departments of

state shall, to the extent prescribed by a separate law enacted by the King and Riksdag jointly, as provided in Article 87, paragraph (1), be delegated to at least seven persons appointed by the King, who shall have held civil office and manifested insight, experience, and honesty. They shall be called "lords justices of administration" and constitute the Supreme Administrative Court. At least two thirds of the total number of justices shall have fulfilled the conditions required by law for the exercise of judicial functions. Further provisions as to the composition and services of the Supreme Administrative Court shall be prescribed by the law mentioned above.

Art. 19. It also appertains to the Supreme Administrative Court, in matters which may be submitted to its final examination, to receive and decide all petitions asking that the King may set aside judgments that have acquired legal force or that he may grant relief from forfeiture resulting from the expiration of a legal term. All other petitions of the kind shall be decided by the Supreme Court.

Art. 20. Should requests be made to the King by courts or officials regarding the proper interpretation of the law in cases appertaining to the judiciary, the Supreme Court shall furnish such interpretation in cases within the sphere of the courts.

Art. 21. Three members of the Supreme Court and one of the legal members of the Supreme Administrative Court shall together constitute the King's law council.

It appertains to the law council to give its opinion on proposals for the enactment, annulment, amendment or elucidation of the laws or statutes which shall, for this purpose, be referred to them by the King.

Where it should prove necessary for certain business, the King may appoint one additional person known to possess insight, experience, and honesty, to be a member of the law council.

Further provisions as to the duties of the law council shall be prescribed by a law enacted by the King and Riksdag, as provided by Article 87, paragraph (1).

Art. 22. (1) Cases may be heard and decided in the Supreme Court by five lords justices. No more than seven members shall, at the same time, take part in the trial of any case, except in certain cases otherwise provided for in accordance with Article 87, paragraph (1). It shall similarly be determined how many lords justices shall take part in deciding the question whether cases appealed to the Supreme Court may be considered by it, whether such special permission is required by law, or in consideration of petitions appertaining to the Court according to Article 26.

(2) In the supreme administrative court, five members may hear and decide cases, and four members may do so when three are in agreement.

Art. 23. All decisions of the Supreme Court and of the Supreme Administrative Court shall be promulgated in the name of the King and under his signature or seal.

Art. 24. The secretariat of the Supreme Court shall prepare judicial business for trial and decision by the Court.

Art. 25. Matters for the consideration and decision of the Supreme Administrative Court shall be prepared by the department to which the business in question, as allotted under Article 5, belongs.

Art. 26. The King shall have power to grant pardons in criminal cases, to commute death penalties, to restore honors, and to return property forfeited to the crown. The Supreme Administrative Court shall, however, be consulted in such cases as, by their nature, come before it or before the court of exchequer for final consideration, but in other cases the Supreme Court shall be consulted; and the King's decision shall be taken in council of state. The offender shall then have the right to accept the pardon granted by the King or to suffer the punishment to which he has been sentenced.

Art. 27. The King shall appoint as attorney-general an able, impartial person, versed in the law, who has had experience as a judge. It shall be the principal duty of the attorney-general, as the highest legal officer of the King, to prosecute or cause prosecution to be made, in the name of the King, in cases which affect the public safety or the rights of the crown; and also, on behalf of the King, to exercise supervision over the administration of justice, and in this capacity to prosecute for offenses committed by judges and officials.

Art. 28. The King in council of state shall have power to appoint and promote native Swedes to all offices and posts, high and low, for which the King's commissions are granted; the proper authority shall, however, first submit nominations when such a practice has theretofore been customary. The King may likewise, after having consulted the proper authorities or upon their nomination, appoint and promote foreigners of distinguished merit, professing the pure evangelical faith, to professorship in the universities, excepting, however, to the theological teaching staffs; to professorships or other positions in other institutions for science, manual training, or fine arts, as well as to medical appointments. The King may likewise employ foreigners of unusual ability in the military service, but not as commanders of fortresses. Foreigners may also be appointed as consuls, when there is no remuneration attached to the appointment.

Only persons professing the pure evangelical faith may be appointed to the priestly office or to other offices involving the obligation to give instruction in the Christian religion or in theology. To all other offices and positions, excepting membership of the council of state as provided by Article 4, persons belonging to another Christian faith or adherents of the Mosaic belief may be appointed; no person not belonging to the pure evangelical faith shall, however, take part, as judge or incumbent of any other office, in the discussion or decision of questions relating to divine worship, to religious instruction, or to appointments within the Swedish Church. No woman may be appointed to the priestly office unless otherwise provided in accordance with Article 87, paragraph (2).

In all promotions the King shall take into consideration only the merit and ability of the candidates, but not their birth. Each head of a department shall submit and deal with all business relative to the promo-

tion, appointment, leave of absence, and discharge of all officials and employees in the offices and establishments under the department.

Art. 29. The King shall appoint the archbishop and bishops from a list of three candidates presented to him in the manner provided by the church law.

Art. 30. The institution of clergymen to congregations, and the rights which appertain to the King and to the congregations in this connection, shall be governed by a special law enacted in accordance with Article 87, paragraph (2).

Art. 31. For the office of burgomaster or legally trained associate justice in a city, the city council shall have the right to present three competent persons. From those presented, the King shall appoint one to the office.

Detailed provisions governing the election of candidates to be proposed for the above-mentioned offices shall be prescribed by a special law enacted by the King and the Riksdag jointly.

Art. 32. Before such offices, for which candidates have been proposed, are filled by the King, the members of the council of state shall express their views as to the competence and merits of the applicants. They shall also have the right to make dutiful representations against the King's appointments to other offices and positions.

Art. 33. The King shall have power to confer Swedish nationality on foreign men and women by means of naturalization, in the manner and upon the conditions determined by a special law enacted in accordance with Article 87, paragraph (1). A foreigner thus naturalized shall enjoy the same rights and privileges as a native-born Swedish citizen, except that he may not be appointed to membership of the council of state.

Art. 34. The prime minister and the minister for foreign affairs shall have the highest rank in the kingdom, and members of the council of state shall rank next. Members of the council of state may not perform the duties of or receive income from any other office. A lord justice of the Supreme Court or of the Supreme Administrative Court may not hold any other office or perform other duties.

Art. 35. The following hold posts of confidence, from which the King may remove them whenever he considers that the interests of the kingdom demand that course; members of the council of state, presidents and heads of administrative boards or of institutions established in their place, the attorney-general, the directors of the prisons, the land surveying service, the state railways, the pilotage, postal, telegraph, customs, and forestry services; the under-secretaries in the government departments; the governor, deputy governor, and chief of police of the capital: governors of counties, field-marshals, generals, and admirals of all grades, adjutants-general, adjutants-in-chief, and adjutants of the staff, commanders of fortresses, colonels of regiments, lieutenant-colonels of both cavalry and infantry regiments of guards and of the household guards as well as of other military corps and battalions having a separate organization, the chiefs of artillery, fortifications, and of the topographical and hydrographic surveys; ministers, envoys, and commercial agents in foreign

countries, as well as officials and employees in the King's foreign office and in the missions abroad. The King shall, however, notify such action to the council of state, whose members have the obligation to make dutiful representations against the measures if they think they have reason to do so.

Art. 36. Persons occupying judicial positions, both higher and lower, and all officials or employees other than those mentioned in the preceding article, may not be removed from their posts by the King, except after enquiry and sentence, nor shall they be promoted or transferred to other posts except upon their own application.

Art. 37. The King shall have power to ennoble persons who by fidelity, courage, virtue, learning, and useful services have deserved particularly well of the King and the country. The King may also, as a reward for important and distinguished services, confer upon a noble the rank of baron, or upon a baron the rank of count. The noble rank and the dignities of baron and count hereafter granted shall be borne only by the person ennobled or elevated in rank, and, after his death, in direct line of descent, by the eldest male heir of the oldest branch of his family and, after its extinction, by the nearest male heir of the ancestor in the oldest branch in existence, and so forth. If noble rank should pass by inheritance to a person who has already been ennobled or has received a title by previous inheritance, his own rank shall lapse, unless it is of a higher grade, in which case the ancestor's rank shall go to the nearest branch of the family; if no such branch is in existence, the title shall become extinct. If anyone should forfeit his noble rank, the title shall go to the person most nearly entitled thereto, in accordance with the rules herein established.

An ordinance regarding the nobility, to be adopted by the King in concert with the knights and nobles, shall prescribe the manner in which knights and nobles may assemble to decide upon matters which they have in common.

Art. 38. The King's messages and proposals to the Riksdag or to the church assembly, public laws, the King's commissions for public offices and other documents and orders issued by the King and specified by him shall, in order to be valid, be signed by the King and bear the countersignature of the competent minister, whose duty it shall be to see that the action taken is in agreement with the minutes drawn up concerning it. Other decisions by the King shall be issued over the signature of the competent minister, who also may issue direct to proper parties all directions and instructions regarding the execution of orders given. Should the minister find any decision of the King to be in conflict with this instrument of government, he shall make a representation in the council of state concerning it; should the King notwithstanding insist upon promulgating the order, it shall be the minister's right and duty to refuse his countersignature or signature thereto and, as a consequence, to resign his office, which he shall not resume until the Riksdag has examined and approved his conduct. In the meantime his salary and other emoluments shall continue.

Art. 39. If the King desires to travel abroad, he shall so inform a full meeting of the council of state and ask its opinion, as provided by Article 9. Should the King then decide to make such a journey and carry his decision into execution, he shall not take part in the administration of the country or exercise the royal power so long as he is outside the kingdom, but during his absence the government shall be carried on in the King's name by the heir apparent to the throne, if he has attained the age fixed by Article 41. This prince shall govern as regent with all the royal power and authority, in accordance with this instrument of government; he shall not, however, confer any rank or title of nobility, raise persons to the rank of count or baron, or confer the dignity of knighthood; and likewise all vacant posts of trust shall only be held until further notice by persons appointed by the regent.

If the prince who is heir apparent to the throne is not of age or is prevented by sickness or absence abroad from assuming the government, then under such conditions the prince who is next entitled in the succession, and for whom no similar obstacle exists, shall govern as regent in the King's name, under the above-mentioned conditions.

If there is no prince entitled to govern under these conditions, the council of state shall conduct the government with the same powers as a regent.

Article 91 provides for the measures to be taken in case the King remains out of the kingdom for more than twelve months.

Art. 40. Should the King become too ill to perform his functions, the government of the kingdom shall be carried on as determined in the preceding article.

Art. 41. The King shall attain his majority at the age generally provided by law. Should the King die before the heir apparent has reached this age, the government shall be carried on in conformity with Article 39, until the Riksdag assembles and the regency established by it has assumed the government; the regent or the council of state shall conform strictly to this instrument of government.

Art. 42. If unfortunately the entire royal family, in which the succession is vested, becomes extinct in the male line, the council of state shall similarly carry on the government, with the powers determined in Article 39, until the Riksdag is able to assemble and choose a new dynasty and the King-elect assumes the government.

In all cases, when the government of the country in accordance with the present and the three preceding articles is being carried on by the council of state, all the members thereof shall be present and vote, unless legitimately prevented.

Art. 43. When the King goes on a military expedition, or visits distant localities of the kingdom, he shall designate at least three members of the council of state, under a president whom he shall specially appoint ,either from among the princes of his house or from among the members of the council of state, to conduct such matters of government as the King may prescribe. Matters in which the King himself acts shall be dealt with in accordance with Article 8.

The above provisions regarding the King shall also apply to the regent when the latter is exercising the royal power.

Art. 44. No prince of the royal house, whether crown prince, hereditary prince, or otherwise, may marry unless the King, having taken the opinion of the council of state, has given his consent thereto. Should he do so nevertheless, he shall forfeit all hereditary rights to the crown for himself, his children, and descendants.

Art. 45. Neither the crown prince of Sweden, the hereditary prince, nor the princes of the royal house shall have any appanage or civil office; there may, however, according to ancient custom, be conferred on them titles of duchies and principalities, without any rights over the territory of which they bear the name.

Art. 46. The country shall continue to be divided into counties under the customary county governments. No governor-general shall hereafter be appointed within the kingdom.

Art. 47. The courts of appeal of the kingdom and all other courts shall decide cases in accordance with the laws and statutes; the administrative boards of the kingdom, the county governments, and all other administrations, together with superior or inferior officials, shall perform their duties and functions in accordance with the instructions, regulations and orders already issued or which may hereafter be issued; they shall obey the King's orders and commands and assist one another in the execution of such and in the performance of everything which the service of the Kingdom may require of them,being responsible to the King, in accordance with the law, for any omission, negligence or illegal action.

Art. 48. The King's court shall be under his own direction; he may make such arrangements as he thinks appropriate. He may, at will, appoint to or dismiss from all posts at his court.

Art. 49. (1) The Riksdag represents the Swedish people. The rights and obligations now vested by laws in force in the estates of the kingdom shall hereafter be vested in the Riksdag. It shall be divided into two chambers, the members of which shall be elected in the manner prescribed by the Riksdag Law specially enacted by the King and Riksdag jointly. The chambers shall have equal competence and authority in all matters; the Riksdag shall, by virtue of this instrument of government, assemble in ordinary session on January tenth of each year, or, if that day is a holiday, on the following day; the King shall, however, have power to summon an extraordinary session of the Riksdag in the intervals between its regular sessions.

An extraordinary session of the Riksdag shall only consider the matters which occasioned its being summoned or other matters submitted to it by the King, and questions which are inseparably connected with such matters.

(2) If, having regard to the particular importance of some measure or the nature thereof, it should be deemed necessary that, prior to its enactment, the opinion of the people should be ascertained, the King and Riksdag may, by a law enacted jointly, determine that a referendum shall be held. This law shall determine the question or questions to be answered by the referendum, together with the date and manner of holding the same. The right to take part in the voting shall be vested in those who are entitled to vote for the lower chamber of the Riksdag. After the

referendum the measure shall be dealt with in accordance with the instrument of government.

Art. 50. The Riksdag shall meet in the capital of the kingdom, except when hostile invasion, pestilence, or other equally grave event makes it impossible or dangerous to the liberty and security of the Riksdag. In such a case it devolves on the King, after conferring with the persons elected by the Riksdag as commissioners of the Riksbank and of the office of the national debt, to appoint and announce another place of meeting.

Art. 51. When the Riksdag is convened by the King, the regent, or the council of state, the time for its meeting shall be fixed for not earlier than the first day after the summons is published in the public newspapers and not more than twenty days after said date.

Art. 52. Each chamber of the Riksdag shall appoint its own speaker as well as a first second deputy speaker, according to the procedure laid down in the Riksdag Law.

Art. 53. When in ordinary session the Riksdag shall appoint the following committees for the preparation of business: a committee on foreign affairs, a committee on the Constitution, a committee on appropriations, a committee on ways and means, a bank committee, two committees on laws, and an agricultural committee, the composition and the duties of which shall be determined by the Riksdag Law.

At an extraordinary session of the Riksdag no more committees shall be appointed than are necessary for the preparation of the measure to be considered.

Art. 54. The members of the committee on foreign affairs mentioned in the preceding article shall also be members of an advisory committee to confer with the King concerning the relations of the kingdom with foreign powers. Conference with this advisory committee must take place before all matters of major importance relating to foreign affairs are decided. All relevant documents and information relating to business on the agenda shall be communicated. The decision of the King relative to the subject-matter of a conference with the committee shall be communicated to its members at their next meeting at latest.

At the beginning of each session of the Riksdag, and afterwards as often as circumstances may require, the minister for foreign affairs shall present to the committee a statement of the general state of foreign affairs which may be of importance to the kingdom.

The members of the committee shall observe the utmost caution with regard to communicating to others information concerning what occurs at meetings of the committee. In case the King, or whoever may be dealing with the matter in his absence, deems it necessary that absolute secrecy be observed, the members shall be bound thereto. Each member shall, on the first occasion of his attending a meeting of the committee, give an assurance that he will observe secrecy.

Art. 55. Neither the Riksdag, the chambers, nor any of the Riksdag's committees may deliberate or decide upon any matter in the presence of the King.

Art. 56. The Riksdag Law shall determine the order of proceeding with reference to propositions of the King and questions raised by members in the chambers.

Art. 57. The ancient right of the Swedish people to tax themselves shall be exercised by the Riksdag alone.

The manner in which separate communities shall tax themselves for their own needs shall be determined by local laws to be enacted by the King and the Riksdag jointly.

Art. 58. At each ordinary session of the Riksdag, the King shall cause to be presented to it a statement of the financial condition of the State in all its branches, both income and expenses, assets and liabilities. Should the country receive any revenue because of treaties with foreign powers, it shall be accounted for in the same manner.

Art. 59. In connection with the statement of the condition and requirements of the administration, the King shall cause to be presented to the Riksdag a proposal relative to the manner of providing by taxation grants for the needs of the State in excess of its ordinary revenues.

Art. 60. The customs and excise taxes, postal charges, stamp taxes, taxes on domestic distillation, and all such other taxes as each Riksdag may vote shall be reckoned as taxation grants. No general tax of whatever name or character may be increased without the consent of the Riksdag, the duties on imported and exported grain alone excepted; nor shall the King lease the revenues of the State, or establish any monopoly for the benefit of himself and the crown or of private individuals and corporations, otherwise than through law, enacted by the King and the Riksdag jointly, in the order provided by Article 87.

Art. 61. All taxes voted by the Riksdag under the headings mentioned in the preceding article shall be paid up to the beginning of the financial year, for which the new grants shall be passed by the Riksdag.

Art. 62. It devolves upon the Riksdag, after consideration of the requirements of the administration, to vote supplies to meet such needs, and also to prescribe the special purposes for which the separate items of appropriation may be used, and to grant these items under definite budgetary headings.

Art. 63. (1) The Riksdag, at each regular session, shall, on a proposal from the King, in the order applicable to appropriations in general, make emergency appropriations for the armed forces, containing the additional appropriations necessary to maintain the peace and independence of the realm in war or danger of war. The Riksdag may make the condition that these appropriations may not be used before a session of the Riksdag has been called. When the Riksdag is not assembled or within ten days from its meeting, the King may, after conference with the advisory committee on foreign affairs, by royal decree decide on an advance budget, containing emergency appropriations made by the Riksdag. The advance budget remains in force for thirty days after the opening of the Riksdag when the Riksdag does not otherwise decide.

(2) The Riksdag may in the order provided for in paragraph (1) pass a general emergency budget containing the appropriations which may be

necessary in an economic crisis or another emergency; and the Riksdag may at the same time provide for the order by which the King may make use of the appropriations included in such an emergency budget.

Art. 64. The regular public funds and revenues, as well as the supplies voted by the Riksdag as extraordinary advances or appropriations in the manner above mentioned, shall be at the disposal of the King for application to meet the needs recognized by the Riksdag in accordance with the budget.

Art. 65. Such funds may not be applied to other purposes than those specified; the members of the council of state shall be responsible if they permit any violation of this rule without entering their protests in the minutes of the council and calling attention to what the Riksdag has prescribed in the matter.

Art. 66. The office of the national debt shall remain under the direction, control, and administration of the Riksdag; and, as the Riksdag is responsible for the public debt which that office administers, it shall, after the condition and needs of that office have been duly examined, provide by special appropriation the funds which are found to be indispensable for the payment of the interest and capital of this debt, in order that the credit of the country may be maintained and preserved.

Art. 67. The delegate of the King in the office of the national debt shall not attend the meetings of the commissioners of that office except when they desire to consult with him.

Art. 68. The funds belonging to or appropriated for the office of the national debt may not, under any pretext or condition, be withdrawn or applied to other purposes than those specified by the Riksdag. All orders in conflict with this provision shall be void.

Art. 69. When the proposals of the competent committee with reference to the establishment of the budget, the entire amount necessary thereafter by way of appropriation, the expenses and revenues of the office of the public debt, or the principles of its direction and administration come before the Riksdag for deliberation, the provisions of the Riksdag Law respecting the discussion of proposals submitted by the committee shall apply. Should the chambers reach different conclusions which cannot be brought into agreement, each chamber shall vote separately upon the resolutions they have adopted; the view which receives the majority of the votes of the two chambers when counted together shall be considered the decision of the Riksdag.

Art. 70. When the two chambers disagree with regard to regulations for the Riksbank, as to its receipts and expenses, or as to relieving the commissioners of the bank of their responsibility, each chamber shall vote separately as provided in the preceding article.

Art. 71. The same procedure shall also be followed when the chambers do not agree upon the principles of an appropriation or upon the manner of its application or repartition.

Art. 72. The Riksbank shall remain under the guarantee of the Riksdag, and shall be administered by the commissioners appointed for that purpose, in accordance with a law enacted by the King and the Riksdag jointly.

The Riksbank commissioners shall be seven in number, of whom the King shall appoint one for periods of three years and also a deputy; the other six commissioners and three deputies shall be chosen by the Riksdag for the term and in the manner prescribed by the Riksdag Law. The regular member appointed by the King shall preside over the commissioners, but shall hold no other position in the administration of the bank. Any commissioner to whom the Riksdag refuses relief from responsibility shall retire from his position. The appointment by the King of a commissioner or deputy may be revoked when the King deems that course advisable.

The commissioners shall elect one of their number to be governor of the Riksbank and, also from or outside their number, a substitute to take the governor's place with full power and responsibility in the event of his being precluded from attendance.

The Riksbank alone shall have the right to issue bank notes which may circulate as money in the kingdom. These notes shall be redeemed by the bank, upon demand, in gold at their face value; with the proviso that when, by reason of war, the danger of war, or a severe money crisis it is considered absolutely necessary to suspend such redemption, the King and the Riksdag jointly or, if the Riksdag is not sitting, the King at the initiative of the commissioners of the Riksbank and after consultation with the commissioners of the national debt office, shall permit such suspension for a certain time. Such permission when given by the King between sessions of the Riksdag, if not confirmed by the Riksdag within twenty days from the beginning of its next session, shall after the lapse of the said period cease to have effect.

Art. 73. No fresh taxation, levy of troops, money, or goods shall hereafter be ordered, collected, or demanded without the free will and consent of the Riksdag, in the manner provided above.

Art. 74. From the day when, by decision of the King in council of state after summoning the Riksdag to assemble, the forces of the kingdom or part thereof are placed upon a war footing, either for the preservation of the neutrality of the kingdom when, in a war between foreign powers, such neutrality is threatened or violated by any of the belligerents or to ward off an apprehended or actual attack, until the return to a peace footing, the King shall have power, in the forms and manner and under the conditions prescribed by special law to be enacted by the King and the Riksdag jointly, and with the obligation that the State shall indemnify, to make requisitions upon local authorities or private individuals for such necessaries and services as may be available locally and are required to meet such indispensable needs of the army as cannot be otherwise met with sufficient expedition.

Art. 75. The annual table of market rates shall be prepared by persons chosen in the manner specially provided by the Riksdag; such table shall be followed until its modification is sought and obtained in the regular manner.

Art. 76. The King cannot, without the consent of the Riksdag, contract, loans at home or abroad or burden the kingdom with fresh debts.

Art. 77. The King may not, without the consent of the Riksdag, alienate from the crown by sale, mortgage, grant, or otherwise, royal demesnes and farms with the houses and appurtenances thereof, royal forests, parks and preserves, the royal grazing meadows, and the salmon or other fisheries belonging to the crown, or other crown property. Such property shall be administered in accordance with principles established by the Riksdag; but persons and communities who, according to the law hitherto in force, are now in possession and enjoyment of such crown property may retain their legal rights therein. Cultivated or cultivable land in the royal forests may be sold to private individuals subject to taxes in accordance with the laws now in force or hereafter to be enacted.

Art. 78. No part of the kingdom may be severed therefrom by sale, mortgage, grant or otherwise.

Art. 79. (1) No change shall be made in the arms or flag of the kingdom without the consent of the Riksdag.

(2) Nor shall any change be made in the standard of the money of the kingdom, either by way of increase or decrease, without the consent of the Riksdag; the King's right to coin money shall, however, remain undisturbed.

Art. 80. The cavalry and infantry and the naval forces shall continue under the system of equipment duty and repartition based on the contracts and military tenure arrangements made with the rural districts and towns; this system shall not be altered in its fundamental principles until the King and the Riksdag jointly agree upon the necessity of some change. No new or increased conscription can be imposed except by common decision of the King and the Riksdag.

Should a special law abolish the military tenure system and establish some other principle for organization of the military and naval forces, no change shall be made in such law except by agreement between the King and the Riksdag.

Art. 81. This instrument of government and the other constitutional laws of the kingdom cannot be altered or replaced except by decision of the King and two ordinary sessions of the Riksdag.

When the Riksdag announces its decision, with reference to a constitutional law, to the King, the latter shall, if the decision includes consent to a proposal made by him, cause such constitutional amendment to be publicly proclaimed before the Riksdag adjourns; and the King's decision on the subject shall be communicated to the Riksdag by means of an open letter which shall be read in each chamber simultaneously by a member of the council of state appointed by the King for that purpose. If the Riksdag adopts a proposal relating to a constitutional law which emanates from its own midst, the King shall consult the entire council of state on the matter and, if he concurs in the proposal, shall cause that fact to be notified by proclamation and open letter in the time and manner above stated. If the King does not give his consent he shall, before the Riksdag adjourns, notify to it in writing his reasons for not approving the Riksdag's resolution.

Art. 82. Amendments to the constitutional laws adopted by the Riks-

dag and approved by the King, or proposed by the King and adopted by the Riksdag, in the prescribed manner, shall have force as constitutional laws after the reading in the Riksdag of the open letter mentioned in the preceding article.

Art. 83. No interpretation of the constitutional laws to hold good for the future shall be valid unless adopted in the manner provided for amending such laws.

Art. 84. The constitutional laws shall be applied literally in each particular case.

Art. 85. The following shall be considered constitutional laws; the present instrument of government, the Riksdag Law, the Succession Law, and the law relating to the freedom of the press, which shall be adopted by the King and the Riksdag jointly in accordance with the principles laid down in the present instrument of government.

Art. 86. By freedom of the press is understood the right of every Swede to publish his writings without any previous interference on the part of public authorities; that of only being prosecuted afterwards before a regular court on account of the contents of his publication, and that of not being punished unless such contents are in conflict with a law enacted to preserve public peace without restricting public enlightenment. Public documents may be published without restriction, unless otherwise provided by the law on the freedom of the press.

Art. 87. (1) The Riksdag shall have power, in concert with the King, to enact general civil and criminal laws, and criminal laws for the armed forces, and to amend or repeal any such laws previously enacted. Neither the King without the approval of the Riksdag, nor the Riksdag without the consent of the King, shall have power to make new laws or to repeal existing laws. Motions to that effect may originate in the chambers and, after the competent committee has been consulted, a decision shall be given by the Riksdag. If the Riksdag decides, on its own initiative, to adopt a new law or to repeal or amend an existing law, its proposal shall be submitted to the King, who shall consult the council of state and the law council regarding it and, after having reached his decision, shall inform the Riksdag of his consent to its request or of his reasons for refusing the same. Should the King not be able to make or announce his decision before the adjournment of the Riksdag, he shall be at liberty, before the opening of the next session, to approve the measure unaltered and cause it to be published. If this does not take place, the proposal shall be regarded as rejected, and the King shall inform the Riksdag at its next session of the reasons which prevented the adoption of the measure. If the King considers it appropriate to submit a bill to the Riksdag, he shall obtain the opinions of the council of state and the law council regarding the matter, and shall communicate his proposal, together with such opinions, to the Riksdag; the latter shall then proceed with the bill according to the Riksdag Law.

(2) The Riksdag shall likewise have power, in concert with the King, to enact, amend, or repeal ecclesiastical laws, but the consent of a general church assembly shall also be necessary. The views of the council of

state and the law council regarding such laws shall be obtained, as in paragraph (1), and these, together with the King's proposal, if such is made, shall be communicated to the Riksdag. If the proposal in question has not been promulgated as a law before the beginning of the session next after that in which the proposal was presented or adopted, it shall lapse, and the King shall inform the Riksdag of the reasons which prevented the acceptance of the proposal.

Art. 88. The interpretation of civil, criminal, and church laws shall be dealt with in the same manner as the enactment of such laws. The interpretations which the King gives through the Supreme Court, during the recess of the Riksdag, in answer to questions regarding the true meaning of the law, may be overruled by the Riksdag at its next session; or, if the interpretation relates to a church law, it may be overruled by the first general church assembly meeting after its publication. The interpretations which have thus been overruled shall not longer be valid and shall not be observed or invoked by the courts.

Art. 89. Motions regarding the amendment, interpretation, or repeal of statutes and decrees relating to the general economy of the kingdom, new statutes of this character, and the principles for general institutions of all kinds, may be introduced in the chambers of the Riksdag. In such matters, however, the Riksdag has no power to make any other resolution or do more than submit its representations and wishes to the King; the latter, after consulting the council of state, shall take such action as he considers appropriate in the interests of the kingdom. If the King wishes to entrust to the Riksdag the solution with himself jointly of any matter relating to the general administration of the country, the procedure shall be the same as that prescribed in Article 87, paragraph (1), regarding motions relating to laws.

Art. 90. Questions relating to the appointment and removal of officials, the decisions, resolutions, and judgments of the executive or judicial authorities, the conduct of private citizens and corporations, or the execution of any law, decree, or regulation, shall in no case or manner be subject to consideration or investigation by the Riksdag, its chambers, or committees, except as literally prescribed by the fundamental laws.

Art. 91. When the King, in the case referred to in Article 39, having set forth on a journey, remains out of the kingdom for more than twelve months, the regent, or the council of state, if the latter is administering the government, shall summon the Riksdag by public proclamation, such summons to be published in the public newspapers, within fifteen days after the expiration of the said period. If the King, duly notified of this action, does not return to the kingdom, the Riksdag shall take such action as it thinks most proper regarding the government of the country.

Art. 92. The same procedure shall be followed if illness of the King is of such a nature that he is unable to perform the duties of his office for more than twelve months.

Art. 93. Should the King die when the successor to the throne is still under age, the regent or the council of state, if charged with the government, shall summon the Riksdag, such summons to be published in the

public newspapers within fifteen days from the death of the King. The Riksdag shall have power, without regard to anything in the deceased King's will regarding the administration of the country, to appoint one, three, or five persons who may exercise the government in the King's name, in accordance with this instrument of government, until he attains his majority.

Art. 94. Should it unfortunately occur that the royal dynasty in which is vested the right of succession to the throne becomes extinct in the male line, the council of state shall, within the period after the last King's death which is fixed by the preceding article, summon the Riksdag, which shall choose a new royal house, this instrument of government being maintained.

Art. 95. If, contrary to expectation, the regent or the council of state should fail to summon the Riksdag immediately in the cases mentioned in the four preceding articles, it shall be the absolute duty of the courts of appeal of the kingdom publicly to proclaim such fact, in order that the Riksdag may assemble to observe and protect its own rights and those of the country. In such a case the Riksdag shall assemble on the twentieth day after that on which the regent or the council of state should at the latest have issued the summons.

Art. 96. The Riksdag shall at each ordinary session appoint two persons of known legal ability and conspicuous integrity, the one as procurator for judicial affairs, and the other as procurator for military affairs, to supervise the observance of the laws and statutes in the capacity of representatives of the Riksdag, according to instructions issued by the Riksdag. The procurator for military affairs shall supervise matters arising out of cases which by law, enacted as provided in Article 87, paragraph (1), have been described as military cases, together with the officials and staff thereof remunerated from grants for the defense forces, and the procurator for judicial affairs shall supervise other matters appertaining to the civil courts, their officials, and staff; and in accordance with the division of duties mentioned above, these procurators shall institute proceedings before the competent courts against those who, in the execution of their official duties, have through partiality, respect of persons, or other cause committed any unlawful act or neglected to perform their official duties properly. The procurators shall be subject in all respects to the same responsibility and obligation as are prescribed for public prosecutors by general laws and the laws of procedure.

Art. 97. The procurators for judicial and military affairs shall be elected by the Riksdag for the time and in the manner provided by the Riksdag Law; a substitute for each of them also being appointed, who shall have the same competence as the procurator and exercise his functions in the cases provided for by his letter of instruction. If the procurator or his substitute no longer enjoys the confidence of the Riksdag, the Riksdag may, on proposal by the committee scrutinizing his conduct in office, discharge him before the end of the time for which he has been elected.

Art. 98. In the event of the procurator for judicial affairs or the proc-

urator for military affairs resigning the trust confided to him or of a procurator's office becoming vacant otherwise, the deputy shall immediately take over the office; and election of a new procurator shall be undertaken by the Riksdag if in regular session or, if not, at the next regular session of the Riksdag. In the event of a deputy resigning the trust confided to him or being installed in the office of procurator, or of his office otherwise becoming vacant, a new election of a deputy shall be undertaken. Should any of these circumstances arise during the recess of the Riksdag, the powers of that body with regard to them shall be exercised by those commissioners of the Riksbank and the office of the national debt who are elected by the Riksdag.

Art. 99. The procurator for judicial affairs and the procurator for military affairs may, whenever they consider it necessary in the exercise of their duties, attend the deliberations and conclusions of the Supreme Court, the Supreme Administrative Court, the secretariat of the Supreme Court, the courts of appeal, the administrative boards or the institutions established in their place, and all the lower courts, but shall have no right to express their views thereat; they shall also have access to the minutes and records of all courts, administrative boards, and public offices. The King's officials in general are bound to afford the procurator for judicial affairs and the procurator for military affairs lawful assistance, and all public prosecutors shall aid them in the conduct of cases when requested to do so.

Art. 100. It shall be the duty of the procurator for judicial affairs and the procurator for military affairs each to present to every ordinary session of the Riksdag a report on the administration of his office, in which they shall give account of the administration of justice throughout the kingdom in the spheres defined in Article 96 as the scope of their duties, call attention to defects in the laws and statutes, and make suggestions for their improvement.

Art. 101. Should it happen, contrary to expectation, that either the entire Supreme Court, or one or more of its members, is found to have rendered, by reason of self-interest, iniquity, or negligence, such an unrighteous judgment, in conflict with clear law and evidence of facts duly established, that it causes or might have caused someone loss of life, personal liberty, honor or property; or if the Supreme Administrative Court or one or more of its members, is found to have been guilty of such conduct in the hearing of appeal actions, it shall be the duty of the procurator for judicial affairs, or, in military cases as described in Article 96, the procurator for military affairs, as it shall be within the power of the King's attorney-general, to institute proceedings against the offender before the national court hereinafter provided and to call him to responsibility in accordance with the law of the land.

Art. 102. This court, to be known as the court of impeachment, shall in such cases be composed of the president of the Svea court of appeal, who shall preside, the presidents of all the administrative boards of the kingdom, and, in actions against the Supreme Court, the four senior justices of the Supreme Administrative Court, or if the Supreme Adminis-

trative Court is arraigned, the four senior lords justices of the Supreme Court, and in both cases, the commander-in-chief of the troops on duty in the capital, the highest officer present of the units of the fleet stationed at the capital, the two senior members of the Svea court of appeal, and the senior member of each of the administrative boards of the kingdom. When the attorney-general, the procurator for judicial affairs, or the procurator for military affairs considers himself justified in accusing the Supreme Court as a whole, or individual members thereof, before the court of impeachment, or the attorney-general or the procurator for judicial affairs considers himself justified in bringing such an action against the Supreme Administrative Court as a whole or individual members thereof he shall request the president of the Svea court of appeal, as president of the court of impeachment, to issue a summons in legal form to the person or persons to be prosecuted. The president of the court of appeal shall then make arrangements for the meeting of the court of impeachment in order that the summons may be issued and the matter dealt with further according to law. Should he, contrary to expectation, fail to do this, or should any of the above-mentioned officials refuse to participate in the court of impeachment, they shall be legally responsible for such intentional neglect of their official duty. If one or more members of the court of impeachment has a lawful excuse, or if lawful exception can be taken against any of them, a quorum shall nevertheless exist if the court consists of twelve persons. If the president of the court of appeal is prevented from acting by a lawful excuse or challenge, the senior of the presidents in service shall take his place. After enquiries have been terminated and the sentence pronounced in accordance with law, the court shall pronounce judgment in public session. No one shall have power to modify this judgment; the King, however, may grant pardon, which shall not extend to a reinstatement of the convicted person in the service of the country.

Art. 103. Every fourth year, the Riksdag shall in ordinary session, in the manner provided by the Riksdag Law, appoint a commission whose duty it shall be to decide whether all the members of the Supreme Court and of the Supreme Administrative Court deserve to be retained in their important vocation, or if any of them ought to be deprived of their offices, without their having demonstrably committed the offense or crimes referred to in the preceding article. Should this commission, after voting in the manner prescribed by the Riksdag Law, decide that one or more of the members of the Supreme Court or of the Supreme Administrative Court shall be considered to have forfeited the confidence of the Riksdag, the person or persons in question shall be graciously discharged from their offices by the King, to whom the Riksdag shall report its decision. The King shall, however, grant to each such person an annual pension amounting to one-half of his salary.

Art. 104. The Riksdag shall not enter into any special examination of decisions of the Supreme Court or of the Supreme Administrative Court, nor shall any general consideration of such matter by the commission take place.

Art. 105. It is incumbent on the committee on the Constitution of an

ordinary Riksdag to ask for the minutes kept by the council of state. The special minutes referred to in Article 9 may, however, only be demanded with reference to a particular matter specified by the committee. In such a case the King shall consider whether, in the light of the safety of the kingdom or of other particularly important reasons determined by relations with foreign powers, he finds any obstacle to the delivery of the minutes to the committee. They shall not be refused without the committee for foreign affairs having had an opportunity to express its views on the subject.

Minutes relating to matters of military command may be demanded only with reference to matters already generally known and specified by the committee.

Art. 106. If the committee discovers from these minutes that any member of the council of state, or any person appointed to submit matters to the King for a special occasion, has manifestly acted in violation of the national Constitution or general laws, or has supported such violation or omitted to protest against it, or has occasioned or encouraged it by wilful concealment of any information, or that the councilor of state submitting a matter to the King has failed to refuse his countersignature or signature to a royal decision in the cases contemplated in Article 38 of this instrument of government, the committee on the Constitution shall cause an action to be brought against such person by the procurator for judicial affairs before the court of impeachment, and shall proceed in accordance with the provisions of Articles 101 and 102 regarding the arraignment of the Supreme Administrative Court. When members of the council of state are found guilty in the manner provided above, the court of impeachment shall sentence them in accordance with the general law and with the special statute determining their responsibility to be enacted by the King and the Riksdag.

Art. 107. Should the committee on the Constitution observe that the members of the council of state as a whole or any of them, in their advice upon public measures, have not had due regard to the true welfare of the State, or that any head of a department has failed to perform his duties with impartiality, zeal, ability, and energy, it shall bring the matter to the knowledge of the Riksdag, which, if it thinks the welfare of the country so requires, may inform the King in writing of its desire that he shall remove from the council of state and from office the person or persons whose conduct was thus brought to the committee's notice.

Motions of this character may be brought in the chambers of the Riksdag and may be presented to the chambers by committees other than the committee on the Constitution, but no decision shall be reached by the Riksdag until the latter committee has been heard on the subject. In the consideration of such matters by the Riksdag, decisions of the King with reference to the rights and interests of private individuals or corporations may not even be mentioned, much less made the subject of any investigation by the Riksdag.

Everything that the Riksdag, after investigation, has approved or left unnoticed shall be considered as relieved from responsibility as regards

the points examined, and no fresh investigation of the same matter shall be undertaken by another Riksdag for the purpose of fixing liability; nevertheless, notwithstanding the general supervision of the expenditure of public funds exercised by the committee or the auditors of the Riksdag, it shall be incumbent on the competent officials to effect such special audits as pertain to their official duties.

Art. 108. Every fourth year the Riksdag, in ordinary session shall, in the manner prescribed by the Riksdag Law, appoint six persons of known intelligence and erudition who, together with the procurator for judicial affairs as president, shall watch over the liberty of the press. Of these commissioners, two in addition to the procurator for judicial affairs shall be learned in the law. The commission on freedom of the press may make no decisions except when three commissioners in addition to the procurator for judicial affairs are present.

Art. 109. The ordinary session of the Riksdag cannot be adjourned, except at its own request, until it has been assembled for four months, unless the King in accordance with the provisions of the Riksdag Law orders a new election of one or both chambers, in which case the Riksdag shall reassemble within three months after dissolution upon the date set by the King, and, preserving its character as an ordinary session, shall not again be adjourned by the King until after four months from the date of its last assembling.

The King may terminate an extraordinary session of the Riksdag whenever he thinks best, and it shall always be terminated before the time fixed for the meeting of the ordinary session.

If, contrary to expectation, the Riksdag has not passed the budget or granted new supplies before the beginning of the new financial year, the former budget and grants shall remain in force until the new budget and grants are passed.

Art. 110. No member of the Riksdag shall be prosecuted or deprived of his liberty on account of his actions or utterances in that capacity unless the chamber to which he belongs has authorized such action by an explicit resolution, adopted by at least a five-sixths' vote. No member of the Riksdag shall be banished from the place where it meets. Should any private individual or body, military or civil, or any group of people of whatever name, either spontaneously or under orders, attempt to do violence to the Riksdag, its chambers or committees, or any one of its members, or to disturb the freedom of its discussions and decisions, such action whenever not punishable as treason shall be considered as rebellion; all provisions regarding attempt, preparation or conspiracy to rebellion and neglect to reveal such crimes being applicable in this case also. It shall appertain to the Riksdag to cause such crimes to be prosecuted in accordance with law.

If a member of the Riksdag, during a session or when proceeding to or from a session, such errand being known, is molested by word or action, the provisions of the general law regarding assaults upon or insults to the King's servants on duty or on the occasion of their duties shall apply. The same law shall apply to assaults upon or insults to the commissioners,

auditors, procurator for judicial affairs, procurator for military affairs, the secretaries or employees of either chamber, or any of their committees, during or on the occasion of the performance of such duties.

Art. 111. If a member of the Riksdag is accused of a serious misdeed he may not, unless he was apprehended *in flagrante delicto*, be committed to prison until the judge, after investigation, considers such action justifiable; nevertheless, if he does not appear on the summons of the court, the provisions of the general laws relating to such cases shall apply. No member of the Riksdag shall be deprived of his liberty except in the cases mentioned in this and the preceding article.

The commissioners of the Riksbank and of the office of the public debt and the auditors of the Riksdag may not, in or on the occasion of their duties, receive orders save from the Riksdag, or in accordance with its instructions, nor may they be called to account or responsibility except by decision of the Riksdag.

Art. 112. No official or employee may make an improper use of his authority in the election of members to the Riksdag. Should he do so he shall be deprived of his post.

Art. 113. Assessors whose duty it is, on behalf of the Riksdag, to apply the provisions of the appropriation law cannot be held liable on account of the charges or assessments they make.

Art. 114. The ancient privileges, advantages, rights, and liberties of the estates of the kingdom shall remain in force, except where they are indissolubly connected with the right of representation formerly appertaining to the estates, and have consequently ceased to exist with the same. They shall not be altered or abolished except by joint decision of the King and the Riksdag, and with the consent of the nobility if their privileges, advantages, rights, and liberties are in question, or of a general church assembly if those of the clergy are concerned.

In virtue whereof we have to these presents put our names and seals to attest, confirm and endorse the same, in Stockholm on the sixth day of June, in the year 1809 after out Lord's birth.

On behalf of the nobility:
(L.S.) M. ANKARSVARD
On behalf of the clergy:
(L.S.) JAC. AX. LINDBLOM
On behalf of the burghers:
(L.S.) H. N. SCHWAN
On behalf of the peasantry:
(L.S.) LARS OLSSON

Everything as herein provided we not only accept for ourselves as the irrevocable fundamental law, but we direct and graciously command all who are united in loyalty, fealty, and obedience to us, our successors and the kingdom, to acknowledge, observe, follow, and obey this instrument of government. In witness whereof we have with our own hand signed and confirmed it, and duly affixed our royal seal below, in Stockholm our city of residence, on the sixth day of June in the year 1809 after the birth of our Lord and Savior Jesus Christ.

(L.S.) CARL

THE ORGANIC LAW OF THE RIKSDAG [1]

June 22, 1866

The Organic Law of 1866 has been extensively modified by subsequent regulations including those of 1909, and is referred to in some Swedish publications as having been 'repealed'.[2] According to the Law of 1866 every judicial district in the *country* was to elect one representative; and if the district had more than 40,000 inhabitants, it was divided into two constituencies. As to the *towns* the largest (with more than 10,000 inhabitants) had a right to elect one representative for each full 10,000 of population. The smaller towns were grouped together into constituencies of at least 6,000 and at most 12,000 inhabitants.

This had the result originally of giving one representative for about every 27,000 persons in the country, while the towns were given one for about every 10,000. The purpose was to give certain additional protection to the interests of the towns owing to the fact that the great majority of the population at that time lived in the country.

The towns subsequently grew more rapidly than the country but in order to overcome that and preserve in principle the original relationship, a majority of the Riksdag in 1894 carried into effect new regulations according to which the number of members was fixed at 150 for the country and 80 for the towns.

Subsequently modifications have been made from the old limit of a judicial district so as to embrace as a rule a whole county or county council area.

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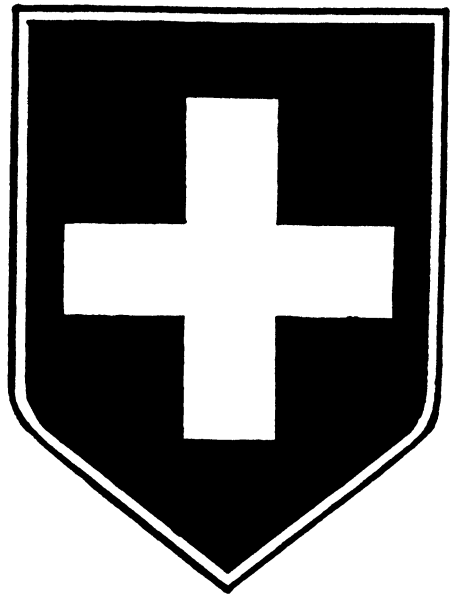
[1] Text not printed.

[2] See Handbook of Sweden, "Sveriges land och folk," p. 202, Government Printing Office, Stockholm.



SWITZERLAND

SUMMARY

International Status

Switzerland is not, as of the time of our going to press, a member of the United Nations. It was neutral during World War II.

It was a member of the League of Nations and signed the Paris Pact of 1928. It was a party to the Statute of the Permanent Court of International Justice and accepted the optional clause regarding compulsory jurisdiction. On July 28, 1948, it was admitted as a party to the Statute of the International Court of Justice of 1945 and it accepted compulsory jurisdiction of the Court under Article 36 of its Statute.[1] It is a member

[1] See Yearbook of the Court 1951–52, pp. 35-43, 194.

of the Postal Union and numerous other international organizations.[1]

The league of the three cantons of Uri, Schwyz, and Unterwalden, created in 1291 for defense against Austria, was the origin of the Swiss State. During the century that followed, they were joined by five more cantons, thus becoming a league of eight. During the fourteenth and fifteenth centuries, as a result of judicial and social legislation in the Priest's Charter of 1370 and the military agreements of the Covenant of Sempach of 1393, the cantons began a great expansion. In 1513 the league was composed of thirteen members and remained as such until the Napoleonic era. Devastating civil wars which occurred during the fifteenth century were settled in 1481 by the Covenant of Stanz.

In 1515, as a result of the Battle of Marignano, the Swiss renounced their policy of military expansion through foreign wars. In the Treaty of Westphalia, 1648, the European powers formally recognized Swiss national independence and neutrality. Swiss neutrality was declared for the first time as a political principle by the Federal Diet with regard to the European wars of 1674. In 1815, the signatories of the Treaty of Vienna declared the neutrality and inviolability of Switzerland to be in the true interest of Europe.

In 1798 the cantons were invaded by the French republican armies and the confederation was replaced by the Helvetic Republic, a unitary, centralized state which was under French control. Revolt broke out, and conditions were unsettled until the intervention of Napoleon in 1801. The Act of Mediation of 1803 again reorganized Switzerland and provided for nineteen cantons.

Under the pact of 1815, after the downfall of Bonaparte, Switzerland was reorganized into twenty-two cantons.

Form of National Government

Switzerland has a constitution adopted May 29, 1874, which has had various revisions and amendments. It states that the country is a confederation of cantons sovereign in so far as the sovereignty is not limited by the federal Constitution.[2]

This Constitution was preceded by the federal pact of 1815 which restored the old order with only slight changes, and by Constitution of the 1848 which was much like the present one. The Constitution of 1874 was adopted when it became apparent that, under the 1848 document, the cantons were more advanced socially and politically than the central government, and also because the appearance of a powerful German state on the north and a united Italy at the south made the Swiss feel the need of a stronger central government.

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[1] See Table I. [2] Const., Art. 1.

Source of Sovereign Power

The Constitution states that the "cantons are sovereign." [1]

Rights of the People

There is no one section of the Constitution devoted to a declaration of rights, but guarantees are through the first chapter. Provision is made that all Swiss are equal before the law and that there are no privileges.[2] Education is free and compulsory.[3] Freedom of commerce and industry is guaranteed,[4] also the inviolable secrecy of letters and telegrams,[5] the right of settlement in any place in Swiss territory,[6] liberty of conscience and belief, freedom in form of worship,[7] freedom of the press,[8] the right to form associations,[9] the right to petition,[10] prohibition of extraordinary tribunals,[11] and the prohibition of corporal punishment.[12]

Legislative Department

Legislative power is vested in the Federal Assembly composed of the National Council and the Council of States. Elections to the National Council are direct and universal and the term is for four years.[13] The Council of States is composed of forty-four deputies, each canton appointing two.[14] Provision is made that federal laws and decrees be submitted to a referendum when so demanded by 30,000 active citizens or eight cantons.[15]

Executive Department

Executive power is vested in the Federal Council composed of seven members appointed by the National Council and the Council of States in joint session for a term of four years.[16] The President and Vice-President are selected by the Federal Assembly, from the membership of the Federal Council, for a term of one year. The President may not be re-elected as either President or Vice-President for the ensuing year and the vice-presidency may not be exercised by the same member for two consecutive years.[17]

Judicial Department

Provision is made for a Federal Tribunal for the administration of justice in federal matters.[18] Its members are appointed by the Federal

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[1] Const., Art. 3.
[2] Id., Art. 4.
[3] Id., Art. 27.
[4] Id., Art. 31.
[5] Id., Art. 36.
[6] Id., Art. 45.
[7] Id., Arts. 49, 50.
[8] Id., Art. 55.
[9] Id., Art. 56.
[10] Id., Art. 57.
[11] Id., Art. 58.
[12] Id., Art. 65.
[13] Id., Arts. 72-76.
[14] Id., Art. 80.
[15] Id., Art. 89.
[16] Id., Arts. 95, 96.
[17] Id., Art. 98.
[18] Id., Art. 106.

Assembly.[1] Among its duties is that of taking cognizance of complaints respecting the violation of constitutional rights of citizens.[2]

Area, Population, Language

Switzerland has an area of 15,737 square miles and a population (1950 census) of 4,714,992. The national languages are German, French, Italian, and Romanche. The first three of these are official.[3]

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[1] Const., Art. 108. [2] Id., Art. 113. [3] Id., Art. 116.

FEDERAL CONSTITUTION of the SWISS CONFEDERATION

May 29, 1874, as amended and revised [1]

In the name of Almighty God! The Swiss Confederation, resolved to consolidate the alliance of the confederated members and to maintain and increase the unity, strength, and honor of the Swiss nation, has adopted the following federal Constitution:—

Chapter I

GENERAL PROVISIONS

Art. 1. The peoples of the twenty-two sovereign cantons of Switzerland united in the present alliance, namely: Zurich, Berne, Lucerne, Uri, Schwyz, Unterwalden (Upper and Lower), Glaris, Zoug, Fribourg, Soleure, Bâle (city and country), Schaffhausen, Appenzell (the two Rhodes), St. Gall, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, and Geneva, form together the Swiss Confederation.

Art. 2. The object of the Confederation is to ensure the independence of the country against the foreigner, to maintain tranquillity and order within its borders, to protect the liberties and rights of the confederates, and to promote their common prosperity.

Art. 3. The cantons are sovereign so far as their sovereignty is not limited by the federal Constitution, and as such they exercise all the rights which are not delegated to the federal power.

Art. 4. All Swiss are equal before the law. In Switzerland there are no subjects or privileges of rank, birth, person, or family.

Art. 5. The Confederation guarantees to the cantons their territory, their sovereignty within the limits fixed by Article 3, their constitutions, the liberty and rights of their people, the constitutional rights of the citizens, and the rights and power conferred by the people on the authorities.

Art. 6. The cantons are required to demand from the Confederation its guarantee of their constitutions.

This guarantee shall be accorded, provided that:

(a) The constitutions contains nothing contrary to the provisions of the federal Constitution.

(b) They ensure the exercise of political rights according to republican forms—representative or democratic.

[1] Translation of Constitution as amended up to June 20, 1931, is from 131 *British and Foreign State Papers* 713. Subsequent amendments translated from French text in *Nouveau Manuel du Droit Suisse*, Vol. I, pp. 1-58, published by the Federal Chancellery at Zurich, Editions Polygraphiques, 1947 and from *Recueil Officiel des Lois et Ordonnances de la Confédération Suisse, Nouvelle Série*, Tome 63, 1947, p. 1047.

(c) They have been accepted by the people and can be revised when an absolute majority of citizens so demand.

Art. 7. All separate alliances and treaties of a political character between cantons are forbidden.

The cantons, however, have the right to make agreement with one another on matters of legislation, administration, or justice; they must, nevertheless, communicate such agreements to the federal authority, which may prohibit their execution if they contain anything prejudicial to the Confederation or the rights of the other cantons. If this is not the case, the contracting cantons are authorized to demand the co-operation of the federal authorities in the execution of the agreements.

Art. 8. The Confederation has the sole right to declare war and conclude peace, and to make alliances and treaties, particularly customs and commercial treaties, with foreign states.

Art. 9. Exceptionally, the cantons retain the right to conclude treaties with foreign states in respect of matters of public economy and neighborship and police relations; nevertheless, such treaties must not contain anything prejudicial to the Confederation or the rights of other cantons.

Art. 10. Official intercourse between the cantons and foreign governments or their representatives shall take place through the Federal Council.

In regard to the matters mentioned in the preceding article, however, the cantons may correspond directly with the subordinate authorities and officers of a foreign state.

Art. 11. Military capitulations may not be concluded.

Art. 12.[1] Members of the federal authorities, civil and military officials, and federal representatives or commissioners, as also members of the cantonal governments and legislative assemblies, may not accept from a foreign government any pension, salary, title, gift, or decoration. Contravention of this prohibition involves loss of the mandate or office.

No one who is in possession of such a pension, title, or decoration may be elected or appointed member of a federal authority, civil or military official of the Confederation, federal representative or commissioner, or member of a cantonal government or legislative assembly unless, before exercising the mandate or office, he expressly renounces the enjoyment of his pension or the bearing of his title, or returns his decoration.

The wearing of foreign decorations and the use of titles conferred by foreign governments are forbidden in the Swiss army.

Every officer, non-commissioned officer, or soldier is forbidden to accept such distinctions.

Art. 13. The Confederation has not the right to maintain a standing army.

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[1] As amended February 8, 1931. A transitory provision adopted at the same time reads: "Anyone who, before the revised Article 12 became effective, has received in a legal manner a decoration or title, may be elected or appointed a member of a federal authority, civil or military functionary of the Confederation, federal representative or commissioner, member of the government or legislative assembly of a canton if he agrees to renounce, for the term of his mandate or function, usage of his title or decoration. Contravention of this agreement will result in the loss of the mandate or function."

No canton or half-canton may have more than three hundred permanent troops without the permission of the federal power; the police are not included in this number.

Art. 14. The cantons shall abstain, in the event of differences arising between them, from any act of violence or arming. They shall submit to the decision reached in regard to such differences in the manner prescribed by the Confederation.

Art. 15. In case of sudden danger from without, the government of the canton threatened must invoke the assistance of the confederated states and immediately notify the federal authority, all without prejudice to the measures which the latter will take. The cantons so called upon are bound to give their assistance. The cost shall be borne by the Confederation.

Art. 16. In case of internal troubles, or when danger threatens from another canton, the government of the canton threatened must immediately notify the Federal Council, in order that the latter may take the necessary measures within the limits of its competence (Article 102, Nos. [3], [10] and [11], or convene the Federal Assembly. In case of urgency, the government, while immediately notifying the Federal Council, is authorized to call for the assistance of the other confederated states, which are bound to render the same.

When the government is not in a position to summon assistance, the competent federal authority may intervene on its own initiative; it is bound to do so when the disturbances endanger the safety of Switzerland.

In cases of intervention, the federal authorities shall ensure the observance of the provisions of Article 5.

The costs shall be borne by the canton by which assistance was invoked or intervention was necessitated, unless the Federal Assembly, in consideration of special circumstances, should otherwise decide.

Art. 17. Every canton is bound to give free passage to troops in the cases mentioned in the two preceding articles. The troops are placed immediately under federal command.

Art. 18. Every male Swiss is liable to perform military service.

Soldiers who lose their lives or suffer permanent injury to their health in the federal service are entitled to assistance from the Confederation, for themselves or their families, if in need.

Every soldier shall receive free of charge his first outfit of arms, equipment, and clothing. The arms shall remain in the possession of the soldier upon conditions to be determined by federal legislation.

The Confederation will prescribe uniform regulations regarding the tax on exemption from military service.

Art. 19. The Federal army consists of:

(a) The cantonal corps of troops;
(b) All Swiss who, not being members of these corps, are, nevertheless, liable for military service.

The control of the army and of the war material prescribed by law is vested in the Confederation.

In case of danger, the Confederation has also the right of exclusive and

immediate control over men not incorporated in the federal army and of all other resources of the cantons.

The cantons exercise control over the military forces of their territory, save in so far as this right is limited by the federal Constitution or laws.

Art. 20. Laws as to the organization of the army are enacted by the Confederation. The execution of military laws within the cantons is undertaken by the cantonal authorities within the limits prescribed by federal legislation and under the supervision of the Confederation.

Military instruction in its entirety is vested in the Confederation; the same also applies to arming.

The supply and maintenance of clothing and equipment are within the competence of the cantons, but the cost thereof shall be reimbursed by the Confederation to the cantons in a manner to be prescribed by federal law.

Art. 21. Unless military considerations forbid, each corps shall consist of troops from the same canton.

The composition of such corps, the obligation of maintaining their effectives, and the appointment and promotion of their officers shall rest with the cantons, subject to general regulations which shall be communicated to them by the Confederation.

Art. 22. In return for reasonable compensation, the Confederation has the right to make use of or to acquire drill grounds and buildings used for military purposes, together with their accessories, in the cantons.

The conditions governing compensation shall be regulated by federal legislation.

Art. 23. The Confederation may order the construction at its own expense of public works of utility to Switzerland or a considerable part of the country, or may encourage the same by granting subsidies.

For this purpose it may order expropriation on payment of just compensation. Federal legislation will make further provision in this respect.

The Federal Assembly may prohibit public works which would endanger the military interests of the Confederation.

Art. 23A. The Confederation shall maintain the corn reserves which are necessary for ensuring the provisioning of the country. It may oblige millers to store corn and to acquire reserve stocks in order to facilitate the renewal of supplies.

The Confederation shall encourage the cultivation of corn in the country, it shall facilitate the selection and acquisition of native seed of good quality, and shall grant assistance to producers cultivating corn for their own needs, special consideration being given to mountainous regions. It shall purchase native corn of good quality fit for grinding at a price which allows the cultivation of the same. Millers may be compelled to buy this corn at its market value.

The Confederation shall ensure the maintenance of the national milling industry; it shall likewise safeguard the interests of consumers of flour and bread. It shall supervise, within the limits of its powers, trade in and the prices of corn, bread-flour, and bread. The Confederation shall take the necessary measures for regulating the importation of bread-

flour; it may reserve to itself the exclusive right of importing this product. In case of need, the Confederation shall grant the mills facilities to enable them to reduce costs of transport to the interior of the country. It shall take, in favor of mountainous districts, appropriate measures to equalize the prices of flour.

The statistical duty levied on all goods crossing the Swiss frontier shall be increased. The yield from this duty will contribute to cover the expenditure arising from the provisioning of the country with corn.

Art. 24. The Confederation has the right of supreme supervison of the policing of embankments and forests.

It will assist in the control and embanking of mountain streams and the reforestation of the districts in which they rise. It will decree the measures necessary for ensuring the maintenance of such works and the preservation of the existing forests.

Art. 24A. The utilization of water-power is placed under the supreme control of the Confederation.

Federal legislation will enact the general provisions necessary for safeguarding the public interest and ensuring the rational utilization of water-power, taking into account, as far as possible, the interests of internal navigation.

Subject to such provisions, the cantons shall regulate the utilization of water-power.

Nevertheless, when a watercourse, the utilization of which is sought for the production of hydraulic power, is under the sovereignty of several cantons, and these have failed to come to any agreement as to granting a concession, the Confederation may grant the concession. It shall likewise have power to do so, after hearing the views of the cantons concerned, in respect of watercourses forming the frontier of the country.

Fees and royalties payable in respect of the utilization of water-power are the property of the cantons or of those entitled to them under cantonal law.

Dues and royalties payable in respect of concessions granted by the Confederation shall be determined by the latter after hearing the views of the cantons concerned and having due regard to their legislation. Dues and royalties payable in respect of other concessions shall be fixed by the cantons, within the limitations imposed by federal legislation.

The diversion abroad of energy produced from water-power may not take place without the consent of the Confederation.

Upon the coming into force of the present article, all new water-power concessions shall be subject to future federal legislation.

The Confederation has the right to legislate upon the transmission and distribution of electrical energy.

Art. 24B. Legislation affecting navigation is within the province of the Confederation.

Art. 25. The Confederation has the right to pass laws for the regulation of fishing and hunting, particularly with a view to the preservation of large game in the mountains and the protection of birds useful to agriculture and sylviculture.

Art. 25A. The bleeding of slaughter animals which have not been previously stunned is expressly forbidden; this provision applies to all methods of slaughter and to all kinds of livestock.

Art. 26. Legislation on the construction and working of railways is within the province of the Confederation.

Art. 27. The Confederation has the right to establish, in addition to the existing federal polytechnic school, a federal university and other institutions for higher education, or to subsidize establishments of this kind.

The cantons shall make provision for elementary education, which must be adequate, and be exclusively under the control of the civil authorities. It is compulsory and, in the public schools, free.

Public schools must be open for the attendance of members of all religious faiths without their conscience or belief having to suffer in any fashion.

The Confederation will take the necessary measures against cantons which fail to fulfill these obligations.

Art. 27A. Subventions shall be granted to the cantons to aid them in carrying out their obligations in respect of elementary education.

Effect will be given to this provision by legislation.

The organization, direction, and supervision of elementary schools remain within the competence of the cantons, subject to the provisions of Article 27 of the federal Constitution.

Art. 28. Customs matters are the concern of the Confederation, which may impose import and export duties.

Art. 29. The collection of the federal customs shall be regulated in accordance with the following principles:

(1) Import taxes:
  (a) Materials necessary to the industry and agriculture of the country shall be taxed as lightly as possible.
  (b) The same principle shall apply to commodities necessary to life.
  (c) Articles of luxury shall be subjected to the heaviest taxes.

Except where circumstances render it impossible, these principles must also be observed in the conclusion of commercial treaties with foreign countries.

(2) Export taxes shall be as moderate as possible.

(3) Legislation on customs will contain suitable provisions for guaranteeing frontier and market trading.

The foregoing provisions do not preclude the Confederation from taking exceptional measures temporarily to meet abnormal circumstances.

Art. 30. Revenue from customs duties belongs to the Confederation.

The indemnities hitherto paid to the cantons in respect of the redemption of customs, road and bridge tolls, local dues, and similar revenues, are abolished.

The Cantons of Uri, Grisons, Ticino, and Valais shall receive exceptionally, on account of their international Alpine highways, a yearly allowance fixed as follows:

Uri	Fr. 160,000
Grisons	400,000
Ticino	400,000
Valais	100,000

Art. 31.[1] The freedom of trade and commerce is guaranteed throughout the Confederation, in so far as it is not limited by the Federal Constitution and laws based on constitutional provisions.

Cantonal regulations concerning the exercise of commercial and industrial occupations, and taxes in connection therewith, remain unaffected. Such regulations may not contain any provisions contravening the principle of freedom of trade and commerce unless permitted by the Federal Constitution. Cantonal monopolies are also excepted.

Art. 31A. The Confederation takes the necessary measures within its constitutional authority for the welfare of the people and the economic security of the citizens.

With due regard for the general interest of the Swiss economy as a whole, the Confederation may enact regulations concerning the exercise of trades and industries and may take measures for the development of certain branches or professions. The Confederation is bound (excluding the exceptions contained in paragraph 3 of this Article) to the observance of the principle of freedom of trade and commerce.

If justified in the national interest, the Confederation is authorized to enact regulations in the following matters which may, if necessary, deviate from the principle of freedom of trade and commerce:

(a) Measures for the maintenance of important branches and professions whose existence is jeopardized; as well as measures for the professional furtherance of self-employed persons in these branches or professions.

(b) Measures for the maintenance of a healthy and productive agriculture; as well as measures for the protection of land ownership by farmers.

(c) Measures for the protection of distressed areas.

(d) Measures against economically and socially dangerous effects of cartels and similar groups.

(e) Measures to insure preparedness in time of war.

Measures in accordance with (a) and (b) may be taken only if the branches or professions to be protected have exhausted all ordinary means of self-help.

The federal legislation adopted in accordance with paragraph 3, (a) and (b) must guarantee the development of economic organizations based on mutual assistance.

Art. 31B.[1] The cantons are authorized to enact legislation with regard to the requirements for the management of hotels and restaurants. The cantons may limit the number of such enterprises if they exceed the public need and if the existence of the industry is threatened by excessive competition. These regulations must take into account the relative importance of the different types of hostelries for the public welfare.

The Confederation, within its own legislative powers, may furthermore authorize the cantons to issue regulations in fields which do not require general regulation by the Confederation itself and which actually do not fall under the jurisdiction of the cantons.

Art. 31C.[1] The Confederation is authorized to regulate banks.

These regulations must take into account the special function and position of the cantonal banks.

[1] Amended October 1, 1947.

Art. 31D.[1] The Confederation, in connection with the cantons and private business, takes measures to prevent economic crises and, if necessary, to relieve existing unemployment. The Confederation may act with regard to the creation of employment opportunities.

Art. 32.[1] The measures provided for in Article 31A, 31B, paragraph 2, 31C and 31D may be introduced only in the form of federal laws or federal decrees subject to the referendum. For cases of an urgent character, in times of economic stress, Article 89, paragraph 3, may be invoked.

The cantons must be consulted before the enactment of laws providing for the execution of these measures. As a rule, the execution of the federal regulations must be entrusted to the cantons.

The competent business organizations should also be consulted before the enactment of the laws of execution. They may be asked to cooperate in the execution of these measures.

Art. 32A. The Confederation has the right to legislate regarding the manufacture, importation, purification, sale, and taxation of distilled beverages.

Such legislation shall conduce to diminish the consumption and consequently the importation and production of spirits. It shall encourage the production of table fruit and the use of native distillable matters for food or fodder. The Confederation will reduce the number of distilling plants by means of private purchases.

The concession for the industrial production of distilled beverages is granted to co-operative societies and other private undertakings. The concessions granted must permit of the utilization of the waste matter and residues of fruit, vine, and sugar-beet cultivation and the surplus crops of fruit and potatoes, as far as these raw materials are incapable of being rationally used otherwise than in distillation.

The non-industrial production of spirits from fruit and fruit waste, of cider, wine, grape and wine dregs, gentian roots and other similar materials is permitted in domestic distilleries already existing or in itinerant distilleries, provided that such materials originate exclusively from the individual crop of the producer or have been gathered in a wild state in the country. The spirit thus obtained, which is necessary in the household or agricultural business of the producer, is exempt from taxation. Domestic distilleries which are still in existence after the expiration of a period of fifteen years dating from the acceptance of the present article must, in order to continue working, apply for a concession, which will be granted without payment on conditions to be fixed by law.

Specialties obtained by the distillation of kernel fruit, wine, grape and wine dregs, gentian roots and other similar materials are subjected to the payment of a tax. The producer must, however, be able to get a fair price for his raw materials of native origin.

With the exception of the quantities necessary to the producer, which are exempt from taxation, and specialties, spirits manufactured in the country shall be handed over to the Confederation. The latter shall take them over at fair prices.

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[1] Amended October 1, 1947.

The receipts accruing from duties upon the sale and retail trade within the limits of the cantonal territory remain the property of the cantons. Licences for intercantonal and international trade issued by the Confederation; the receipts therefrom shall be distributed among the cantons in proportion to their populations ordinarily resident.

Half of the net receipts accruing to the Confederation from the taxation of distilled beverages shall be distributed among the cantons in proportion to their populations ordinarily resident; each canton is bound to expend at least ten per cent of its share in combating the causes and effects of alcoholism. The other half of the receipts remains the property of the Confederation; it shall be set apart for old age and dependents' insurance, and shall be paid into the funds established for the same until the time such insurance is introduced.

Art. 32B. The manufacture, importation, transport, sale and keeping for sale of the liquor called absinthe are prohibited throughout the Confederation. This prohibition extends to all beverages, by whatever names called, which constitute imitations of absinthe. The transport in transit of absinthe and its use for pharmaceutical purposes are excepted.

The foregoing prohibition will come into operation two years after its adoption. Federal legislation will enact the necessary provisions consequent on this prohibition.

The Confederation has the right to impose by law the same prohibition on all other beverages containing absinthe which might constitute a public danger.

Art. 32C. Cantons have the right to subject, by means of legislation, the exercise of the calling of publican and the retail trade in spirituous beverages to the restrictions required by the public welfare. Trade in quantities of less than two liters is deemed to be retail trade in non-distilled spirituous beverages.

Trade in non-distilled spirituous beverages in quantities from two to ten liters may, within the limits of Article 31, paragraph 2, and by means of legislation, be made conditional by the cantons on the payment of a small fee and subjected to the supervision of the authorities.

The sale of non-distilled spirituous beverages may not be subjected by the cantons to special taxation other than license duties.

Juridical persons must not be treated less favorably than physical persons. Producers of wine and cider may, without permission and without paying any duty, sell the product of their own crop in quantities of two liters or over.

The Confederation has the right to legislate on trade in non-distilled spirituous beverages in quantities of two liters or over. The regulations which it may issue must not contain anything which contravenes the principle of freedom of commerce and industry.

Colportage and other means of itinerant sale of spirituous beverages are prohibited.

Art. 33. The cantons may require evidence of capacity from persons desiring to practice the liberal professions.

Federal legislation shall make provision that such persons may be able

to obtain certificates of qualification valid throughout the Confederation.

Art. 34. The Confederation has the right to make uniform regulations concerning child labor in factories, the hours of work of adults therein, and the protection of workers in unhealthy and dangerous industries.

The operations of emigration agencies and insurance undertakings not established by the State are subject to federal supervision and legislation.

Art. 34A. The Confederation will introduce, by means of legislation, accident and sickness insurance, regard being had to assistance funds in existence.

It may declare participation in such insurance to be compulsory in general or as regards certain specified categories of citizens.

Art. 34B.[1] The Confederation is authorized to enact regulations with regard to the following matters:

(a) Protection of employees.
(b) Relations between employers and employees; in particular, mutual regulation of professional and business matters of common concern.
(c) General compulsory effect of collective contracts and of other common measures of employers' and employees' organizations intended to insure labor peace.
(d) Fair compensation for loss of salary during military service.
(e) Employment placement.
(f) Unemployment compensation and relief.
(g) Professional training in industry, trade, commerce, agriculture, and domestic work.

The declaration of a general compulsory effect according to (c) may apply only to subject matters concerning the conditions of employment and is permissible only if minority interests and regional differences are given due consideration and if there is no infringement on the principles of equality before the law and freedom of association.

Unemployment insurance will be carried out by public and private funds made up of bilateral or unilateral contributions. The establishment of public unemployment insurance funds and of a compulsory unemployment insurance system is left to the decision of the individual canton.

The provisions of Article 32 will be applied in this sense.

Art. 34C. The Confederation shall, by means of legislation, institute a system of old age and surviving dependents' insurance; it may later introduce invalidity insurance.

It may declare such insurance to be obligatory in general or as regards certain categories of citizens.

The insurance plan shall be carried into effect with the co-operation of the cantons; application may be made to the public or private insurance societies for their collaboration.

The first two branches of insurance shall be introduced simultaneously.

The financial contributions of the Confederation and the cantons shall not exceed, altogether, one-half of the total sum necessary for the insurance.

From January first, 1926, the Confederation shall set apart for old

[1] Amended October 1, 1947.

age and surviving dependents' insurance, the total yield of the tobacco tax.

The Confederation's share of the net receipts accruing from the taxation of spirits shall be set apart for old age and surviving dependents' insurance.

Art. 34D. The Confederation, in the exercise of the powers conferred on it and within the limits of the Constitution, is concerned with the needs of the family.

The Confederation is authorized to legislate regarding family compensation funds. It may declare participation therein to be obligatory in general or for certain groups of the population. It is concerned with the existing funds, supports the efforts of cantons and professional associations for the establishment of new funds, and may create a central compensation fund. It may make its financial advances contingent upon equitable participation of the cantons.

The Confederation is authorized, in the matter of housing and internal colonization, to support the efforts in favor of the family. A federal law shall indicate the conditions which the Confederation may attach to its financial participation, subject to the cantonal police provisions with respect to buildings.

The Confederation shall, by means of legislation, establish maternity insurance. It may declare participation therein to be obligatory in general or for certain groups of the population and may require contributions to be made even by persons not qualified to benefit by insurance payments. It may make its financial advances contingent upon equitable participation of the cantons.

The laws issued by virtue of the present article shall be executed with the cooperation of the cantons; the collaboration of associations of public or private law may be requested.

Art. 35. It is forbidden to open and run gaming houses.

The cantonal governments may, on certain conditions dictated by public interest, permit gambling for pleasure as in vogue in kursaals up to the spring of 1925, provided that the competent authorities are of opinion that such play is necessary for the maintenance or development of the tourist industry and that its organization is assured by an enterprise running a kursaal for that purpose. The cantons may likewise forbid such play.

An ordinance of the Federal Council shall determine the conditions dictated by public interest.

Cantonal authorizations shall be submitted to the Federal Council for approval.

One-quarter of the gross receipts from the play shall be paid over to the Confederation, which shall set the same apart, without taking into account its own contributions, for victims of natural catastrophes and works of public utility.

The Confederation may also take the necessary measures in regard to lotteries.

Art. 36. Throughout Switzerland posts and telegraphs are within the domain of the Confederation.

The revenues from posts and telegraphs belong to the federal treasury.

The charges shall be fixed according to the same principles and as equitably as possible in every part of Switzerland.

The inviolable secrecy of letters and telegrams is guaranteed.

Art. 37. The Confederation exercises supreme control over the roads and bridges in the maintenance of which it is concerned.

The sums due to the cantons specified in Article 30 on account of their international Alpine highways shall be withheld by the federal authorities if these highways are not properly maintained by the cantons.

Art. 37A. The Confederation may make regulations concerning motor cars and cycles.

The cantons retain the right to restrict or prohibit motor and cycle traffic. The Confederation may, nevertheless, declare open or partially open to traffic certain highways necessary for through traffic. The use of highways for the business of the Confederation remains reserved.

Art. 37B. Legislation concerning aerial navigation is within the sphere of the Confederation.

Art. 38. The Confederation shall exercise all the rights comprised in the coinage monopoly.

It has the sole right of coining money.

It shall determine the monetary system and may, if necessary, regulate the rate of exchange of foreign money.

Art. 39.[1] The right of issuing bank-notes and any other fiduciary money is vested exclusively in the Confederation.

The Confederation may exercise its monopoly of note issue through a state bank under a special administration, or may concede its exercise, subject to the right of redemption, to a central joint-stock bank administered with the assistance and under the control of the Confederation.

The principal function of the bank holding the monopoly of bank notes is to regulate the money market in Switzerland and to facilitate payments and to practice a credit and monetary policy serving the general interests of the country.

At least two-thirds of the net profits of the bank, after payment of interest or reasonable dividend on the endowment or share capital, and deductions of payments to the reserve funds, shall go to the cantons.

The bank and its branches shall be exempt from all cantonal taxation.

The Confederation may not suspend the obligation to reimburse bank notes and any other fiduciary money nor decree their compulsory acceptance except in time of war or of disturbance of the monetary situation.

The bank notes issued must be covered by gold and by short term credits.

Federal legislation makes provision as to the carrying into effect of this Article.

Art. 40. The system of weights and measures shall be determined by the Confederation.

The laws relating thereto shall be carried out by the cantons under federal supervision.

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[1] As amended 1951.

Art. 41. The manufacture, purchase, trade, and distribution of gunpowder (with the exception of explosives unsuitable for firing) as well as of arms, munitions, and other materials of war belong to the Confederation.

The Confederation shall grant, within this measure, concessions to companies which, from the point of view of the national interest, present the necessary guaranties.

The Confederation shall take measures required for the control of the concessionnaires.

The importation, exportation, and transit of arms and war materials within the meaning of the present constitutional provision can take place only with the authorization of the Confederation.

The Federal Council shall establish by ordinance the modalities of execution.

Art. 41A. The Confederation may charge stamp duties upon deeds, receipts for insurance premiums, bills of exchange and similar instruments, documents in use in transport and other documents relating to commercial operations; such duties may not be imposed on documents concerning transactions in landed property and mortgages. The cantons may not subject to any stamp or registration duty documents which are liable to federal stamp duty or which have been exempted therefrom by the Confederation.

One-fifth of the yield of these provisions shall be paid to the cantons.

The carrying into effect of these provisions shall be regulated by law.

Art. 41B. The Confederation is authorized to tax raw and manufactured tobacco.

Art. 42. The expenses of the Confederation shall be defrayed by:

(a) The revenue from federal property;
(b) The revenue from federal customs collected at the Swiss frontier;
(c) The revenue from posts and telegraphs;
(d) The revenue from the powder monopoly;
(e) Half the gross yield of the military exemption tax collected by the cantons;
(f) Contributions by the cantons, to be determined by federal legislation, having special regard to their wealth and taxable resources;
(g) The revenue from stamp duties.

Art. 43. Every citizen of the canton is a Swiss citizen. As such he may, after having duly proved his qualification as a voter, take part at his place of domicile in all federal elections and referenda.

No person may exercise political rights in more than one canton.

A Swiss who has settled anywhere shall enjoy at his place of domicile all the rights of citizens of the canton, together with all the rights of a burgess of the commune. Participation in the property of commonalties and corporations, and the right to vote in matters exclusively connected therewith, are excluded from these rights, unless cantonal legislation otherwise decides.

In cantonal and communal matters he shall become an elector after settlement for 3 months.

Cantonal laws concerning settlement and on electoral rights in communal affairs possessed by citizens who have settled anywhere shall be submitted to the Federal Council for approval.

Art. 44. No Swiss national may be expelled from the territory of the Confederation or from his canton of origin.

Federal legislation shall determine the rules applicable to the acquisition or loss of Swiss nationality.

It may enact that a child born of foreign parents is a Swiss national from birth when the mother was of Swiss origin by filiation and if the parents are domiciled in Switzerland at the moment of the child's birth.

The child acquires civic rights in the mother's commune of origin.

Federal legislation shall lay down the principle governing the establishment of civic rights.

Persons incorporated in virtue of the present provisions enjoy the same rights as other nationals; they have, however, no right to property which is exclusively communal and corporative unless cantonal legislation provide otherwise. The Confederation shall defray at least one-half of the expenditure for assistance which persons incorporated on birth occasion to cantons and communes up to the completion of their eighteenth year. The same applies in the case of establishment of civic rights during the ten years which follow such.

Federal legislation shall determine the cases in which the Confederation shall participate in the expenditure incurred by cantons and communes in assisting naturalized *heimatlos* persons.

Art. 45. Every Swiss citizen has the right to settle at any place in Swiss territory, subject to the production of a certificate of origin or similar document.

The right of settlement may, by way of exception, be refused or withdrawn in the case of persons who have been deprived of their civic rights as a result of a penal conviction.

The right of settlement may further be withdrawn from persons who have been repeatedly sentenced for grave misdemeanors and from persons who become a permanent burden upon public charity and whose commune, or canton of origin, refuses adequate help to them after having been officially requested to provide the same.

In cantons in which domiciliary relief exists, permission to settle may be made conditional, in the case of citizens of the canton, upon the persons being capable of work and not having been a permanent burden upon public charity at their former domicile in the canton of origin.

Every expulsion on account of poverty must be approved by the government of the canton of domicile and notified in advance to the government of the canton of origin.

The canton in which a Swiss citizen establishes his domicile may not require from him any security or impose on him any special charge in respect of such settlement. Similarly, communes may not impose on Swiss citizens domiciled in their territory any taxes other than those imposed upon their own citizens.

The maximum fee chargeable in respect of permits for settlement shall be fixed by federal law.

Art. 46. Persons settled in Switzerland shall normally be subject in matters of civil law to the jurisdiction and legislation of their place of domicile.

Federal legislation will make the necessary provisions for the application of this principle and for preventing the double taxation of a citizen.

Art. 47. Federal legislation shall define the difference between establishment and sojourn, and shall at the same time prescribe the regulations governing the political and civil rights of Swiss citizens during temporary residence.

Art. 48. A federal law shall make the necessary provisions as to the expenses of the illness and burial of poor citizens of one canton who fall ill or die in another.

Art. 49. Liberty of conscience and belief is inviolable.

No person may be compelled to become a member of any religious body, submit to any religious instruction, perform any religious act or incur any penalties, of whatsoever kind, by reason of religious opinions.

The person who exercises paternal or tutelar authority is entitled, in conformity with the foregoing principles, to determine the religious education of children up to the age of sixteen years.

The exercise of civil or political rights may not be limited by ecclesiastical or religious requirements or conditions of any kind whatsoever.

No person may secure exemption, on the ground of religious opinion, from the fulfillment of any civic obligation.

No person may be compelled to pay taxes the proceeds of which are specifically appropriated in payment of the purely religious expenses of any religious community of which he is not a member. The exact execution of this principle is reserved to federal legislation.

Art. 50. The free exercise of forms of worship is guaranteed within the limits compatible with public order and morality.

The cantons and the Confederation may take the measures necessary to maintain public order and peace between the members of the various religious communities and to prevent encroachments by ecclesiastical authorities upon the rights of citizens and of the State.

Disputes within the sphere of public or private law arising out of the formation of religious communities, or the division of existing religious communities, may be submitted to the competent federal authorities.

No bishopric may be established within Swiss territory without the approval of the Confederation.

Art. 51. The Order of Jesuits and societies affiliated with it, may not be admitted in any part of Switzerland and all activities in church and school are forbidden to their members.

This prohibition may be extended, by federal decree, to other religious orders whose activity is dangerous to the State or disturbs the peace between the various religious bodies.

Art. 52. The founding of new religious orders, and the re-establishment of those which have been suppressed, are forbidden.

Art. 53. Civil status and registration in connection therewith are within the sphere of the civil authorities. Federal legislation will enact further provision on this matter.

The control of burial places is vested in the civil authorities, which must provide that every deceased person may receive decent burial.

Art. 54. The right to marry is placed under the protection of the Confederation.

No impediment to marriage may be based upon grounds of religious belief, the poverty of either party, their conduct, or any other considerations whatever of a police nature.

Marriages celebrated in any canton or abroad, in accordance with the law there prevailing, shall be recognized as valid throughout the Confederation.

A wife acquires by marriage the civic and burgess rights of her husband.

Children born before marriage are legitimized by the subsequent marriage of their parents.

No marriage fee or similar tax may be levied on either spouse.

Art. 55. The liberty of the press is guaranteed.

The cantons may, nevertheless, enact measures necessary for the repression of abuses; such laws must be submitted to the Federal Council for approval.

The Confederation may also prescribe penalties in order to suppress abuses directed against itself or its authorities.

Art. 56. Citizens have the right to form associations, provided that the objects and methods of such associations are not unlawful or dangerous to the State. Cantonal laws will make the necessary provisions for the prevention of abuses.

Art. 57. The right of petition is guaranteed.

Art. 58. No person may be withdrawn from his natural judge. Accordingly, no extraordinary tribunals may be established.

Ecclesiastical jurisdiction is abolished.

Art. 59. Suits for personal claims against a solvent debtor domiciled in Switzerland must be brought before the judge of his place of domicile; consequently the property of such a person may not be seized or sequestrated outside the canton in which he is domiciled by reason of personal claims.

These provisions are, in respect of foreigners, without prejudice to the provisions of international treaties.

Imprisonment for debt is abolished.

Art. 60. Every canton is bound to accord to citizens of the other confederated states the same treatment as to its own citizens in regard to legislation and all that concerns judicial proceedings.

Art. 61. Final civil judgments delivered in one canton may be enforced throughout Switzerland.

Art. 62. Internal taxes on the transfer of property are abolished throughout Switzerland, together with all rights of pre-emption possessed by citizens of one canton against those of other confederated states.

Art. 63. Taxes on the transfer of property to foreign countries are abolished, subject to reciprocity.

Art. 64. Legislation in regard to the following matters falls within the domain of the Confederation:

Civil capacity;

All matters of law relating to commerce and transactions affecting movable property (law of obligation, including commercial law and the law on bills of exchange);

Literary and artistic property;

The protection of inventions applicable to industry, including designs and models;

Suits for debt and bankruptcy;

The Confederation has the right to legislate upon other matters of civil law.

The organization of the judiciary, legal procedure, and the administration of justice remain vested in the cantons to the same extent as hitherto.

Art. 64A. The Confederation has power to legislate in regard to penal law.

The organization of the judiciary, legal procedure, and the administration of justice remain vested in the cantons to the same extent as hitherto.

The Confederation has power to grant subventions to the cantons for the construction of penitentiaries, labor establishments, and houses of correction, and for the carrying out of reforms in the execution of punishments. It has likewise power to give assistance to institutions for the care of deserted children.

Art. 65. Sentence of death may not be pronounced for any political offense.

Corporal punishment is forbidden.

Art. 66. Federal legislation shall prescribe the limits within which a Swiss citizen may be deprived of his political rights.

Art. 67. Federal legislation shall deal with the extradition of accused persons from one canton to another; extradition, may not, however, be made obligatory for political or press offenses.

Art. 68. The measures to be taken to incorporate persons without nationality, and for preventing the occurrence of such cases in future, shall be prescribed by federal law.

Art. 69. The Confederation may take legislative measures to deal with infectious, widespread, and exceptionally dangerous diseases of human beings and animals.

Art. 69A. The Confederation has the right to legislate regarding trade in:

(a) Foodstuffs;

(b) Other household commodities and articles of general use, in so far as they may be prejudicial to health or life.

Laws passed in such spheres shall be executed by the cantons under the supervision and with the financial assistance of the Confederation.

The control of importation at the national frontiers is vested in the Confederation.

Art. 69B. The Confederation has the right to legislate regarding the entry, exit, residence, and establishment of foreigners.

The cantons decide, in accordance with federal law, regarding residence and establishment. The Confederation has, however, the right to give rulings in the last resort regarding:

(a) Permission granted by cantons for residence over prolonged periods and for establishment, as also cases in which indulgent treatment is given;
(b) The violation of establishment treaties;
(c) Cantonal expulsions producing effects in federal territory;
(d) Refusals to grant asylum.

Art. 70. The Confederation has power to expel from its territory foreigners who compromise the internal or external security of Switzerland.

CHAPTER II

THE FEDERAL AUTHORITIES

I. The Federal Assembly

Art. 71. Subject to the rights reserved to the people and the cantons (Articles 89 and 121 [1]), the supreme authority of the Confederation is exercised by the Federal Assembly, composed of two divisions of Councils, viz.:

(A) The National Council;
(B) The Council of States.

(A) The National Council

Art. 72.[2] The National Council is composed of deputies of the Swiss people, elected in the proportion of one member per 24,000 souls of the total population. Fractions greater than 12,000 are reckoned as 24,000.

Each canton and, in the divided cantons, each half-canton elect at least one deputy.

Art. 73. Elections to the National Council are direct. They are conducted on the principle of proportional representation, each canton or half-canton forming an electoral constituency.

Federal legislation shall enact detailed provisions to give effect to this principle.

Art. 74. Every Swiss who has reached the age of twenty years, and who is not excluded from the rights of active citizenship by the legislation of the canton in which he is domiciled, has the right to take part in elections and referenda.

Federal legislation may nevertheless pass uniform regulations regarding the exercise of this law.

Art. 75. Every lay Swiss citizen entitled to vote is eligible for membership of the National Council.

Art. 76. The National Council is elected for four years, and shall be completely renewed at each election.

Art. 77. Deputies to the Council of States, members of the Federal Council, and officials appointed by the latter council, may not at the same time be members of the National Council.

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[1] Now Art. 123.

[2] As Amended 1950.

Art. 78. The National Council shall select a president and vice-president from amongst its members for each ordinary or extraordinary session.

A member who has been president during an ordinary session may not in the following ordinary session hold this office or that of vice-president.

The same member may not be vice-president during two consecutive ordinary sessions.

In case of an equality of opinions, the president shall have a casting vote; in elections, he shall vote in the same way as other members.

Art. 79. The members of the National Council receive an allowance from the federal treasury.

(B) The Council of States

Art. 80. The Council of States is composed of forty-four deputies from the cantons. Each canton appoints two deputies; in divided cantons, each half-canton elects one.

Art. 81. Members of the National Council and those of the Federal Council may not be deputies to the Council of States.

Art. 82. The Council of States selects a president and vice-president from among its members for each ordinary or extraordinary session.

Neither the president nor the vice-president may be elected from amongst the deputies of the canton from which the president was chosen for the ordinary session immediately preceding.

Deputies from the same canton may not occupy the office of vice-president during two consecutive ordinary sessions.

In case of an equality of opinions, the president has a casting vote; in elections, he shall vote in the same way as other members.

Art. 83. The deputies to the Council of States receive an allowance from the cantons.

(C) Powers of the Federal Assembly

Art. 84. The National Council and the Council of States deliberate on all matters which the present Constitution places within the competence of the Confederation, and which are not assigned to any other federal authority.

Art. 85. The following matters in particular are within the competence of the two councils:

(1) Laws dealing with the organization and mode of election of the federal authorities;

(2) Laws and ordinances dealing with matters which the Constitution places within the competence of the federal authorities;

(3) Salaries and allowances of members of the authorities of the Confederation and of the federal chancery; the creation of permanent federal offices and the determination of their remuneration;

(4) The election of the Federal Council, the Federal Tribunal, the chancellor, and the general-in-chief of the federal army.

Other rights of election or confirmation may be vested in the Federal Assembly by federal legislation;

(5) Alliances and treaties with foreign states, as also the approval of treaties made by the cantons between themselves or with foreign states;

nevertheless, treaties between cantons shall only be brought before the Federal Assembly when the Federal Council or another canton raises objection;

(6) Measures to ensure external safety and the preservation of the independence and neutrality of Switzerland; the declaration of war and the conclusion of peace;

(7) The guarantee of the constitutions and territory of the cantons; intervention in consequence of this guarantee; measures for the internal security of Switzerland and for the maintenance of peace and order; amnesties and pardons;

(8) Measures necessary to ensure the observance of the federal Constitution and the guarantee of cantonal constitutions, and those whose object is to secure the fulfillment of federal obligations;

(9) The control of the federal army;

(10) The enactment of the annual budget, the approval of the state accounts, and decrees authorizing loans;

(11) The general supervision of federal administration and justice;

(12) Appeals against decisions of the Federal Council relating to administrative disputes (Article 113);

(13) Conflicts of jurisdiciton between federal authorities;

(14) The revision of the federal Constitution.

Art. 86. Both councils meet once a year in ordinary session on a day fixed by standing orders.

Extraordinary meetings are summoned by the Federal Council, or on the demand of one-quarter of the members of the National Council, or on that of five cantons.

Art. 87. A council may not deliberate unless the deputies present form an absolute majority of the total number of its members.

Art. 88. In the National Council and the Council of States, decisions shall be taken by an absolute majority of persons voting.

Art. 89. Federal laws and decrees may be issued only with the consent of the two councils.

Federal laws and decrees of general import shall be submitted for adoption or rejection by the people when such a demand is made by thirty thousand active citizens or by eight cantons.

International treaties concluded for a period of indeterminate duration, or for more than fifteen years, shall likewise be submitted for acceptance or rejection by the people if a demand to this effect be made by thirty thousand active citizens or by eight cantons.

Art. 89bis.[1] Federal decrees of General import whose entry into force permits of no delay can be put into effect immediately by a decision of the majority of all the members of each of the two councils; the length of their application must be limited.

When popular voting is demanded by thirty thousand active citizens or by eight cantons, the urgent federal decrees become invalid one year following their adoption by the Federal Assembly, unless they have been approved by the people within the period; in such a case they may be renewed.

Urgent federal decrees which derogate from the constitution must be ratified by the people and the cantons within the year following their

[1] Inserted by amendment of 1949.

adoption by the Federal Assembly; failing this, they become invalid upon the expiration of this period and cannot be renewed.

Art. 90. Federal legislation shall determine the forms and waiting periods to be observed in referenda.

Art. 91. The members of the two councils vote without instructions.

Art. 92. Each council shall deliberate separately. Nevertheless, in the cases of the elections mentioned in Article 85 (4), the exercise of the right of pardon or a decision on a conflict of jurisdiction (Article 85 [13]), the two councils shall meet in joint session under the chairmanship of the president of the National Council, decisions being reached by a majority of all the members of the two councils voting.

Art. 93. The intiative appertains to each of the two councils and each of their members.

The cantons may exercise the same right by correspondence.

Art. 94. Meeting of the councils shall normally be public.

II. The Federal Council

Art. 95. The supreme directing and executive authority of the Confederation is exercised by a federal council composed of seven members.

Art. 96. Members of the Federal Council are appointed for four years by the councils in joint session, and are chosen from among all Swiss citizens eligible for the National Council. No more than one member of the Federal Council may, however, be chosen in the same canton.

The Federal Council is completely renewed after every renewal of the National Council.

Vacancies arising during the period of four years are filled at the next meeting of the Federal Assembly, for the remainder of the period of office.

Art. 97. The members of the Federal Council may not, during their term of office, occupy any other position, either in the service of the Confederation or of a canton, or engage in any other calling or profession.

Art. 98. The President of the Confederation shall preside over the Federal Council. A vice-president shall be appointed.

The President of the Confederation and the vice-president of the Federal Council are nominated by the Federal Assembly for one year from amongst members of the council.

An outgoing president cannot be elected president or vice-president for the following year.

The same member cannot occupy the position of vice-president for two consecutive years.

Art. 99. The President of the Confederation and the other members of the Federal Council shall receive an annual salary from the federal treasury.

Art. 100. The Federal Council may not deliberate unless at least four members are present.

Art. 101. Members of the Council have the right to speak, but not to vote, in both divisions of the Assembly, as well as the right of proposing motions on subjects under discussion.

Art. 102. The powers and duties of the Federal Council, within the limits of the present Constitution, are more particularly the following:

(1) It directs federal business in accordance with the laws and ordinances of the Confederation.

(2) It insures the observance of the Constitution, the laws and ordinances of the Confederation and the provisions of federal concordats. It takes the necessary measures to this end, of its own accord or upon complaint, in such cases as are not included among those which have to be submitted to the Federal Tribunal in accordance with Article 113.

(3) It enforces the guarantee of the cantonal constitutions.

(4) It submits drafts of laws and ordinances to the Federal Assembly and reports upon proposals submitted to it by the councils or the cantons.

(5) It provides for the execution of the laws and ordinances of the Confederation, the judgments of the Federal Tribunal, and the compromises or arbitral awards upon disputes between cantons.

(6) It makes such appointments as are not assigned to the Federal Assembly, the Federal Tribunal, or other authority.

(7) It examines treaties of the cantons between themselves or with foreign countries, and gives its approval thereto if it thinks fit. (Article 85 [5]).

(8) It watches over the interests of the Confederation abroad, paying particular notice to its international relations, and has general charge of foreign affairs.

(9) It insures the external security of Switzerland and the maintenance of its independence and neutrality.

(10) It insures the internal security of Switzerland and the maintenance of tranquillity and order.

(11) In case of urgency arising when the Federal Assembly is not in session, the Federal Council has authority to raise the necessary troops and dispose of them, provided that it convene the councils immediately if the number of troops raised exceeds two thousand, or if they remain mobilized for more than three weeks.

(12) It has charge of federal army affairs and of all the other branches of administration which are vested in the Confederation.

(13) It examines the laws and ordinances of the cantons which are required to be submitted for its approval; it supervises the branches of cantonal administration which are placed under its control.

(14) It administers the finances of the Confederation, prepares the budget, and renders accounts of receipts and expenditure.

(15) It supervises the conduct of business by all officials and servants of the federal administration.

(16) It gives account of its work to the Federal Assembly in each ordinary session, submits to it a report upon the internal condition and foreign relations of the Confederation, and recommends for consideration such measures as it thinks appropriate for promoting the general welfare.

In addition, it makes special reports whenever the Federal Assembly or either division thereof so requests.

Art. 103. The business of the Federal Council is distributed among its members by departments. Decisions emanate from the Federal Council as a single authority.

Federal legislation may authorize departments, or services in connection therewith, to settle certain affairs themselves, subject to a right of appeal.

The cases in which such appeal may be made to a federal administrative court shall be determined by federal legislation.

Art. 104. The Federal Council and its departments are authorized to call in experts for special purposes.

III. The Federal Chancery

Art. 105. A federal chancery, at the head of which is the chancellor of the Confederation, acts as the secretariat of the Federal Assembly and the Federal Council.

The chancellor is elected for the period of four years by the Federal Assembly, at the same time as the Federal Council.

The chancery is under the special supervision of the Federal Council.

The organization of the chancery is determined by a federal law.

IV. The Federal Tribunal

Art. 106. There is a Federal Tribunal for the administration of justice in federal matters.

In penal cases there exists, in addition, trial by jury (Article 112).

Art. 107. Members of the Federal Tribunal and their substitutes are appointed by the Federal Assembly, who shall pay regard to the representation of the three official languages.

The organization of the Federal Tribunal and its divisions, the number of its members and their substitutes, their term of office and emoluments shall be determined by law.

Art. 108. Any Swiss citizen eligible for the National Council may be appointed to the Federal Tribunal.

Members of the Federal Assembly and the Federal Council, and officials appointed by them, may simultaneously form part of the Federal Tribunal.

Members of the Federal Tribunal may not, during their term of office, occupy any other position, either in the service of the Confederation or in a canton, or follow any other calling or profession.

Art. 109. The Federal Tribunal shall organize its secretariat and appoint the staff thereof.

Art. 110. The Federal Tribunal shall have civil cognizance of disputes:

(1) Between the Confederation and the cantons;

(2) Between the Confederation of the one part, and corporations or private individuals of the other part, when the latter are plaintiffs and the dispute reaches the degree of importance to be prescribed by federal legislation;

(3) Between cantons;

(4) Between cantons of the one part, and corporations or private individuals of the other part, where either party so demands and the dispute reaches the degree of importance to be prescribed by federal legislation.

The Federal Tribunal shall further take cognizance of differences in regard to loss of nationality and disputes between communes of different cantons concerning civic rights.

Art. 111. The Federal Tribunal is bound to judge other cases when the parties agree to appeal to it and the matter in dispute is of the degree of importance to be prescribed by federal legislation.

Art. 112. The Federal Tribunal, with the assistance of a jury to decide the facts, has penal jurisdiction as to:

(1) Cases of high treason against the Confederation, and revolt and violence against the federal authorities;

(2) Crimes and offenses against international law;

(3) Crimes and political offenses which are the cause or consequence of disorders necessitating armed federal intervention;
(4) Charges against officials appointed by a federal authority, when brought before the tribunal by that authority.

Art. 113. The Federal Tribunal has also jurisdiction in regard to:

(1) Conflicts of competence between federal authorities of the one part, and cantonal authorities of the other part;
(2) Disputes between cantons, when in the sphere of public law;
(3) Complaints in respect of violation of constitutional rights of citizens, and complaints by individuals in respect of violation of concordats or treaties.

Administrative disputes to be determined by federal legislation are excluded.

In all the cases above mentioned, the Federal Tribunal shall administer the laws passed by the Federal Assembly, and such ordinances of that assembly as are of general application. It shall likewise act in accordance with treaties ratified by the Federal Assembly.

Art. 114. In addition to the matters mentioned in Articles 110, 112, and 113, other matters may be placed by federal legislation within the competence of the Federal Tribunal; in particular, powers may be conferred on the tribunal for the purpose of ensuring the uniform application of the laws contempated in Article 64.

IV A. Federal Administrative and Disciplinary Jurisdiction

Art. 114A. The federal administrative court has cognizance of administrative disputes in federal matters referred to it by federal legislation.

It has also jurisdiction in the disciplinary cases of the federal administration which are referred to it by federal legislation, in so far as such cases have not been referred to a special jurisdiction.

The administrative court shall apply the federal legislation and treaties approved by the Federal Assembly.

Subject to the approval of the Federal Assembly, the cantons have the right to give the federal administrative court jurisdiction in administrative disputes regarding cantonal affairs.

The organization of federal administrative and disciplinary jurisdiction, and its procedure, are regulated by law.

V. Various Provisions

Art. 115. Everything which concerns the authorities of the Confederation shall be the subject of federal legislation.

Art. 116. German, French, Italian, and Romanche are the national languages of Switzerland.

The official languages of the Confederation shall be: German, French, and Italian.

Art. 117. Officials of the Confederation are responsible for their conduct in office. A federal law shall determine what such responsibility involves.

Chapter III

THE REVISION OF THE FEDERAL CONSTITUTION

Art. 118. The federal Constitution may at any time be wholly or partially revised.

Art. 119. Total revision shall be effected in the forms laid down in respect of federal legislation.

Art. 120. When either division of the Federal Assembly decides in favor of a total revision of the federal Constitution, and the other division does not agree, or when fifty thousand Swiss voters demand a total revision, the question whether the federal Constitution ought to be revised is in either case submitted to the Swiss nation, which votes in the affirmative or negative.

If in either case a majority of the Swiss nation who vote pronounce in the affirmative, the two councils shall be renewed for the purpose of undertaking the revision.

Art. 121. A partial revision may be effected either by means of the popular initiative, or in the forms laid down in respect of federal legislation.

The popular initiative consists of a demand by fifty thousand Swiss voters for the adoption of a new constitutional article or for the repeal or modification of certain articles of the Constitution already in force.

If by means of the initiative several different provisions are submitted for revision of or for addition to the federal Constitution, each of them must form the subject of a separate initiative demand.

The initiative demand may take the form of a proposal couched in general terms, or of a bill complete in all details.

When the demand is couched in general terms, the federal chambers, if they approve thereof, will proceed to undertake the partial revision in the sense indicated, and will submit and draft acceptance or rejection by the people and the cantons. If, on the contrary, they do not approve the demand, the question of partial revision shall be submitted to the vote of the people; if a majority of the Swiss citizens taking part in the vote pronounce in the affirmative, the Federal Assembly will proceed to undertake the revision in conformity with the popular decision.

When a demand is presented in the form of a bill complete in all details, and the Federal Assembly approves thereof, the bill shall be submitted for acceptance or rejection by the people and the cantons. If the Federal Assembly is not in agreement, it may draw up a separate bill or recommend to the people the rejection of the bill proposed, and submit to the vote its counter-draft or its proposal for rejection at the same time as the bill presented by popular initiative.

Art. 122. Federal legislation shall determine the formalities to be observed in regard to popular initiative and to referenda concerning the revision of the federal Constitution.

Art. 123. The revised federal Constitution, or the revised part thereof, shall enter into force when it has been accepted by the majority of the Swiss citizens taking part in the vote thereon and by the majority of the states.

In reckoning a majority of the states, the vote of a half-canton shall be counted as half a vote.

The result of the popular vote in each canton shall be regarded as the vote of the State.

TRANSITORY PROVISIONS

1. The proceeds of the postal and customs services shall be divided on the existing bases until the time when the Confederation assumes the military expenditures heretofore borne by the cantons.

The federal legislation shall moreover provide that the part which might entail modifications resulting from Articles 20, 30, 36 of second paragraph, and 42 E, for the treasuries of certain cantons shall affect the latter only gradually and shall reach its total figure only after a transitional period of several years.

The cantons which, at the moment of the entering into force of Art. 20 of the Constitution may not have fulfilled the military obligations imposed upon them by the former Constitution and the federal laws, shall be obliged to fulfill those obligations at their own expense.

2. The provisions of the federal laws, regional agreements, and constitutions or of the cantonal laws contrary to the present Constitution shall cease to be in force upon the adoption of the latter or upon the promulgation of the laws contemplated therein.

3. The new provisions concerning the organization and jurisdiction of the federal tribunal shall enter into force only after the promulgation of the pertinent federal laws.

4. A period of five years is accorded to the cantons to introduce free public primary instruction (Art. 27).

5. The persons who engage in a liberal profession and who, prior to the promulgation of the federal law contemplated in Art. 33, have obtained a certificate of capacity from a canton or from a regional authority representing several cantons, may engage in such profession throughout the territory of the Confederation.

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SYRIA

SUMMARY

International Status

Syria is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and deposited its ratification October 19, 1945.

Syria is a party to the Statute of the International Court of Justice, but is not, as of the time of our going to press, subject to the compulsory jurisdiction of that court.[1] It is a member of the Postal Union, and other international organizations.[2]

It was formerly a province of the Turkish Empire. It was placed, with

[1] See Yearbook of the Court 1951–52, p. 43.
[2] See Table I.

Lebanon, under the mandate of France by decision of the Council of the League of Nations, effective September 29, 1923. French rule was marked by administrative and economic difficulties and by armed uprisings including the Druse Rebellion (1925–27), the Damascus outbreak (1925), and riots and strikes stimulated by Arab nationalist sentiment.

On December 27, 1943, the powers previously exercised by France were transferred to the Syrian and Lebanese governments. The independence of Syria was recognized by the United Kingdom on October 27, 1941, and by the United States and the USSR on July 25, 1944. Fighting with French troops occurred during May and June of 1945, owing to the desire of France for strategic bases and a privileged position. These plans were finally renounced, and all French troops had been withdrawn before the end of 1946.

Syria declared war on Germany and Japan on February 26, 1945.

Form of National Government

Syria has a written constitution, passed on September 5, 1950 by the Constituent Assembly. The Constitution declares that "Syria is a fully Sovereign Arab Republic with a democratic parliamentary regime." [1]

Source of Sovereign Power

"Sovereignty is vested in the people." [2]

Rights of the People

The Constitution guarantees equality before the law,[3] freedom, security and equal opportunity,[4] the right of petition [5] and personal freedom.[6] There is provision for the inviolability of dwelling and correspondence,[7] freedom of speech and the press,[8] freedom of assembly and association.[9] Property is stated to be public and private; private property is guaranteed.[10] Work is the right of all citizens and the State is committed to secure and protect it for the citizens.[11] The Constitution provides the right of social security and protection of health,[12] the right to education,[13] and the right of the family to protection by the State.[14] Freedom of religion is guaranteed.[15]

Legislative Department

Legislative power is exercised by the Chamber of Deputies composed of

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[1] Const., of 1950, Art. 1.
[2] Id., Art. 2.
[3] Id., Art. 7.
[4] Id., Art. 8.
[5] Id., Art. 9.
[6] Id., Art. 10.
[7] Id., Arts. 12, 13.
[8] Id., Arts. 14, 15.
[9] Id., Arts. 16, 17, 18.
[10] Id., Art. 21.
[11] Id., Art. 26.
[12] Id., Art. 27.
[13] Id., Art. 28.
[14] Id., Art. 32.
[15] Id., Art. 3.

members elected by public, secret, direct and universal suffrage for a term of four years, subject to dissolution.[1]

Executive Department

Executive power is exercised by the President and the Cabinet.[2] The President is elected by the Chamber of Deputies for a term of five years and may be re-elected only after an interval of one term.[3] The Prime Minister and Cabinet are appointed by the President and are responsible to Parliament.[4]

Judicial Department

The judicial power is exercised by the Supreme Court, the High Court of Appeal and all other courts.[5] The Supreme Court is composed of seven members elected by the Chamber of Deputies for a term of five years.[6] The Constitution provides for the Supreme Court to decide upon the constitutionality of laws and decrees.[7]

Area, Population, Language

Syria has an area of 72,234 square miles and an estimated (1950) population of 3,252,687. The official language is Arabic.[8]

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[1] Const. of 1950, Arts. 35-41.
[2] Id., Art. 69.
[3] Id., Arts. 71, 73.
[4] Id., Arts. 90, 98.
[5] Id., Art. 108.
[6] Id., Arts. 116, 118.
[7] Id., Art. 122.
[8] Id., Art. 4.

THE CONSTITUTION OF SYRIA[1]

September 5, 1950

PREAMBLE

We, the Representatives of the Syrian Arab People, meeting in a Constituent Assembly, by the will of God and the free wish of the people, declare that we have ordained this Constitution in order to achieve the following sacred aims:

To establish justice on firm foundations by strengthening the judicial power and strengthening its independence under a free democratic regime, so that the right of every individual shall be guaranteed without fear or discrimination.

To safeguard fundamental public freedoms for all citizens and to ensure the enjoyment of those freedoms under law and order, public freedoms being the most noble expressions of individuality, dignity and humanity.

To promote the spirit of brotherhood and social consciousness among citizens, so that every individual may feel that he is an integral part of the structure of the country and that the country is in need of him.

To strengthen the sense of duty towards the defense of the country, the Republic and the Constitution for whose maintenance every citizen should contribute his life, effort, wealth and knowledge.

To liberate citizens from the miseries of proverty, disease, ignorance and fear by establishing a sound economic and social system which achieves social justice, protects worker and peasant, offers security to the weak and the fearful and enables every citizen to have free access to the benefits of the country.

To guarantee equality in public duties and the rights proclaimed by the Constitution and confirmed by laws, especially taxation on a progressive basis, so that there may be equality in sacrifice and ability to contribute.

To develop, educate and protect the individual in order that every citizen may feel that he is responsible for the safety of the country and for its present and future; that the country is the immortal and eternal truth; that all Syrians are its guardians until they hand it over to their sons in dignity and high mindedness. This aim shall be achieved by giving the people a sound and partiotic culture, by providing widespread education and creating facilities for this purpose and by promoting the spirit of sacrifice for the good of the community.

And, whereas the majority of the people are believers in the Islamic religion, the Government declares its attachment to Islam, and its ideals.

We also declare that our people are determined to cement the ties of friendship and cooperation with the peoples of the Moslem and the Arab

[1] English translation prepared by Dr. George J. Tomeh, Director of the United Nations and Treaties Department of the Ministry of Foreign Affairs and kindly supplied by the Ministry in Damascus.

World, and to build their modern state on those sound ethical bases advocated by Islam and the other Theistic Religions and to combat atheism and moral decadence.

And, furthermore ,we declare that our people is a part of the whole Arab nation, bound to it with its past, present and future, and is looking forward to the day when our Arab nation shall be united in one State. Our people shall, therefore, assiduously strive to fulfil this sacred desire in freedom and independence.

We finally declare that this Preamble is an indivisible part of this Constitution made to remind all citizens of the principles upon which their basic law is founded.

We, the Representatives of the Syrian Arab people, pray to Almighty God to preserve our nation and people, to guard against all calamities; to guide our steps so that our ideals may become living realities thus enabling us to restore the magnificence and glory which our great ancestors have built, and to inaugurate for our sons the path to dignity and splendor.

Chapter I

THE REPUBLIC OF SYRIA

Art. 1. (1) Syria is a fully sovereign Arab Republic with a democratic parliamentary regime.

(2) It constitutes an indivisible political unit. No part of its territory may be alienated or ceded.

(3) The people of Syria is a part of the Arab nation.

Art. 2. (1) Sovereignty is vested in the people. No individual or group may claim it.

(2) Sovereignty is based on the principle of the rule of the people, by the people, for the people.

(3) The people shall exercise sovereignty within the forms defined by the Constitution and the limits assigned by it.

Art. 3. (1) The religion of the President of the Republic is Islam.

(2) Islamic law shall be the main source of legislation.

(3) Freedom of belief shall be guaranteed. The State shall respect all theistic religions and shall protect the free exercise of all forms of worship consistent with public order.

(4) Personal rights of religious communities shall be respected and observed.

Art. 4. Arabic is the official language.

Art. 5. Damascus is the capital of the Republic.

Art. 6. (1) The Syrian flag shall be composed as follows;

The length shall be double the height. It shall contain three bands of equal dimensions: the upper being green, then white and black respectively. The white portion of the flag shall bear three red stars in line, having five points each.

(2) The emblem of the Republic and its National Anthem shall be designated by a law.

Chapter II

FUNDAMENTAL PRINCIPLES

Art. 7. All citizens shall be equal before the law in obligations, rights, dignity and social status.

Art. 8. The State shall guarantee freedom, security and equal opportunities for all citizens.

Art. 9. Everyone shall have the right to petition the courts within the limits of law. Trials shall be held in public unless the law provides otherwise.

Art. 10. Personal freedom shall be guaranteed.

(1) Everyone shall be presumed innocent until proved guilty by a verdict according to law.

(2) No one may be investigated or kept in custody except in accordance with an order or a warrant emanating from judicial authorities, or except in the case of *flagrante delicto* of committing an offence, or except for the purpose of bringing him before the judicial authorities on a charge of having committed a crime or a penal offence.

(3) No one shall be subjected to torture or degrading treatment. The penalty for contraventions of this provision shall be prescribed by law.

(4) Administrative authorities shall not have the right to arrest any person as a security measure except in accordance with a law passed in conjunction with the declaration of a state of emergency or martial law or war.

(5) Every person who is arrested or detained in custody shall be informed in writing within twenty-four hours of the grounds for such detention or arrest, and the legal text in accordance with which he was arrested; furthermore, he shall be brought before the judicial authorities within forty-eight hours of his arrest.

(6) Every person who is detained has the right, either personally or through a lawyer or a relative, by application to the appropriate judge to question the legality of his arrest. The judge shall consider the application without delay and may summon the officer who ordered the arrest and question him about the case. If he finds that the detention is unlawful, the detainee shall be released immediately.

(7) The right of defense shall be guaranteed throughout all the stages of investigation and legal proceedings before all courts and in conformity with the law.

(8) There shall not be established extraordinary criminal courts; a special procedure for trial in a state of emergency shall be prescribed.

(9) Nobody shall be tried by Military Courts except persons subject to military law. Exceptions to this rule shall be determined by law.

(10) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under the law in effect when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed.

(11) Every person against whom a final sentence was passed and executed shall have the right to demand indemnity for harm inflicted upon him should it be proved that the sentence was erroneous.

Art. 11. The prison is a place of punishment, but it is also a means to reform the criminal and to educate him properly. The law shall guarantee the implementation of this principle.

Art. 12. Dwellings shall be inviolable; no one may enter or search them except in the case of *flagrante delicto*, or by permission of their owners or in accordance with a judicial warrant.

Art. 13. Postal, telegraphic and telephonic communications shall be inviolable and may not be confiscated, delayed or censored, except as provided by law.

Art. 14 (1) The State shall guarantee freedom of opinion and all Syrians shall be entitled to express their views freely in writing, speeches, graphically, or by any other means of expression.

(2) No person shall be prosecuted on account of his opinions, except when he has transgressed the limits of the law.

Art. 15. (1) Freedom of the press and of printing shall be guaranteed within the limits of the law.

(2) Newspapers shall not be suspended nor shall their licenses be revoked except in accordance with the law.

(3) In a state of emergency or of martial law, a limited censorship on matters related to public safety or national defense, may be imposed on newspapers, publications, books and broadcasts.

(4) The procedure for supervising the financial resources of the press shall be determined by law.

Art. 16. Syrians shall have the right to freedom of assembly and of peaceful demonstration without arms subject to the conditions laid down by law.

Art. 17. (1) Syrians shall have the right to form and belong to societies provided their objectives are not forbidden by law.

(2) The law shall determine the procedure for informing administrative authorities of the formation of societies and the supervision of their financial resources.

Art. 18. (1) Syrians shall have the right to form political parties provided their objectives are legitimate, their methods are peaceful and their regulations are democratic.

(2) The law shall determine the procedure for informing administrative authorities about the formation of such parties and the supervision of their financial resources.

Art. 19. (1) Syrians shall not be deported from their national territory.

(2) Every Syrian shall have the right to reside and move within the territory of Syria, unless forbidden to do so as a result of a judicial order or in execution of laws related to health and public safety.

Art. 20. (1) Refugees shall not be extradited because of their political beliefs or because of their defence of freedom.

(2) The extradition of ordinary criminals shall be determined by laws and international agreements.

Art. 21. Property is public and private.

(1) The State, legal persons and individuals have the right of ownership, subject to the limitations provided by the law.

(2) The law shall determine the conditions and limits of ownership by aliens.

(3) Private property shall be guaranteed. The law shall determine the means whereby the possession and disposal of property shall fulfil its social function.

(4) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

(5) Nobody shall be permitted to use private property in such a way as to conflict with public interest.

(6) Expropriation on grounds of public utility shall be allowed and shall be effected in accordance with a law giving the right to a fair compensation.

(7) Mines, minerals—solid, liquid, radiant, and similar substances—subterranean wealth, mineral waters, water falls, public forests and roads and all other sources of natural wealth are the property of the State.

(8) The law shall determine the conditions under which permits may be granted to explore for minerals and similar substances.

(9) The right to exploit minerals and similar substances shall be granted by a law provided considerations concerning the defence of the country and the safeguarding of its independence are given priority.

Art. 22. (1) In order to secure the most productive utilization of the land of the country, and in order to establish just social relationships among citizens, special legislation shall be enacted based on the following principles:

(a) The obligation to utilize the land shall be laid down and, if the land is neglected for a period of time to be fixed by law, one's right of user shall be forfeited.

(b) The maximum area of land that may be owned, exploited and disposed of, according to districts, shall be determined by a law provided that it shall not have a retroactive effect.

(c) Productivity shall be improved.

(d) Small and medium properties shall be encouraged.

(e) The State shall distribute among landless peasants, at a small cost to be paid by instalments, sufficient land to secure their livelihood.

(2) The State shall encourage the establishment of cooperative societies and supervise them.

(3) The State shall endeavor to build model villages and provide sanitary housing for peasants.

(4) A law to protect the peasant and to raise his standard of living shall be promulgated.

Art. 23. (1) General confiscation of property is forbidden.

(2) Special confiscation may not be imposed except in accordance with a judicial order.

(3) Special confiscation by law shall be permitted in cases of necessity in time of war or public catastrophes.

Art. 24. The State may, subject to payment of fair compensation, nationalize any institution or project on the grounds of public utility.

Art. 25. Taxes shall be levied on a just and progressive basis and in such a way as to ensure equality and social justice.

Art. 26. (1) Work is the right of all citizens and a duty dictated by law. It is the most important of the basic factors in social life. The State shall secure work for its citizens and guarantee it by directing and developing national economy.

(2) The State shall protect employment and enact for that purpose special legislation based on the following principles:

(a) To give the workers wages proportional to the volume and quality of their work.

(b) To limit working hours per week, and to grant workers weekly holidays and annual leave with pay.

(c) To establish special compensation of workers with large families and in cases of discharge, sickness, disability and accidents caused by work.

(d) to determine special conditions for the employment of women and adolescents.

(e) to ensure the compliance of factories with the rules of hygiene and sanitation.

(3) The State shall secure for workers sanitary housing through means to be defined by the law.

(4) The organization of trade unions shall be free, subject to the conditions laid down by law.

A trade union shall be considered as possessing juridical personality.

Art. 27. (1) Everyone has the right to be insured for himself and his family by the State against sickness, disability, orphanhood, old age and such unemployment as is beyond his control.

In order to realize this objective, social security shall be established in which the State, institutions and individuals shall cooperate to secure the necessary funds.

(2) The State shall protect the health of citizens, build for them hospitals, convalescent and maternity homes and shall facilitate means of treatment and care for pregnant women, nursing mothers and babies.

Art. 28. (1) Every citizen has the right to education and instruction.

Primary education shall be compulsory, free and uniform in the State schools.

Private primary schools shall be required to apply the educational programs adopted by the State; they may teach such additional material as may be defined by law.

Secondary and vocational education shall be free in the State schools.

The law shall determine the obligatory subjects to be taught by private secondary schools in conformity with the educational program adopted by the State.

Religious instruction for each religion in accordance with its faith shall be compulsory in primary and secondary stages.

The State shall give priority in the budget for appropriations to spread primary, vocational and rural education and make it available to all. This shall be pursued in order to realize equality among Syrians, to establish national awakening on sound foundations and to facilitate the utilization of the land.

The State shall make higher education accessible and its institutions shall enjoy financial and administrative independence.

(2) Education shall be directed at creating a generation strong phys-

ically and mentally, believing in God, morality and virtue, proud of the Arab legacy, equipped with knowledge, conscious of its duties and rights, working for the public interest and full of the spirit of solidarity and brotherhood that should prevail among all citizens.

Any teaching that conflicts with the aims stated in the previous paragraph shall be forbidden.

(3) Education shall be directed at the full development of the human personality and fundamental freedoms.

(4) The State may supervise all institutions of learning in the country. The procedure for such supervision shall be determined by law.

(5) The State alone shall have the right to grant school certificates and to establish equivalent standards.

(6) The State shall adopt scout and youth movements and shall endeavour to strengthen, to protect and to promote them.

(7) In order to realize the aims of education and instruction and to bring into operation a stable educational policy, there shall be established a "Council of Education"; the law shall determine the number of its members their qualifications and the procedure for appointing them.

The task of this Council shall be the purpose to propose plans and programs so that education in all its stages may achieve its objectives.

The Council of Education shall submit its reports to the Government.

(8) The State shall protect and promote the arts and sciences, and encourage scientific research.

(9) The State shall protect all historical sites, monuments and all objects that have an artistic, historical or cultural value.

Art. 29. Compulsory work shall not be imposed on anyone except in accordance with a law and in the following situations:

(1) To render cultural, constructional and health services.
(2) To combat public catastrophes.
(3) In a state of war and emergency.

Art. 30. (1) The defence of the country and of the Constitutionn is a sacred duty binding on all citizens.

(2) Military service is compulsory and shall be regulated by a special law.

(3) The army is the guardian of the country entrusted with the sole task of defending its frontiers and insuring its safety.

(4) There shall be established a "Council of National Defense."

A law shall determine its powers and the number of its members.

Art. 31. (1) The conditions for the acquisition of Syrian nationality shall be determined by law; special facilities shall be accorded to Syrian emigrants, their descendants and to citizens of the Arab countries.

(2) The legal statuts of aliens shall be defined by a law in accordance with international customs and international agreements.

Art. 32. (1) The family is the fundamental unit of society and is entitled to the protection of the State.

(2) The State shall protect and encourage marriage, and shall remove material and social obstacles that hinder it.

Art. 33. (1) Every Syrian has the right of access to public service subject to the conditions laid down by the law.

(2) Appointment to public offices, either temporary or permanent, in the State, the departments attached to it and its municipalities shall be effected by public competition. The law shall determine the exceptions to this rule.

Art. 34. Islamic wakfs belong exclusively to Moslems; they constitute one of the public institutions of the State and enjoy financial and administrative independence. Their status shall be regulated by law.

Chapter III

THE LEGISLATIVE POWER

Art. 35. The legislative power shall be exercised by the Chamber of Deputies. Elections for this Chamber shall be public, secret, direct, uniform and in conformity with the provisions of the Electoral Law.

Art. 36. The duration of the Chamber shall be for a period of four years beginning from the date of the decree declaring the final results of elections; this period shall not be extended except by law in a state of war.

Art. 37. Every deputy shall represent the whole of the nation and may not accept any restriction on his mandate; he shall discharge his responsibilities guided by the dictates of his honour and conscience.

Art. 38. Electors are Syrian men and women who have completed the eighteenth year of their age, who are listed in the civil census register and who have all other qualifications specified in the Electoral Law.

Art. 39. Any Syrian (*Souri*) may stand for election as a deputy if he qualifies as an elector; provided that he is educated, has completed his thirtieth year of age and has fulfilled all other conditions specified by the Electoral Law.

Art. 40. The Electoral Law shall include provisions to guarantee the following:

(1) The validity of elections.
(2) The right of candidates to take part in the supervision of the electoral procedure.
(3) The punishment of those who interfere with the will of electors.

Art. 41. (1) General elections shall take place within sixty days preceding the expiration of the term of the Chamber; if elections are not completed when the term of the Chamber expires, or are delayed for some reason, the Chamber of Deputies shall continue to function until the new Chamber is elected. In all cases, the authority of the Chamber of Deputies shall remain effective until the final results of the general elections are declared.

(2) If the Chamber of Deputies is dissolved, general elections shall take place within sixty days from the date of the decree dissolving the Chamber.

If elections are not held accordingly, the dissolved Chamber shall regain its full constitutional authority and shall convene immediately as though it has never been dissolved.

(3) Should general elections be delayed beyond the specified date, the Chamber shall investigate the reasons and determine the responsibility for such delay.

Art. 42. (1) The Chamber of Deputies shall be invited by a decree to convene within twenty days beginning from the second day of elections.

If the necessary decree inviting the Chamber to convene is not promulgated, the Chamber shall definitely meet on the twenty-first day.

(2) The Chamber shall elect at the first meeting, its president and the members of its Bureau.

Art. 43. (1) The Chamber of Deputies shall be considered as being in permanent session.

(2) The Chamber shall definitely convene from October first until the end of December, and from March first until the middle of May.

(3) The President of the Chamber shall fix dates of meetings outside these two periods either by a decision of his Bureau, or upon a written request from a quarter of the deputies or from the Government.

Art. 44. Deputies shall not be prosecuted by civil or criminal courts for stating facts, expressing opinions or for voting in public and secret sessions or in committees.

Art. 45. Deputies shall enjoy immunity while the Chamber is meeting; they shall not be liable to criminal prosecution, nor shall a criminal sentence be enforced against them without the assent of the Assembly, except in the case of *flagrante delicto* and, in such a case, the Chamber of Deputies shall be promptly informed.

Art. 46. Before assuming his duty, every deputy shall take publicly in the presence of the Assembly the following oath:

> "I swear by Almighty God to be loyal to the Constitution, to defend it, to maintain the independence of the country, the freedoms, interest, wealth and dignity of the people. I also swear to observe the laws of the country, to discharge my parliamentary responsibility in honor, truthfulness and sincerity and to work for the achievement of the unity of the Arab countries."

Art. 47. The remuneration of members of the Chamber shall be determined by a law.

Art. 48. (1) No deputy shall exploit his parliamentary office in any work.

(2) Incompatibilities between the office of a deputy and other functions shall be determined by law.

Art. 49. In the event of a vacancy occurring for some reason, the seat shall be filled within two months, provided the remaining period for mandate of the Chamber is not less than six months. The new member's term of office shall terminate with the mandate of the legislature.

Art. 50. The Chamber of Deputies shall have the right to grant a general amnesty for crimes committed before the amnesty was proposed, provided an absolute majority of the members of the Chamber vote for it.

Art. 51. Treaties affecting the safety of the State or its public finances, commercial agreements and, in general, every other treaty entered into for more than one year, shall not come finally into force except after being adopted by the Chamber.

Art. 52. The Chamber shall have the right at all times to form committees, or to delegate one or more of its members for investigation of any matter; ministers and all officers of the State shall co-operate by testifying, submitting documents and giving statements that may be asked of them.

Art. 53. (1) Every year at the opening of the October session, the

Chamber, under the Presidency of its oldest member and the two youngest members acting as Secretaries, shall proceed immediately to elect a President and the members of its Bureau in accordance with the Rules of Procedure of the Chamber.

(2) The President of the Chamber of Deputies shall be elected by an absolute majority of the total number of the Deputies. A relative majority shall be sufficient at the second ballot.

Art. 54. (1) The President shall maintain order inside the Parliament.

(2) The Parliament shall have a special guard obeying the orders of the President. No armed forces may enter the Assembly buildings, nor be posted in their neighborhood, except at the demand of the President.

Art. 55. (1) The meetings of the Assembly shall be public.

(2) The Assembly may, however, decide to hold secret meetings to discuss specific matters at the request of the Government or of ten of its members.

Art. 56. (1) The Assembly cannot meet unless an absolute majority of the members composing it are present.

(2) The Rules of Procedure shall determine the responsibility of any member who does not attend a meeting without a reasonable excuse.

Art. 57. (1) Voting in the Chamber shall be conducted in accordance with the rules of Procedure.

(2) Deputies may only vote if they are present at a meeting.

(3) Elections shall be decided by secret ballot.

(4) Decisions shall be taken by the majority of those present and voting except where otherwise provided by the Constitution or the Rules of Procedure. Should the votes be equal, the proposal under discussion shall be rejected.

Art. 58. (1) The President of the Republic, with the approval of the Cabinet, and every deputy shall have the right to introduce bills.

(2) Financial bills proposing to abolish or decrease a tax, or remit a part of it, or involving appropriations from the State budget to a certain project, or proposing the floating of a loan, its guarantee or payment, may only be introduced by the President of the Republic with the approval of the Cabinet, or by twenty deputies or more.

Art. 59. The Chamber of Deputies shall never abandon its legislative power.

Art. 60. No bill which has been rejected by the Chamber may be reintroduced before the lapse of six months.

Art. 61. (1) If the Chamber of Deputies passes a bill, the President of the Republic shall promulgate it within fifteen days from the date thereof.

(2) However, if an absolute majority of the members of the Chamber vote that a bill is of an urgent nature, the President of the Republic shall promulgate it within the time prescribed in it; if he fails to do so, the President of the Chamber shall then promulgate it immediately.

Art. 62. (1) Within the time allowed for promulgation, the President of the Republic may return to the Chamber non-urgent bills for reconsideration. This shall be done in accordance with a decree issued by the Cabinet and giving the justification thereof.

(2) Should the Chamber confirm its former vote by an absolute majority of its members, the law shall be promulgated immediately.

Art. 63. (1) If a quarter of the Deputies object to a bill as unconstitutional prior to its promulgation, or if the President of the Republic sends it to the Supreme Court for the same reason, such a bill shall not be promulgated until the Supreme Court gives its decision within ten days. If the bill is urgent, the Supreme Court shall decide within three days.

(2) If the Supreme Court decides that it conflicts with the Constitution, it shall be returned to the Chamber for rectification.

(3) Should the Supreme Court refrain from giving its decision within the period fixed in this Article, the President of the Republic shall promulgate the law.

Art. 64. (1) The Cabinet shall be represented in the meetings of the Chamber either by the Prime Minister or by some of the Ministers.

(2) The Prime Minister and the Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance and benefit from the experience of the officials of the Government during the debates.

(3) Any minister shall attend the meetings of the Chamber when asked by its President to do so.

Art. 65. Any member of the Chamber is entitled to introduce an interpellation, or to submit questions to the Government and to obtain a reply within the period fixed by the Rules of Procedure.

Art. 66. (1) The Rules of Procedure shall determine for the Chamber the method for conducting discussions, debates, interpellations, interrogations, voting, the powers of the office and the committees and all other work of the Chamber.

(2) The Rules of Procedure shall have the power of a law and shall not be amended except in accordance with their own provisions.

Art. 67. (1) The Chamber shall not consider a motion of non-confidence against the Cabinet or any one of its members unless presented by fifteen deputies or more, and shall not be discussed except two days after its presentation.

(2) If the absolute majority of the total number of the Deputies adopt a motion of non-confidence, the entire Cabinet shall resign.

(3) A Minister against whom a vote of non-confidence has been adopted by the Chamber shall resign.

Art. 68. The Chamber shall choose a committee to consider and investigate all petitions submitted by an individual or a group of citizens. The committee shall inquire into every complaint and shall inform the petitioner accordingly.

Chapter IV

THE EXECUTIVE POWER

Art. 69. The Executive Power shall be vested, on behalf of the People, in the President of the Republic and the Cabinet, within the limits assigned by this Constitution.

1

THE PRESIDENT OF THE REPUBLIC

Art. 70. The President of the Republic is the Chief of State. The law shall determine the privileges and honors due to his office.

Art. 71. (1) The Chamber shall elect the President of the Republic by secret ballot.

(2) A two-thirds majority of the number of Deputies shall be necessary at the first ballot.

(3) An absolute majority shall be sufficient at the second ballot.

(4) A relative majority shall be sufficient at the third ballot.

Art. 72. No person shall be eligible for the Presidency of the Republic who does not fulfil the following conditions:

(1) He must have been a Syrian national for the last ten years.

(2) He must have all qualifications of eligibility for the Chamber of Deputies.

(3) He must have completed his fortieth year.

Art. 73. (1) The President shall hold office for a term of five years. He may be re-elected only after an interval of similar duration.

(2) If the period of office of the President expires simultaneously with that of the Chamber, the President of the Republic shall remain in office until a new Chamber is elected and meets. This additional period shall not exceed three months.

Art. 74. The offices of President of the Republic and of Deputy may not be held simultaneously.

Art. 75. Before assuming office, the President shall take, in the presence of the Chamber of Deputies, the following oath:

> 'I swear by Almighty God to observe the Constitution and laws of the country, to be loyal to the freedoms, the public good and the wealth of the people, and to the Republican Regime, and to strive to the best of my ability to safeguard the independence of the country, defend its territorial integrity and work for the achievement of the unity of the Arab countries.'

Art. 76. One month at most and fifteen days at least before the expiration of the term of office of the President of the Republic, the Chamber shall elect a new President.

Art. 77. (1) The Government shall keep the President of the Republic advised of the development of international negotiations.

(2) The President shall conclude and sign treaties after their approval by the Chamber.

(3) The President shall accredit heads of Diplomatic Missions abroad and receive the representatives of foreign countries.

Art. 78. The President may call the Cabinet to meet under his chairmanship and order that a record of such meetings be made and preserved.

Art. 79. All instruments issued by the President, such as decrees, documents and letters concerning the affairs of State, with the exception of those relating to the appointment or resignation of the Prime Minister, must be countersigned by the Prime Minister and the Minister concerned.

Art. 80. The President shall sign the warrants of appointment of magistrates and officials who, according to the law, must be appointed by

warrant. He shall also sign all decrees concerning organization and all other decrees which may be referred to him in accordance with the provisions of the law.

Art. 81. (1) If the President does not sign decrees or does not refer them to the Supreme Court within ten days of their transmission to him because they conflict with the Constitution or a law, the Prime Minister shall promulgate them and they shall be considered effective.

(2) If the Supreme Court does not decide on the decrees referred to it within ten days of their receipt, the Prime Minister shall promulgate them and they shall be considered effective.

(3) An exception shall be made of the decree dissolving the Chamber of Deputies which the President can reject without stating his reasons for so doing, and also the decrees confirming the death penalty.

Art. 82. The President shall have power to declare war and conclude peace, upon a decision of the Cabinet and after consultation with the Council of National Defense and the approval of the Chamber of Deputies.

Art. 83. The President shall be Commander-in-Chief of the Army and Chairman of the Council of National Defense.

Art. 84. The President shall communicate with the Chamber of Deputies by means of messages addressed to the President of the Chamber.

Art. 85. (1) The President of the Republic may issue a decree dissolving the Chamber; such a decree must be taken by the Cabinet and state the grounds on which the dissolution was decided.

(2) The Chamber shall not be dissolved before the expiration of eighteen months of the date of its election.

(3) When the Chamber is dissolved the Cabinet shall resign and the President of the Republic shall appoint a cabinet of new members to supervise the elections.

Art. 86. (1) The President shall be held responsible for violating the Constitution and for high treason.

(2) He shall also be held responsible for ordinary offences.

(3) The President shall not be tried except by the Supreme Court.

(4) A motion to impeach the President and to try him by the Supreme Court shall only be discussed when a quarter of the number of Deputies submit a written request to the President of the Chamber giving the reasons for their motion. The request shall be referred, before its discussion, to the legal and constitutional committees meeting jointly. The two committees shall submit their report within three days of the receipt of the request.

A special session shall then be fixed to discuss the impeachment of the President.

No other business may be discussed during that meeting.

(5) For the impeachment of the President of the Republic in any circumstance whatsoever and his trial by the Supreme Court, the approval of the absolute majority of the total number of Deputies shall be required.

(6) When the President of the Republic is impeached, the Presidency shall be considered vacant until the Supreme Court shall have rendered its decision.

(7) A law of a constitutional nature shall determine the procedure for impeachment and trial by the Supreme Court.

Art. 87. The President shall exercise the prerogatives of pardon.

Art. 88. (1) When the President of the Republic is unable to discharge the duty of his office, the President of the Chamber of Deputies shall assume that duty provided he yields, during this time, the Presidency of the Chamber to its Vice President.

(2) Should the Presidency become vacant through the death or resignation of the President, the Chamber shall be summoned by its President within ten days therefrom for the purpose of electing the new President. Should it not be thus summoned, the Chamber shall meet of its own accord on the eleventh day.

(3) If the Chamber is dissolved at the time the vacancy occurs or two months only are left before its mandate expires, the President of the Chamber shall continue to assume the above-mentioned duties until the new Chamber meets.

Art. 89. The emoluments of the President shall be fixed by a law.

2

THE CABINET

Art. 90. At the opening of each term of the Legislature, or after the election of a new President of the Republic, or after a vote of non-confidence for the Cabinet, or its resignation, or if the Presidency of the Cabinet becomes vacant for some reason, the President of the Republic shall appoint a Prime Minister and upon the proposal of the Prime Minister the members of the Cabinet.

Art. 91. (1) The Cabinet shall submit its programme to the Chamber for a vote of confidence.

(2) A vote of confidence shall be considered granted if approved by a majority of the Deputies present.

Art. 92. (1) The Cabinet shall direct the policy of the State.

(2) The Cabinet shall meet, presided over by the Prime Minister, to consider the following matters:

(a) Bills
(b) Decrees concerning organization
(c) The State budget and the special budgets
(d) Internal and foreign policy
(e) Cases which the Prime Minister, or any Minister, with the approval of the former, submits to the Cabinet for consideration.
(f) All other questions provided for by law.

(3) The decisions of the Cabinet shall be adopted by a majority of votes. Any opposing minister shall be considered as having approved of the decisions unless he resigns.

Art. 93. The organization of the Presidency of the Cabinet, the Cabinet and the powers of each Minister shall be determined by law.

Art. 94. (1) The Prime Minister shall direct the meetings of the Cabinet which he presides over.

(2) He shall harmonize the works among the various Ministries.

(3) He alone can ask for a vote of confidence for the Cabinet from the Chamber of Deputies.

(4) He may entrust some of his functions to one of the Ministers.

Art. 95. The President of the Republic, with the approval of the Cabinet, shall promulgate decrees necessary for the execution of various laws. These Decrees shall not repeal, exempt from the operation, or amend the provisions of the laws in question.

Art. 96. When the Cabinet resigns, or a motion of non-confidence is passed, the Ministers shall continue to discharge their responsibilities until a new Cabinet is formed.

Art. 97. No Minister while in office may directly or indirectly buy or rent anything which is the property of the State, even at a public auction. He may not participate in contracts for supplies entered into by public departments, or any institution attached to the Government or under its control, nor may he be on the board of any firm, or its agent or lawyer, or take part in any business.

Art. 98. The Ministers shall be jointly responsible to Parliament for the general policy of the Government. They shall be individually responsible in respect to matters arising in their respective departments.

Art. 99. The civil, financial and penal responsibility of the Ministers shall be determined by law.

Art. 100. A Minister shall leave office when indicted and until the Supreme Court shall have rendered its judgment. The Minister's resignation shall not prevent proceedings being taken or continued against him.

Art. 101. The offices of a Deputy and a Minister may be held simultaneously.

Art. 102. The emoluments of the Prime Minister and the Ministers shall be fixed by a law.

Art. 103. (1) There shall be established a "Bureau of Inspection" attached to the Presidency of the Cabinet.

(2) This Bureau shall communicate to the Presidency of the Chamber copies of the reports of its inspectors and their conclusions together with its own observations.

(3) The classification of the members of this Bureau, their prerogatives and immunities shall be defined by a law.

Chapter V

THE JUDICIAL POWER

Art. 104. The Judiciary is an independent authority.

Art. 105. (1) Judges are independent. The only authority above them in the exercise of their power is Law.

(2) The honour of the judges and their moral conscience and integrity constitute a guarantee for the rights of the people and their freedoms.

Art. 106. Before assuming office a judge shall swear that he will mete out justice to the people and that he will observe the law.

Art. 107. Judgments shall be rendered in the name of the People of Syria and shall state the grounds on which they were reached.

Art. 108. Judicial powers shall be exercised by:

(1) The Supreme Court
(2) The High Court of Appeal
(3) All other Courts

Art. 109. All judges shall be appointed by a decision of the "Supreme Judiciary Council" and in accordance with the law.

Art. 110. The promotion of judges, their transfer, disciplinary measures to be taken against them and their dismissal shall be governed by a decision of the Supreme Judiciary Council in accordance with the law.

Art. 111. The institution of public prosecutions is a judicial function. It shall be headed by the Minister of Justice.

Art. 112. The public prosecutor shall be the guardian of justice, alert to enforce laws, to pursue those who violate them and to enforce penal sentences against them.

Art. 113. The appointment of public prosecutors, their promotion, their transfer, disciplinary measures to be taken against them, and their dismissal shall be fixed by law.

Art. 114. The classification of Civil and Military Courts, their grades and salaries of judges shall be fixed by a law.

Art. 115. The classification of clerks and officers of the Courts shall be fixed by a law. Their appointment, promotion and dismissal shall come under the jurisdiction of the Ministry of Justice.

1

THE SUPREME COURT

Art. 116. (1) The Supreme Court shall consist of seven members elected by the Chamber of Deputies from a list containing fourteen names.

The President of the Republic shall select the candidates for this office from highly qualified individuals who have high university degrees and have completed the fortieth year of their age.

(2) Election shall take place in a special session of the Chamber of Deputies and within ten days of the receipt of the list by the Chamber. Each voting paper shall contain seven names.

(3) At the first ballot, he who receives an absolute majority of the total members of the Chamber shall be considered elected.

(4) At the second ballot, the majority of those present shall be sufficient.

(5) At the third ballot, a relative majority shall be sufficient.

Art. 117. Incompatibilities between the office of members of the Supreme Court and other functions shall be determined by law.

Art. 118. (1) A member of the Supreme Court shall be elected for a five-year term and may be re-elected.

(2) A member of the Supreme Court may not be dismissed except by virtue of a decree approved by four or more of its members.

Art. 119. The Supreme Court shall elect from its members and by a vote of its absolute majority a President for a five-year term.

Art. 120. (1) Should a seat in the Supreme Court become vacant

for some reason, the Chamber of Deputies shall elect a successor from a list containing three times the number of vacancies. The President of the Republic shall select that list.

(2) Selection and election shall be made in accordance with the stipulations of Article 116 hereof.

Art. 121. Before entering into office, the President and members of the Supreme Court shall take solemnly in the presence of the Chamber of Deputies and in a special session attended by the President of the Republic the following oath:

"I swear by Almighty God to observe the Constitution and laws of the country and to discharge my duties in equity and integrity."

Art. 122. (1) The Supreme Court shall consider and decide definitively on the following matters:

(a) The constitutionality of laws referred to it in accordance with Article 63.

(b) The constitutionality and legality of draft decrees referred to it from the President of the Republic.

(c) The impeachment of the President of the Republic and of the Ministers.

(d) Petitions against the validity of elections.

(e) Petitions to suspend or to nullify administrative acts, decisions or decrees inconsistent with the Constitution, with laws, or with organizational decrees, when such petitions are submitted by individuals who may suffer loss from the application thereof.

(2) The procedure for investigating and deciding on the hereinbefore mentioned matters shall be determined by law.

2

THE SUPREME JUDICIAL COUNCIL

Art. 123. The Supreme Judicial Council shall be formed of seven members as follows:

(a) The Chief Justice of the Supreme Court as President.
(b) Two members of the Supreme Court.
(c) The four highest ranking judges from the High Court of Appeal.

Art. 124. (1) The President of the Supreme Judicial Council shall propose to this Council the nomination, promotion, transfer, dismissal of judges and disciplinary measures to be taken against any of them when necessary in accordance with law. The Council shall decide on such proposals by a vote to be taken by its absolute majority.

(2) The President shall draft and sign decrees upon decisions taken by the Supreme Judicial Council, and refer such decrees to the Minister of Justice in accordance with the stipulations of Article 80 hereof.

Art. 125. The Supreme Judicial Council shall propose bills concerning the immunity of judges, the procedure for their appointment, promotion, transfer, dismissal and disciplinary measures against them.

CHAPTER VI

ADMINISTRATIVE DIVISIONS

Art. 126. The Republic of Syria shall be divided into Muhafazats; their number, sub-divisions and boundaries shall be determined by a law.

Art. 127. Laws shall be based on the principle of decentralization for heads of administrative units and chiefs of departments in the Capital and in the Muhafazats.

Art. 128. (1) There shall be established a Council in each Muhafazat; three-quarters of its members shall be elected and the other quarter shall be appointed.

(2) The term of the Council, the number and eligibility of its members, and its electoral procedure shall be determined by law.

(3) The Muhafazat Council shall elect its President and an Executive Secretariat whose term of office, powers and procedure shall be determined by law.

Art. 129. The main tasks of the Muhafazat Council shall be to contribute towards promoting the following objectives:

(1) To fight disease by expanding free medical care and by protecting motherhood and childhood.
(2) To combat ignorance by establishing nurseries, primary, elementary and vocational schools, by teaching illiterates and by promoting education.
(3) To secure potable waters in villages and cities. To open local roads and to spread the use of electricity.
(4) To define the limits of municipal districts in the Muhafazats.
(5) To institute and organize exhibitions.
(6) To encourage tourism, summer resorts and to supervise hotels.
(7) To organize local communications.
(8) To utilize mineral waters.
(9) To promote afforestation and planting of trees.
(10) To protect beneficiary works and contribute to them.
(11) To organize and exploit hunting and fishing in the sea and rivers.

Art. 130. (1) The special revenues of the Muhafazat necessary for the implementation of its projects shall consist of—

(a) A percentage to be determined by law, such percentage to be taken from general taxes collected in the Muhafazat or added thereto.
(b) Local duties which the Muhafazat Council shall impose within the limits of law. These duties shall in no way delay the movement of persons or the transfer of capital between the various Muhafazats and shall not restrict the right of citizens to practice their professions and perform their work in the country.

(2) The special accountability of the Councils of the Muhafazats shall be regulated by a law.

Art. 131. The Muhafazat Council shall determine disbursements in questions falling under its jurisdiction.

Art. 132. The Rules of Procedure for the Councils of the Muhafazats, adoption of decisions and supervision of their actions shall be determined by law.

Chapter VII

FINANCES

Art. 133. (1) The Government shall prepare the general budget.

(2) The Chamber of Deputies alone shall have the right to adopt it.

Art. 134. (1) There shall be for each fiscal year one general budget containing the receipts and expenditures. No special, independent or additional budget may be created except by virtue of a law.

(2) The Government may, when necessary, submit the project of an extraordinary budget for more than one year including extraordinary receipts and expenditures. Such a budget shall not come into force except when approved by the Chamber of Deputies.

Art. 135. The procedure for organizing, approving, implementing and closing the accounts of local budgets shall be determined by a law.

Art. 136. (1) The beginning of a fiscal year shall be fixed by a law.

(2) Three months at least before the beginning of each fiscal year, the Government shall submit to the Chamber of Deputies a project for the general budget of that year.

Art. 137. The Deputies shall vote on ordinary and extraordinary budgets article by article.

Art. 138. (1) The budget law shall include only pure financial provisions.

(2) No taxes shall be levied or services created which may necessitate new expenditures in the budget law.

(3) The provisions of the budget law shall only be implemented within the fiscal year for which that budget was designated.

Art. 139. (1) During the discussion of the budget the Chamber may not increase the proposed total of receipts and expenditures.

(2) The budget committee shall be entitled to modify the project of the budget provided consideration is taken of paragraph one of this Article.

(3) The Deputies shall not propose an increase in expenditure or the creation of a new item of expenditure once the budget committee completes its report on the project of the budget.

(4) After approving the budget, the Chamber of Deputies may adopt laws approving further expenditures and creating new receipts to meet them.

Art. 140. If the Chamber of Deputies has not given a final decision on the project of the budget before the beginning of the fiscal year for which that budget was designated, provisional monthly credits, calculated on the basis of one-twelfth of the preceding fiscal year, shall be opened in virtue of a decree taken by the Council of Ministers. During this period, income shall be collected in conformity with the laws in force at the end of the previous fiscal year.

Art. 141. (1) The Government shall not exceed in expenditure the maximum limit estimated for each public administration. The budget law must not include a provision enabling the Government to exceed that limit.

(2) No new, additional or transferred credits shall be opened except by virtue of a law.

Art. 142. The final accounts for the fiscal year shall be submitted to

the Chamber of Deputies within a time limit not exceeding two years reckoned from the end of the budgetary year in question. These accounts shall be closed by virtue of a law.

Art. 143. (1) Taxes shall be levied only for purposes of common utility.

(2) Taxes shall be fixed in currency. The law shall not impose a tax in kind except under extraordinary circumstances.

Art. 144. (1) No taxes may be levied, modified or abolished except by virtue of a law.

(2) No person may be exempted from the whole or part of a tax except in cases determined by law.

(3) No person may be required to pay a tax except in accordance with the method described by law.

Art. 145. (1) No public or private loan may be contracted except by virtue of a law determining its conditions, the rate of interest and the method of repayment.

(2) The Government shall not grant or guarantee a loan except by virtue of a law.

(3) The procedure for tenders and contracts involving a charge upon public funds shall be determined by a law.

Art. 146. No monopoly or concession to exploit any of the natural resources of the country, or any service of a public utility, may be granted except by virtue of a law and only for a limited period.

Art. 147. (1) A Board of Auditors shall, on behalf of the Chamber of Deputies, examine the accounts of the Government and submit to the Chamber a general report containing its views and observations and indicating any violations committed and fixing the responsibility for them.

(2) The Chamber of Deputies shall elect the members of the Board of Auditors by an absolute majority of the Deputies present. If such a majority is not obtained, a relative majority shall be sufficient at the second ballot. The elections shall be made from a list of candidates prepared by the office of the Chamber containing double the number of vacancies for the Board.

(3) This Board shall be attached directly to the Chamber of Deputies.

(4) The office of the Chamber of Deputies shall draft a bill determining the classification, prerogatives and immunities of the members of the Auditing Board as well as the method of auditing.

(5) The budget of the Board of Auditors shall be a part of the budget of the Chamber of Deputies.

Art. 148. The Chamber of Deputies may charge the Auditing Board with any audit of or studies concerning receipts and expenditure or the administration of the budget.

Art. 149. Once or more each year, the Government shall submit to the Chamber of Deputies a report on the financial situation of the State.

Art. 150. The monetary system shall be regulated by a law.

Chapter VIII

ECONOMIC AFFAIRS

Art. 151. The State shall supervise and organize the national economy in order to secure a high standard of living for the people by utilizing the land, promoting industry and trade and providing work for all citizens.

Art. 152. (1) There shall be established in the State a permanent Economic Council entrusted with the task of proposing economic plans and programs to develop the potentialities of the country in the various economic fields.

(2) The Council shall submit its reports and the results of its work to the Government and to the Chamber of Deputies.

(3) The number of the members of the Economic Council and the procedure for selecting them shall be determined by a law in such a way as to ensure the realization of its task.

Art. 153. Institutions enjoying financial and administrative independence may be created for the execution and administration of specific projects. This shall be in accordance with a law determining the number of the members of such institutions, the method of selecting them and supervising their work.

Art. 154. Funds which the Government may spend on irrigation and land development projects shall be repaid by those who benefit from them in such periods of time proportional to their financial ability as shall be defined by law.

Chapter IX

AMENDMENT OF THE CONSTITUTION

Art. 155. (1) The President of the Republic, with the assent of the Council of Ministers, as well as the Deputies may request the amendment of one or more of the Articles of the Constitution provided:

(a) The request for amendment shall specify the Articles which it is desired to amend and the reasons for such amendment.

(b) If the request is submitted by Deputies, one third or more of their total number must sign the application.

(c) The Chamber shall discuss the request for amendment which shall be adopted only when an absolute majority of the total number of Deputies vote in its favor. If rejected, such a rejection shall be considered final. A request to amend the same Articles again may not be presented within one year.

(d) If an absolute majority of the total number of Deputies approve of the request for amendment, such an approval shall be considered as a motion for amendment.

(e) Six months after the adoption of a motion of amendment, the Chamber of Deputies shall discuss the amendment proposed. The amendment shall be adopted and become effective if two-thirds of the total number of Deputies vote for it.

(2) The Deputies shall take a new oath of allegiance to the amended Constitution within two weeks of its adoption.

Chapter X

TRANSITORY PROVISIONS

Art. 156. This Constitution shall not be amended before two years of its execution.

Art. 157. There shall be issued within six months of the execution of this Constitution a law defining the duties of the President of the Republic, the Ministers and the procedure for their impeachment.

Art. 158. (1) The Government shall take necessary steps for the settlement of the Bedouins.

(2) A special law shall be issued taking into consideration the tribal traditions among nomadic tribes and specifying the tribes that shall come within its provisions until such time as their settlement is achieved.

(3) A special program shall be instituted to secure the settlement of Bedouins gradually. This program, together with the appropriations necessary for its implementation, shall be ascertained by law.

(4) The Electoral Law shall include special provisions concerning the conduct of elections among Bedouins and shall take into consideration their civil registration and the voting procedure.

Art. 159. (1) Primary education shall be made available in all parts of the State within ten years at most of the execution of this Constitution.

(2) A detailed program, to be executed by degrees, shall be initiated for that purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to implement the program initiated for the achievement of this objective.

Art. 160. (1) Illiteracy must be eradicated in the country within ten years at the most of the coming into force of the provisions of this Constitution.

(2) A detailed program shall be instituted for this purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to execute the program for the achievement of this objective.

Art. 161. Within two years of the execution of this Constitution, the Civil Census Register shall be organized and all citizens shall be duly registered.

Art. 162. (1) After the adoption of this Constitution, the Chamber of Deputies shall immediately elect from its members a special committee, which may obtain assistance from a sufficient number of specialists and experts, to introduce the necessary bills in order to coordinate existing legislation with the provisions of this Constitution.

(2) The Chamber of Deputies and this Committee shall achieve this task within two years of the adoption of this Constitution.

Art. 163. Existing legislation which may be inconsistent with this Constitution shall remain temporarily effective until amended in conformity with the provisions of this Constitution.

Art. 164. (1) The constituent status of the present Assembly shall be terminated immediately upon the adoption of this Constitution. The Assembly shall then become a Chamber of Deputies which shall exercise the powers set forth in this Constitution; its period of mandate shall start with January first 1949.

(2) The Office of the Constituent Assembly shall continue its work until a new office is elected in accordance with Article 53 of this Constitution.

Art. 165. For the first election of the Supreme Court, the President of the Republic shall submit, within four months of his election, a list of candidates nominated by him in accordance with Article 116.

Art. 166. This Constitution shall become effective following its adoption and shall be promulgated by the President of the Constitutent Assembly.

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THAILAND

SUMMARY

International Status

Thailand is a member of the United Nations. It was a member of the League of Nations and a party to the Statute of the Permanent Court of International Justice of 1921. It is a party to the Statute of the International Court of Justice of 1945 and is subject to the compulsory jurisdiction of that Court under Article 36 of its Statute.[1] It is a member of other international organizations.[2]

While occupied by Japanese troops, it declared war on the United

[1] See Yearbook of the Court, 1951–52, pp. 35-43, 194.
[2] See Table I.

States and Great Britain on January 25, 1942. On August 16, 1945, the King proclaimed that the declaration of war was null and void.

Thailand's national status dates from the fourteenth century. The King of the Chakri dynasty which was founded at the end of the eighteenth century, was considered divine and had complete supreme power until June, 1932. At that time the country underwent a bloodless revolution. A temporary constitutional act of June 27, 1932, drastically curtailing the royal powers and providing for the creation of a unicameral legislative body, was followed by a definitive constitution to the same effect on December 10, 1932.

The present Constitution, adopted on August 3, 1952, follows in essence the principles of the Constitution of 1932. Previous to its adoption Thailand had been governed first by a provisional Constitution promulgated in 1947 and subsequently by a Constitution adopted on March 23, 1949.

Form of National Government

Thailand is a Kingdom, "one and indivisible." [1]

Source of Sovereign Power

"The sovereign power emanates from the Thai people" and is exercised by the King in conformity with the Constitution.[2]

Rights of the People

The Constitution guarantees equality before the law;[3] freedom of religion, property, speech, writing, publication, education, public meeting, association and forming of political party.[4] Liberty of person, the right of private property, inviolability of dwelling, free choice of residence and occupation, the right of petition, family right, and the right to sue any branch of the government which is a juristic person, are provided for.[5]

Section 37 states that "Every person has the duty of preserving the form of democratic government with the King as the Head of the State and has the duty to respect the law, to defend the country and to assist the government by paying taxes and performing such other duties as provided by law."

Legislative Department

Legislative power is vested in the Assembly of the People's Representatives composed of members elected in accordance with the provisions of the electoral law for a period of five years.[6] The Assembly must reconsider bills returned by the King but if reaffirmed by a majority vote of not less than one-half the total of the members of the Assembly, such a bill

[1] Const. of 1952, Sec. 1. [2] Id., Sec. 2. [3] Id., Sec. 24.
[4] Id., Secs. 25, 26. [5] Id., Secs. 27-34. [6] Id., Secs. 45, 46, 47.

becomes law.[1] Section 74 states that "the Assembly of the People's Representatives has the power of control over the affairs of State."

Executive Department

The King exercises the executive power through the Council of Ministers appointed by him and responsible to the Assembly.[2] Ministers who are not members of the Assembly may attend its meetings and express their opinions but are not entitled to vote.[3] The King also selects a Privy Council composed of not more than nine members to advise him on all matters pertaining to his functions.[4] Privy Councillors may not hold any political or governmental post.[5] The King "professes the Buddhist Faith and is the Upholder of Religion." [6]

Judicial Department

The King exercises the judicial power through the courts duly established by law.[7] The Constitutional Tribunal composed of six members, the President of the Dika Court, the Chief Justice of the Court of Appeal, the Director General of the Public Prosecution Department and three members appointed by the Assembly, is charged with deciding on the constitutionality of laws.[8]

Area, Population, Language

Thailand has an area of approximately 225,000 square miles and an estimated population of 18,147,000. The language is Siamese.

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[1] Const. of 1952, Sec. 72. [2] Id., Secs. 81, 84. [3] Id., Sec. 82.
[4] Id., Sec. 11. [5] Id., Sec. 13. [6] Id., Sec. 5.
[7] Id., Secs. 9, 99. [8] Id., Secs. 106, 113 and 114.

THE CONSTITUTION of the THAI KINGDOM[1]

August 3, 1952

General Provisions

Section 1. The Kingdom of Thailand is one and indivisible.

The Thai people of whatever race or religion are equally entitled to the protection of this Constitution.

Section 2. The Sovereign power emanates from the Thai people. The King, who is the Head of the State exercises it in conformity with the provisions of this Constitution.

CHAPTER I

THE KING

Section 3. The person of the King is sacred and inviolable.

Section 4. No person may prefer a charge or bring an action against the King in any manner whatsoever.

Section 5. The King professes the Buddhist Faith and is the Upholder of Religion.

Section 6. The King is the Head of the Thai armed forces.

Section 7. The King exercises the legislative power by and with the advice and consent of the Assembly of the People's Representatives.

Section 8. The King exercises the executive power through the Council of Ministers.

Section. 9. The King exercises the judicial power through the Courts duly established by law.

Section 10. It is the prerogative of the King to create titles and confer decorations.

Section 11. The King selects and appoints qualified persons to the Privy Council consisting of a President and not more than eight other Privy Councillors.

The Privy Council shall have the duty of advising the King, upon Royal Command, on all matters pertaining to his functions, and shall have such other duties as provided in this Constitution.

Section 12. The selection, appointment and retirement of the Privy Councillors shall be at the King's pleasure.

Section 13. No person may be appointed Privy Councillor who is a permanent government official, Minister of State or any other political

[1] English text kindly supplied by Thai Embassy, Washington D.C.

official, member of the Assembly of the People's Representatives or who expresses active sympathy for any political party.

Section 14. Before taking office, the Privy Councillor shall make a solemn declaration before the King that he will be faithful and loyal to His Majesty the King and will perform his duties in the interest of the country and of the people and will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.

Section 15. A Privy Councillor vacates his office by death, resignation, or by Royal Command.

Section 16. The appointment and retirement of the officials of the Royal Household and of the King's Chief Aide-de-Camp shall be at the King's pleasure.

Section 17. Whenever the King is not in residence in the Kingdom or whenever, for any reason whatsoever, He is unable to exercise His functions, He will appoint any one person with the approval of the Assembly of the People's Representatives to be Regent. The President of the Assembly of the People's Representatives shall countersign such an appointment.

Section 18. In the case where the King does not appoint a Regent under Section 17 or in the case where the King is unable to appoint a Regent for the reason His not being sui juris or of any other reason whatsoever, the Privy Council shall submit the name of any one person who is suitable to hold the office of Regent to the Assembly of the People's Representatives for its approval. Upon the approval of the Assembly, the President of the Assembly of the People's Representatives shall in the Name of the King make a proclamation announcing the appointment of such person.

In the case where no Privy Council has been appointed, the Council of Ministers shall perform the duty of the Privy Council under the first paragraph.

Section 19. Pending the appointment of the Regent as provided in Section 17 or Section 18 or in the case where the Regent appointed under Section 17 or Section 18 is unable to carry out his functions for any reason whatsoever the President of the Privy Council shall temporarily act in the place of the Regent.

While acting as Regent the President of the Privy Council shall not be entitled to exercise his functions as President of the Privy Council.

In the case where the President of the Privy Council is, for any reason whatsoever, unable to exercise his functions, the Privy Council shall elect one of its members to be its temporary President.

In the case where no Privy Council has been appointed, the Council of Ministers shall perform the duty of the Privy Council under the first paragraph.

Section 20. Before taking office the Regent appointed under Section 17 or Section 18 shall make a solemn declaration before the Assembly of the People's Representatives that he will be faithful and loyal to His Majesty the King and will perform his duties in the interest of the country and of the people and will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.

Section 21. Subject to the approval of the Assembly of the People's Representatives, succession to the Throne shall be in accordance with the Law on Succession B.E. 2467.

The law on Succession B.E. 2467 shall not be repealed or amended.

Section 22. The King becomes sui juris on the completion of His eighteenth year of age.

Section 23. Should there be a vacancy to the Throne, the Privy Council shall submit the name of the Heir to the Throne in accordance with the Law on Succession B.E. 2467 to the Assembly of the People's Representatives for its approval. Upon the approval of the Assembly, the President of the Assembly of the People's Representatives shall invite such Heir to ascend the Throne and proclaim Him as the King.

Pending the proclamation of the succession under this Section, the Regent appointed under Section 17 or Section 18, if any, shall temporarily act as Regent. If no such Regent has been appointed, the President of the Privy Council shall temporarily act as Regent.

In the case where the President of the Privy Council acts as Regent in accordance with the foregoing paragraph, the provisions of the third and fourth paragraphs of Section 19 shall apply.

In the case where no Privy Council has been appointed, the Council of Ministers shall perform the duty of the Privy Council or President of the Privy Council, as the case may be.

Chapter II

RIGHTS AND DUTIES OF THE THAI PEOPLE

Section 24. Subject to the provisions of this Constitution, all persons are equal before the law. Titles acquired by birth, by bestowal or in any other way do not confer any privilege whatsoever.

Section 25. Every person enjoys full liberty to profess any religion, any religious sect or religious creed, and to exercise the form of worship in accordance with his own belief, provided that it is not contrary to his civic duties or to public order or good morals.

In exercising the liberty referred to in the foregoing paragraph a person is protected against any act of discrimination by the State which is prejudicial to his rights or detrimental to his due benefit for the reason that the religion, religious sect or religious creed he professes or the form of worship he exercises differs from those of others.

Section 26. Subject to the provisions of law, every person enjoys full liberty of property, speech, writing, publication, education, public meeting, association and of forming political parties.

Section 27. Every person enjoys full liberty of the person.

No arrest, personal restraint or personal search under any circumstances whatsoever may be made except by virtue of the power provided by law.

Section 28. No forced labour may be exacted except by virtue of the power provided by law.

Section 29. The right of private property is guaranteed by the State. Expropriation of private property by the State is prohibited unless necessary for the purpose of public utility, direct defence of the country

or for the exploitation of national resources or other State's interests, in which case just compensation shall be paid to the owners thereof or to other persons entitled thereto who suffer loss thereby.

Section 30. The dwelling of a person is inviolable.

The right of a person to peaceful habitation and possession of his dwelling is guaranteed. Entry into his dwelling without his consent or a search thereof may not be made except by virtue of the power provided by law.

Section 31. Subject to the provisions of law every person enjoys full liberty in the choice of his residence within the Kingdom and in the choice of his occupation.

Persons of Thai Nationality shall not be deported from the Kingdom.

Section 32. All persons, whether individually or jointly, enjoy the right of submitting petition in conformity with the rules and procedure laid down by law.

Section 33. Family right is guaranteed.

Section 34. The right of the person to sue any branch of the Government which is a juristic person, for acts done by its officials, as principal or employer, is guaranteed.

Section 35. No person may exercise the rights and liberties under this Constitution against the Nation, the Faith, the Crown, or the Constitution.

Section 36. Members of the armed forces and police force, and other permanent government and municipal officials, enjoy the same rights and liberties accorded to nationals by the Constitution unless they are subject to restrictions imposed by law, bye-laws or regulations issued by virtue of law in so far as it concerns political activities, efficiency or discipline.

Section 37. Every person has the duty of preserving the form of democratic government with the King as the Head of the State and has the duty to respect the law, to defend the country and to assist the government by paying taxes and performing such other duties as provided by law.

Chapter III

DIRECTIVE PRINCIPLES OF STATE POLICY

Section 38. The State shall preserve the national independence and cooperate with other nations in promoting world peace.

Section 39. The State shall maintain armed forces for the purpose of safe-guarding of the national independence and national interests.

Section 40. The State shall keep internal order for the purpose of promoting public peace and prosperity.

Section 41. The State shall encourage private economic initiative and shall take measures to co-ordinate the operation of public utilities and private economic enterprises.

Section 42. The State shall promote and maintain education.

It is the exclusive duty of the State to set up an educational system. All educational establishments shall be under the control and supervision of the State.

The State shall make arrangements to enable academic institutions to manage their own affairs within the limits prescribed by law.

Section 43. The State shall promote public health activities including maternity and child-welfare.

The prevention and suppression of epidemics shall be undertaken by the State for the benefit of the people without charge.

Section 44. The provisions in this Chapter are intended for the general guidance of legislation and administration in accordance with defined policies and do not give rise to any cause of action against the State.

Chapter IV

THE ASSEMBLY OF THE PEOPLE'S REPRESENTATIVES

Section 45. The Assembly of the People's Representatives shall be composed of members who are elected by the people.

Section 46. The qualifications of the electors and of the candidates for election, the mode of election and the number of the members of the Assembly of the People's Representatives shall be in accordance with the provisions of the electoral law.

Section 47. Members of the Assembly of the People's Representatives shall be elected for the period of five years. If a vacancy occurs otherwise than through the expiration of the prescribed period, a new member shall be elected to fill the vacancy; but he shall hold office only for the remainder of the unexpired period.

Section 48. Members of the Assembly of the People's Representatives shall, before assuming office, make solemn declaration in the Assembly that they will uphold and observe this Constitution.

Section 49. Members of the Assembly of the People's Representatives are representatives of the whole Thai Nation and not merely representatives of those who elected them. They must perform their duties in accordance with the honest dictate of their conscience and are not bound by any imperative mandate whatsoever.

Section 50. Membership of the Assembly of the People's Representatives comes to an end:

(1) by expiration of the prescribed period or by dissolution of the Assembly,
(2) by death,
(3) by resignation,
(4) by loss of any qualification or disqualification to be candidate for election in accordance with the electoral law,
(5) by dismissal from office pronounced by resolution of the Assembly whenever the Assembly considers that the conduct of the member concerned is likely to be detrimental to its interests. Such resolution requires a majority of not less than two-thirds of the members present.

Decision under (4) shall be made by the Dika Court in accordance with the procedure provided by law, but such a decision shall not affect the functions performed by the member before it is made.

Section 51. The King appoints such members of the Assembly of the People's Representatives as may be selected by resolution of the Assembly,

one to be President and one or more others to be Vice-Presidents of the Assembly.

Section 52. It shall be the duty of the President of the Assembly of the People's Representatives to conduct the proceedings of the Assembly in accordance with the rules of procedure. The Vice-President shall act in the place of the President when the President is absent or unable to perform his duty.

Section 53. If both the President and Vice-President or Vice-Presidents are absent at any meeting of the Assembly, the members present shall elect one among themselves to provide as temporary chairman.

Section 54. At every meeting of the Assembly of the People's Representatives, the presence of one-third of the total number of its members is required to constitute a quorum.

Section 55. Unless otherwise specially provided in this Constitution all questions in the Assembly of the People's Representatives shall be decided by a majority vote.

Each member shall have one vote. In case of a tie, the presiding officer of the meeting shall have a casting vote.

Section 56. In the meetings of the Assembly of the People's Representatives words uttered by members whether in making a statement of fact or in expressing an opinion or in casting a vote are absolutely privileged. No legal proceedings whatever may be taken against them.

The said privilege extends to the printing and publication of the minutes of the meeting by authority of the Assembly and also to statements of fact and opinion expressed in the Assembly by persons invited by the Assembly to do so.

Section 57. The Assembly of the People's Representatives shall hold one or more regular sessions in each year as may be decided by resolution of the Assembly. The first regular session shall be called within ninety days after the general election. The first day of the yearly regular session shall be fixed by the Assembly.

Section 58. Each regular session of the Assembly of the People's Representatives shall last ninety days, but its duration may be prolonged by the King.

During the period of ninety days, the King may prorogue the session.

Section 59. The King convokes the Assembly of the People's Representatives for its regular session, and opens and closes it.

The King may open the session in person or command the Heir to the Throne, if he is of age, or the President of the Council of Ministers to perform the ceremony in His place.

Section 60. Whenever the interest of the State so requires, the King may call an extraordinary session of the Assembly of the People's Representatives.

Section 61. Whenever they deem it necessary in the interest of the State, members of the Assembly of the People's Representatives of not less than one-third of their total number may submit a joint application to the President of the Assembly requesting him to petition the King to summon an extraordinary session of the Assembly. In such case the President of

the Assembly shall so petition the King and countersign the Royal Command.

Section 62. No member of the Assembly of the People's Representatives may, during a session, be placed under arrest or detention or summoned by a warrant for investigation on a criminal charge, unless by the permission of the Assembly, or unless he be arrested in flagrante delicto.

The arrest of a member in flagrante delicto shall be forthwith reported to the President of the Assembly. The President may order the release of such a member from detention.

Section 63. No criminal action brought against a member of the Assembly of the People's Representatives, whether before or during a session, may be tried by the Court during the session unless by the permission of the Assembly. In any case, the proceedings of the Court must not interfere with the attendance of such a member at the sittings of the Assembly.

However, the proceedings of the Court taken prior to the invocation of the plea of membership are valid.

Section 64. If a member of the Assembly of the People's Representatives was placed under detention pending a criminal investigation or trial before the opening session, the official conducting the investigation or the Court, as the case may be, shall, at the opening of the session, order his instant release, if requested to do so by the Assembly.

The order for release referred to in the preceding paragraph shall remain valid until the last day of the session.

Section 65. It is the prerogative of the King to dissolve the Assembly of the People's Representatives in order that a new election may be held. The Royal Decree ordering such dissolution shall provide for the general election to be held within ninety days.

Section 66. Laws can be promulgated only by and with the advice and consent of the Assembly of the People's Representatives.

Section 67. No enactment of law inflicting criminal punishment shall be made to have a retroactive effect.

Section 68. The annual budget of the State shall be passed in the form of an Act. If the Act is not passed in time for the new year, the Budget Act of the preceding year shall remain in force for the time being.

Section 69. Expenditure of State funds may be made only as sanctioned by the law governing budget. However, in the case of urgent necessity, expenditure may be made in advance, provided that it complies with the rules and procedure prescribed by law. In such a case ratification by the Assembly of the People's Representatives shall be obtained at the first opportunity.

Ratification by the Assembly of the People's Representatives shall be made in the form of a special Act or included in an Act transferring budgetary funds, a Supplementary Budget Act or in the Annual Budget Act for the following year.

Section 70. In a special case concerning public utilities requiring consecutive expenditures to be made over a period of more than one year an Act may be promulgated binding the annual State budgets for a period of not longer than five years.

Section 71. After a Bill has been passed by the Assembly of the People's Representatives, the President of the Council of Ministers shall submit it to the King for signature, and it shall be enforced after its publication in the Government Gazette.

Section 72. If the King disapproves of a Bill and either returns it to the Assembly of the People's Representatives or does not return it within sixty days, the Assembly shall reconsider such a Bill. If the Assembly reaffirms the Bill by a resolution passed by a majority vote of not less than half the total number of the members of the Assembly, the President of the Council of Ministers shall resubmit such a Bill to the King. If the King does not return the Bill with His signature within thirty days, the said Bill shall be promulgated as law in the Government Gazette as if the King has appended His signature.

Section 73. Bills can only be initiated by the Council of Ministers or by members of the Assembly of the People's Representatives. However, no money Bills may be initiated by members unless endorsed by the President of the Council of Ministers.

Money Bills mean Bills dealing with all or any of the following matters, namely the imposition, repeal, reduction, modification, alteration, remission or regulation of taxes or duties including the appropriation, receipt, custody or expenditure of State funds and the raising, guaranteeing or redemption of loans, as well as Bills dealing with currency.

In cases of doubt, the President of the Assembly of the People's Representatives shall have the power to decide whether or not a Bill is a money Bill.

Section 74. The Assembly of the People's Representatives has the power of control over the affairs of State.

In the meeting of the Assembly every member has the right to interpellate the Ministers on all matters within the scope of their duties. But the Ministers may refuse to reply if they are of the opinion that the matter should not as yet be made public for reasons of public safety or vital interest of the State.

Section 75. Members of the Assembly of the People's Representatives numbering not less than one-fifth of the total membership have the right to submit a motion for a general debate in the Assembly, so that the Council of Ministers may state facts or express opinion on any question relating to the administration of State affairs.

The motion referred to in the preceding paragraph shall be submitted to the President of the Assembly and the President shall give notice of the motion to the President of the Council of Ministers in order that the date for the general debate may be appointed at not later than thirty days from the date when the President of the Council of Ministers has been notified. However, the Council of Ministers has the right to request that such a general debate be withheld if, in its opinion, the matter should not as yet be made public for reasons of public safety or vital interest of the State.

In the general debate conducted under this section, no resolution may be passed by the Assembly on the subject matter of the debate.

Section 76. Members of the Assembly of the People's Representatives

numbering not less than one-third of the total membership have the right to submit a motion to open a general debate for the purpose of passing a vote of non-confidence on the Ministers of State either individually or collectively.

When the general debate in the Assembly comes to an end, other than by the adoption of a resolution to proceed to the other business on the agenda, the Assembly shall proceed to pass a resolution for a vote of confidence or non-confidence. However, such a resolution shall not be passed on the day when the debate on the motion ends.

Section 77. The meetings of the Assembly of the People's Representatives are public in accordance with the Rules of Procedure of the Assembly. But secret meetings may be held upon the request of the Council of Ministers or of not less than fifteen members.

Section 78. The Assembly of the People's Representatives has the power to appoint an ordinary committee composed of its members or a special committee composed of members and non-members of the Assembly for the purpose of dealing with or enquiring into any matter within the scope of the work of the Assembly and then submitting their report to the Assembly. Such committees are empowered to summon any person to appear for the purpose of explaining or giving his opinion on the matter being dealt with or enquired into.

The privilege to the Assembly as provided in Section 56 of this Constitution also extends to persons performing their duty under this section.

Section 79. At the meeting of the committee referred to in Section 78, the presence of one-half of the total number of its members is required to constitute a quorum.

Section 80. The Assembly of the People's Representatives has the power to establish rules concerning the conduct of its meeting and deliberation in pursuance of the provisions of this Constitution.

Chapter V

THE COUNCIL OF MINISTERS

Section 81. The King appoints the Council of Ministers consisting of a President and not less than fourteen but not more than twenty-eight other Ministers of State.

The appointment of the President of the Council of Ministers by Royal Command shall be countersigned by the President of the Assembly of the People's Representatives.

The Council of Ministers is charged with the duties of administration of the affairs of State.

Section 82. Ministers who are not members of the Assembly of People's Representatives may attend its meetings and express their opinion at the sittings thereof, but are not entitled to vote.

The privilege provided in Section 56 shall apply mutatis mutandis.

Section 83. The appointment of a member of the Assembly of the People's Representatives to the post of Minister of State does not oblige him to resign his membership in the Assembly.

Section 84. The Council of Ministers must retain the confidence of the Assembly of the People's Representatives while conducting the affairs of State.

A Minister who has been appointed to take charge of any department of State shall be constitutionally responsible to the Assembly of the People's Representatives for the performance of his office. But every Minister, whether or not he has been appointed to take charge of any department of State, shall be collectively responsible for the general policy of the Government.

Section 85. If any question arises concerning the administration of State affairs, on which the Council of Ministers considers it advisable to hear the opinion of the members of the Assembly of the People's Representatives, the President of the Council of Ministers may give notice to the President of the Assembly with a request that a general debate be held in the Assembly. In such a case, no resolution may be passed by the Assembly on the subject matter of the debate.

Section 86. While conducting the affairs of the State after having obtained the vote of confidence of the Assembly of the People's Representatives the Council of Ministers may, if it thinks fit, request the Assembly to reaffirm its confidence.

Section 87. The Council of Ministers shall resign as a body when the Assembly of the People's Representatives passes a vote of non-confidence on the Council or when the Assembly which gave it the vote of confidence no longer sits or the President of the Council of Ministers vacates his office. In these cases, the retiring Ministers shall remain in office till the newly appointed Council assumes its functions.

Apart from this, membership in the Council of Ministers comes to an end individually:

(1) by death,
(2) by resignation,
(3) by loss of qualifications or becoming disqualified to be candidates for election in accordance with the electoral law,
(4) by a vote of non-confidence passed by the Assembly.

Section 88. In the case of emergency when there is an urgent necessity to maintain public safety or to avert public calamity and the Assembly of the People's Representatives cannot be convened in time, or when such a case occurs during the dissolution of the Assembly the King may issue an Emergency Decree which shall provisionally have the force of an Act.

Such an emergency Decree shall be forthwith submitted to the Assembly at its following session. If the Assembly gives its ratification, the Decree shall become law. If the Assembly withholds its ratification, the Decree shall lapse, without prejudice to the validity of any act done while it was still in force.

The ratification of the Emergency Decree and the withholding thereof shall be passed in the form of an Act.

Section 89. If, during a session, there arises a necessity to enact a law with taxes, duties or currency which, in the interests of the State, requires an urgent and secret deliberation, the King may issue an emergency Decree which shall provisionally have the force of an Act.

The Emergency Decree issued under the provisions of the preceding paragraph shall be submitted to the Assembly of the People's Representatives within two days following its publication in the Government Gazette and the provisions of the second and third paragraphs of Section 88 shall apply mutatis mutandis.

Section 90. It is the prerogative of the King to proclaim general Martial Law in accordance with the rules and procedure prescribed by the Act on Martial Law.

If there is an urgent necessity to declare Martial Law in certain localities only, the military authorities may do so in accordance with the Act on Martial Law.

Section 91. It is the prerogative of the King to declare war subject to the previous consent of the Assembly of the People's Representatives and the Charter of the United Nations. The resolution of the Assembly of the People's Representatives giving such consent must be carried by a majority vote of not less than two-thirds of the total membership.

Section 92. It is the prerogative of the King to conclude treaties of peace and other treaties with foreign states.

A treaty which provides for a change in the Thai territory or requires the promulgation of an Act to make it enforceable shall first receive the approval of the Assembly of the People's Representatives.

Section 93. It is the prerogative of the King to grant pardon.

Section 94. It is the prerogative of the King to recall titles and reclaim decorations.

Section 95. It is the prerogative of the King to issue Royal Decrees which are not in conflict with law.

Section 96. The King appoints and dismisses military and civil officials of the rank of Under-Secretary and Director-General as well as other officials of equal rank.

Section 97. The qualification, instatement, appointment, dismissal and punishment of officials shall be determined by law.

Section 98. Subject to the provisions of Section 17, Section 61, and Section 81, every law, Royal Rescript and Royal Command relating to the affairs of State shall be countersigned by a Minister of State.

Chapter VI

THE COURTS

Section 99. The judicial power shall be exercised by the Courts in accordance with the law and in the Name of the King.

Section 100. Courts may only be established by an Act.

Section 101. No new Court may be established to try and [sic] special case or action in lieu of the ordinary Courts established by law which have jurisdiction over such a case or action.

Section 102. No law may be promulgated which changes or modifies the existing constitution of the Courts or the law of procedure for the purpose of applying it to try a special case.

Section 103. Judges are independent in conducting trial and giving judgement in accordance with the law.

Section 104. The King appoints, transfers and dismisses judges.

Section 105. Before submission to the King, the appointment, transfer and dismissal of judges shall first be approved by the Judicial Commission in accordance with the law governing judicial service.

The promotion of judges in rank shall first receive the approval of the Judicial Commission in accordance with the law governing judicial service.

Chapter VII

THE CONSTITUTIONAL TRIBUNAL

Section 106. The Constitutional Tribunal is composed of the President of the Dika Court, the Chief Justice of the Court of Appeal, the Director-General of the Public Prosecution Department, and three other qualified persons appointed by the Assembly of the People's Representatives.

The President of the Dika Court is the President of the Constitutional Tribunal.

Section 107. The Constitutional Tribunal is charged with the duties provided in this Constitution.

The rules of procedure for the Constitutional Tribunal shall be determined by the law relating thereto.

Section 108. After every general election the Assembly of the People's Representatives shall reappoint qualified persons to the Constitutional Tribunal within thirty days from the opening of the first session.

The days referred to in the preceding paragraph means the days during the session.

In appointing new members to the Constitutional Tribunal under the first paragraph the Assembly may re-appoint the retiring members.

Section 109. Members of the Constitutional Tribunal who are appointed by the Assembly of the People's Representatives vacate their office upon:

1. The opening of the first session of the Assembly of the People's Representatives after a general election;
2. Death;
3. Resignation;
4. Lack of qualification or becoming disfranchised under the electoral law for candidates for membership in the Assembly of the People's Representatives;
5. Being sentenced to a term of imprisonment by a judgment of the Court.

Section 110. If a vacancy occurs among the appointed members of the Constitutional Tribunal for any reason other than retirement at the opening of the first session of the Assembly of the People's Representatives after a general election, the Assembly shall appoint a new member to fill the vacancy within thirty days.

The days referred to in the preceding paragraph mean the days during the session.

Chapter VIII

AMENDMENT OF THE CONSTITUTION

Section 111. This Constitution may only be amended under the following conditions:

1. A motion for amendment must either be introduced by the Council of Ministers or members of the Assembly of the People's Representatives numbering not less than one-fourth of the total membership.
2. The Assembly of the People's Representatives shall examine the motion for amendment in three readings.
3. At the first reading voting for the acceptance of the amendment in principle shall be by roll call and carried by a majority of not less than two-thirds of the total membership.
4. At the second reading where the amendment is examined section by section, voting shall be decided by a simple majority.
5. At the conclusion of the second reading, there shall be an intervening period of fifteen days, after which the Assembly of the People's Representatives shall continue with its third reading.
6. Voting for the third and last reading shall be by roll call and the amendment shall be adopted by a majority vote of not less than two-thirds of the total membership.
7. After the resolutions have been passed in compliance with the foregoing provisions, the amendment shall be submitted to the King and the provisions of Section 71 and Section 72 shall apply mutatis mutandis.

Chapter IX

CONCLUDING PROVISIONS

Section 112. Subject to the provisions of Section 114, if a question arises as to the interpretation of the Constitution in so far as it relates to matters within the scope of the authority of the Assembly of the People's Representatives, the Assembly shall have the power of interpretation and its decision shall be final.

In interpretation of the Constitution under the preceding paragraph the presence of not less than one-half of the total membership is required to constitute a quorum.

Section 113. Any provisions of law which are inconsistent with or contrary to this Constitution are unenforceable.

Section 114. If, in applying the provisions of a law to any case, the Court is of the opinion that such provisions come under Section 113, it shall stay its proceedings and state its view through the proper channel for decision by the Constitutional Tribunal.

The decision of the Constitutional Tribunal shall be final and enforceable in all cases, but without prejudice to previous judgments of the Courts which have already become final.

The decision of the Constitutional Tribunal shall be published in the Government Gazette.

TRANSITORY PROVISIONS

Section 115. Subject to Section 116, at the initial stage within the period of ten years as from the date of enforcing of this Constitution the

Assembly of the People's Representatives shall be composed of two categories of membership equal in number.

(1) Members of the first category are those elected by the people in accordance with the provisions of Section 45 and Section 46.

(2) Members of the second category are those who have already been appointed by the King on the date of enforcing this Constitution.

During the time when members of the first category have not assumed their office, the Assembly of the People's Representatives shall temporarily be composed of the members of the second category.

Section 116. After this Constitution has been in force for five years, if the people who are entitled to vote for candidates in any province shall have passed their examination in primary education set by the Ministry of Education in excess of half of their total number, the members of the second category shall retire in a number equal to the number of the members of the first category eligible for that particular province. The mode and procedure of retirement will be determined by the regulations laid down by the Assembly of the People's Representatives.

While there are still members of the second category according to this section, if a vacancy occurs among them by reason other than retirement under the first paragraph, the King will appoint a qualified person who is not disqualified to be a candidate for membership in the Assembly of the People's Representatives to fill the vacancy.

For the purpose of retiring members of the second category in accordance with the first paragraph the Council of Ministers shall declare on the first of January each year the number of persons entitled to vote who have passed their primary education set by the Ministry of Education.

Section 117. When members of the second category retire under Section 116 an equal number of members of the first category shall be elected to replace them by the 1st of April and the retiring members of the second category shall vacate their seats on the day when the elected members of the first category assume their office.

Section 118. If the Assembly is dissolved while there still remain members of the second category the election shall be held only for members of the first category.

Section 119. Subject to Section 50 (2), (3), (4) and (5) of the Constitution of the Kingdom of Thailand B.E. 2475 members of the second category hold their seats throughout the period prescribed in Section 115, but no meeting of the Assembly of the People's Representatives may be held during the dissolution of the Assembly under Section 65.

Section 120. Before the passing of the electoral law under this Constitution the electoral law in force on the date of enforcing this Constitution shall apply.

Section 121. The Council of Ministers already appointed on the date of enforcing this Constitution shall continue to administer the affairs of State in accordance with its stated policy until its retirement on the day when the members of the first category shall assume office and Section 87 shall apply.

Section 122. At the initial stage the Assembly of the People's Repre-

sentatives shall complete its appointment of the members of the Constitutional Tribunal within thirty days from the date of assumption of office by the members of the first category.

Section 123. After the retirement of all members of the second category permanent officials shall vacate their office before taking up the post of Minister of State or other political post.

Countersigned by:

Field Marshal P. PIBULSONGGRAM.

President of the Council of Ministers.

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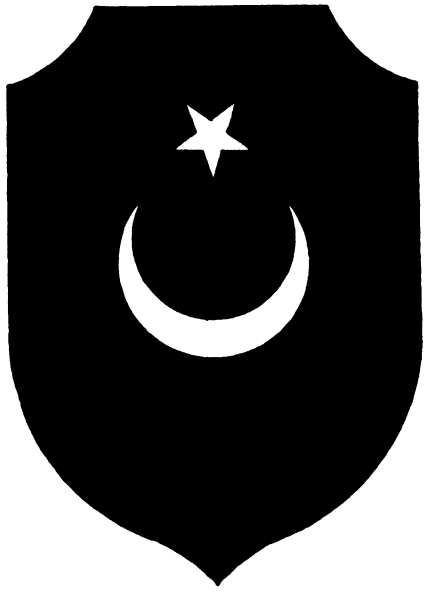

TURKEY

SUMMARY

International Status

Turkey is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and deposited its ratification September 28, 1945. It also signed the United Nations Declaration of January 1, 1942.

It was a member of the League of Nations and signed the Paris Pact of 1928. It signed but did not ratify the Statute of the Permanent Court of International Justice of 1921.[1] It has made a declaration under Article 36 of the Statute of the International Court of Justice of 1945,

[1] It accepted, without ratification, the optional clause (Article 36).

accepting the compulsory jurisdiction of the new court under Article 36 of its Statute.[1] It is a member of the Postal Union and numerous other international organizations.[2]

Turkey, as the Ottoman Empire from the fourteenth century until 1914, included European Turkey, Anatolia, Arabia, Syria, Palestine, Mesopotamia, Armenia, Kurdistan, and groups of islands in the Aegean Sea. Until 1876 it was an absolute monarchy. Unrest and uprisings occurred in the Balkans resulting in the interference of foreign powers. The Constitution of 1876 was granted, establishing a more liberal régime. It was, however, effective for only two years, and whatever restrictions were placed on the Sultan's power during the following thirty years of Abdul Hamid's "silent order" were of an international nature. The Treaty of Berlin of 1878 imposed certain rules in favor of the Armenians and freedom of religion and guaranteed a measure of autonomy to some of the provinces.

In 1909 the revolutionary Young Turk movement caused the restoration of the Constitution of 1876. Projects of reform were blocked, however, and until the seizure of power by the Grand National Assembly, led by Mustapha Kemal Pasha, in 1920, Turkey was ruled by the Committee of Union and Progress. During World War I, when it sided with the Central Powers, it was governed by the triumvirate of Enver-Talaat-Djemal.

Under the Treaty of Lausanne, of July 24, 1923, which replaced the abortive Treaty of Sèvres, of August 20, 1920, various divisions of Turkish territory occurred and a neutral zone was set up on either side of the Straits of the Dardanelles and the Bosphorus. The refortification of the straits was authorized in the Montreux Convention of July 18, 1936.

Turkey declared war on Germany and Japan on February 23, 1945, effective March 1, 1945.

Form of National Government

Turkey has a written constitution promulgated January 10, 1945. It states that the Turkish State is a republic and is "republican, nationalist, populist, étatist, secular and revolutionary." [3]

Source of Sovereign Power

Sovereignty is stated to belong "unconditionally to the nation." [4]

Rights of the People

The Constitution guarantees personal liberty,[5] equality before the laws,[6] inviolability of person and freedom of conscience, thought, speech, press,

[1] See Yearbook of the Court, 1951–52, pp. 35-43, 195.
[2] See Table I.
[3] Const. of 1945, Arts. 1, 2.
[4] Id., Art. 3.
[5] Id., Art. 68.
[6] Id., Art. 69.

travel, contract, labor, private property, assembly, association, and incorporation;[1] also the inviolability of life, property, honor, and residence;[2] prohibition of torture, bodily mistreatment, confiscation, and forced labor;[3] the secrecy and inviolability of correspondence;[4] the right to petition,[5] and compulsory and free primary education.[6]

Legislative Department

Legislative power is vested in the Grand National Assembly composed of members elected by universal suffrage for a term of four years.[7]

Executive Department

Executive power is exercised by the Grand National Assembly through the President and a council of ministers.[8] The President is elected by the Assembly from among its own members for a one year term and is eligible for re-election.[9] Provision is made for a prime minister chosen by the President from among the deputies, and the former chooses other ministers, also from among the deputies, subject to approval by the President.[10] The council of ministers is subject to dismissal by the Assembly.[11] The President presides over the Assembly on ceremonial occasions but may not take part in the discussions nor vote.[12]

Judicial Department

The Constitution states that judges are independent and protected from interference and that their decisions "may not be modified in any manner whatsoever by the Grand National Assembly or by the council of ministers nor be postponed or their application be obstructed."[13] A Supreme Court is provided to try high officials.[14]

Area, Population, Language

Turkey has an area of 296,185 square miles and a population (1950 census) of 20,936,524. The official language is Turkish.[15]

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[1] Const. of 1945, Art. 70. [2] Id., Art. 71. [3] Id., Art. 73.
[4] Id., Art. 81. [5] Id., Art. 82. [6] Id., Art. 87.
[7] Id., Arts. 9, 10, 13. [8] Id., Art. 7. [9] Id., Art. 31.
[10] Id., Art. 44. [11] Id., Art. 7. [12] Id., Art. 32.
[13] Id., Art. 54. [14] Id., Art. 61. [15] Id., Art. 2.

THE TURKISH CONSTITUTION[1]

January 10, 1945

CHAPTER I

Fundamental Provisions

Art. 1. The Turkish State is a Republic.

Art. 2. The Turkish State is republican, nationalist, populist, étatist, secular and revolutionary. Its official language is Turkish and its capital is the city of Ankara.

Art. 3. The sovereignty belongs unconditionally to the nation.

Art. 4. The Grand National Assembly of Turkey is the sole representative of the nation on whose behalf it exercises the rights of sovereignty.

Art. 5. The legislative authority and executive powers are concentrated and manifested in the Grand National Assembly.

Art. 6. The Grand National Assembly exercises the legislative authority.

Art. 7. The Grand National Assembly exercises its executive authority through the person of the President of the Republic elected by it, and a council of ministers chosen by the President.

The Assembly may at any time control the activities of the government (council of ministers) and dismiss it.

Art. 8. Judicial authority is exercised by independent tribunals in the name of the nation in accordance with the laws and regulations in force.

CHAPTER II

Legislative Powers

Art. 9. The Turkish Grand National Assembly is composed of deputies elected by the nation in accordance with a special law.

Art. 10. Every Turk, man or woman, who has completed his twenty-second year, has the right to vote in the election of Turkish deputies.

Art. 11. Every Turk, man or woman, who has completed his thirtieth year, may be elected deputy.

Art. 12. The following persons may not be elected as deputy: persons in the service of a foreign state; persons who have received a sentence of a defamatory nature or a sentence for theft, fraud, swindling, abuse of confidence, or fraudulent bankruptcy; persons over whom a guardianship has been established; those claiming foreign citizenship; persons deprived of their civil rights; and, lastly, those who are unable to read and write Turkish.

Art. 13. Elections of representatives to the Grand National Assembly are to be held once every four years.

[1] Translation received from Turkish Information Office, Washington, D.C., November 13, 1947; revised in minor respects.

Deputies whose terms have expired are eligible to re-election.

The outgoing Assembly exercises its functions until the meeting of the newly constituted Assembly.

Should the holding of new elections prove impossible, the legislative term may be extended for another year.

A deputy is not only the representative of his co tituency but that of the entire nation.

Art. 14. The Grand National Assembly shall convene on the first day of November each year without a summons.

The period for which the Assembly may adjourn in order to enable the deputies to visit the country and to collect material for their supervisory functions as well as to provide for their personal rest, shall not exceed six months.

Art. 15. The right of introducing laws belongs to the members of the Assembly and to the council of ministers.

Art. 16. Deputies shall take the following oath of office when joining the Assembly:

> I swear on my honor that I shall not pursue any course contrary to the prosperity and safety of the country and nation and to complete national sovereignty and that I will be loyal and faithful to the principles of the Republic.

Art. 17. Deputies are not responsible for their votes, opinions, and statements in the Assembly, nor are they responsible for making known these statements, opinions, or votes outside the Assembly. The examination, arrest, or trial of a deputy who is charged with an offense previous or subsequent to his election, can only take place following a decision by the Grand National Assembly. Cases of a criminal nature *in flagrante delicto* are excepted from this provision; however, in such instances, the competent authorities are expected immediately to inform the Assembly thereof. The application of a penal sentence pronounced against a deputy prior to or after his election shall be postponed until the expiration of his membership. The statute of limitations is not operative during the term of deputyship.

Art. 18. The annual compensation of deputies is determined by special law.

Art. 19. If the Grand National Assembly is in recess, it may be convoked in special session by the President of the Republic or the president of the Assembly whenever deemed necessary; it shall likewise be convened by the president of the Assembly following the request of one-fifth of the members of the Assembly.

Art. 20. The debates in the Assembly shall be open to the public and shall be published word for word.

However, the Assembly may also hold secret sessions in accordance with the rules of procedure. The publication of the minutes of secret sessions is subject to a decision of the Assembly.

Art. 21. The Assembly conducts its debates in accordance with the provisions of its rules of procedure.

Art. 22. Questions, interpellations, and parliamentary inquiries lie

within the province of the Assembly and are governed by the provisions of the rules of procedure.

Art. 23. A person is not permitted to be a deputy and hold another government post at the same time.

Art. 24. The Grand National Assembly of Turkey elects in a plenary session at the beginning of each November a president and three vice-presidents of the Assembly for one year.

Art. 25. In the case of new elections before the expiration of the term by a decision of a majority of the Assembly, the term of the incoming Assembly begins the following November.

The session preceding November shall be considered as an extraordinary session.

Art. 26. The Grand National Assembly alone exercises such functions as enacting, modifying, interpreting, and abrogating laws; concluding conventions and treaties and making peace with foreign states; declaring war; examining and approving laws relative to the general budget and the final accounts of the State, coining money, approving or annulling contracts and concessions involving financial obligations; proclaiming partial or general amnesty; reducing or modifying sentences, postponing legal investigations and penalties, and executing definitive death sentences pronounced by the courts.

Art. 27. A deputy who is found guilty of treason or other crimes committed during his term of deputyship by a decision of two-thirds of the members of the Grand National Assembly, or who is convicted for any crime mentioned in Article 12 of the present law and the sentence becomes final, loses his deputyship.

Art. 28. A member of the Grand National Assembly shall forfeit his deputyship by resignation, by being placed under guardianship, by absence from the Assembly without permission or admissible excuse for a period of two months, or by acceptance of government office.

Art. 29. Whenever a deputy loses his deputyship for any of the reasons stated in the preceding articles or in case of his death, another deputy will be elected in his place.

Art. 30. The Grand National Assembly organizes and directs its policy through its president.

Chapter III

Executive Powers

Art. 31. The President of the Turkish Republic shall be elected for one assembly term by the Grand National Assembly in a plenary session from among its members. The outgoing President shall remain in office until the election of the new President of the Republic. A President is eligible for re-election.

Art. 32. The President of the Republic is the chief of the State. In this capacity he may, during special ceremonies, preside over the Assembly and whenever he should deem it necessary may also preside over the council of ministers. The President of the Republic may not participate

in the debates and discussions of the Assembly or cast his vote as long as he occupies the position of president.

Art. 33. If the President of the Republic is prevented from exercising his functions due to a reason such as illness or a journey abroad, or if the presidency becomes vacant through death or resignation or for some other reason, the president of the Grand National Assembly shall provisionally exercise the duties of the President of the Republic.

Art. 34. Should the Assembly be in session when a vacancy occurs in the presidency of the Republic, it shall immediately proceed to the election of a new President. If the Assembly is not in session, a special session thereof shall be immediately convoked by its president for the purpose of electing a President of the Republic. If the term of the Assembly has expired or if new elections have been decided on, the succeeding Assembly shall elect a President of the Republic.

Art. 35. The President of the Republic shall promulgate the laws voted by the Grand National Assembly within a period of ten days.

With the exception of the organic and budget laws, the President may return to the Assembly for reconsideration—likewise within ten days and accompanied by an explanation of reasons—such laws whose promulgation he does not approve.

Should such a law be voted by the Assembly for a second time, the President of the Republic is obliged to proceed to its promulgation.

Art. 36. The President of the Republic shall in November of each year deliver personally or have read by the Prime Minister an address to the Assembly regarding the activities of the government during the past year as well as the measures recommended for the coming year.

Art. 37. The President of the Republic shall appoint the diplomatic representatives of the Turkish Republic to foreign states and shall receive like representatives of other powers.

Art. 38. The President of the Republic shall, immediately after his election, take the following oath before the Grand National Assembly:

> As President of the Republic I swear upon my honor that I shall always respect and defend the laws of the Republic and the principles of national sovereignty, faithfully strive with all my strength for the welfare of the Turkish nation, ward off with vigor any threat or danger to the Turkish State, protect and magnify the honor and glory of Turkey, and devote myself with all my capacity to the duty which I am assuming.

Art. 39. All decrees promulgated by the President of the Republic shall be signed by the Prime Minister and the competent minister.

Art. 40. The supreme command of the army is vested in the Grand National Assembly and is represented by the President of the Republic. In time of peace the command of all armed forces is entrusted by special law to the chief of the general staff, and in time of war is given to the person appointed by the President of the Republic upon the proposal of the council of ministers.

Art. 41. The President of the Republic is responsible to the Grand National Assembly in case of high treason. All responsibility for decrees promulgated by the President of the Republic is incumbent on the Prime Minister and on the ministers who, according to the stipulations of Article

39, placed their signature on the decree in question. Should the President be held responsible for matters of a personal nature, the provisions of Article 17 of the present law pertaining to parliamentary immunity will be applied.

Art. 42. The President of the Republic may, on the proposal of the council of ministers, suspend or reduce sentences of convicts for personal reasons such as incurable illness or infirmity. However, the President of the Republic cannot exercise this right on behalf of ministers who have been tried and convicted by the Grand National Assembly.

Art. 43. The compensation of the President of the Republic is determined by a special law.

Art. 44. The Prime Minister is designated by the President of the Republic from among the members of the Assembly. The other ministers are chosen by the Prime Minister from the members of the Assembly and presented collectively to the Assembly following the approval of the President of the Republic.

In the event that the Grand National Assembly is not in session, the presentation (of the council of ministers) is postponed until the meeting of the Assembly.

The government must submit its program and policy to the Assembly within one week at the latest and request a vote of confidence.

Art. 45. The ministers form under the presidency of the Prime Minister the council of ministers (executive council).

Art. 46. The council of ministers is collectively responsible for the general policy of the government.

Each minister shall be individually responsible for the affairs falling within his jurisdiction and for the acts and accomplishments of his subordinates as well as for his general policy.

Art. 47. The duties and responsibilities of the ministers shall be defined by special law.

Art. 48. The number of ministries is likewise defined by law.

Art. 49. If because of leave of absence or for another reason, a minister is not in attendance, another member of the council of ministers shall temporarily act on behalf of the said minister. However, a minister may not act temporarily on behalf of more than one minister simultaneously.

Art. 50. If the Grand National Assembly of Turkey decides to summon for trial before the Supreme Court a member of the council of ministers, this decision shall likewise involve his relinquishment of office as minister.

Art. 51. A council of state shall be formed, the duties of which will be to examine and decide administrative suits and conflicts; to express its opinion in regard to draft laws and terms of contracts and concessions to be granted by the government, and to discharge any duties which may be incumbent on it in accordance with the law providing for the constitution of the council, or by virtue of subsequent laws. The president and members of the council of state are chosen by the Grand National Assembly from such persons of distinction as have filled high administrative posts and who possess special knowledge and experience.

Art. 52. The council of ministers shall draw up regulations determining the mode of application of existing laws or particular sections in the law, provided the said regulations do not contain new legal provisions and are approved by the council of state.

These regulations become effective after signature and promulgation by the President of the Republic.

In case of an alleged conflict between the regulations and the laws, the Grand National Assembly shall have jurisdiction in the matter.

Chapter IV

Judicial Powers

Art. 53. The organization of courts, their functions, and their jurisdiction are determined by law.

Art. 54. The magistrates of courts are independent in the trial of all cases and in the rendering of their verdicts; they are free from all kinds of interference and are dependent only upon the law.

The decisions of courts may not be modified in any manner whatsoever by the Grand National Assembly or by the council of ministers nor be postpo: ›d or their application be obstructed.

Art. 55. Magistrates of courts may not be dismissed under any circumstances or manner other than specified by law.

Art. 56. The qualifications of magistrates, their rights, duties, compensation, and the manner of their appointment and dismissal are determined by special law.

Art. 57. Magistrates may assume no private or public functions other than those provided for by law.

Art. 58. Court hearings are public; however, the court may decide to hold secret sessions in accordance with the law on court procedure.

Art. 59 Every individual has free recourse to all legal means which may be deemed necessary for the defense of his rights before a court.

Art. 60. No tribunal may refuse to examine cases which lie within its competence and jurisdiction. Cases not coming within the court's jurisdiction can be rejected only following the rendering of a decision (by the court itself).

Supreme Court

Art. 61. A Supreme Court is constituted and the jurisdiction thereof shall extend to the trial of members of the council of ministers, the president and members of the council of state and of the court of cassation, as well as the chief public prosecutor, in all matters arising from the performance of their duties.

Art. 62. The Supreme Court shall be composed of twenty-one members, eleven from the president and members of the court of cassation and the remaining ten from the president and members of the council of state. The said members shall be elected by the above bodies from among their members and president, in case of necessity by secret ballot.

The said members of the Supreme Court shall in their turn elect from

among themselves by secret ballot and majority vote a president and a vice-president.

Art. 63. Supreme Court trials shall be held before the president and fourteen members, and the court's decisions shall be determined by majority vote.

The six remaining members shall constitute alternates intended to complete the court in case of vacancies.

The said members will be chosen by lot, three from among those elected from the council of state and three from those elected from the court of cassation.

The members elected to the presidency and vice-presidency shall not be included in the said drawing of lots.

Art. 64. The functions of prosecutor general of the Supreme Court will be fulfilled by the prosecutor general of the Republic.

Art. 65. The decisions of the Supreme Court are final.

Art. 66. The Supreme Court shall conduct trials and render verdicts in accordance with the laws currently in force.

Art. 67. The Supreme Court shall be constituted by decision of the Grand National Assembly of Turkey whenever it is deemed necessary.

Chapter V

General Rights of Turkish Citizens

Art. 68. Every Turk is born free and free he lives.

Liberty consists of any action which is not detrimental to others.

The limits of an individual's liberty, which is his natural right, extend only to the point where they infringe on the liberties enjoyed by his fellow-citizens. The said limits are defined solely by law.

Art. 69. All Turks are equal before the laws and are expected conscientiously to abide by them.

Every type of group, class, family, and individual privilege is abolished and prohibited.

Art. 70. Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate, and to incorporate, form part of the rights and liberties of Turkish citizens.

Art. 71. The life, property, honor, and residence of each individual are inviolable.

Art. 72. No individual shall be seized or arrested under any other circumstance or manner than that provided by law.

Art. 73. Torture, bodily mistreatment, confiscation, and forced labor are prohibited.

Art. 74. No person may be deprived of his possessions and property or have them expropriated unless it be formally established that it is required for public benefit and unless he has first been indemnified in cash for the value of the property in accordance with the pertinent laws.

The expropriation indemnity and the manner of payment of such indemnity for land and forest to be expropriated, in order to make the farmer

proprietor of land and to place administration of forests under the State, shall be determined by special laws.

No person shall be constrained to make any sort of sacrifice except such as may be imposed in kind, or money, or in the form of labor in extraordinary circumstances and in conformity with the law.

Art. 75. No one may be censured for the philosophical creed, religion, or doctrine to which he may adhere. All religious services not in contravention of public order and morals and the laws are authorized.

Art. 76. No one's domicile may be entered or his person searched except as in the manner and under the conditions stipulated by law.

Art. 77. The press shall enjoy freedom within the framework of the law and shall not be subject to any censorship or control prior to publication.

Art. 78. Travel is subject to no restriction whatsoever except in cases of general mobilization, martial law, or legislative restrictions of a hygienic nature necessitated by epidemics.

Art. 79. The limits imposed on the liberty of making contracts, of labor, of ownership, of meeting and associating, and of incorporating shall be determined by law.

Art. 80. Instruction of any kind is free within the limits laid down by law under the supervision and control of the State.

Art. 81. Documents, letters, and all kinds of parcels delivered to the postal authorities may not be opened without a decision by a competent examining magistrate and tribunal. Likewise the secrecy of telegraphic and telephonic conversation may not be violated.

Art. 82. Turkish citizens shall have the right, should they notice any instances which are in contravention to the laws and regulations in force, to report such cases or complain, individually or collectively, either in their own interest or in the interest of the community, to the competent authorities or to the Grand National Assembly. The reply to a personal application must be communicated to the petitioner in written form.

Art. 83. No one may be summoned before or taken to a court other than to that court having jurisdiction in the question in accordance with the law.

Art. 84. Taxes shall be understood to be the participation of the people in the general expenditures of the State. The collection of toll, tithes, or any other kind of taxes in a manner incompatible with the aforestated principle by individuals or corporations or in their behalf is prohibited.

Art. 85. Taxes may be levied and collected only by virtue of a law.

However, the collecting of such taxes as have been customarily levied by the State or by provincial and municipal administrations may be continued pending the enactment of new laws.

Art. 86. In the event of a war, rebellion, or in the case of convincing evidence of a positive and serious conspiracy against the country and the Republic, the council of ministers may proclaim partial or general martial law on condition that this does not exceed one month and that this measure is submitted without delay to the Grand National Assembly for approval.

The Assembly may, if deemed necessary, extend or reduce the duration of martial law. Should the Assembly not be in session, it shall be convened immediately.

The prolongation of martial law is subject to the decision of the Grand National Assembly. Martial law implies the temporary restriction or suspension of personal and residential immunity, of inviolability of correspondence, of the freedom of the press and of the right of assembling and associating.

The area over which martial law may be proclaimed, the application of the provisions of this regulation over the said area, as well as the mode of restriction or suspension of immunity and freedom in time of war, is determined by law.

Art. 87. Primary education is compulsory for all Turks male or female and is free in State schools.

Art. 88. The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

Any person born of a Turkish father, in Turkey or elsewhere, as well as any person born of an alien father docimiled in Turkey and who, residing in Turkey, formally assumes Turkish citizenship upon attaining majority, as well as any person granted Turkish citizenship by law, are Turks. Turkish citizenship may be lost under circumstances defined by law.

Chapter VI

Miscellaneous

Provinces

Art. 89. Turkey is divided on the basis of geographic conditions and economic relations into provinces, the provinces into districts, the districts into sub-districts which are made up of hamlets and villages.

Art. 90. Provinces, towns, hamlets, and villages are considered to be incorporative persons.

Art. 91. The provinces are administered according to the principle of decentralization and division of functions.

Government Officials

Art. 92. Any Turk in full possession of his political rights may be employed in the service of the government with due consideration as to his qualifications and capacities.

Art. 93. The qualifications of government officials, their rights and duties, their salaries, the mode of their appointment, dismissal, and promotion are determined by law.

Art. 94. In case of an infraction of the law, an official or employee of the government may not escape responsibility on the ground of compliance with instructions from superiors.

Financial Affairs

Art. 95. The bill relating to the annual budget as well as all the draft budgets, tables, and annexed budgets connected therewith, shall be sub-

mitted to the Grand National Assembly at least three months before the beginning of the fiscal year.

Art. 96. Public funds may not be spent in excess of the provisions of the budget law.

Art. 97. The provisions of the budget law are valid for the duration of one year.

Art. 98. The final accounts shall show the actual figures of revenues collected in the course of the fiscal year of the pertinent budget as well as disbursements effected during the said fiscal year. The form and rules relative to the drawing up of the final accounts must be analogous to those provided for in the budget law.

Art. 99. The draft of the final accounts shall be submitted to the Grand National Assembly not later than the beginneng of November of the second year following the end of the fiscal year which it covers.

Art. 100. A bureau of accounts attached to the Grand National Assembly is charged with the control in accordance with the law *ad hoc* of all revenues and disbursements of the State.

Art. 101. The bureau of accounts shall submit to the Grand National Assembly, at the latest within six months following the submittal of the final accounts, a general statement of verification.

Provisions Relating to the Constitution

Art. 102. Amendments of any of the provisions of the present Constitution can be made only under the following conditions:

The motion for amendment must be signed by at least one-third of all the members of the Assembly.

The amendment must be supported by the vote of a majority numbering two-thirds of the total members of the Assembly.

An amendment or a modification of Article 1 of the present law, stating that the form of government of the country is a Republic, cannot even be proposed under any circumstances or in any form whatsoever.

Art. 103. No provision of the organic law shall be disregarded or its application suspended for any reason or under any pretext whatsoever.

No law shall contain provisions contrary to the organic law.

Art. 104. This law takes the place of, in simplified Turkish and without instituting any change in meaning and understanding, Organic Law No. 491, dated April 20, 1924.

Art. 105. The present law enters into force on the date of its publication.

Date of Publication:
January 10, 1945.

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UKRAINIAN SSR

SUMMARY

International Status

The Ukrainian Soviet Socialist Republic is a member of the United Nations. It signed the Charter of that organization in San Francisco on June 26, 1945, and deposited its ratification October 24, 1945. The competence of the Ukraine in international relationships for at least that purpose was recognized by the United States of America and other members of the United Nations when the Ukrainian and Byelorussian Republics were given representation at the San Francisco Conference.

On February 1, 1944, the Supreme Soviet of the USSR had voted to give its sixteen component republics their own ministries of nationa

defense and foreign affairs with authority to enter into direct relations with foreign states and to exchange diplomatic and consular representatives with them.

The Ukrainian SSR was formed in 1919. Its area was increased in 1940 by the addition of the northern part of Bukowina, which had been held by Rumania, and in 1945 by the addition of the Carpatho-Ukraine, which had been the eastern part of Czechoslovakia.

The Ukrainian SSR was not a member of the League of Nations, nor was it a party to the Paris Treaty of 1928 for the renunciation of war, or the Statute of the Old Permanent Court of International Justice. It is a party to relatively few of the international organizations.[1]

Form of National Government

The Ukrainian SSR has a written constitution, adopted January 30, 1937, and amended in 1947. It is closely modeled on that of the USSR and provides for "a socialist state of workers and peasants." [2] It recites that "for the purpose of realization of reciprocal help along economic and political lines, as well as along the line of defense, the Ukrainian Soviet Socialist Republic has voluntarily united with the other equal Soviet Socialist Republics," and that except for the provisions of Article 14 of the Constitution of the USSR which it recognizes as supreme, the UkSSR "exercises state authority independently, preserving fully its sovereign rights." [3] The UkSSR reserves the right to withdraw from the USSR,[4] and declares its right "to enter into direct relations with foreign states, to conclude agreements with them, and to exchange with them both diplomatic and consular representatives." [5] Its territory may not be changed without its consent.[6]

Its Constitution recognizes the principle that "he who does not work, does not eat" and says that in the UkSSR the socialist principle has been realized, "From each according to his ability, to each according to his work." [7] The Constitution contemplates the receipt of "income from the local economy" by the state and local units of government, and also the assessment of taxes and levies by them.[8] It claims to have eliminated the possibility of economic crises and unemployment.[9]

Source of Sovereign Power

All power in the UkSSR belongs to workers in cities and villages and is vested in the Soviets of Workers' Deputies.[10]

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[1] See Table I.
[2] Const., Art. 1.
[3] Id., Art. 13.
[4] Id., Art. 14.
[5] Id., Art. 15b.
[6] Id., Art. 15.
[7] Id., Art. 12.
[8] Id., Art. 83.
[9] Id., Art. 98.
[10] Id., Art. 3.

Rights of the People

The basis of economic life, under the Ukrainian Constitution, is "the Socialist system of economy and the Socialist system of ownership of the instruments and means of production."[1] Most property is communal.[2] Ownership of "small private enterprises conducted by individual peasants and artisans and which are based on personal effort and exclude exploitation of hired help" is permitted;[3] and the "personal property right of citizens in income and savings, home ownership, home-run enterprises, the objects of domestic economy and use and articles of personal use and convenience, as well as the rights of inheritance of personal property, are guaranteed by law." [4]

The Constitution guarantees to citizens "employment, with payment for work in accordance with its quantity and quality," [5] yearly vacations with pay,[6] old age and sickness benefits and rest homes,[7] free education up to and including the seventh grade,[8] equal rights of women,[9] equality of races,[10] freedom of worship,[11] freedom of speech, press and assembly,[12] freedom to associate and form unions,[13] inviolability of the person,[14] inviolability of the home and secrecy of correspondence.[15]

Emphasis is placed upon "the right of active and informed citizens of working-class origin and from other working strata to join the Ukrainian Communist Party (Bolsheviks), which is the vanguard of workers in their struggle for strengthening and developing of the socialist order and which constitutes the leading core of all workers' civilian and state organizations." [16]

Legislative Department

Legislative power is vested in the Supreme Soviet, the members of which are elected for four years by general, equal, direct and secret suffrage.[17] There is one deputy for each 100,000 of population.[18] Legislation requires a simple majority vote.[19]

Executive Department

The highest executive and administrative body of the State is the Council of Ministers.[20] The Council is, however, responsible and subordinate to the Supreme Soviet or, when the latter is not in session, to the

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[1] Const., Art. 4. [2] Id., Art. 6-8. [3] Id., Art. 9.
[4] Id., Art. 10. [5] Id., Art. 98. [6] Id., Art. 99.
[7] Id., Art. 100. [8] Id., Art. 101. [9] Id., Art. 102.
[10] Id., Art. 103.
[11] Id., Art. 104. The church is separated from the State and the School from the Church, and freedom of conscience is recognized in this article.
[12] Id., Art. 105. [13] Id., Art. 106. [14] Id., Art. 107.
[15] Id., Art. 108. [16] Id., Art. 106. [17] Id., Arts. 21, 23, 114.
[18] Id., Art. 21. [19] Id., Art. 24. [20] Id., Art. 39.

Presidium, a body created by the Supreme Soviet and consisting of nineteen members.[1]

Judicial Department

Justice is administered by a Supreme Court, provincial courts, courts of administrative regions, people's courts, and special courts of the USSR.[2] Members of the Supreme Court are elected by the Supreme Soviet for a term of five years.[3] Interpretation of laws and revocation of decisions and decrees of the Council of Ministers and the Provincial Soviets, because they do not conform to the laws, are functions of the Presidium.[4]

"The agencies of the public prosecutor's office carry out their functions independent of any local bodies whatsoever and are subordinate to the public prosecutor of the USSR only." [5]

Provincial and Local Government

The UkSSR is made up of twenty-five provinces.[6] The Soviets of Workers' Deputies constitute the state government bodies in provinces, circuits, districts, cities, towns, villages, and hamlets.[7] Each of the provincial Soviets has an executive committee and eighteen subordinate departments; it may have as many as five additional subordinate departments if they are needed.[8]

Area, Population, Language

The Ukrainian SSR has an area of 225,000 square miles and a population of more than 40,000,000. The language is Ukrainian. Court proceedings are conducted in the Ukrainian language, but persons not familiar with that language may use their own language in court.[9]

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[1] Const., Arts. 28, 40. [2] Id., Art. 84. [3] Id., Art. 87.
[4] Id., Art. 30. [5] Id., Art. 97. [6] Id., Art. 18.
[7] Id., Art. 54. [8] Id., Art. 69. [9] Id., Art. 90.

CONSTITUTION (BASIC LAW) OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC[1]

January 30, 1937 (as amended in 1947)

Section 1

Social Structure

Art. 1. The Ukrainian Soviet Socialist Republic is a socialist state of workers and peasants.

Art. 2. The political foundation of the UkSSR is the Soviets of Workers' Deputies who grew up and were strengthened as the result of the overthrow of the rule of the landed gentry and capitalists, the conquest of the proletarian dictatorship, the freeing of the Ukrainian people from the chauvinist yoke of czarism and the Russian imperialist bourgeoisie, and the destruction of chauvinist counter-revolution.

Art. 3. All power in the UkSSR belongs to workers in cities and villages and is vested in the Soviets of Workers' Deputies.

Art. 4. The basis of the economic life of the UkSSR is the Socialist system of economy and the Socialist system of ownership of the instruments and means of production. These were established as the result of the liquidation of the capitalist system of economy, the abolition of private ownership of instruments and means of production, and the annihilation of exploitation of man by man.

Art. 5. In the UkSSR Socialist property consists of either state ownership (all-people's ownership) or co-operative-collective ownership (ownership by individual collective farms or by co-operative societies).

Art. 6. The land—its subsoil, waters, forests, mills, factories, coal mines, mines; its rail, water, and air systems of transportation, banks, means of communication; large state organized agricultural enterprises (state farms, tractor stations, etc.) as well as municipal enterprises and the bulk of dwelling houses in the cities and industrial centers—constitute state property, which means property of all the people.

Art. 7. The public enterprises—collective farms, and co-operative organizations, together with their livestock and implements, the products of collective farms and co-operative organizations as well as their common buildings—constitute the public socialist property of such collective farms and co-operative organizations.

Besides any income derived from a collectively owned farm organization, every household of a collective farm has the right to use a small plot

[1] Translated from Ukrainian text received by the editor from the Ministry of Foreign Affairs of the Ukrainian SSR in June, 1948.

of arable land and to own as its personal property a subsidiary business on this plot, a home, productive livestock, and small personal farm equipment in accordance with the rules of the agricultural artel.

Art. 8. The land occupied by collective farms is secured to them free of charge for an interminable period of time, which means, forever.

Art. 9. Although the socialist system of ownership is the principal form of ownership in the UkSSR, the law allows ownership of small private enterprises conducted by individual peasants and artisans and which are based on personal effort and exclude exploitation of hired help.

Art. 10. The personal property rights of citizens in income and savings, home ownership, home-run enterprises, the objects of domestic economy and use and articles of personal use and convenience, as well as the rights of inheritance of personal property, are guaranteed by law.

Art. 11. Economic life in the UkSSR is determined and supervised in accordance with state national economic plans, which are drawn up in the interest of increasing public wealth, of steadily raising the economic and cultural level of the workers, of consolidating the independence of the socialist state and of improving its defenses and safety.

Art. 12. In the UkSSR work is a duty and a matter of honor of every able-bodied citizen, in accordance with the principle, 'He who does not work, does not eat.'

In the UkSSR is realized the Socialist principle, 'From each according to his ability, to each according to his work.'

Section II

State Structure

Art. 13. For the purpose of realization of reciprocal help along economic and political lines, as well as along the line of defense, the Ukrainian Soviet Socialist Republic has voluntarily united with the other equal Soviet Socialist Republics, namely, the Russian Soviet Federated Socialist Republic, the Byelorussian Soviet Socialist Republic, the Uzbek Soviet Socialist Republic, the Kazakh Soviet Socialist Republic, the Georgian Soviet Socialist Republic, the Azerbaijan Soviet Socialist Republic, the Lithuanian Soviet Socialist Republic, the Moldavian Soviet Socialist Republic, the Latvian Soviet Socialist Republic, the Kirghiz Soviet Socialist Republic, the Tajik Soviet Socialist Republic,the Armenian Soviet Socialist Republic, the Turkmen Soviet Socialist Republic, the Estonian Soviet Socialist Republic, the Karelo-Finnish Soviet Socialist Republic, to form a united state called the Union of Soviet Socialist Republics.

In accordance with this, the UkSSR delegates to the USSR, in the person of its supreme organs of government and administration, the rights set forth in Article 14 of the Constitution of the USSR.

Outside of the provisions of Article 14 of the Constitution of the USSR the UkSSR exercises state authority independently, preserving fully its sovereign rights.

Art. 14. The Ukrainian Soviet Socialist Republic reserves the right of free withdrawal from the Union of Soviet Socialist Republics.

Art. 15. The territory of the UkSSR cannot be changed without consent of the UkSSR.

Art. 15-a. The UkSSR has its own republican military forces.

Art. 15-b. The UkSSR has the right to enter into direct relations with foreign states, to conclude agreements with them, and to exchange with them both diplomatic and consular representatives.

Art. 16. The laws of the USSR are obligatory on the territory of the UkSSR.

Art. 17. Every citizen of the UkSSR is a citizen of the USSR.

Citizens of all the other republics of the Union possess equal rights with the citizens of the UkSSR, on the territory of the UkSSR.

Art. 18. The Ukrainian Soviet Socialist Republic consists of the following provinces: Vinnitsa, Volhynia, Voroshilovgrad, Dniepropetrovsk, Drohobych, Zhitomir, Transcarpathia, Zaporozhye, Ismail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolayev, Odessa, Poltava, Rovno, Stalino, Stanislaw, Sumi, Ternopol, Kharkov, Kherson, Chernigov, Chernovits.

Art. 19. The supreme bodies of government and public administration of the Ukrainian Soviet Socialist Republic are charged with the following functions:

(a) Establishment of the Constitution of the UkSSR and control over its execution;

(b) Submission for approval of the Supreme Soviet of the USSR of proposals to create new provinces within the UkSSR;

(c) Establishment of boundaries and regional divisions of provinces of the UkSSR;

(d) Legislation of the UkSSR;

(e) Preservation of state order and of rights of citizens;

(f) Approval of the plans for the national economy of the UkSSR;

(g) Supervision over the compilation and execution of the budget of the UkSSR;

(h) Establishment, in accordance with the laws of the USSR, of state and local taxes, collections, and non-tax income;

(i) Supervision over local budgets of the provinces;

(j) Supervision over insurance and savings bank matters;

(k) Supervision over banking, industrial, farming, trade enterprises, and the organizations subordinate to the Republic, as well as supervision over local industries;

(l) Control and supervision over the condition and management of enterprises of All-Union character;

(m) Establishment of methods of land management as well as of management of mines, forests, and waters;

(n) Supervision over housing and communal enterprises, housing construction, and general welfare of cities and other populated places;

(o) Road construction, supervision over local transportation and communication;

(p) Legislation concerning workers;

(q) Supervision over matters of social insurance;

(r) Supervision over matters of primary, secondary, and university education;

(s) Supervision over cultural-educational and scientific organizations in the UkSSR, as well as administration of cultural-educational and scientific organizations of All-Republic character;

(t) Supervision over matters of public health and the administration of public health enterprises of All-Republic character;

(u) Supervision over and formation of physical culture and sport organizations;
(v) Organization of judicial agencies of the UkSSR;,
(w) Granting UkSSR citizenship rights;
(x) Legislation concerning marriage and the family;
(y) Amnesty and pardon of citizens convicted by courts of the UkSSR;
(z) Establishment of the method of formation of the UkSSR military force;
(zz) Establishment of the UkSSR representation in matters of international relations.

Section III

Supreme Bodies of State Authority of the Ukrainian Soviet Socialist Republic

Art. 20. The supreme body of the state authority of the UkSSR is the Supreme Soviet of the UkSSR.

Art. 21. The members of the Supreme Soviet of the UkSSR are elected for a term of four years by the citizens of the UkSSR at the election centers in accordance with the norm (rate) of one deputy for each one hundred thousand of the population.

Art. 22. The Supreme Soviet of the UkSSR exercises all the rights vested in the UkSSR, in accordance with articles 13 and 19 of the Constitution of the UkSSR, as long as they do not represent the constitutionally defined jurisdiction of the bodies of the UkSSR subordinate to the Supreme Soviet of the UkSSR, namely: the Presidium of the Supreme Soviet of the UkSSR, the Council of Ministers of the UkSSR, and the Ministries of the UkSSR.

Art. 23. The Supreme Soviet of the UkSSR is the only legislative body of the UkSSR.

Art. 24. A draft becomes law when approved by a simple majority of the members of the Supreme Soviet of the UkSSR.

Art. 25. The laws approved by the Supreme Soviet of the UkSSR are published over the signatures of the Chairman and of the Secretary of the Presidium of the Supreme Soviet of the UkSSR.

Art. 26. The Supreme Soviet of the UkSSR elects a Chairman and two Vice-Chairmen of the Supreme Soviet of the UkSSR.

Art. 27. The Chairman of the Supreme Soviet of the UkSSR presides over the sessions of the Supreme Soviet of the UkSSR and manages its internal order.

Art. 28. The Supreme Soviet of the UkSSR elects the Presidium of the Supreme Soviet of the UkSSR which consists of the following members: the Chairman of the Presidium of the Supreme Soviet of the UkSSR, two Vice-Chairmen, the Secretary of the Presidium, and fifteen members of the Presidium of the Supreme Soviet of the UkSSR.

Art. 29. The Presidium of the Supreme Soviet of the UkSSR is responsible in all its activities to the Supreme Soviet of the UkSSR.

Art. 30. The Presidium of the Supreme Soviet of the UkSSR:

(a) Convokes the sessions of the Supreme Soviet of the UkSSR;

(b) Issues decrees;
(c) Interprets the laws of the UkSSR;
(d) Conducts national referendums;
(e) Revokes decisions and orders of the Council of Ministers and also decisions and orders of Provincial Soviets of Workers' Deputies if they do not conform with the laws;
(f) Between the sessions of the Supreme Soviet of the UkSSR, and on the recommendation of the Chairman of the Council of Ministers of the UkSSR, removes from office and appoints to office individual Ministers, subject to approval by the Supreme Soviet of the UkSSR at its next session;
(g) Confers citizenship of the UkSSR;
(h) Awards honorary titles of the UkSSR and confers rewards;
(i) Exercises the right to pardon citizens sentenced by the courts of the UkSSR;
(j) Appoints and recalls diplomatic representatives of the UkSSR to foreign states;
(k) Accepts credentials and letters of recall of diplomatic representatives of foreign states accredited to it.

Art. 31. The sessions of the Supreme Soviet of the UkSSR are convoked twice a year by the Presidium of the Supreme Soviet of the UkSSR.

Special sessions of the Supreme Soviet of the UkSSR may be convoked either at the request of the Presidium of the Supreme Soviet of the UkSSR or at the request of at least one-third of the deputies of the Supreme Soviet.

Art. 32. The Supreme Soviet of the UkSSR elects the credentials commission which scrutinizes the credentials of the deputies to the Supreme Soviet of the UkSSR.

On the recommendation of the credentials commission of the UkSSR the Supreme Soviet of the UkSSR decides either to accept the credentials or to order an election of special deputies.

Art. 33. When it deems necessary, the Supreme Soviet of the UkSSR appoints commissions of inquiry and auditing commissions for any matter whatever. All enterprises and officials are required to fulfill the requests of these commissions and present the necessary materials and documents.

Art. 34. The deputies of the Supreme Soviet of the UkSSR cannot be prosecuted by the courts nor arrested without assent of the Supreme Soviet of the UkSSR, or without assent of the Presidium of the Supreme Soviet of the UkSSR when the Supreme Soviet of the UkSSR is not in session.

Art. 35. At the conclusion of the plenary powers of the Supreme Soviet of the UkSSR, the Presidium of the Supreme Soviet of the UkSSR sets the date for new elections not later than two months from the day of expiration of the plenary powers of the Supreme Soviet of the UkSSR.

Art. 36. At the expiration of the plenary powers of the Supreme Soviet of the UkSSR, the Presidium of the Supreme Soviet of the UkSSR continues to exercise its authority until the newly elected Supreme Soviet of the UkSSR creates a new Presidium of the Supreme Soviet of the UkSSR.

Art. 37. The newly elected Supreme Soviet of the UkSSR is convoked by the Presidium of the Supreme Soviet of the UkSSR not later than three months after the elections.

Art. 38. The Supreme Soviet of the UkSSR forms the government of the UkSSR, called the Council of Ministers of the UkSSR.

Section IV

Bodies of State Administration
of the Ukrainian Soviet Socialist Republic

Art. 39. The Council of Ministers of the UkSSR is the highest executive and administrative body of the state of the UkSSR.

Art. 40. The Council of Ministers of the UkSSR, is responsible and subordinate to the Supreme Soviet of the UkSSR, and during the period between the sessions of the Supreme Soviet of the UkSSR it is responsible and subordinate to the Presidium of the Supreme Soviet of the UkSSR.

Art. 41. The Council of Ministers of the UkSSR issues decrees and orders on the basis of and in compliance with existent laws of the Union of the SSR and of the UkSSR, and of decrees and orders of the Council of Ministers of the USSR, and controls their execution.

Art. 42. The decrees and orders of the Council of Ministers of the UkSSR are compulsory for the entire territory of the UkSSR.

Art. 43. The Council of Ministers of the UkSSR:

(a) Co-ordinates and directs the work of the Ministries of the UkSSR and of other economic and cultural institutions subordinate to it; co-ordinates and verifies the work of authorized All-Union Ministries;
(b) Takes measures to put into practice the plan of national economy;
(c) Takes measures to put into practice the state and local budget of the UkSSR;
(d) Takes steps toward safeguarding of civilian order, national defense, and preservation of civilian rights;
(e) Supervises and scrutinizes work of provincial executive committees of the Soviets of Workers' Deputies;
(f) In emergency creates special committees and principal administrative bodies under the Council of Ministers of the UkSSR for management of economic and cultural developments;
(g) Directs organization of armed forces of the UkSSR;
(h) Directs relations of the UkSSR with foreign states in accordance with the general procedure established by the Union SSR concerning relations of the Union Republics with foreign states.

Art. 44. The Council of Ministers of the UkSSR has the right to suspend decisions and orders of provincial Soviets of Workers' Deputies and revoke orders and directives of Executive Committees of provincial Soviets of Workers' Deputies.

The Council of Ministers of the UkSSR has the right to revoke orders and instructions of Ministers of the UkSSR.

Art. 45. The Council of Ministers of the UkSSR is created by the Supreme Soviet of the UkSSR and consists of:

The Chairman of the Council of Ministers of the UkSSR;
The Vice-Chairmen of the Council of Ministers of the UkSSR;
The Chairman of the state planning commission of the UkSSR;
The following Ministers of the UkSSR:
Automobile Transport
Internal Affairs
State Control

State Security
Civilian Housing Construction
Foreign Affairs
Armed Forces
Cinematography
Communal Economy
Light Industry
Forest Economy
Forest Industry,
Furniture and Carpentry Shops
Local Fuel Industry
Local Industry
Meat and Dairy Industry
Education
Public Health
Building Materials Industry
State Farms
Fishing Industry
Agriculture
Gustatory Industry
Social Insurance
Textile Industry
Trade
Finance
Food Industry
Justice
Chief of the Committee for Cultural and Educational Institutions
Chief of the Committee for Arts
Chief of the Administration for Higher Schools

Art. 46. The Ministers of the UkSSR manage the branches of the state administration within the jurisdiction of the UkSSR.

Art. 47. The Ministries of the UkSSR are either Union-Republican or Republican.

Art. 48. The following Ministries of the UkSSR belong to the class of Union-Republican Ministries of the UkSSR.

Internal Affairs,
State Control
State Security
Foreign Affairs
Armed Forces
Cinematography
Light Industry
Forest Economy
Forest Industry
Meat and Dairy Industry
Public Health
Buildings Materials Industry
State Farms
Fishing Industry
Agriculture
Gustatory Industry
Textile Industry
Trade
Finance
Food Industry
Justice

Art. 49. The following Ministries of the UkSSR belong to the class of Republican Ministries:

Automobile Transport
Civilian Housing Construction
Communal Economy
Furniture and Carpentry Shops
Local Fuel Industry
Local Industry
Education
Social Insurance

Art. 50. To carry out laws of the USSR and of the UkSSR, decrees and orders of the Council of Ministers of the USSR and of the Council of Ministers of the UkSSR and orders and instructions of the Union-Republican Ministries of the USSR,—the Ministers of the UkSSR issue instructions within the limits of the jurisdiction of the Ministries concerned and scrutinize execution of these tasks.

Art. 51. The Union-Republican Ministries of the UkSSR supervise the branches of state administration of the UkSSR entrusted to them and are supervised both by the Council of Ministers of the UkSSR and by the related Union-Republican Ministry of the USSR.

Art. 52. The Republican Ministries of the UkSSR supervise the branches of government entrusted to them and are directly responsible to the Council of Ministers of the UkSSR.

Art. 53. The government of the UkSSR or a Minister of the UkSSR to whom is addressed a question of a deputy of the Supreme Soviet of the UkSSR, is required to give an oral or written answer in the Supreme Soviet of the UkSSR within seventy-two hours.

Section V

Local Bodies of State Government

Art. 54. The Soviets of Workers' Deputies constitute the state government bodies in provinces, circuits, districts, cities, towns, villages, and hamlets of the UkSSR.

Art. 55. Provincial, circuit, district, city, large city ward, town, village, and other smaller community Soviets of Workers' Deputies are elected for two years by the respective workers of provinces, districts, cities, towns, villages, and hamlets.

Art. 56. The Soviet of Workers'Deputies of a province, city, district, town, village, or hamlet supervises the cultural-political and economic upbuilding of the territory under its supervision; establishes the local budget; manages the activity of subordinate bodies of government; insures preservation of the state order; co-operates in improvement of defense of the land; insures carrying out of the laws and preservation of the rights of citizens.

Art. 57. The Soviets of Workers' Deputies make decisions and issue orders within the jurisdiction granted them by the laws of the USSR and of the UkSSR.

Art. 58. The Executive Committee is the executive and managing body of a provincial, district, city, or village Soviet of Workers' Deputies. It is elected by the Soviet of Workers' Deputies and consists of a chairman, vice-chairman, secretary, and members.

Art. 59. The executive and managing body of a small community (small towns, villages, hamlets) consists of a chairman, vice-chairman, and secretary, who are elected by the related Soviet of Workers' Deputies.

Art. 60. The Executive Committees of the Soviets of Workers' Deputies of provinces, districts, cities, towns, villages, and hamlets carry out cultural-political and economic upbuilding of the territories under their jurisdiction on the basis of decisions of their respective Soviets of Workers' Deputies and of the superior state bodies.

Art. 61. The sessions of the provincial Soviets of Workers' Deputies are convoked by their respective Executive Committees not less than four times per year.

Art. 62. The sessions of district Soviets of Workers' Deputies and of Soviets of Workers' Deputies in administrative regions are convoked by their Executive Committees not less than six times a year.

Art. 63. The sessions of the city and village Soviets of Workers' Deputies are convoked by their respective executive bodies not less than once a month.

Art. 64. The provincial, administrative regional, district, and city Soviets of Workers' Deputies elect at the time of their session a chairman and a secretary to conduct the meetings of a session.

Art. 65. The chairman of a village Soviet of Workers' Deputies calls the village Soviet into session and conducts its meetings.

Art. 66. The executive body of a provincial, district, city, or village Soviet of Workers' Deputies is directly responsible to the Soviet of Workers' Deputies which elected it and to the executive body of a superior Soviet of Workers' Deputies.

Art. 67. The superior Executive Committees of Soviets of Workers' Deputies have the right to annul decisions and orders of the lower Executive Committees and to suspend decisions and orders of the lower Soviets of Workers' Deputies.

Art. 68. The superior Soviets of Workers' Deputies have the right to annul decisions and orders of the lower Soviets of Workers' Deputies and of their Executive Committees.

Art. 69. A provincial Soviet of Workers' Deputies creates the following departments subordinate to its Executive Committee:

Affairs of Cultural and Educational Institutions
Arts
General
Communal Economy
Local Industry
Education
Public Health
Social Insurance
Trade
Finance
Roads
Administration for the Moving Picture Industry
Administration for Light Industry
Administration for Local Fuel Industry
Administration for Agriculture
Administration for the Food Industry

Planning Commission
Personnel Sector under the Chairman of the Executive Committee;

and, in addition, in accordance with the special characteristics of the economy of the Province, and with the approval of the Union-Republican Ministries of Forest Industry, Meat and Dairy Industry, Building Materials Industry, Fishing Industry, Textile Industry, the provincial Soviet of Workers' Deputies may establish departments or administrations for:

Forest Industry
Meat and Dairy Industry
Building Construction Industry
Fishing Industry
Textile Industry

Art. 70. In accordance with the conditions of a province and in conformance with the laws of the USSR and of the UkSSR, the All-Union Ministries, as well as the Union-Republican Ministries of Internal Affairs, State Security, and Justice establish their administrative agencies in the provincial Soviets of Workers' Deputies.

Art. 71. The departments and administrative agencies of a provincial Soviet of Workers' Deputies are responsible in their activity to the provincial Soviet of Workers' Deputies and to its Executive Committee, as well as to the related Ministry of the UkSSR.

Art. 72. The Soviets of Workers' Deputies of administrative regions and their Executive Committees form departments and conduct their affairs on the basis of laws and decrees of the supreme bodies of the UkSSR and of the decisions of provincial Soviets of Workers' Deputies.

Art. 73. A district Soviet of Workers' Deputies creates the following departments subordinate to its Executive Committee:

General
Education
Public health
Agriculture
Social insurance
Trade
Finance
Roads
Planning commission
Personnel sections under the Chairman of the Executive Committee

Besides the above-mentioned departments and in accordance with special needs of district economy, the district Soviet of Workers' Deputies may create, with the approval of the provincial Soviet of Workers' Deputies, departments of communal and local industries.

Art. 74. In accordance with the conditions of a district and in conformance with the laws of the USSR and of the UkSSR, and after the approval of the provincial Soviet of Workers' Deputies, the Ministry of Internal Affairs establishes its administrative agencies in the district Soviet of Workers' Deputies.

Art. 75. The departments of a district Soviet of Workers' Deputies are responsible in their activity to the district Soviet of Workers' Deputies and to its Executive Committee, as well as to the related department of the provincial Soviet of Workers' Deputies.

Art. 76. A city Soviet of Workers' Deputies creates the following departments subordinate to its Executive Committee:

General
Communal Economy
Education
Public Health
Social Insurance
Trade
Finance Planning Commission
Personnel Section under the Chairman of the Executive Committee

Besides the above-mentioned departments and in accordance with special needs of economy of a city and of its suburbs it may create the following departments:

Local industry
Agriculture

Art. 77. The departments of a city Soviet of Workers' Deputies are subordinate in their activity to the city Soviet of Workers' Deputies and to its Executive Committee as well as to the related departments of the district Soviets of Workers' Deputies, or to the related departments of the provincial Soviet of Workers' Deputies.

Art. 78. The departments of the city Soviets of Workers' Deputies of the city of Kiev are subordinate in their activity to the Soviet of Workers' Deputies of the city of Kiev and to its Executive Committee, as well as directly responsible to the related Ministry of the UkSSR.

Art. 79. At the conclusion of the plenary powers of the provincial, district, city, town, village, and hamlet Soviets of Workers' Deputies, their executive and managing bodies retain their authority until the newly elected Soviets of Workers' Deputies establish new executive and managing bodies.

Section VI

Budget of the Ukrainian Soviet Socialist Republic

Art. 80. The state budget of the UkSSR is drawn up by the Council of Ministers of the UkSSR and is submitted by it to the Supreme Soviet of the UkSSR for approval.

After approval of the state budget by the Supreme Soviet of the UkSSR it is published for general information.

Art. 81. The Supreme Soviet of the UkSSR elects the budgetary commission which reports to the Supreme Soviet its conclusions in regard to the state budget of the UkSSR.

Art. 82. A report on the performance of the state budget of the UkSSR is approved by the Supreme Soviet of the UkSSR and is then published for general information.

Art. 83. The budgets of the provincial, administrative region, district, city, and village Soviets include the income from the local economy and a share of the state income received on their territory, and must also include the income from local taxes and levies in amounts established by the laws of the USSR and of the UkSSR.

Section VII

Courts and Prosecuting Magistracy

Art. 84. In the UkSSR justice is administered by the Supreme Court of the UkSSR, the provincial courts, the courts of administrative regions, the people's courts, as well as by the special courts of the Union of the SSR, which are created by a decree of the Supreme Soviet of the USSR.

Art. 85. Except in the cases especially provided for by law, the trial of lawsuits in all courts is conducted with the participation of people's assessors.

Art. 86. The Supreme Court of the UkSSR is the highest judicial organ of the UkSSR.

The Supreme Court of the UkSSR is charged with the responsibility of supervision over the activities of all the other judicial organs of the UkSSR.

Art. 87. The Supreme Court of the UkSSR is elected by the Supreme Soviet of the UkSSR for a term of five years.

Art. 88. The provincial courts and courts of administrative regions are elected by the provincial Soviets of Workers' Deputies or by Soviets of Workers' Deputies of the administrative regions for a term of five years.

Art. 89. The people's courts are elected for a term of three years by secret voting of citizens of a district which is based on general, direct, and equal suffrage.

Art. 90. Judicial proceedings in the UkSSR are conducted in the Ukrainian language. Persons not possessing knowledge of this language have the right of familiarizing themselves with the material of the case through interpreters and also have the right to use their own language in court.

Art. 91. With the exceptions provided for by law, the trial of all lawsuits is public in all the courts of the UkSSR, with the guarantee to an accused of the right of defense.

Art. 92. The judges are independent and are subject to the law only.

Art. 93. The Prosecutor-General of the USSR, directly or through the public prosecutor of the UkSSR, is charged with the supreme supervision over the exact observance of the laws on the territory of the UkSSR by all the Ministries, by the institutions subordinate to them, as well as by public officials, and by all the citizens.

Art. 94. The public prosecutor of the UkSSR is appointed by the Prosecutor-General of the USSR for a term of five years.

Art. 95. The provincial public prosecutors are appointed by the Prosecutor-General of the USSR for a term of five years.

Art. 96. The public prosecutors of administrative regions, districts and cities are appointed by the public prosecutor of the UkSSR, with the approval of the Prosecutor-General of the USSR, for a term of five years.

Art. 97. The agencies of the public prosecutor's office carry out their functions independent of any local bodies whatsoever and are subordinate to the public prosecutor of the USSR only.

Section VIII

Basic Rights and Duties of Citizens

Art. 98. Citizens of the UkSSR have the right to work which means the right to guaranteed employment, with payment for work in accordance with its quantity and quality.

The rights to work is insured by the socialist organization of the national economy, by the steady growth of the productive forces of the Soviet society, by the elimination of the possibility of economic crises, and by the liquidation of unemployment.

Art. 99. Citizens of the UkSSR have the right to leisure.

The right to leisure is insured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

Art. 100. Citizens of the UkSSR have the right to financial security in old age, as well as in cases of sickness and of loss of ability to work.

These rights are guaranteed by a wide development of social insurance for workers at the expense of the state, by free medical care of workers, and by placing at the disposal of workers of a wide network of health-resorts.

Art. 101. Citizens of the UkSSR have the right to education.

This right is insured by universal and compulsory elementary education; by free education up to and including the seventh grade; by a system of state stipends for students of higher educational institutions who excel in their studies; by instruction in schools being conducted in the native language; and by the organization in the factories, state farms, machine tractor stations and collective farms of free vocational, technical and agronomist training for the working people.

Art. 102. Women of the UkSSR are accorded equal rights with men in all branches of economic, state, social and political life.

The possibility of exercising these rights of women is insured by affording women equally with men the right to work, payment for work, rest, social insurance, education, state protection of the interests of mother and child, pregnancy leave with pay, and provision of a wide network of maternity homes, nurseries, and kindergartens.

Art. 103. Equality of the rights of citizens of the UkSSR irrespective of their nationality or race in all branches of economic, state, cultural, social, and political life is an indefeasible law.

Direct or indirect restriction of the rights, or, conversely, the establishment of direct, or indirect privileges for citizens on account of their race or nationality, as well as advocacy of racial or national exclusiveness, or hatred and contempt, are punishable by law.

Art. 104. To insure to citizens freedom of conscience, the Church in the UkSSR is separated from the State and the School from the Church.

Freedom of worship and freedom of anti-religious propaganda are recognized rights of all citizens.

Art. 105. In accord with the interests of workers, and for the purpose of strengthening the socialist order, citizens of the UkSSR have the following rights guaranteed by law:

(a) Freedom of Speech;
(b) Freedom of Press;
(c) Freedom of Assemblies and Meetings;
(d) Freedom of Street Processions and Demonstrations.

These rights of citizens are insured by placing at the disposal of workers and their organizations printing establishments, public buildings, streets, means of transportation, and other necessary material means.

Art. 106. In accord with the interests of workers and in order to develop the organizational initiative and political activity of the broad masses, citizens of the UkSSR are guaranteed the right of uniting into the following civilian organizations: professional unions; co-operative unions; youth organizations; sport and defense organizations; cultural, technical, and scientific fraternities; and, in particular, the right of active and informed citizens of working-class origin and from other working strata to join the Ukrainian Communist Party (Bolsheviks), which is the vanguard of workers in their struggle for strengthening and developing of the socialist order and which constitutes the leading core of all workers' civilian and state organizations.

Art. 107. Citizens of the UkSSR are guaranteed the inviolability of the person. No one may be arrested without a court decree or a sanction of a public prosecutor.

Art. 108. The inviolability of citizens' homes and secrecy of correspondence are protected by law.

Art. 109. The UkSSR offers asylum to foreign citizens who are persecuted for defending the interests of workers, for scientific activity, or for the struggle for national liberation.

Art. 110. Every citizen of the UkSSR is obligated to abide by the Constitution of the Ukrainian Soviet Socialist Republic, to obey the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of Socialist intercourse.

Art. 111. Every citizen of the UkSSR is obligated to safeguard and to fortify public socialist property as a sacred and inviolable basis of the Soviet system, as a source of wealth and power of the Motherland, and as a source of prosperous and cultural life of all workers.

Persons committing offenses against public socialist property are enemies of the people.

Art. 112. General military service is compulsory under the law.

Military service in the worker-peasant Red Army represents and honorable duty of citizens of the UkSSR.

Art. 113. The defense of the Motherland is a sacred duty of each citizen of the UkSSR. Treason to the Motherland such as violation of the oath of allegiance, desertion to an enemy, weakening the military might of the State, is punished with all the strictness of the law as the gravest crime.

Section IX

Election System

Art. 114. Elections of deputies to all the Soviets of Workers' Deputies, the Supreme Soviet of the Ukrainian Soviet Socialist Republic, to the administrative regional, district, municipal, town, village, and hamlet Soviets of Workers' Deputies, are conducted by the electors on the basis of general, equal, direct and secret suffrage.

Art. 115. Elections of the deputies are general: all citizens of the UkSSR over eighteen years of age have the right to participate in the elections of deputies or be elected, regardless of their race, nationality, educational qualifications, length of residence, social origin, property status, and past activity, with the exception of persons mentally unfit and those sentenced by courts with the deprivation of elective rights.

Art. 116. The elections of deputies are conducted on equal basis: every citizen has one vote and all citizens participate in the elections on an equal footing.

Art. 117. Women have equal rights with men to elect and be elected.

Art. 118. Citizens serving in the armed forces have the right to elect and be elected on equal basis with other citizens.

Art. 119. The elections of deputies are direct: elections to all the Soviets of Workers' Deputies, from a village or a municipal Soviet of Workers' Deputies and including the Supreme Soviet of the UkSSR, are conducted by direct voting of citizens.

Art. 120. The voting for election of the deputies is secret.

Art. 121. Elections to the Soviets of Workers' Deputies of the UkSSR are conducted at election districts in accordance with the following norms:

To a provincial soviet, depending upon the size of the province, one deputy for not less than 15,000 and not more than 30,000 persons;

To a district soviet, one deputy for 1,000 persons; in a district with a population less than 25,000 persons there shall be elected 25 deputies; in a district with a population greater than 60,000 persons there shall be elected not more than 60 deputies;

To a city soviet and ward soviet in cities, depending upon the size of the city or ward—one deputy for not less than 350 persons and not more than 900 persons; in cities and city wards with a population less than 12,000 persons, 35 deputies shall be elected;

To the city soviets of the cities of Kiev and Kharkov—one deputy for 1,000 persons;

To a village soviet—one deputy for 100 persons; in villages with a population of less than 1,000 persons, 9 deputies shall be elected and in villages with a population exceeding 2,500 persons not more than 25 deputies shall be elected.

The electoral norms for each regional, district, city and village Soviet of Workers' Deputies are established by the electoral law for provincial, district, city and village Soviets of Workers' Deputies of the UkSSR within the confines of the elective norms, prescribed in this Article.

Art. 122. The names of the candidates for election are published in the election districts.

The right to propose candidates is insured to public organizations, workers' fraternal organizations, Communist Party organizations, trade

unions, co-operatives, youth organizations, and cultural organizations.

Art. 123. Every deputy must give an account of his activity and the activity of a Soviet of Workers' Deputies before the electors and may be recalled at any time upon the decision of a majority of the voters, in accordance with the procedure established by law.

Section X

Emblem, Flag, Capital

Art. 124. The state emblem of the Ukrainian Soviet Socialist Republic consists of a golden sickle and hammer depicted on a red background of sun's rays framed in a wreath of wheat, with the legend over the sickle and hammer 'UkSSR' and below the legend 'Workers of the World, Unite!'

Art. 125. The state flag of the Ukrainian Soviet Socialist Republic consists of a red fabric, in the upper corner next to the staff of which are shown a golden hammer and sickle and the letters of the UkSSR.

Art. 126. The capital of the Ukrainian Soviet Socialist Republic is the city of Kiev.

Section XI

Method of Amendment of the Constitution

Art. 127. Amendment of the Constitution of the Ukrainian Soviet Socialist Republic is made only upon a decision of the Supreme Soviet of the UkSSR, when approved by votes of at least a two-thirds majority of the members of the Supreme Soviet.

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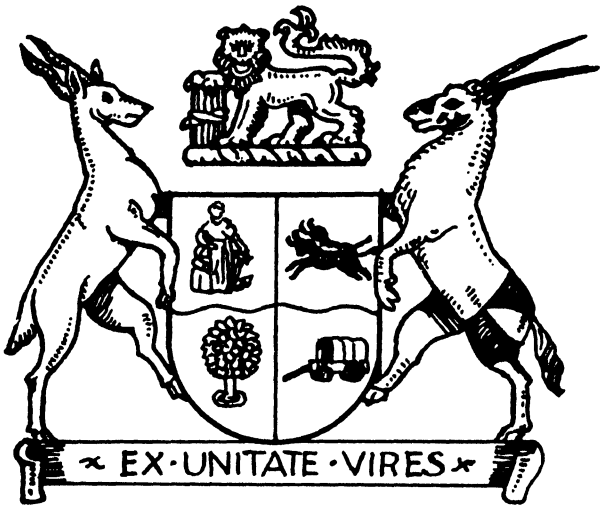

UNION OF SOUTH AFRICA

SUMMARY

International Status

The Union of South Africa is a member of the United Nations. It signed the Charter on June 26, 1945.

It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice of 1921 and accepted the Optional Clause. It is a party to the Statute of the International Court of Justice of 1945 and is subject to compulsory jurisdiction under Article 36 of its Statute.[1] It is a member of other international organizations.[2]

[1] See Yearbook of the Court 1951–52, pp. 35-43, 195.

[2] See Table I.

The Union of South Africa was first accorded independent international status in 1919. At the Versailles Peace Conference in that year, the United Kingdom requested separate representation in the Assembly of the League of Nations for Australia, Canada, New Zealand and the Union of South Africa. This was accorded.

The Union of South Africa's status vis a vis the Commonwealth of Nations was defined in the report of the Inter Imperial Relations Committee of the Imperial Conference of 1926 (often referred to as "the Balfour Declaration"), along with that of Australia, Canada, New Zealand, and the Irish Free State in the following terms:

> "They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations."

The Statute of Westminster was passed in 1931 as a statutory recognition of certain of the resolutions of 1926 and of a subsequent Conference in 1930 and the report of an expert committee. It was the acknowledgment of an established fact that the Imperial Parliament would not legislate for the Dominions except at their request, and it freed Dominion Legislatures from any territorial limits.

The origin of the Union of South Africa is traced to the Cape Colony founded by the Dutch in 1652, occupied by England in 1795, restored to the Batavian Republic in 1803, reoccupied by England in 1806, and definitively ceded to the latter in 1814 by the Peace of Amiens.

Conflicts with the Boer population, the suppression of slavery, and the retreat of the natives from the lands annexed after the sixth Kaffir War, resulted in the Great Trek of the Boers in 1836. They founded the Orange Free State, the Transvaal Republic, and Natal. Natal was annexed to the Cape Colony in 1844. In 1848 the Orange Free State was declared a dependency of the Cape Colony but in 1854 its independence was recognized. From 1889 it formed part of a customs union with the Cape Colony. The Transvaal was guaranteed independence by the British government in 1852, but in 1877 that independence was lost as a result of its struggles with the natives and financial problems. In 1880 the Boers revolted and at the Convention of Pretoria the Transvaal received complete self-government under the suzerainty of the Crown with a British resident and certain rights for the British. In 1884 it was given the title of South African Republic and the British resident and certain controls were removed. However, limitations were placed on its foreign policy. Frictions and disagreements arose for many reasons including the encirclement of the Republic by the protectorates of Bechuanaland, Swaziland and Rhodesia; the Jameson raid; and the question of political rights of the Uitlanders.

The result was the Boer War (1899–1902) which ended with the treaty

of Vereeiniging which made Crown Colonies of the two republics of the Transvaal and the Orange Free State.

In 1908 a Convention met to formulate a federal Constitution for the colonies in order to join them in a Union.

Form of National Government

The Constitution of the Union of South Africa is embodied in the South Africa Act of 1909. The government is set up in a federal framework, but in many respects the government is a centralized one.[1]

Source of Sovereign Power

"The people of the Union acknowledge the sovereignty and guidance of Almighty God." [2]

Rights of the People

No rights of the people are expressly stated but many practices of British Courts are observed.

Legislative Department

Legislative power is vested in Parliament consisting of the King, the Senate and the House of Assembly.[3] Eight senators are appointed by the Governor-General-in-Council [4] and thirty-two are elected on the basis of eight from each province.[5] The term is for ten years unless Parliament is dissolved before the expiration of that period, in which case the elected senators lose their seats.

Members of the House of Assembly are elected directly by single member constituencies. Members of both houses must be of European descent.[6] The suffrage on the whole is also limited to such persons, although in the Cape Province people of mixed race with certain property qualifications may vote.[7]

Executive Department

Executive power is vested in the King, acting on the advice of His

[1] See accompanying summary by Senator Edgar H. Brookes. Note also that under provisions of the Statute of Westminster, 1931, which are deemed to be an Act of the South African Parliament under Act No. 69 of 1934 of that Parliament, South African laws are not void for repugnancy to the law of England or to any Act of the United Kingdom Parliament or to any order, rule, or regulation under such Act; the powers of the Parliament of South Africa include the power to repeal or amend any such (UK) Act, in so far as it is a part of the law of South Africa; and no Act of Parliament of the United Kingdom, passed after 11 December 1931, shall extend or be deemed to extend to South Africa as a part of its law unless it is expressly declared in that Act of Parliament that South Africa has requested and consented to its enactment.

[2] Const., Art. 1. [3] Id., Art. 19. [4] Id., Art. 24.

[5] Id., Art. 25; see commentary by Senator Brookes, which refers to a total of 44 senators.

[6] Id., Arts. 26, 44. [7] Id., Art. 35.

Ministers of State for the Union, and is exercised by the Governor-General appointed by him [1] and his council.[2] Ministers may not hold office for more than three months unless they are or become members of Parliament.[3]

Judicial Department

Provision is made for a Supreme Court consisting of a Chief Justice of South Africa, the judges of appeal, and the other judges of the several divisions of the Court.[4]

Area, Population, Language

South Africa has an area of 472,494 square miles and a population (1951 census) of 12,646,375, of which 2,643,187 are of European descent. The official languages are English and Afrikaans.[5]

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[1] Act No. 69 of 1934, Sec. 4
[2] Const., Art. 12.
[3] Id., Art. 14.
[4] Id., Arts. 95, 96, 98.
[5] Id., Art. 137.

AN ACT TO CONSTITUTE THE UNION OF SOUTH AFRICA[1]

20th September, 1909

SOUTH AFRICA ACT, 1909, 9 Edward VII as Amended

WHEREAS it is desirable for the welfare and future progress of South Africa that the several British Colonies therein should be united under one Government in a legislative union under the Crown of Great Britain and Ireland:

And whereas it is expedient to make provision for the union of the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony on terms and conditions to which they have agreed by resolution of their respective Parliaments, and to define the executive, legislative, and judicial powers to be exercised in the government of the Union:

And whereas it is expedient to make provision for the establishment of provinces with powers of legislation and administration in local matters and in such other matters as may be specially reserved for provincial legislation and administration:

And whereas it is expedient to provide for the eventual admission into the Union or transfer to the Union of such parts of South Africa as are not originally included therein:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Sovereignty and Guidance of Almighty God acknowledged

1.[2] The People of the Union acknowledge the sovereignty and guidance of Almighty God.

Definitions

2. In this Act, unless it is otherwise expressed or implied 'heirs and successors' shall be taken to mean His Majesty's heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland as

[1] South Africa Act, 1909, 9 Edward VII, Chapter 9, An Act to constitute the Union of South Africa, September 20, 1909, as amended to the end of 1946. The text published by the Government Printer, Pretoria, in 1930, has been changed to conform to amendments in the collection of statutes which the editor was permitted to consult in the South African Legation at Washington. The schedule to the Act is not printed here.

[2] As substituted by Act No. 9 of 1925.

determined by the laws relating to the succession of the United Kingdom of Great Britain and Ireland and the words 'the Union' shall be taken to mean the Union of South Africa as constituted under this Act, and the words 'Houses of Parliament', 'House of Parliament', or 'Parliament', shall be taken to mean the Parliament of the Union.

Application of Act to King's Successors

3. The provisions of this Act referring to the King shall extend to His Majesty's heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland.

PART II

The Union

Proclamation of Union

4. It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a date therein appointed, not being later than one year after the passing of this Act, the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, hereinafter called the Colonies, shall be united in a legislative union under one Government under the name of the Union of South Africa. On and after the day appointed by such proclamation the Government and Parliament of the Union shall have full power and authority within the limits of the Colonies, but the King may at any time after the proclamation appoint a Governor-General for the Union.

Commencement of Act

5. The provisions of this Act shall, unless it is otherwise expressed or implied, take effect on and after the day so appointed.

Incorporation of Colonies into the Union

6. The Colonies mentioned in section *four* shall become original provinces of the Union under the names of Cape of Good Hope, Natal, Transvaal, and Orange Free State, as the case may be. The original provinces shall have the same limits as the respective Colonies at the establishment of the Union.

Application of 58 and 59 Vict., c. 34, etc.

7. Upon any Colony entering the Union, the Colonial Boundaries Act, 1895, and every other Act applying to any of the Colonies as being self-governing Colonies or Colonies with responsible government, shall cease to apply to that Colony, but as from the date when this Act takes effect every such Act of Parliament shall apply to the Union.

PART III

EXECUTIVE GOVERNMENT

Executive Power

[8. The Executive Government of the Union is vested in the King, and shall be administered by His Majesty in person or by a Governor-General as his representative.] [1]

Governor-General

9. The Governor-General shall be appointed by the King, and shall have and may exercise in the Union during the King's pleasure, but subject to this Act, such powers and functions of the King as His Majesty may be pleased to assign to him.

Salary of Governor-General

10. There shall be payable to the King out of the Consolidated Revenue Fund of the Union for the salary of the Governor-General an annual sum of ten thousand pounds. The salary of the Governor-General shall not be altered during his continuance in office.

Application of Act to Governor-General

11. The provisions of this Act relating to the Governor-General extend and apply to the Governor-General for the time being or such person as the King may appoint to administer the government of the Union. The King may authorize the Governor-General to appoint any person to be his deputy within the Union during his temporary absence, and in that capacity to exercise for and on behalf of the Governor-General during such absence all such powers and authorities vested in the Governor-General as the Governor-General may assign to him, subject to any limitations expressed or directions given by the King; but the appointment of such deputy shall not affect the exercise by the Governor-General himself of any power or function.

Executive Council

12. There shall be an Executive Council to advise the Governor-General in the government of the Union, and the members of the council shall be chosen and summoned by the Governor-General and sworn as executive councillors, and shall hold office during his pleasure.

Meaning of Governor-General-in-Council

13. The provisions of this Act referring to the Governor-General-in-Council shall be construed as referring to the Governor-General acting with the advice of the Executive Council.

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[1] This section was repealed by Act No. 69 of 1934, but section 4 of that Act reads as follows:

"The Executive Government of the Union in regard to any aspect of its domestic or external affairs is vested in the King, acting on the advice of His Ministers of State for the Union, and may be administered by His Majesty in person or by a Governor-General as his representative."

Appointment of Ministers

14.[1] (1) The Governor-General may appoint officers not exceeding twelve in number to administer such departments of State of the Union as the Governor-General-in-Council may establish; such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Executive Council and shall be the King's Ministers of State for the Union. After the first general election of members of the House of Assembly, as hereinafter provided, no minister shall hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.

(2) Whenever any Minister of State is from any cause whatever unable to perform any of the functions of his office, the Governor-General-in-Council may appoint any member of the Executive Council (whether he has or has not been appointed as a Minister of State, under sub-section (1)) to act in the said Minister's stead, either generally or in the performance of any particular function.

Appointment and Removal of Officers

15. The appointment and removal of all officers of the public service of the Union shall be vested in the Governor-General-in-Council, unless the appointment is delegated by the Governor-General-in-Council or by this Act or by a law of Parliament to some other authority.

Transfer of Executive Powers to Governor-General-in-Council

16. All powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in the Governor or in the Governor-in-Council, or in any authority of the Colony, shall as far as the same continue in existence and are capable of being exercised after the establishment of the Union, be vested in the Governor-General or in the Governor-General-in-Council, or in the authority exercising similar powers under the Union, as the case may be, except such powers and functions as are by this Act or may by a law of Parliament be vested in some other authority.

Command of Naval and Military Forces

17. The command-in-chief of the naval and military forces within the Union is vested in the King or in the Governor-General as his representative.

Seat of Government

18. Save as in section *twenty-three* excepted, Pretoria shall be the seat of Government of the Union.

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[1] As amended by Acts No. 34 of 1925, No. 17 of 1933 and No. 13 of 1938.

PART IV

PARLIAMENT

Legislative Power

19. The legislative power of the Union shall be vested in the Parliament of the Union, herein called Parliament, which shall consist of the King, a Senate, and a House of Assembly.

Sessions of Parliament

20. The Governor-General may appoint such times for holding the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue Parliament, and may in like manner dissolve the Senate and the House of Assembly simultaneously, or the House of Assembly alone provided that the Senate shall not be dissolved within a period of ten years after the establishment of the Union, and provided further that the dissolution of the Senate shall not affect any senators nominated by the Governor-General-in-Council.

Summoning of First Parliament

21. Parliament shall be summoned to meet not later than six months after the establishment of the Union.

Annual Session of Parliament

22. There shall be a session of Parliament once at least in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and its first sitting in the next session.

Seat of Legislature

23. Capetown shall be the seat of the Legislature of the Union.

SENATE

Original Constitution of Senate

24. For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows:—

(i) Eight senators shall be nominated by the Governor-General-in-Council, and for each original province eight senators shall be elected in the manner hereinafter provided:

(ii) The senators to be nominated by the Governor-General-in-Council shall hold their seats for ten years. One-half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience, or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a senator so nominated shall become vacant, the Governor-General-in-Council shall nominate another person to be a senator, who shall hold his seat for ten years.

(ii) After the passing of this Act, and before the day appointed for the establishment of the Union, the Governor of each of the Colonies shall summon a special sitting of both Houses of the Legislature, and the two

Houses sitting together as one body and presided over by the Speaker of the Legislative Assembly shall elect eight persons to be senators for the province. Such senators shall hold their seats for ten years. If the seat of a senator so elected shall become vacant, the provincial council of the province for which such senator has been elected shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

Subsequent Constitution of Senate

25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made—

(i) The provisions of the last preceding section with regard to nominated senators shall continue to have effect;

(ii) Eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor-General-in-Council shall make regulations for the joint election of senators prescribed in this section.

Qualifications of Senators

26.[1] The qualifications of a senator shall be as follows:

He must—

(a) Be not less than thirty years of age;

(b) Be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;

(c) Have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;

(d) Be a person of European descent who has acquired Union nationality whether—

(i) By birth or

(ii) By domicile as a British subject or

(iii) By naturalization, or otherwise, in terms of Act 40 of 1927 or of Act 14 of 1932.

(e) In the case of an elected senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon.

For the purposes of this section, residence in, and property situated within, a Colony before its incorporation in the Union shall be treated as residence in and property situated within the Union.

Appointement and Tenure of Office of President

27. The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President. The President shall cease to hold office if

[1] As amended by Act No. 69 of 1934.

he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office by writing under his hand addressed to the Governor-General.

Deputy-President

28. Prior to or during any absence of the President the Senate may choose a senator to perform his duties in his absence.

Resignation of Senators

29. A senator may, by writing under his hand addressed to the Governor-General, resign his seat, which thereupon shall become vacant. The Governor-General shall as soon as practicable cause steps to be taken to have the vacancy filled.

Quorum

30. The presence of at least twelve senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Voting in the Senate

31. All questions in the Senate shall be determined by a majority of votes of senators present other than the President or the presiding senator, who shall, however, have and exercise a casting vote in the case of an equality of votes.

House of Assembly

Constitution of House of Assembly

32.[1] The House of Assembly shall be composed of

(a) One hundred and fifty members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section *forty-one;* and

(b) Three members elected in accordance with the provisions of the Representation of Natives Act, 1936 (Act No. 12 of 1936).

33. *Repealed by Act No. 30 of 1942.*

34. *Repealed by Act No. 30 of 1942.*

Qualifications of Voters

35.[2] (1) Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly, but no such law shall disqualify any person (other than a native, as defined in section *one* of the Representation of Natives Act, 1936) in the province of the Cape of Good Hope who, under the laws existing in the Colony of the Cape of Good Hope at the establishment of the Union, is or may become capable of being registered as a voter from being so registered in the province of the Cape of Good Hope by reason of

[1] As amended by Act No. 30 of 1942.

[2] As amended by Act No. 12 of 1936.

his race or colour only, or disqualify any native, as so defined, who under the said Act would be or might become capable of being registered in the Cape native voters' roll instituted under that Act from being so registered, or alter the number of the members of the House of Assembly who in terms of the said Act may be elected by the persons registered in the said roll, unless the Bill embodying such disqualification or alteration be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

(2) No person (other than a native as so defined) who at the passing of any such law is registered as a voter in any province shall be removed from the register by reason only of any disqualification based on race or colour.

Application of Existing Qualifications

36. Subject to the provisions of the last preceding section, the qualifications of parliamentary voters, as existing in the several Colonies at the establishment of the Union, shall be the qualifications necessary to entitle persons in the corresponding provinces to vote for the election of members of the House of Assembly: Provided that no member of His Majesty's regular forces on full pay shall be entitled to be registered as a voter.

Elections

37. (1) Subject to the provisions of this Act, the laws in force in the Colonies at the establishment of the Union relating to elections for the more numerous Houses of Parliament in such Colonies respectively, the registration of voters, the oaths or declarations to be taken by voters, returning officers, the powers and duties of such officers, the proceedings in connection with elections, election expenses, corrupt and illegal practices, the hearing of election petitions and the proceedings incident thereto, the vacating of seats of members and the proceedings necessary for filling such vacancies, shall, *mutatis mutandis*, apply to the elections in the respective provinces of members of the House of Assembly.

(2) Notwithstanding anything to the contrary in any of the said laws contained, at any general election of members of the House of Assembly, all polls shall be taken on one and the same day in all the electoral divisions throughout the Union, such day to be appointed by the Governor-General-in-Council.

Commission for Delimitation of Electoral Divisions

38. Between the date of the passing of this Act and the date fixed for the establishment of the Union, the Governor-General-in-Council of each of the Colonies shall nominate a judge of any of the Supreme or High Courts of the Colonies, and the judges so nominated shall, upon acceptance by them respectively of such nomination, form a joint commission, without any further appointment, for the purpose of the first division of the provinces into electoral divisions. The High Commissioner for South Africa shall

forthwith convene a meeting of such commission at such time and place in one of the Colonies as he shall fix and determine. At such meeting the Commissioners shall elect one of their number as chairman of such commission. They shall thereupon proceed with the discharge of their duties under this Act, and may appoint persons in any province to assist them or to act as assessors to the commission or with individual members thereof for the purpose of inquiring into matters connected with the duties of the commission. The commission may regulate their own procedure and may act by a majority of their number. All moneys required for the payment of the expenses of such commission before the establishment of the Union in any of the Colonies shall be provided by the Governor-General-in-Council of such Colony. In case of the death, resignation, or other disability of any of the Commissioners before the establishment of the Union, the Governor-General-in-Council of the Colony in respect of which he was nominated shall forthwith nominate another judge to fill the vacancy. After the establishment of the Union the expenses of the commission shall be defrayed by the Governor-General-in-Council, and any vacancies shall be filled by him.

Electoral Divisions

39. The commission shall divide each province into electoral divisions, each returning one member.

Method of Dividing Provinces into Electoral Divisions

40.[1] (1) For the purposes of any division of the provinces into electoral divisions, the quota of each province shall be obtained by dividing the total number of voters in the province as ascertained from an examination of the current voters' lists by the number of members of the House of Assembly to be elected therein.

(2) Each province shall be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of sub-section (3) of this section, contain a number of voters, as nearly as may be, equal to the quota of the province.

(3) The Commissioners shall give due consideration to—

(a) Community or diversity of interests;
(b) Means of communication;
(c) Physical features;
(d) Existing electoral boundaries;
(e) Sparsity or density of population;

in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.

Alteration of Electoral Divisions

41.[2] As soon as may be after every census the Governor-General-in-Council shall appoint a commission consisting of three judges of the

[1] As amended by Acts No. 20 of 1940 and No. 10 of 1946.
[2] As amended by Act No. 30 of 1942.

Supreme Court of South Africa to carry out any re-division which may have become necessary as between the different electoral divisions in each province, and to provide for the allocation of the number of members to which such province may have become entitled under the provisions of this Act. In carrying out such re-division and allocation the commission shall have the powers and proceed upon the principles set forth in sections *thirty-four*, *thirty-eight*, *thirty-nine* and *forty*.

Powers and Duties of Commission for Delimiting Electoral Divisions

42. (1) The joint commission constituted under section *thirty-eight*, and any subsequent commission appointed under the provisions of the last preceding section, shall submit to the Governor-General-in-Council—

(a) A list of electoral divisions, with the names given to them by the commission and a description of the boundaries of every such division:
(b) A map or maps showing the electoral divisions into which the provinces have been divided:
(c) Such further particulars as they consider necessary.

(2) The Governor-General-in-Council may refer to the commission for its consideration any matter relating to such list or arising out of the powers or duties of the commission.

(3) The Governor-General-in-Council shall proclaim the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a re-division, the electoral divisions as named and defined shall be the electoral divisions of the Union in the provinces.

(4) If any discrepancy shall arise between the description of the divisions and the aforesaid map or maps, the description shall prevail.

Date from which Alteration of Electoral Divisions to Take Effect

43. Any alteration in the number of members of the House of Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of members of the House of Assembly, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

Qualifications of Members of House of Assembly

44.[1] The qualifications of a member of the House of Assembly shall be as follows:—

He must—

(a) Be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;
(b) Have resided for five years within the limits of the Union as existing at the time when he is elected;
(c) Be a person of European descent who has acquired Union nationality whether—
(i) By birth or

[1] As amended by Act No. 69 of 1934.

(ii) By domicile as a British subject or,
(iii) By naturalization, or otherwise, in terms of Act 40 of 1927 or of Act 14 of 1932.

For the purposes of this section, residence in a Colony before its incorporation in the Union shall be treated as residence in the Union.

Duration

45. Every House of Assembly shall continue for five years from the first meeting thereof, and no longer, but may be sooner dissolved by the Governor-General.

Appointment and Tenure of Office of Speaker

46. The House of Assembly shall before proceeding to the dispatch of any other business, choose a member to be the Speaker of the House, and, as often as the office of Speaker becomes vacant, the House shall again choose a member to be the Speaker. The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing under his hand addressed to the Governor-General.

Deputy-Speaker

47. Prior to or during the absence of the Speaker, the House of Assembly may choose a member to perform his duties in his absence.

48. *Repealed by section forty-nine* (1), *Act No.* 11 *of* 1926. *See subsection* (2) *thereof.*

Quorum

49. The presence of at least thirty members of the House of Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers.

Voting in House of Assembly

50. All questions in the House of Assembly shall be determined by a majority of votes of members present other than the Speaker or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Both Houses of Parliament

Oath or Affirmation of Allegiance

51.[1] Every senator and every member of the House of Assembly shall, before taking his seat, make and subscribe before the Governor-General, or some person authorized by him, an oath or affirmation of allegiance in the following form:—

Oath

I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty [*here insert the name of King or Queen as the case may be for the time being*] His [*or Her*] heirs and successors according to law, So help me God.

1 As amended by Act No. 69 of 1934.

Affirmation

I, A. B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to His Majesty [*here insert the name of King or Queen as the case may be for the time being*] His [*or Her*] heirs and successors according to law.

Members of either House disqualified for being Member of the other House

52. A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House: Provided that every Minister of State who is a member of either House of Parliament shall have the right to sit and speak.in the Senate and the House of Assembly, but shall vote only in the House of which he is a member.

Disqualifications for being a Member of either House

53.[1] No person shall be capable of being chosen or of sitting as a senator or as a member of the House of Assembly who—

(*a*) Has been at any time convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than twelve months, unless he shall have received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his election; or

(*b*) Is an unrehabilitated insolvent; or

(*c*) Is of unsound mind, and has been so declared by a competent court; or

(*d*) Holds any office of profit under the Crown within the Union; Provided that the following persons shall not be deemed to hold an office of profit under the Crown for the purposes of this sub-section:

(1) A Minister of State for the Union;

(2) A person in receipt of a pension from the Crown;

(3) An officer or member of His Majesty's naval or military forces on retired or half -pay, or an officer or member of the naval or military forces of the Union whose services are not wholly employed by the Union;

(4) Any person who has been appointed or became a justice of the peace under section *two* of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of1914), and any justice of the peace appointed before the commencement of the said Act, who performs his functions as such by virtue of section *five* of that Act;

(5) Any person who, while the Union is at war, is an officer or member of the military, air or naval forces of the Union or any other force or service established by or under the South Africa Defence Act, 1912 (Act. No. 13 of 1912).

Vacation of Seats

54.[2] If a senator or member of the House of Assembly—

(*a*) Becomes subject to any of the disabilities mentioned in the last preceding section; or

(*b*) Ceases to be qualified as required by law; or

(*c*) Fails for a whole ordinary session to attend without the special leave of the Senate or the House of Assembly, as the case may be, unless his absence is due to his serving, while the Union is at war, with the military, air or naval forces of the Union or any other force or service established by or under the South Africa Defence Act, 1912 (Act. No. 13 of 1912);

his seat shall thereupon become vacant.

[1] As amended by Acts No. 17 of 1933 and No. 19 of 1940.

[2] As amended by Act No. 19 of 1940.

Penalty for Sitting or Voting when Disqualified

55. If any person who is by law incapable of sitting as a senator or member of the House of Assembly shall, while so disqualified and knowing or having reasonable grounds for knowing that he is so disqualified, sit or vote as a member of the Senate or the House of Assembly, he shall be liable to a penalty of one hundred pounds for each day on which he shall so sit or vote, to be recovered on behalf of the Treasury of the Union by action in any Superior Court of the Union.

Allowances of Members

56.[1] (1) Subject to the provisions of this section, every member of the Senate and the House of Assembly (excluding Ministers receiving a salary under the Crown, the President of the Senate and the Speaker of the House of Assembly) shall receive an allowance of one thousand pounds per annum.

(1) *bis.* Subject to the provisions of this section other than the provisions of sub-section (2), the Leader of the Opposition shall receive an allowance of one thousand pounds per annum in addition to the allowance provided for in sub-section (1).

(1) *ter.* For the purposes of this section the expression 'Leader of the Opposition' shall mean that member of the House of Assembly who is for the time being the Leader in that House of the party in opposition to the Government having the greatest numerical strength in that House and if there is any doubt as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the House of Assembly, or as to who is or was at any material time the Leader in that House of such a party, the question shall be decided for the purposes of this section by the Speaker of the House of Assembly, and his decision, certified in writing under his hand, shall be final and conclusive.

(2) For every day during which any such member fails to attend a meeting of the House of which he is a member there shall be deducted the sum of six pounds: Provided that such member shall be exempted from deductions on account of such failure—

(*a*) For any day on which he attends a meeting of any Committee of the House of which he is a member; and

(*b*) When his absence is due to his illness or to the summons or subpoena of a competent Court (except a summons to answer a criminal charge upon which he is convicted); and

(*c*) When his absence is due to the death or serious illness of his wife and such absence is condoned by the Sessional Committee on Standing Orders of the Senate or the Committee on Standing Rules and Orders of the House of Assembly (as the case may be); and

(*c*) *bis.* When his absence is due to his serving, while the Union is at war, with the military, air or naval forces of the Union or any other force or service established by or under the South Africa Defence Act, 1912 (Act No. 13 of 1912); and

(*d*) In respect of any further period of absence not exceeding twenty-five days on which he so fails to attend during a session at which the estimates of expenditure for the ordinary administrative services of a financial year are considered.

[1] As amended by Acts No. 51 of 1926, Nos. 19 and 20 of 1940, and No. 21 of 1946.

(3) Subject to the deductions incurred, if any, the Clerk of the House concerned shall pay to every such member of the House of which he is Clerk the allowance aforesaid in monthly instalments, the first month to be reckoned in the case of a senator, from the date on which he was nominated or elected, as the case may be, and, in the case of a member of the House of Assembly, if he was declared elected after a poll had taken place, from the date on which the poll took place, and if he was declared elected because he was the only person duly nominated, from the date on which he was declared elected.

(3) *bis.* There shall be paid to the President of the Senate a salary of two thousand pounds per annum and to the Speaker of the House of Assembly a salary of two thousand five hundred pounds per annum.

(4) The amount of the allowances and salaries paid under this section shall be charged annually to the Consolidated Revenue Fund and the provision of this sub-section shall be deemed to be an appropriation of every such amount.

Privileges of Houses of Parliament

57. The powers, privileges, and immunities of the Senate and of the House of Assembly and of the members and committees of each House shall, subject to the provisions of this Act, be such as are declared by Parliament, and until declared shall be those of the House of Assembly of the Cape of Good Hope and of its members and committees at the establishment of the Union.

Rules of Procedure

58. Each House of Parliament may make rules and orders with respect to the order and conduct of its business and proceedings. Until such rules and orders shall have been made the rules and orders of the Legislative Council and House of Assembly of the Cape of Good Hope at the establishment of the Union shall *mutatis mutandis* apply to the Senate and House of Assembly respectively. If a joint sitting of both Houses of Parliament is required under the provisions of this Act, it shall be convened by the Governor-General by message to both Houses. At any such joint sitting the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall as far as practicable, apply.

Powers of Parliament

Powers of Parliament

59. Parliament shall have full power to make laws for the peace, order, and good government of the Union.

Money Bills

60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason

only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(2) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(3) The Senate may not amend any Bills so as to increase any proposed charges or burden on the people.

Appropriation Bills

61. Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

Recommendation of Money Votes

62. The House of Assembly shall not originate or pass any vote, resolution, address, or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose unless such appropriation has been recommended by message from the Governor-General during the session in which such vote, resolution, address, or Bill is proposed.

Disagreements between the Two Houses

63. If the House of Assembly passes any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next session again passes the Bill with or without any amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Governor-General may during that session convene a joint sitting of the members of the Senate and House of Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Assembly and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and House of Assembly present at such sitting shall be taken to have been carried, and if the Bill with the amendments, if any, is affirmed by a majority of the members of the Senate and House of Assembly present at such sitting, it shall be taken to have been duly passed by both Houses of Parliament: Provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill.

Royal Assent to Bills

64.[1] When a Bill is presented to the Governor-General for the King's Assent, he shall declare according to his discretion, but subject to the pro-

[1] As amended by Act No. 69 of 1934.

visions of this Act, and to such instructions as may from time to time be given in that behalf by the King, that he assents in the King's name, or that he withholds assent. The Governor-General may return to the House in which it originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

65. *Repealed by Act No. 69 of 1934.*

66. *Repealed by Act No. 69 of 1934.*

Signature and Enrolment of Acts

67.[1] As soon as may be after any law shall have been assented to in the King's name by the Governor-General, the Clerk of the House of Assembly shall cause two fair copies of such law, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies thus deposited that signed by the Governor-General shall prevail.

PART V

The Provinces

Administrators

Appointment and Tenure of Office of Provincial Administrators

68. (1) In each province there shall be a chief executive officer appointed by the Governor-General-in-Council, who shall be styled the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the Governor-General-in-Council shall, as far as practicable, give preference to persons resident in such province.

(3) Such administrator shall hold office for a term of five years and shall not be removed before the expiration thereof except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(4) The Governor-General-in-Council may from time to time appoint a deputy-administrator to execute the office and functions of the administrator during his absence, illness, or other inabibility.

Salaries of Administrators

69. The salaries of the administrators shall be fixed and provided by Parliament, and shall not be reduced during their respective terms of office.

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[1] As amended by Act No. 69 of 1934.

Provincial Councils

Constitution of Provincial Councils

70. (1) There shall be a provincial council in each province consisting of the same number of members as are elected in the province for the House of Assembly: Provided that, in any province whose representatives in the House of Assembly shall be less than twenty-five in number, the provincial council shall consist of twenty-five members.

(2) Any person qualified to vote for the election of members of the provincial council shall be qualified to be a member of such council.

Qualification of Provincial Councillors

71. (1) The members of the provincial council shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly: Provided that, in any province in which less than twenty-five members are elected to the House of Assembly, the delimitation of the electoral divisions and any necessary re-allocation of members or adjustment of electoral divisions, shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions for the House of Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division, or of any allocation consequent upon such alteration, and not earlier.

(3) The election shall take place at such times as the administrator shall by proclamation direct, and the provisions of section *thirty-seven* applicable to the election of members of the House of Assembly shall *mutatis mutandis* apply to such elections.

Application of Sections fifty-three to fifty-five to Provincial Councillors

72. The provisions of sections *fifty-three*, *fifty-four*, and *fifty-five*, relative to members of the House of Assembly shall *mutatis mutandis* apply to members of the provincial councils: Provided that any member of a provincial council who shall become a member of either House of Parliament shall thereupon cease to be a member of such provincial council.

Tenure of Office by Provincial Councillors

73.[1] Each provincial council shall continue for five years from the date of its first meeting, and shall not be subject to dissolution save by effluxion of time.

Sessions of Provincial Councils

74. The administrator of each province shall by proclamation fix such

[1] As amended by Act No. 43 of 1935.

times for holding the sessions of the provincial council as he may think fit, and may from time to time prorogue such council: Provided that there shall be a session of every provincial council once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

Chairman of Provincial Councils

75. The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings. Such rules shall be transmitted by the administrator to the Governor-General, and shall have full force and effect unless and until the Governor-General-in-Council shall express his disapproval thereof in writing addressed to the administrator.

Allowances of Provincial Councillors

76. The members of the provincial council shall receive such allowances as shall be determined by the Governor-General-in-Council.

Freedom of Speech in Provincial Councils

77. There shall be freedom of speech in the provincial council, and no member shall be liable to any action or proceeding in any court by reason of his speech or vote in such council.

Executive Committees

Provincial Executive Committees

78. (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province. The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

(2) Such members shall receive such remuneration as the provincial council, with the approval of the Governor-General-in-Council, shall determine.

(3) A member of the provincial council shall not be disqualified from sitting as a member by reason of his having been elected as a member of the executive committee.

(4) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if then in session, or, if the council is not in session, by a person appointed by the executive committee to hold office temporarily pending an election by the council.

Right of Administrator, etc., to take part in Proceedings of Provincial Council

79. The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall

have the right to take part in the proceedings of the council, but shall not have the right to vote.

Powers of Provincial Executive Committees

80. The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs. Until the first election of members to serve on the executive committee, such administration shall be carried on by the administrator. Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the committee, the administrator shall, as soon as practicable, convene a meeting of the provincial council for the purpose of electing members to fill vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

Transfer of Powers to Provincial Executive Committees

81. Subject to the provisions of this Act, all powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in or exercised by the Governor-General or the Governor-General-in-Council, or any Minister of the Colony, shall after such establishment be vested in the executive committee of the province so far as such powers, authorities, and functions relate to matters in respect of which the provincial council is competent to make ordinances.

Voting in Executive Committees

82. Questions arising in the executive committee shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the administrator shall have also a casting vote. Subject to the approval of the Governor-General-in-Council, the executive committee may make rules for the conduct of its proceedings.

Tenure of Office of Members of Executive Committees

83. Subject to the provisions of any law passed by Parliament regulating the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the Governor-General-in-Council under the provisions of this Act, to carry out the services entrusted to them and to make and enforce regulations for the organization and discipline of such officers.

Power of Administrator to Act on behalf of Governor-General-in-Council

84. In regard to all matters in respect of which no powers are reserved or delegated to the provincial council, the administrator shall act on behalf of the Governor-General-in-Council when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee.

Powers of Provincial Councils

85.[1] Subject to the provisions of this Act and the assent of the Governor-General-in-Council as hereinafter provided, the provincial council may make ordinances in relation to matters coming within the following classes of subjects (that is to say):—

(i) Direct taxation within the province in order to raise a revenue for provincial purposes:

(ii) The borrowing of money on the sole credit of the province with the consent of the Governor-General-in-Council and in accordance with regulations to be framed by Parliament:

(iii) Education, other than higher education, for a period of five years and thereafter until Parliament otherwise provides:

(iv) Agriculture to the extent and subject to the conditions to be defined by Parliament:

(v) The establishment, maintenance, and management of hospitals and charitable institutions:

(vi) Municipal institutions, divisional councils, and other local institutions having authority and functions in any area in respect of the local government of, or the preservation of public health in, that area, including any such body as is referred to in section seven of the Public Health Act, 1919 (Act No. 36 of 1919):

(vii) Local works and undertaking within the province, other than railways and harbours and other than such works as extend beyond the borders of the province, and subject to the power of Parliament to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise:

(viii) Roads, outspans, ponts, and bridges, other than bridges connecting two provinces:

(ix) Markets and pounds:

(x)[2] Fish and game preservation:

(xi) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section:

(xii) Generally all matters which, in the opinion of the Governor-General in-Council, are of a merely local or private nature in the province:

(xiii) All other subjects in respect of which Parliament shall by any law delegate the power of making ordinances to the provincial council.

Effect of Provincial Ordinances

86. Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of Parliament.

Recommendations to Parliament

87. A provincial council may recommend to Parliament the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

Power to Deal with Matters Proper to be Dealt with by Private Bill Legislation

88. In regard to any matter which requires to be dealt with by means

[1] As amended by Act No. 1 of 1926.

[2] Repealed by Act No. 10 of 1940 in so far as it relates to sea fisheries.

of a private Act of Parliament, the provincial council of the province to which the matter relates may, subject to such procedure as shall be laid down by Parliament, take evidence by means of a Select Committee or otherwise for and against the passing of such law, and, upon receipt of a report from such council, together with the evidence upon which it is founded, Parliament may pass such Act without further evidence being taken in support thereof.

Constitution of Provincial Revenue Fund

89.[1] (1) A provincial revenue fund shall be formed in every province, into which shall be paid all revenues raised by or accruing to the provincial council and all moneys paid over by the Governor-General-in-Council to the provincial council. Such fund shall be appropriated by the provincial council by ordinance for the purposes of the provincial administration generally, or, in the case of moneys paid over by the Governor-General-in-Council for particular purposes, then for such purposes but no such ordinance shall be passed by the provincial council unless the administrator shall have first recommended to the council to make provision for the specific service for which the appropriation is to be made. No money shall be issued from the provincial revenue fund except in accordance with such appropriation and under warrant signed by the administrator: Provided that, until the expiration of one month after the first meeting of the provincial council, the administrator may expend such moneys as may be necessary for the services of the province.

(2) The administrator of a province may, subject to the laws relating to education, authorize every educational institution in the province which is specified in a list published by the Governor-General by proclamation in the *Gazette*, to retain and apply such of its revenues and other moneys received by it, as the Administrator may from time to time determine, for the purpose of meeting its expenditure, and such revenues and other moneys shall, notwithstanding the provisions of subsection (1), not be paid into the provincial revenue fund, but shall be accounted for and dealt with as the administrator may prescribe.

Assent to Provincial Ordinances

90. When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the Governor-General-in-Council for his assent. The Governor-General-in-Council shall declare within one month from the presentation to him of the proposed ordinance that he assents thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration. A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the Governor-General-in-Council, he makes known by proclamation that it has received his assent.

Effect and Enrolment of Ordinances

91. An ordinance assented to by the Governor-General-in-Council and

[1] As amended by Act No. 39 of 1945.

promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province. The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of such ordinance, and, in case of conflict between the two copies thus deposited, that signed by the Governor-General shall prevail.

Miscellaneous

Audit of Provincial Accounts

92. (1) In each province there shall be an auditor of accounts to be appointed by the Governor-General-in-Council.

(2) No such auditor shall be removed from office except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal if Parliament be then sitting, and, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(3) Each such auditor shall receive out of the Consolidated Revenue Fund such salary as the Governor-General-in-Council, with the approval of Parliament, shall determine.

(4) Each such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the Governor-General-in-Council and approved by Parliament, and no warrant signed by the administrator authorizing the issuing of money shall have effect unless countersigned by such auditor.

Continuation of Powers of Divisional and Municipal Councils

93. Notwithstanding anything in this Act contained, all powers, authorities, and functions lawfully exercised at the establishment of the Union by divisional or municipal councils, or any other duly constituted local authority, shall be and remain in force until varied or withdrawn by Parliament or by a provincial council having power in that behalf.

Seats of Provincial Government

94. The seats of provincial government shall be—

For the Cape of Good Hope	Capetown.
For Natal	Pietermaritzburg.
For the Transvaal	Pretoria.
For the Orange Free State	Bloemfontein.

PART VI

The Supreme Court of South Africa

Constitution of Supreme Court

95. There shall be a Supreme Court of South Africa consisting of a Chief Justice of South Africa, the judges of appeal, and the other judges

of the several divisions of the Supreme Court of South Africa in the provinces.

Appellate Division of Supreme Court

96.[1] There shall be an appellate division of the Supreme Court of South Africa consisting of the Chief Justice of South Africa and four judges of appeal.

Filling of Temporary Vacancies in Appellate Division

97.[2] Whenever for any reason it is expedient to do so, the Governor-General may appoint some fit and proper person to act as a judge of any division of the Supreme Court of South Africa in the place of any judge of that division or in addition to the judges of that division: Provided that no person other than a judge of the said Supreme Court shall be appointed to act as the Chief Justice of South Africa or as a judge of appeal.

Constitution of Provincial and Local Divisions of Supreme Court

98. (1) The several supreme courts of the Cape of Good Hope, Natal, and the Transvaal, and the High Court of the Orange River Colony shall, on the establishment of the Union, become provincial divisions of the Supreme Court of South Africa within their respective provinces, and shall each be presided over by a judge-president.

(2) The court of the eastern district of the Cape of Good Hope, the High Court of Griqualand, the High Court of Witwatersrand, and the several circuit courts, shall become local divisions of the Supreme Court of South Africa within the respective areas of their jurisdiction as existing at the establishment of the Union.

(3) The said provincial and local divisions, referred to in this Act as superior courts, shall, in addition to any original jurisdiction exercised by the corresponding courts of the Colonies at the establishment of the Union, have jurisdiction in all matters—

(*a*) In which the Government of the Union or a person suing or being sued on behalf of such Government is a party:

(*b*) In which the validity of any provincial ordinance shall come into question.

(4) Unless and until Parliament shall otherwise provide, the said superior courts shall *mutatis mutandis* have the same jurisdiction in matters affecting the validity of elections of members of the House of Assembly and provincial councils as the corresponding courts of the Colonies have at the establishment of the Union in regard to parliamentary elections in such Colonies respectively.

Continuation in Office of Existing Judges

99. All judges of the supreme courts of the Colonies, including the High Court of the Orange River Colony, holding office at the establish-

[1] As amended by Act No. 12 of 1920.

[2] As amended by Acts No. 12 of 1920 and No. 41 of 1941.

ment of the Union shall on such establishment become judges of the Supreme Court of South Africa, assigned to the divisions of the Supreme Court in the respective provinces, and shall retain all such rights in regard to salaries and pensions as they may possess at the establishment of the Union. The Chief Justices of the Colonies holding office at the establishment of the Union shall on such establishment become the Judges-President of the divisions of the Supreme Court in the respective provinces, but shall so long as they hold that office retain the title of Chief Justice of their respective provinces.

Appointment and Remuneration of Judges

100.[1] The Chief Justice of South Africa, the judges of appeal, and all other judges of the Supreme Court of South Africa to be appointed after the establishment of the Union, shall be appointed by the Governor-General-in-Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be diminished during their continuance in office.

Tenure of Office by Judges

101. The Chief Justice of South Africa and other judges of the Supreme Court of South Africa shall not be removed from office except by the Governor-General-in-Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

Reduction in Number of Judges

102. Upon any vacancy occurring in any division of the Supreme Court of South Africa, other than the Appellate Division, the Governor-General-in-Council may, in case he shall consider that the number of judges of such court may with advantage to the public interests be reduced, postpone filling the vacancy until Parliament shall have determined whether such reduction shall take place.

Appeals to Appellate Division

103.[2] (1) In every civil case in which, according to the law in force at the establishment of the Union, an appeal might have been made to the Supreme Court of any of the Colonies from a superior court in any of the Colonies, or from the High Court of Southern Rhodesia, the appeal shall be made only to the Appellate Division, except in cases of orders or judgments given by a single judge, upon applications by way of motion or petition or on summons for provisional sentence or judgments as to costs only, which by law are left to the discretion of the court. The appeal from any such orders or judgments shall be made to the provincial division corresponding to the court which before the establishment of the Union would have had jurisdiction in the matter. There shall be no further

[1] As amended by Act No. 12 of 1920.
[2] As amended by Act No. 46 of 1935.

appeal against any judgment given on appeal by such provincial division except to the Appellate Divison, and then only if such provincial division shall have given special leave to appeal: Provided that if such provincial division shall have refused special leave to appeal, the Appellate Division may, on application being made thereto, grant such special leave and may vary any order as to costs made by such provincial division in refusing such special leave.

(2) If any court grants special leave to appeal under the provisions of sub-section (1) the court may order the appellant to find security for the costs of appeal in such an amount as may be fixed by such court and may fix the time within which such security shall be found.

Existing Appeals

104. In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from the Supreme Court of any of the Colonies or from the High Court of the Orange River Colony to the King-in-Council, the appeal shall be made only to the Appellate Division: Provided that the right of appeal in any civil suit shall not be limited by reason only of the value of the matter in dispute or the amount claimed or awarded in such suit.

Appeals from Inferior Courts to Provincial Divisions

105.[1] (1) In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from a court of resident magistrate or other inferior court to a superior court in any of the Colonies, the appeal shall be made to the corresponding division of the Supreme Court of South Africa; but there shall be no further appeal against any judgment given on appeal by such division except to the Appellate Division, and then only if such corresponding division shall have given special leave to appeal: Provided that if such corresponding division shall have refused special leave to appeal, the Appellate Division may, on application being made thereto, grant such special leave and may vary any order as to costs made by such corresponding division in refusing such special leave.

(2) If any court grants special leave to appeal under the provisions of sub-section (1) the court may order the appellant to find security for the costs of appeal in such an amount as may be fixed by such court and may fix the time within which such security shall be found.

Provisions as to Appeals to the King-in-Council

106. There shall be no appeal from the Supreme Court of South Africa or from any division thereof to the King-in-Council, but nothing herein contained shall be construed to impair any right which the King-in-Council may be pleased to exercise to grant special leave to appeal from the Appellate Division to the King-in-Council. Parliament may make laws limiting the matters in respect of which such special leave

[1] As amended by Act No. 46 of 1935.

may be asked, but Bills containing any such limitation shall be reserved by the Governor-General for the signification of His Majesty's pleasure Provided that nothing in this section shall affect any right of appeal to His Majesty-in-Council from any judgment given by the Appellate Division of the Supreme Court under or in virtue of the Colonial Courts of Admiralty Act, 1890.

Rules of Procedure in Appellate Division

107.[1] The Chief Justice of South Africa and the judges of appeal may subject to the approval of the Governor-General-in-Council, make rules for the conduct of the proceedings of the Appellate Division and prescribing the time and manner of making appeals thereto. Until such rules shall have been promulgated, the rules in force in the Supreme Court of the Cape of Good Hope at the establishment of the Union shall *mutatis mutandis* apply.

Rules of Procedure in Provincial and Local Divisions

108. The Chief Justice and other judges of the Supreme Court of South Africa may, subject to the approval of the Governor-General-in-Council, frame rules for the conduct of the proceedings of the several provincial and local divisions. Until such rules shall have been promulgated, the rules in force at the establishment of the Union in the respective courts which become divisions of the Supreme Court of South Africa shall continue to apply therein.

Place of Sittings of Appellate Division

109. The Appellate Division shall sit in Bloemfontein, but may from time to time for the convenience of suitors hold its sittings at other places within the Union.

Quorum for Hearing Appeals

110.[2] (1) On the hearing of an appeal from a court consisting of a single judge, three judges of the Appellate Division shall form a quorum; and on the hearing of an appeal from a court consisting of two or more judges, four judges of the Appellate Division shall form a quorum:

Provided that if four judges of the Appellate Division sit to hear an appeal and are equally divided as to any judgment or order, or part thereof, to be given on appeal, any part of the judgment or order of the court from which the appeal is made, in respect whereof such judges are so divided, shall stand and shall be deemed to be the judgment or order of the Appellate Division:

Provided, further, that the costs arising out of any matter in respect whereof such judges are so divided shall be awarded to the party in whose favour such matter was decided by the court from which the appeal is made, subject to the power of such judges, or three of them, to make any other order as to the costs which they may deem equitable.

[1] As amended by Act No. 12 of 1920.
[2] As amended by Act No. 11 of 1927.

(2) If after argument on an appeal has been heard a judge who sat at the hearing dies or retires, or becomes otherwise incapable of acting before judgment has been given on the appeal, then—

(*a*) If the argument was heard before three judges, the judgments of the two remaining judges if in agreement; or

(*b*) If the argument was heard before four judges, the judgments of the three remaining judges if in agreement; or

(*c*) If the argument was heard before five judges, the judgments of the four remaining judges if in agreement, or of any three of them who are in agreement,

shall be the judgment of the Court.

(3) No judge shall sit in the hearing of an appeal against a judgment or order given in a case which was heard before him.

Jurisdiction of Appellate Division

111. The process of the Appellate Division shall run throughout the Union, and all its judgments or orders shall have full force and effect in every province and shall be executed in like manner as if they were original judgments or orders of the provincial division of the Supreme Court of South Africa in such province.

Execution of Processes of Provincial Divisions

112. The registrar of every provincial division of the Supreme Court of South Africa, if requested by any party in whose favour any judgment or order has been given or made by any other division, shall, upon the deposit with him of an authenticated copy of such judgment or order and on proof that the same remains unsatisfied, issue a writ or other process for the execution of such judgment or order, and thereupon such writ or other process shall be executed in like manner as if it had been originally issued from the division of which he is registrar.

Transfer of Suits from one Provincial or Local Division to another

113. Any provincial or local division of the Supreme Court of South Africa to which it may be made to appear that any civil suit pending therein may be more conveniently or fitly heard or determined in another division, may order the same to be removed to such other division, and thereupon such last-mentioned division may proceed with such suit in like manner as if it had been originally commenced therein.

Registrar and Officers of Appellate Division

114. The Governor-General-in-Council may appoint a registrar of the Appellate Division and such other officers thereof as shall be required for the proper dispatch of the business thereof.

Advocates and Attorneys

115. (1) The laws regulating the admission of advocates and attorneys to practise before any superior court of any of the Colonies shall *mutatis*

mutandis apply to the admission of advocates and attorneys to practise in the corresponding division of the Supreme Court of South Africa.

(2) All advocates and attorneys entitled at the establishment of the Union to practise in any superior court of any of the Colonies shall be entitled to practise as such in the corresponding division of the Supreme Court of South Africa.

(3) All advocates and attorneys entitled to practise before any provincial division of the Supreme Court of South Africa shall be entitled to practise before the Appellate Division.

Pending Suits

116. All suits, civil or criminal, pending in any superior court of any of the Colonies at the establishment of the Union shall stand removed to the corresponding division of the Supreme Court of South Africa, which shall have jurisdiction to hear and determine the same, and all judgments and orders of any superior court of any of the Colonies given or made before the establishment of the Union shall have the same force and effect as if they had been given or made by the corresponding division of the Supreme Court of South Africa. All appeals to the King-in-Council which shall be pending at the establishment of the Union shall be proceeded with as if this Act had not been passed.

PART VII

Finance and Railways

Constitution of Consolidated Revenue Fund and Railway and Harbour Fund

117. All revenues, from whatever source arising, over which the several Colonies have at the establishment of the Union power of appropriation, shall vest in the Governor-General-in-Council. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues raised or received by the Governor-General-in-Council from the administration of the railways, ports, and harbours, and such fund shall be appropriated by Parliament to the purposes of the railways, ports, and harbours in the manner prescribed by this Act. There shall also be formed a Consolidated Revenue Fund, into which shall be paid all other revenues raised or received by the Governor-General-in-Council, and such fund shall be appropriated by Parliament for the purposes of the Union in the manner prescribed by this Act, and subject to the charges imposed thereby.

Commission of Inquiry into Financial Relations between Union and Provinces

118. The Governor-General-in-Council shall, as soon as may be after the establishment of the Union, appoint a commission, consisting of one representative from each province, and presided over by an officer from the Imperial Service, to institute an inquiry into the financial relations which should exist between the Union and the provinces. Pending the completion of that inquiry and until Parliament otherwise provides, there

shall be paid annually out of the Consolidated Revenue Fund to the administrator of each province—

(*a*) An amount equal to the sum provided in the estimates for education, other than higher education, in respect of the financial year, 1908–09, as voted by the Legislature of the corresponding colony during the year nineteen hundred and eight;

(*b*) Such further sums as the Governor-General-in-Council may consider necessary for the due performance of the services and duties assigned to the provinces respectively.

Until such inquiry shall be completed and Parliament shall have made other provisions, the executive committees in the several provinces shall annually submit estimates of their expenditure for the approval of the Governor-General-in-Council, and no expenditure shall be incurred by any executive committee which is not provided for in such approved estimates.

Security for Existing Public Debts

119. The annual interest of the public debts of the Colonies and any sinking funds constituted by law at the establishment of the Union shall form a first charge on the Consolidated Revenue Fund.

Requirements for Withdrawal of Money from Funds

120. No money shall be withdrawn from the Consolidated Revenue Fund or the Railway and Harbour Fund except under appropriation made by law. But, until the expiration of two months after the first meeting of Parliament the Governor-General-in-Council may draw therefrom and expend such moneys as may be necessary for the public service, and for railway and harbour administration respectively.

Transfer of Colonial Property to the Union

121. All stocks, cash, bankers' balances, and securities for money belonging to each of the Colonies at the establishment of the Union shall be the property of the Union: Provided that the balances of any funds raised at the establishment of the Union by law for any special purposes in any of the Colonies shall be deemed to have been appropriated by Parliament for the special purposes for which they have been provided.

Crown Lands, etc.

122. Crown lands, public works, and all property throughout the Union, movable or immovable, and all rights of whatever description belonging to the several Colonies at the establishment of the Union, shall vest in the Governor-General-in-Council subject to any debt or liability specifically charged thereon.

Mines and Minerals

123. All rights in and to mines and minerals, and all rights in connection with the searching for, working for, or disposing of, minerals (or precious stones), which at the establishment of the Union are vested in the Gov-

ernment of any of the Colonies, shall on such establishment vest in the Governor-General-in-Council.

Assumption by Union of Colonial Debts

124. The Union shall assume all debts and liabilities of the Colonies existing at its establishment, subject, notwithstanding any other provision contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund, and other charges conferred on the creditors of any of the Colonies, and may, subject to such conditions and rights, convert, renew, or consolidate such debts.

Ports, Harbours, and Railways

125. All ports, harbours, and railway belonging to the several Colonies at the establishment of the Union shall from the date thereof vest in the Governor-General-in-Council. No railway for the conveyance of public traffic, and no port, harbour, or similar work, shall be constructed without the sanction of Parliament.

Constitution of Harbour and Railway Board

126. Subject to the authority of the Governor-General-in-Council, the control and management of the railways, ports, and harbours of the Union shall be exercised through a board consisting of not more than three commissioners, who shall be appointed by the Governor-General-in-Council, and a minister of State, who shall be chairman. Each commissioner shall hold office for a period of five years, but may be re-appointed. He shall not be removed before the expiration of his period of appointment, except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session. The salaries of the commissioners shall be fixed by Parliament and shall not be reduced during their respective terms of office.

Administration of Railways, Ports, and Harbours

127.[1] The railways, ports, and harbours of the Union shall be administered on business principles, due regard being had to agricultural and industrial development within the Union and promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces of the Union. So far as may be, the total earnings shall be not more than are sufficient to meet the necessary outlays for working maintenance, betterment, depreciation, and the payment of interest due on capital not being capital contributed

[1] Administration now governed by Act No. 22 of 1916, as amended.

out of railway or harbour revenue, and not including any sums payable out of the Consolidated Revenue Fund in accordance with the provisions of sections *one hundred and thirty* and *one hundred and thirty-one*. The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the Consolidated Revenue Fund. The Governor-General-in-Council shall give effect to the provisions of this section as soon as and at such time as the necessary administrative and financial arrangements can be made, but in any case shall give full effect to them before the expiration of four years from the establishment of the Union. During such period, if the revenues accruing to the Consolidated Revenue Fund are insufficient to provide for the general service of the Union, and if the earnings accruing to the Railway and Harbour Fund are in excess of the outlays specified herein, Parliament may by law appropriate such excess or any part thereof towards the general expenditure of the Union, and all sums so appropriated shall be paid over to the Consolidated Revenue Fund.

Establishment of Fund for Maintaining Uniformity of Railway Rates

128. Notwithstanding anything to the contrary in the last preceding section, the Board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

Management of Railway and Harbour Balances

129. All balances standing to the credit of any fund established in any of the Colonies for railway or harbour purposes at the establishment of the Union shall be under the sole control and management of the Board, and shall be deemed to have been appropriated by Parliament for the respective purposes for which they have been provided.

Construction of Harbour and Railway Works

130. Every proposal for the construction of any port or harbour works or of any line of railway, before being submitted to Parliament, shall be considered by the Board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed. If any such works or line shall be constructed contrary to the advice of the Board, and if the Board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and maintenance, and of interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation. Such estimate shall be examined by the Controller and Auditor-General, and when approved by him the amount thereof shall be paid over annually from the Consolidated Revenue Fund to the Railway and Harbour Fund: Provided that, if in any year the actual loss incurred, as calculated by the Board and certified by the Controller and Auditor-General, is less than the estimate framed by the Board, the amount paid over in respect of that year shall be reduced

accordingly so as not to exceed the actual loss incurred. In calculating the loss arising from the operation of any such work or line, the Board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

Making Good of Deficiencies in Railway Fund in Certain Cases

131. If the Board shall be required by the Governor-General-in-Council or under any Act of Parliament or resolution of both Houses of Parliament to provide any services or facilities either gratuitously or at a rate of charge which is insufficient to meet the costs involved in the provision of such services or facilities, the Board shall at the end of each financial year present to Parliament an account approved by the Controller and Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason of the provision of such services and facilities, and such amount shall be paid out of the Consolidated Revenue Fund to the Railway and Harbour Fund.

132. *Repealed by section one, Act No. 21 of 1911.*

Compensation of Colonial Capitals for Diminution of Prosperity

133. In order to compensate Pietermaritzburg and Bloemfontein for any loss sustained by them in the form or diminution of prosperity or decreased rateable value by reason of their ceasing to be seats of government of their respective Colonies, there shall be paid from the Consolidated Revenue Fund for a period not exceeding twenty-five years to the municipal councils of such towns a grant of two per centum per annum on their municipal debts, as existing on the thirty-first day of January nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. The Commission appointed under section *one hundred and eighteen* shall, after due inquiry, report to the Goveror-General-in-Council what compensation should be paid to the municipal councils of Capetown and Pretoria for the losses, if any, similarly sustained by them. Such compensation shall be paid out of the Consolidated Revenue Fund for a period not exceeding twenty-five years, and shall not exceed one per centum per annum on the respective municipal debts of such towns existing on the thirty-first January nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. For the purposes of this section Capetown shall be deemed to include the municipalities of Capetown, Green Point and Sea Point, Woodstock, Mowbray and Rondebosch, Claremont, and Wynberg, and any grant made to Capetown shall be payable to the councils of such municipalities in proportion to their respective debts. One half of any such grants shall be applied to the redemption of the municipal debts of such towns respectively. At any time after the tenth annual grant has been paid to any of such towns the Governor-General-in-Council, with the approval of Parliament, may after due inquiry withdraw or reduce the grant to such town.

PART VIII

General

Method of Voting for Senators, etc.

134. The election of senators and of members of the executive committees of the provincial councils as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote. The Governor-General-in-Council, or, in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies, shall frame regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith, and such regulations or any amendments thereof after being duly promulgated shall have full force and effect unless and until Parliament shall otherwise provide.

Continuation of Existing Colonial Laws

135. Subject to the provisions of this Act, all laws in force in the several Colonies at the establishment of the Union shall continue in force in the respective provinces until repealed or amended by Parliament, or by the provincial councils in matters in respect of which the power to make ordinances is reserved or delegated to them. All legal commissions in the several Colonies at the establishment of the Union shall continue as if the Union had not been established.

Free Trade throughout the Union

136. There shall be free trade throughout the Union, but until Parliament otherwise provides the duties of custom and of excise leviable under the laws existing in any of the Colonies at the establishment of the Union shall remain in force.

Equality of English and Dutch Languages

137. Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

Naturalization

138. All persons who have been naturalized in any of the Colonies shall be deemed to be naturalized throughout the Union.

Administration of Justice

139.[1] The administration of justice throughout the Union shall be under the control of the Minister of State, in whom shall be vested all

[1] As amended by Act No. 39 of 1926.

powers, authorities, and functions which shall at the establishment of the Union be vested in the Attorneys-General of the Colonies.

Existing Officers

140. Subject to the provisions of the next succeeding section, all officers of the public service of the Colonies shall at the establishment of the Union become officers of the Union.

Reorganization of Public Departments

141. (1) As soon as possible after the establishment of the Union, the Governor-General-in-Council shall appoint a public service commission to make recommendations for such reorganization and readjustment of the departments of the public service as may be necessary. The commission shall also make recommendations in regard to the assignment of officers to the several provinces.

(2) The Governor-General-in-Council may after such commission has reported assign from time to time to each province such officers as may be necessary for the proper discharge of the services reserved or delegated to it, and such officers on being so assigned shall become officers of the province. Pending the assignment of such officers, the Governor-General-in-Council may place at the disposal of the provinces the services of such officers of the Union as may be necessary.

(3) The provisions of this section shall not apply to any service or department under the control of the Railway and Harbour Board, or to any person holding office under the Board.

Public Service Commission

142. After the establishment of the Union the Governor-General-in-Council shall appoint a permanent public service commission with such powers and duties relating to the appointment, discipline, retirement, and superannuation of public officers as Parliament shall determine.

Pensions of Existing Officers

143. Any officer of the public service of any of the Colonies at the establishment of the Union who is not retained in the service of the Union or assigned to that of a province shall be entitled to receive such pension, gratuity, or other compensation as he would have received in like circumstances if the Union had not been established.

Tenure of Office of Existing Officers

144. Any officer of the public service of any of the Colonies at the establishment of the Union who is retained in the service of the Union or assigned to that of a province shall retain all his existing and accruing rights, and shall be entitled to retire from the service at the time at which he would have been entitled by law to retire, and on the pension or retiring allowance to which he would have been entitled by law in like circumstances if the Union had not been established.

Existing Officers not to be Dismissed for Ignorance of English or Dutch

145. The services of officers in the public service of any of the Colonies at the establishment of the Union shall not be dispensed with by reason of their want of knowledge of either the English or Dutch language.

Compensation to Existing Officers who are not Retained

146. Any permanent officer of the Legislature of any of the Colonies who is not retained in the service of the Union, or assigned to that of any province, and for whom no provision shall have been made by such Legislature, shall be entitled to such pension, gratuity, or compensation as Parliament may determine.

Administration of Native Affairs, etc.

147. The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any Colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart except under the authority of an Act of Parliament.

Devolution on Union of Rights and Obligations under Conventions

148. (1) All rights and obligations under any conventions or agreements which are binding on any of the Colonies shall devolve upon the Union at its establishment.

(2) The provisions of the railway agreement between the Governments of the Transvaal, the Cape of Good Hope, and Natal, dated the second of February, nineteen hundred and nine, shall, as far as practicable, be given effect to by the Government of the Union.

PART IX

New Provinces and Territories

Alteration of Boundaries of Provinces

149.[1] Parliament shall not—

(*a*) Alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Union, except on the petition of the provincial council of every province whose boundaries are affected thereby;

[1] As amended by Act No. 45 of 1934.

(*b*) Abolish any provincial council or abridge the powers conferred on provincial councils under section *eighty-five*, except by petition to Parliament by the provincial council concerned.

Power to Admit into Union Territories administered by British South Africa Company

150. The King, with the advice of the Privy Council, may on addresses from the Houses of Parliament of the Union admit into the Union the territories administered by the British South Africa Company on such terms and conditions as to representation and otherwise in each case as are expressed in the addresses and approved by the King, and the provisions of any Order-in-Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

Power to Transfer to Union Government of Native Territories

151. The King, with the advice of the Privy Council, may, on addresses from the Houses of Parliament of the Union, transfer to the Union the Government of any territories, other than the territories administered by the British South Africa Company, belonging to or under the protection of His Majesty, and inhabited wholly or in part by natives, and upon such transfer the Governor-General-in-Council may undertake the government of such territory upon the terms and conditions embodied in the Schedule to this Act.

PART X

Amendment of Act

152. Parliament may by law repeal or alter any of the provisions of this Act: Provided that no provision thereof, for the operation of which a definite period of time is prescribed, shall during such period be repealed or altered: And provided further that no repeal or alteration of the provisions contained in this section, or in sections *thirty-three* and *thirty-four* (until the number of members of the House of Assembly has reached the limit therein prescribed, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period), or in sections *thirty-five* and *one hundred and thirty-seven*, shall be valid unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

PART XI[1]

Supplementary

Short Title

153. This Act may be cited as the South Africa Act, 1909.

[1] Added by Act No. 9 of 1925.

COMMENTARY ON THE CONSTITUTION OF THE UNION OF SOUTH AFRICA

by

Senator Edgar H. Brookes, K.E.S., M.A., D.Litt [1]

The Constitution of the Union of South Africa is embodied in an Act of the British Parliament known as the South Africa Act, 9 Edward VII (compare the Constitution of Canada embodied in the British North America Act, 1867). Although a written Constitution, it is with one or two exceptions completely flexible and like the Constitution of Great Britain itself, can be amended by the ordinary process of legislation. It must thus be contrasted with Constitutions such as those of the United States of America, Australia or Canada.

At the outset it should be said that the Union of South Africa is not a federation in any real sense of the term. It was formed from the four Colonies of the Cape of Good Hope, Natal, the Transvaal and the Orange River Colony. These four colonies became the original provinces of the Union retaining their boundaries and their names with the exception of the Orange River Colony, which reverted to its old Republican designation of the Orange Free State. But though these provinces are the successors-in-law of the old colonies, they have, in fact, no autonomous status. They may at any time be abolished by the Union Parliament. Their legislation may be vetoed by the Union Government. Their chief Executive Officer, the Administrator, is appointed by the Union Government. They have no exclusive powers of legislation. Any Provincial Ordinance in conflict with an Act of the Union Parliament is overridden to the extent of the conflict. The provinces have no independent judiciary and even their administrative officers may be regarded ultimately as parts of the Union Public Service. So far, therefore, from being States after the American or Australian pattern or even provinces after the Canadian pattern, they are to be regarded in legal and constitutional status simply as unusually large organs of local government.

The Union Constitution follows the model of Great Britain more closely than that of any other Dominion or Colony, with the possible exception of New Zealand. It follows that the Union Parliament is a sovereign law-making body like the British Parliament and unlike the Australian or Canadian federal legislature. Its acts cannot be questioned in any court of law, and internationally it may, to use the famous phrase first employed by Lord Balfour, be regarded as 'equal in status though unequal in stature' to the British Parliament. The Parliament of the Union is

[1] Senator representing the Natives of Natal and Zululand in the Union Parliament, member of the Union Social and Economic Planning Council. Formerly Professor of Public Administration and Political Science, University of Pretoria, at one time delegate of the Union of South Africa to the Assembly of the League of Nations.

defined in the Constitution (on the analogy of King, Lords and Commons) as consisting of 'the King, a Senate and a House of Assembly.' The King is represented in the Union by a Governor-General, who is the official head of the State, and whose assent is required to every Bill before it can become an Act of Parliament. This assent is in practice never refused. The Governor-General is appointed by the King in consultation with his South African Government. He is the King's personal representative in the Union, but since the passing of the Statute of Westminister in 1926, he is not the representative of the British Government, which appoints its own High Commissioner with diplomatic status. During recent years the Governor-General has been a South African and it is probable that this will become a fixed convention of the Constitution.

The Senate of the Union consists of forty-four members. Thirty-two of these are elected, eight from each of the four Provinces by Electoral Colleges consisting in each case of the members of the House of Assembly in the Province concerned and the members of the Provincial Council of the Province. Elections are on the principle of proportional representation. Eight Senators are nominated by the Governor-General-in-Council (that is in practice by the Union Government). Of these eight, four are to be selected 'on the ground mainly of their thorough acquaintance by reason of their official experience or otherwise with the reasonable wants and wishes of the coloured races in South Africa.' In addition, four Senators are elected by the Native African races by an elaborate process of indirect election in which chiefs, local councils and other special boards play a part. Normal tenure of office of Senators is for the life of the Senate, which in ordinary circumstances is ten years. The Senate, however, may be dissolved before the expiration of the ten year period, either concurrently with the House of Assembly, or within 120 days of the dissolution of the House of Assembly, but not otherwise. (See the Senate Act, 1929). Senators elected by the Native people sit for five years and are not affected by dissolution.

It should be mentioned here that membership of both Houses of Parliament and of Provincial Councils is strictly limited to persons 'of European descent'. Even the representatives directly elected by the Native people must themselves be white men.

The House of Assembly consists of 153 members who are elected by single-member constituencies by the ordinary process of direct election. Three of these members are chosen by Native African voters possessing a moderate income and educational qualification and living in the Province of the Cape of Good Hope. African Natives possess no franchise except an indirect vote for the Senate in other Provinces. Any other non-European voters (see below) are included along with the European voters in the ordinary process of election. Proportional representation is not used.

So far as the white population is concerned, the principle of adult suffrage applies throughout the Union. 'Coloured' voters (that is in the South African usage of the term, people of mixed race) and Indians may qualify for the franchise in the Cape of Good Hope, if they are males

possessing or renting property to the value of £75 or earning £50 per annum and if they can sign their names and write their addresses and occupations. In the Province of Natal, coloured voters may come onto roll with a slightly higher qualification but the large Indian population of that Province has no franchise whatever. In the Transvaal and Orange Free State voting power is restricted to whites. These differences represent historical divergencies of the policies of the republics and colonies prior to Union—divergencies of outlook so deep that after thirty-three years of Union it is still impossible to arrive at any uniformity of policy.

The maximum duration of the House of Assembly is five years, but it may be dissolved sooner by the Governor-General; in fact the Governor-General, following British practice, acts on the advice of his Ministers in exercising the prerogative of dissolution. The practice is usually to dissolve before the expiration of the five years.

When the two Houses do not agree on legislation, after the usual methods of exchanging messages have been exhausted, the remedy used is that of the joint sitting, the decision of which is final. Joint sittings may not take place until after a Bill has been twice rejected by the Senate or amended by it with amendments with which the House of Assembly has not agreed, but in the case of the annual provision of money for expenditure a joint sitting may be held forthwith. The Senate's powers of amending money Bills are severely restricted and, in fact, almost non-existent.

The Executive Government of the Union follows closely on the lines of Great Britain, the Governor-General corresponding to the King. There is an Executive Council corresponding to the Privy Council. The real power in South Africa, as in England, rests in the Cabinet, which is drawn from the party or coalition of parties holding the majority in the House of Assembly. Should it lose the confidence of the House of Assembly, the Cabinet resigns. This, together with most other rules affecting the Cabinet, is, as in England, a matter of convention or custom, rather than of strict law. The Cabinet is headed by a Prime Minister, and there are eleven other Ministers holding various other portfolios. Ministers must be, or within three months of appointment, become members of one or other House of Parliament. They may sit or speak in either House, but may only vote in the House of which they are members.

The judicial power is vested in the Supreme Court of South Africa, headed by a Chief Justice, and consists of an Appellate Division, four Provincial Divisions and three Local Divisions. Judges are appointed by the Government, but have security of tenure.

Provincial Divisions are Provincial branches of a Union Court and not separate Provincial Courts. In view of the flexible nature of the Constitution, the Supreme Court does not occupy the same important constitutional position as, for example, the Supreme Court of the United States. The Supreme Court may pronounce ordinances of the Provincial Councils to be ultra vires.

Each of the Provinces has an elected single-chamber legislature known as a Provincial Council. Each Council sits for five years and may not be dissolved sooner. It has the power to make, within the terms of the

South Africa Act, ordinances having the force of law within the Province. The head of the Provincial Executive is the Administrator appointed for five years by the Union Government. He is assisted by an Executive Committee consisting of four members chosen by the Provincial Council, voting by proportional representation. Thus in Provincial Councils where there are several parties, the Executive Committee is not a homogeneous party like the Union Cabinet, but is more analogous to the Swiss Federal Executive.

Native Administration in the Union of South Africa is mainly in the hands of the Native Affairs Department. Special features of it are:

(a) A Native Representative Council consisting of twelve elected and four nominated Native members, together with certain official assessor members. This body meets annually and must be consulted on legislation specially or differentially affecting Natives, as well as on a subsidiary Native budget covering education, agricultural development, etc.;

(b) A system of local councils, grouped where possible under general councils for the local government of the Native Reserves;

(c) A special system of courts culminating in two Native Appeal Courts to deal with cases arising in tribal law and custom.

Finally, a word should be said of the dualism of South African life. There are two official languages, English and Afrikaans, enjoying equal status. This provision, an essential condition of Union, is the only permanently rigid part of the Constitution and can be altered only by a majority of not less than two-thirds of the total number of members of both Houses of Parliament present at a special joint sitting. There are two capitals, Cape Town being the seat of the legislature and Pretoria of the administration. Finally, in addition to the National flag, the Union Jack is also a flag of the Union, being flown in certain specified areas as a symbol of the Union's partnership with the British Commonwealth of Nations.

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UNION OF SOVIET SOCIALIST REPUBLICS

SUMMARY[1]

International Status

The Union of Soviet Socialist Republics is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and deposited its ratification on October 24, 1945. It also signed the United Nations Declaration of January 1, 1942.

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[1] The Editor is indebted to the USSR Embassy, Washington, D.C., for assistance in the assembling of this material.

It was a member of the League of Nations, but ceased to be a member on December 14, 1939. It signed the Paris Pact of 1928. It did not sign the statute of the Permanent Court of International Justice of 1921. It is a party to the Statute of the International Court of Justice of 1945 by virtue of its membership in the United Nations.[1] It is a member of the Postal Union and numerous other international organizations.[2]

On August 23, 1939, the USSR concluded a pact with Germany and obtained military concessions from Estonia, Latvia, and Lithuania. In 1940 the three Baltic countries, as well as the Karelo-Finnish and the Moldavian SSR, were organized as Union Republics.

Germany invaded the USSR June 22, 1941, and occupied large sections of territory, all of which were later regained by the USSR. The USSR declared war on Japan on August 8, 1945.

The union of the four original component republics was formed in December 1922. A constitution was adopted January 31, 1924. Additional republics were admitted until the total number had reached eleven at the time of the adoption of the Constitution of 1936. The number had increased to sixteen by 1944. The right of secession was declared in the 1924 Constitution and is also stated in the 1936 one.[3]

In 1944, the USSR declared that each of the sixteen component republics of the federation was independent in the conduct of its foreign affairs. Separate representation was awarded to two of them, the Byelorussian SSR and Ukrainian SSR, at the San Francisco Conference of 1945 and in the United Nations.

Until 1906 Russia was a despotism under the Czar. Peter the Great turned Russia toward Europe, and under both him and Catherine the Great many changes were made which did not, however, diminish the authority of the sovereign. Alexander I, at a time of reaction in the remainder of Europe (the end of the Napoleonic régime), gave Poland a constitutional kingdom, to the alarm of Russian reactionaries. Owing to criticism on the part of the Poles and urgings by Metternich, many of the liberal measures were revoked.

The reign of Alexander II, the "Czar Liberator" (1855–1881) saw a brief period of reform. However, repressive measures toward the end of his reign undid much that had been accomplished. He was killed by terrorist bombs. Under his successor, Alexander III, progressive measures were unknown. Nicholas II (1894–1917) was forced to make some concessions owing to increasing discontent and the unpopular and disastrous Russo-Japanese War. In 1904 he announced the proposed enactment of many reforms demanded by the liberals, but failed to include

[1] It is not subject to the compulsory jurisdiction of that Court under Article 36 of its Statute. See Yearbook of the Court 1951–52, pp. 35-43.

[2] See Table I.

[3] Const. of 1936, Art. 17.

a national assembly. A manifesto issued in August of 1905 promised a representative assembly, but emphasized the continuance of the absolute power of the Czar. A general strike broke out in October. Another manifesto of October 30, 1905, granted freedom of speech and association, extended the suffrage, and decreed that the Duma should have some legislative control. This control was restricted by the establishment of an upper house, the Council of Empire, half of which was appointed from the Czar's bureaucracy, and provision was made that legislative enactments must pass both houses before being submitted to the Czar. The first and second Dumas of May 10, 1906, and March 5, 1907, were dissolved as too radical. The basis of suffrage was narrowed and a third Duma elected. The Czar, however, conceded no basic rights.

The first World War and the lack of success of the Russian armies finally brought about revolution in 1917 and the downfall of the Czar and of the entire old régime. Power soon passed from moderate elements to the hands of radical groups; from Miliukov of the Liberals to Kerensky of the Social Democrats, and thence to Lenin and Trotsky of the Bolsheviks or Communists.

The Communists expelled the provisional government in 1918, made a separate peace with Germany at Brest-Litovsk and began a series of drastic changes. There was a tendency at first for the various portions of Russia to drift apart into separate political entities. This was checked by the threat of foreign invasion and by the fact that most of the smaller states copied the Constitution adopted by the RSFSR in 1918.

Form of National Government

The Constitution adopted December 5, 1936, declares that the Union of Soviet Socialist Republics is a "socialist state of workers and peasants." [1] This Constitution replaces the one adopted in 1924. The major changes were the recognition of ownership and inheritance of small properties, the secret ballot, and equal franchise to peasants and city workers. In 1943, Stalin approved plans for the reestablishment of the rights and privileges of the Russian Orthodox Church.

The common denominator of the federated republics is the principle of state ownership of "land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machines and tractor stations, and the like) as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities." [2] Rights of private ownership, which had to some extent been recognized by statute before 1936, were recognized in the 1936 Constitution as follows:

Art. 9. Alongside the socialist system of economy, which is the pre-

[1] Const. of 1936, Art. 1. [2] Id., Art. 6.

dominant form of economy in the USSR, the law permits the small private economy of individual peasants and handicraftsmen based on their own labor and precluding the exploitation of the labor of others.

Art. 10. The personal property right of citizens in their incomes and savings from work, their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use, and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

Source of Sovereign Power

All power in the USSR is stated to belong to "the working people of town and country as represented by the soviets of working people's deputies." [1]

Rights of the People

The Constitution guarantees the right to work and to rest and leisure,[2] to maintenance in old age and sickness,[3] to education; [4] equal rights for women and for all citizens irrespective of nationality or race; [5] freedom of religion,[6] freedom of speech, press, assembly, and demonstrations; [7] freedom of association,[8] inviolability of person [9] and inviolability of domicile and correspondence.[10]

Legislative Department

Legislative power is exercised by the Supreme Soviet of the USSR, consisting of the Soviet of the Union and the Soviet of Nationalities.[11]

The former is elected on a basis of one deputy for every three hundred thousand of the population by universal, equal, direct, and secret suffrage.[12] The Soviet of Nationalities is elected by the same suffrage on the basis of twenty-five deputies for each union republic, eleven for each autonomous republic, five for each autonomous region and one for each national area.[13] The term is four years.[14] There is a Presidium (elected by the Supreme Soviet) which, among other powers, convenes sessions and dissolves the Supreme Soviet and provides for new elections.[15] Also it has the power to annul "decisions and orders of the council of ministers of the USSR and of the councils of ministers of the union republics if they do not conform to law." [16]

Executive Department

Executive power belongs to the Council of Ministers of the USSR.[17]

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[1] Const. of 1936, Art. 3.
[2] Id., Arts. 118, 119.
[3] Id., Art. 120.
[4] Id., Art. 121.
[5] Id., Arts. 122, 123.
[6] Id., Art. 124.
[7] Id., Art. 125.
[8] Id., Art. 126.
[9] Id., Art. 127.
[10] Id., Art. 128.
[11] Id., Arts. 32, 33.
[12] Id., Arts. 34, 134, 135.
[13] Id., Art. 35.
[14] Id., Art. 36.
[15] Id., Arts. 48, 49.
[16] Id., Art. 49.
[17] Id., Art. 64.

It is appointed by and responsible to the Supreme Soviet and, when this is not in session, to the Presidium.[1]

Judicial Department

Provision is made for the Supreme Court of the USSR which supervises the judicial activities of all the judicial organs of the USSR and of the union republics.[2] Its members are elected by the Supreme Soviet for a term of five years.[3] Judges are stated to be independent.[4]

Area, Population, Language

The USSR has an estimated area of 8,708,070 square miles and an estimated population of about 193,200,000. Russian is the language most widely used, but all areas may use their own languages.

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[1] Const. of 1936, Arts. 65, 70. [2] Id., Arts. 102, 104. [3] Id., Art. 105.
[4] Id., Art. 112.

CONSTITUTION (Fundamental Law) of the UNION OF SOVIET SOCIALIST REPUBLICS[1]

December 5, 1936 as amended

Chapter I

The Social Structure

Art. 1. The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

Art. 2. The political foundation of the USSR is the Soviets of Working People's Deputies, which grew and became strong as a result of the overthrow of the power of the landlords and capitalists and the conquest of the dictatorship of the proletariat.

Art. 3. All power in the USSR belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

Art. 4. The economic foundation of the USSR is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man.

Art. 5. Socialist property in the USSR exists either in the form of state property (belonging to the whole people), or in the form of co-operative and collective-farm property (property of collective farms, property of co-operative societies).

Art. 6. The land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machine and tractor stations, and the like), as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

Art. 7. The common enterprises of collective farms and co-operative organizations, with their livestock and implements, the products of the collective farms and co-operative organizations, as well as their common buildings, constitute the common, socialist property of the collective farms and co-operative organizations.

Every household in a collective farm, in addition to its basic income from the common, collective farm enterprise, has for its personal use a small

[1] Official Translation (except for some changes in capitalization and punctuation) published December 1947 by Information Bulletin, Embassy of the Union of Soviet Socialist Republics, Washington, D. C. See also the slightly differing translation by the American Russian Institute, New York.

plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry, and minor agricultural implements—in accordance with the rules of the agricultural artel.

Art. 8. The land occupied by collective farms is secured to them for their use free of charge and for an unlimited time, that is, in perpetuity.

Art. 9. Alongside the socialist system of economy, which is the predominant form of economy in the USSR, the law permits the small private economy of individual peasants and handicraftsmen based on their own labor and precluding the exploitation of the labor of others.

Art. 10. The personal property right of citizens in their incomes and savings from work, their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property is protected by law.

Art. 11. The economic life of the USSR is determined and directed by the state national economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the USSR, and strengthening its defensive capacity.

Art. 12. Work in the USSR is a duty and a matter of honor for every able-bodied citizen, in accordance with the principle: 'He who does not work, neither shall he eat.'

The principle applied in the USSR is that of socialism: 'From each according to his ability, to each according to his work.'

Chapter II

The State Structure

Art. 13. The Union of Soviet Socialist Republics is a federal state, formed on the basis of a voluntary union of equal soviet socialist republics, namely:

The Russian Soviet Federated Socialist Republic;
The Ukrainian Soviet Socialist Republic;
The Byelorussian Soviet Socialist Republic;
The Uzbek Soviet Socialist Republic;
The Kazakh Soviet Socialist Republic;
The Georgian Soviet Socialist Republic;
The Azerbaijan Soviet Socialist Republic;
The Lithuanian Soviet Socialist Republic;
The Moldavian Soviet Socialist Republic;
The Latvian Soviet Socialist Republic;
The Kirghiz Soviet Socialist Republic;
The Tajik Soviet Socialist Republic;
The Armenian Soviet Socialist Republic;
The Turkmen Soviet Socialist Republic;
The Estonian Soviet Socialist Republic;
The Karelo-Finnish Soviet Socialist Republic.

Art. 14. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest organs of state power and organs of state administration, embraces:

(a) Representation of the USSR in international relations, conclusion,

ratification, and denunciation of treaties of the USSR with other States, establishment of general procedure governing the relations of union republics with foreign states;

(b) Questions of war and peace;

(c) Admission of new republics into the USSR;

(d) Control over the observance of the Constitution of the USSR and ensuring conformity of the constitutions of the union republics with the Constitution of the USSR;

(e) Confirmation of alterations of boundaries between union republics;

(f) Confirmation of the formation of new territories and regions and also of new autonomous republics and autonomous regions within union republics;

(g) Organization of the defense of the USSR, direction of all the armed forces of the USSR, determination of directing principles governing the organization of the military formations of the union republics;

(h) Foreign trade on the basis of state monopoly;

(i) Safeguarding the security of the state;

(j) Determination of the national economic plans of the USSR;

(k) Approval of the consolidated state budget of the USSR and of the reports on its fulfillment; determination of the taxes and revenues which go to the union, the republican, and the local budgets;

(l) Administration of the banks, industrial and agricultural institutions and enterprises and trading enterprises of all-union importance;

(m) Administration of transport and communications;

(n) Direction of the monetary and credit system;

(o) Organization of state insurance;

(p) Contracting and granting of loans;

(q) Determination of the basic principles of land tenure and of the use of mineral wealth, forests and waters;

(r) Determination of the basic principles in the spheres of education and public health;

(s) Organization of a uniform system of national economic statistics;

(t) Determination of the principles of labor legislation;

(u) Legislation concerning the judicial system and judicial procedure; criminal and civil codes;

(v) Legislation concerning union citizenship; legislation concerning rights of foreigners;

(w) Determination of the basic principles of legislation concerning marriage and the family;

(x) Issuing of all-union acts of amnesty.

Art. 15. The sovereignty of the Union Republics is limited only in the spheres defined in Article 14 of the Constitution of the USSR. Outside of these spheres each Union Republic exercises state authority independently. The USSR protects the sovereign rights of the Union Republics.

Art. 16. Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the USSR.

Art. 17. The right freely to secede from the USSR is reserved to every Union Republic.

Art. 18. The territory of a Union Republic may not be altered without its consent.

Art. 18–A. Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

Art. 18-B. Each Union Republic has its own Republican military formations.

Art. 19. The laws of the USSR have the same force within the territory of every Union Republic.

Art. 20. In the event of divergence between a law of a Union Republic and a law of the Union, the Union law prevails.

Art. 21. Uniform Union citizenship is established for citizens of the USSR.

Every citizen of a Union Republic is a citizen of the USSR.

Art. 22. The Russian Soviet Federative Socialist Republic consists of the Altai, Krasnodar, Krasnoyarsk, Primorye, Stavropol, and Khabarovsk Territories; the Archangelsk, Astrakhan, Bryansk, Velikiye-Luki, Vladimir, Vologda, Voronezh, Gorky, Grozny, Ivanovo, Irkutsk, Kaliningrad, Kalinin, Kaluga, Kemerovo, Kirov, Kostroma, Crimea, Kuibyshev, Kurgan, Kursk, Leningrad, Molotov, Moscow, Murmansk, Novgrorod, Novosibirsk, Omsk, Orel, Penza, Pskov, Rostov, Ryazan, Saratov, Sakhalin, Sverdlovks, Smolensk, Stalingrad, Tambov, Tomsk, Tula, Tyumen, Ulyanovsk, Chelyabinsk, Chita, Chkalov, and Yaroslavl Regions; the Tatar, Bashkir, Dagestan, Buryat-Mongolian, Kabardinian, Komi, Mari, Mordovian, North Ossetian, Udmurt, Chuvash, and Yakut, Autonomous Soviet Socialist Republics; and the Adygei, Jewish, Oirot, Tuva, Khakass and Cherkess Autonomous Regions.

Art. 23. The Ukrainian Soviet Socialist Republic consists of the Vinnitsa, Volhynia, Voroshilovgrad, Dniepropetrovsk, Drohobych, Zhitomir, Transcarpathian, Zaporozhye, Ismail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolayev, Odessa, Poltava, Rovno, Stalino, Stanislav, Sumi, Ternopol, Kharkov, Kherson, Chernigov, and Chernovitsi Regions.

Art. 24. The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region.

Art. 25. The Georgian Soviet Socialist Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjar Autonomous Soviet Socialist Republic, and the South Ossetian Autonomous Region.

Art. 26. The Uzbek Soviet Socialist Republic consists of the Andizhan, Bukhara, Kashka-Darya, Namangan, Samarkand, Surkhan-Darya, Tashkent, Ferghana, and Khoresm Regions and the Kara-Kalpak Autonomous Soviet Socialist Republic.

Art. 27. The Tajik Soviet Socialist Republic consists of the Garm, Kulyab, Leninabad, and Stalinabad Regions, and the Gorno-Badakhshan Autonomous Region.

Art. 28. The Kazakh Soviet Socialist Republic consists of the Akmolinks, Aktyubinsk, Alma-Ata, East Kazakhstan, Guriev, Jambul, West Kazakhstan, Karaganda, Kzyl-Orda, Kokchetav, Kustanai, Pavlodar, North Kazakhstan, Semipalatinsk, Taldy-Kurgan and South Kazakhstan Regions.

Art. 29. The Byelorussian Soviet Socialist Republic consists of the Baranovichi, Bobruisk, Brest, Vitebsk, Gomel, Grodno, Minsk, Moghilev, Molodechno, Pinsk, Polessye, and Polotsk Legions.

Art. 29-A. The Turkmen Soviet Socialist Republic consists of the Ashkabad, Mari, Tashauz and Chardzhou Regions.

Art. 29–B. The Kirghiz Soviet Socialist Republic consists of the Dzhalal-Abad, Issyk-Kul, Osh, Talas, Tien-Shan and Frunze Regions.

Chapter III

The Higher Organs of State Power in the Union of Soviet Socialist Republics

Art. 30. The highest organ of state power in the USSR is the Supreme Soviet of the USSR.

Art. 31. The Supreme Soviet of the USSR exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the USSR that are accountable to the Supreme Soviet of the USSR, that is, the Presidium of the Supreme Soviet of the USSR, the Council of Ministers of the USSR and the Ministries of the USSR.

Art. 32. The legislative power of the USSR is exercised exclusively by the Supreme Soviet of the USSR.

Art. 33. The Supreme Soviet of the USSR consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

Art. 34. The Soviet of the Union is elected by the citizens of the USSR voting by election districts on the basis of one deputy for every 300,000 of the population.

Art. 35. The Soviet of Nationalities is elected by the citizens of the USSR voting by Union Republics, Autonomous Republics, Autonomous Regions, and National Areas on the basis of twenty-five deputies from each Union Republic, eleven deputies from each Autonomous Republic, five deputies from each Autonomous Region, and one deputy from each National Area.

Art. 36. The Supreme Soviet of the USSR is elected for a term of four years.

Art. 37. The two Chambers of the Supreme Soviet of the USSR, the Soviet of the Union and the Soviet of Nationalities, have equal rights.

Art. 38. The Soviet of the Union and the Soviet of Nationalities have equal powers to initiate legislation.

Art. 39. A law is considered adopted if passed by both Chambers of the Supreme Soviet of the USSR by a simple majority vote in each.

Art. 40. Laws passed by the Supreme Soviet of the USSR are published in the languages of the Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the USSR.

Art. 41. Sessions of the Soviet of the Union and of the Soviet of Nationalities begin and terminate simultaneously.

Art. 42. The Soviet of the Union elects a Chairman of the Soviet of the Union and two Vice-Chairmen.

Art. 43. The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and two Vice-Chairmen.

Art. 44. The Chairmen of the Soviet of the Union and the Soviet of

Nationalities preside at the sittings of the respective Chambers and have charge of the conduct of their business and proceedings.

Art. 45. Joint sittings of the two Chambers of the Supreme Soviet of the USSR are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

Art. 46. Sessions of the Supreme Soviet of the USSR are convened by the Presidium of the Supreme Soviet of the USSR twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the demand of one of the Union Republics.

Art. 47. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed on a parity basis. If the conciliation commission fails to arrive at an agreement, or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the Presidium of the Supreme Soviet of the USSR dissolves the Supreme Soviet of the USSR and orders new elections.

Art. 48. The Supreme Soviet of the USSR at a joint sitting of the two Chambers elects the Presidium of the Supreme Soviet of the USSR, consisting of a President of the Presidium of the Supreme Soviet of the USSR, sixteen Vice-Presidents, a Secretary of the Presidium and fifteen members of the Presidium of the Supreme Soviet of the USSR.

The Presidium of the Supreme Soviet of the USSR is accountable to the Supreme Soviet of the USSR for all its activities.

Art. 49. The Presidium of the Supreme Soviet of the USSR:

(a) Convenes the sessions of the Supreme Soviet of the USSR;
(b) Issues decrees;
(c) Gives interpretations of the laws of the USSR in operation;
(d) Dissolves the Supreme Soviet of the USSR in conformity with Article 47 of the Constitution of the USSR and orders new elections;
(e) Conducts nation-wide polls (referendums) on its own initiative or on the demand of one of the Union Republics;
(f) Annuls decisions and orders of the Council of Ministers of the USSR and of the Councils of Ministers of the Union Republics if they do not conform to law;
(g) In the intervals between sessions of the Supreme Soviet of the USSR, releases and appoints Ministers of the USSR on the recommendation of the Chairman of the Council of Ministers of the USSR, subject to subsequent confirmation by the Supreme Soviet of the USSR;
(h) Institutes decorations (orders and medals) and titles of honor of the USSR;
(i) Awards orders and medals and confers titles of honor of the USSR;
(j) Exercises the right of pardon;
(k) Institutes military titles, diplomatic ranks and other special titles;
(l) Appoints and removes the high command of the Armed Forces of the USSR;
(m) In the intervals between sessions of the Supreme Soviet of the USSR, proclaims a state of war in the event of military attack on the USSR, or when necessary to fulfill international treaty obligations concerning mutual defense against aggression;
(n) Orders general or partial mobilization;
(o) Ratifies and denounces international treaties of the USSR;

(p) Appoints and recalls plenipotentiary representatives of the USSR to foreign states;

(q) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states;

(r) Proclaims martial law in separate localities or throughout the USSR in the interests of the defense of the USSR or of the maintenance of public order and the security of the state.

Art. 50. The Soviet of the Union and the Soviet of Nationalities elect Credentials Committees to verify the credentials of the members of the respective Chambers.

On the report of the Credentials Committees, the Chambers decide whether to recognize the credentials of deputies or to annul their election.

Art. 51. The Supreme Soviet of the USSR, when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and offices to comply with the demands of such commissions and to submit to them all necessary materials and documents.

Art. 52. A member of the Supreme Soviet of the USSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the USSR, or when the Supreme Soviet of the USSR is not in session, without the consent of the Presidium of the Supreme Soviet of the USSR.

Art. 53. On the expiration of the term of office of the Supreme Soviet of the USSR, or on its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the USSR retains its powers until the newly-elected Supreme Soviet of the USSR shall have formed a new Presidium of the Supreme Soviet of the USSR.

Art. 54. On the expiration of the term of office of the Supreme Soviet of the USSR, or in the event of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the USSR orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the USSR.

Art. 55. The newly-elected Supreme Soviet of the USSR is convened by the outgoing Presidium of the Supreme Soviet of the USSR not later than three months after the elections.

Art. 56. The Supreme Soviet of the USSR, at a joint sitting of the two Chambers, appoints the Government of the USSR, namely, the Council of Ministers of the USSR.

Chapter IV

The Higher Organs of State Power in the Union Republics

Art. 57. The highest organ of state power in a Union Republic is the Supreme Soviet of the Union Republic.

Art. 58. The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

Art. 59. The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

Art. 60. The Supreme Soviet of a Union Republic:

(a) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the USSR;
(b) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;
(c) Approves the national economic plan and the budget of the Republic;
(d) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic;
(e) Decides questions of representation of the Union Republic in its international relations;
(f) Determines the manner of organizing the Republic's military formations.

Art. 61. The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic, consisting of a President of the Presidium of the Supreme Soviet of the Union Republic, Vice-Presidents, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

Art. 62. The Supreme Soviet of a Union Republic elects a chairman and Vice-Chairmen to conduct its sittings.

Art. 63. The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of Ministers of the Union Republic.

Chapter V

The Organs of State Administration of the Union of Soviet Socialist Republics

Art. 64. The highest executive and administrative organ of the state power of the Union of Soviet Socialist Republics is the Council of Ministers of the USSR.

Art. 65. The Council of Ministers of the USSR is responsible and accountable to the Supreme Soviet of the USSR, or, in the intervals between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

Art. 66. The Council of Ministers of the USSR issues decisions and orders on the basis and in pursuance of the laws in operation, and verifies their execution.

Art. 67. Decisions and orders of the Council of Ministers of the USSR are binding throughout the territory of the USSR.

Art. 68. The Council of Ministers of the USSR:

(a) Co-ordinates and directs the work of the all-Union and Union-Republican Ministries of the USSR and of other institutions under its jurisdiction;
(b) Adopts measures to carry out the national economic plan and the state budget, and to strengthen the credit and monetary system;
(c) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

(d) Exercises general guidance in the sphere of relations with foreign states;

(e) Fixes the annual contingent of citizens to be called up for military service and directs the general organization of the Armed Forces of the country;

(f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the USSR for economic and cultural affairs and defense.

Art. 69. The Council of Ministers of the USSR has the right, in respect of those branches of administration and economy which come within the jurisdiction of the USSR, to suspend decisions and orders of the Councils of Ministers of the Union Republics and to annul orders and instructions of Ministers of the USSR.

Art. 70. The Council of Ministers of the USSR is appointed by the Supreme Soviet of the USSR and consists of:

The Chairman of the Council of Ministers of the USSR;
The Vice-Chairmen of the Council of Ministers of the USSR;
The Chairman of the State Planning Commission of the USSR;
The Ministers of the USSR;
The Chairman of the Arts Committee.

Art. 71. The Government of the USSR or a Minister of the USSR to whom a question of a member of the Supreme Soviet of the USSR is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

Art. 72. The Ministers of the USSR direct the branches of state administration which come within the jurisdiction of the USSR.

Art. 73. The Ministers of the USSR, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of Ministers of the USSR, and verify their execution.

Art. 74. The Ministries of the USSR are either all-Union or Union-Republican Ministries.

Art. 75. Each all-Union Ministry directs the branch of state administration entrusted to it throughout the territory of the USSR either directly or through bodies appointed by it.

Art. 76. The Union-Republican Ministries, as a rule, direct the branches of state administration entrusted to them through corresponding Ministries of the Union Republics; they administer directly only a definite and limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the USSR.

Art. 77. The following Ministries are all-Union Ministries:

The Ministry of the Aircraft Industry
The Ministry of the Automobile Industry
The Ministry of Foreign Trade
The Ministry of Munitions
The Ministry of Geological Survey
The Ministry of Agricultural Stocks
The Ministry of Material Reserves
The Ministry of the Machine and Instrument-Making Industry
The Ministry of the Medical Supplies Industry

The Ministry of the Merchant Marine
The Ministry of the Oil Industry of the Eastern Areas
The Ministry of the Oil Industry of the Southern and Western Areas
The Ministry of Food Reserves
The Ministry of the Communications Equipment Industry
The Ministry of Railways
The Ministry of the Rubber Industry
The Ministry of Inland Water Transport
The Ministry of Communications
The Ministry of the Agricultural Machinery Industry
The Ministry of the Machine-Tool Industry,
The Ministry of the Building and Road-Building Machinery Industry
The Ministry of Construction of Army and Navy Works
The Ministry of Construction of Heavy Industry Works
The Ministry of Construction of Fuel Industry Works
The Ministry of Shipbuilding
The Ministry of the Transport Machinery Industry
The Ministry of Labor Reserves
The Ministry of the Heavy Machine Building Industry
The Ministry of the Coal Industry of the Eastern Areas
The Ministry of the Coal Industry of the Western Areas
The Ministry of the Chemical Industry
The Ministry of the Non-ferrous Metals Industry
The Ministry of the Pulp and Paper Industry
The Ministry of the Iron and Steel Industry
The Ministry of the Electrical Industry
The Ministry of Power Stations.

Art. 78. The following Ministries are Union-Republican Ministries:

The Ministry of the Grocery Supplies Industry
The Ministry of Internal Affairs
The Ministry of the Armed Forces
The Ministry of Higher Education
The Ministry of State Control
The Ministry of State Security
The Ministry of Public Health
The Ministry of Foreign Affairs
The Ministry of Cinematography
The Ministry of Light Industry
The Ministry of the Timber Industry
The Ministry of the Meat and Dairy Industry
The Ministry of the Food Industry
The Ministry of the Building Materials Industry
The Ministry of the Fish Industry of the Eastern Areas
The Ministry of the Fish Industry of the Western Areas
The Ministry of Agriculture
The Ministry of State Farms
The Ministry of the Textile Industry
The Ministry of Trade
The Ministry of Finance
The Ministry of Justice
The Ministry of Forestry.[1]

Chapter VI

The Organs of State Administration of the Union Republics

Art. 79. The highest executive and administrative organ of the state

[1] Instituted by decree of the Presidium of the Supreme Soviet of the USSR on April 4, 1947.

power of a Union Republic is the Council of Ministers of the Union Republic.

Art. 80. The Council of Ministers of a Union Republic is responsible and accountable to the Supreme Soviet of the Union Republic, or in the intervals between sessions of the Supreme Soviet of the Union Republic to the Presidium of the Supreme Soviet of the Union Republic.

Art. 81. The Council of Ministers of a Union Republic issues decisions and orders on the basis and in pursuance of the laws in operation of the USSR and of the Union Republic, and of the decisions and orders of the Council of Ministers of the USSR, and verifies their execution.

Art. 82. The Council of Ministers of a Union Republic has the right to suspend decisions and orders of the Councils of Ministers of its Autonomous Republics, and to annul decisions and orders of the Executive Committees of the Soviets of Working People's Deputies of its Territories, Regions, and Autonomous Regions.

Art. 83. The Council of Ministers of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

The Chairman of the Council of Ministers of the Union Republic;
The Vice-Chairmen of the Council of Ministers;
The Chairman of the State Planning Commission;
The Ministers;
The Chief of the Arts Administration;
The Chairman of the Committee for Cultural and Educational Institutions.

Art. 84. The Ministers of a Union Republic direct the branches of state administration which come within the jurisdiction of the Union Republic.

Art. 85. The Ministers of a Union Republic, within the limits of the jursidiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws of the USSR and of the Union Republic, of the decisions and orders of the Council of Ministers of the USSR and the Council of Ministers of the Union Republic, and of the orders and instructions of the Union-Republican Ministries of the USSR.

Art. 86. The Ministries of a Union Republic are either Union-Republican or Republican Ministries.

Art. 87. Each Union-Republican Ministry directs the branch of state administration entrusted to it, and is subordinate both to the Council of Ministers of the Union Republic and to the corresponding Union-Republican Ministry of the USSR.

Art. 88. Each Republican Ministry directs the branch of state administration entrusted to it and is directly subordinate to the Council of Ministers of the Union Republic.

Chapter VII

The Higher Organs of State Power in the Autonomous Soviet Socialist Republics

Art. 89. The highest organ of state power in an Autonomous Soviet Socialist Republic is the Supreme Soviet of the Autonomous Republic.

Art. 90. The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on a basis of representation established by the Constitution of the Autonomous Republic.

Art. 91. The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Republic.

Art. 92. Each Autonomous Republic has its own Constitution, which takes account of the specific features of the Autonomous Republic and is drawn up in full conformity with the Constitution of the Union Republic.

Art. 93. The Supreme Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of the Autonomous Republic and appoints the Council of Ministers of the Autonomous Republic, in accordance with its Constitution.

Chapter VIII

The Local Organs of State Power

Art. 94. The organs of state power in territories, regions, autonomous regions, areas, districts, cities, and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are the Soviets of Working People's Deputies.

Art. 95. The Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities, and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are elected by the working people of the respective territories, regions, autonomous regions, areas, districts, cities, or rural localities for a term of two years.

Art. 96. The basis of representation for Soviets of Working People's Deputies is defined by the Constitutions of the Union Republics.

Art. 97. The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws, and the protection of the rights of citizens, direct local economic and cultural affairs and draw up the local budgets.

Art. 98. The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the USSR and of the Union Republic.

Art. 99. The executive and administrative organ of the Soviets of Working People's Deputies of a territory, region, autonomous region, area, district, city or rural locality is the Executive Committee elected by it, consisting of a Chairman, Vice-Chairman, a Secretary and members.

Art. 100. The executive and administrative organ of the Soviet of Working People's Deputies in a small locality, in accordance with the Constitution of the Union Republic, is the Chairman, the Vice-Chairman and the Secretary elected by it.

Art. 101. The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organ of the superior Soviet of Working People's Deputies.

Chapter IX

The Courts and the Procurator's Office

Art. 102. In the USSR justice is administered by the Supreme Court of the USSR, the Supreme Courts of the Union Republics, the Courts of the Territorial Regions, Autonomous Republics, Autonomous Regions and Areas, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

Art. 103. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

Art. 104. The Supreme Court of the USSR is the highest judicial organ. The Supreme Court of the USSR is charged with the supervision of the judicial activities of all the judicial organs of the USSR and of the Union Republics.

Art. 105. The Supreme Court of the USSR and the Special Courts of the USSR are elected by the Supreme Soviet of the USSR for a term of five years.

Art. 106. The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

Art. 107. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Art. 108. The Courts of Territories, Regions, Autonomous Regions and Areas are elected by the Soviets of Working People's Deputies of the respective Territories, Regions, Autonomous Regions or Areas, for a term of five years.

Art. 109. People's Courts are elected by the citizens of the districts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

Art. 110. Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic, or Autonomous Region, persons not knowing this language being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Art. 111. In all Courts of the USSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defense.

Art. 112. Judges are independent and subject only to the law.

Art. 113. Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinated to them, as well as by officials and citizens of the USSR generally, is vested in the Procurator-General of the USSR.

Art. 114. The Procurator-General of the USSR is appointed by the Supreme Soviet of the USSR for a term of seven years.

Art. 115. Procurators of Republics, Territories, Regions, Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the USSR for a term of five years.

Art. 116. Area, district, and city procurators are appointed by the

Procurators of the Union Republics, subject to the approval of the Procurator-General of the USSR, for a term of five years.

Art. 117. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

Chapter X

Fundamental Rights and Duties of Citizens

Art. 118. Citizens of the USSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possiblity of economic crises, and the abolition of unemployment.

Art. 119. Citizens of the USSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven and six hours for arduous trades and to four hours in shops where working conditions are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

Art. 120. Citizens of the USSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

Art. 121. Citizens of the USSR have the right to education.

This right is ensured by universal and compulsory elementary education; by free education up to and including the seventh grade; by a system of state stipends for students of higher educational establishments who excel in their studies; by instruction in schools being conducted in the native language; and by the organization in the factories, state farms, machine and tractor stations and collective farms of free vocational, technical, and agronomic training for the working people.

Art. 122. Women in the USSR are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

Art. 123. Equality of rights of citizens of the USSR, irrespective of

their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

Art. 124. In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

Art. 125. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

(a) Freedom of speech;
(b) Freedom of the press;
(c) Freedom of assembly, including the holding of mass meetings;
(d) Freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

Art. 126. In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the USSR are guaranteed the right to unite in public organizations: trade unions, co-operative societies, youth organizations, sport and defense organizations, cultural, technical and scientific societies; and the most active and politically-conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

Art. 127. Citizens of the USSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Art. 128. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Art. 129. The USSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

Art. 130. It is the duty of every citizen of the USSR to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

Art. 131. It is the duty of every citizen of the USSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offenses against public, socialist property are enemies of the people.

Art. 132. Universal military service is law.

Military service in the Armed Forces of the USSR is an honorable duty of the citizens of the USSR.

Art. 133. To defend the country is the sacred duty of every citizen of the USSR. Treason to the motherland—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

Chapter XI

The Electoral System

Art. 134. Members of all Soviets of Working People's Deputies—of the Supreme Soviet of the USSR, the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of the Autonomous Regions, and the area, district, city, and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies—are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

Art. 135. Elections of deputies are universal: all citizens of the USSR who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities, have the right to vote in the election of deputies, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

Every citizen of the USSR who has reached the age of twenty-three is eligible for election to the Supreme Soviet of the USSR ,irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities.

Art. 136. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

Art. 137. Women have the right to elect and be elected on equal terms with men.

Art. 138. Citizens serving in the Armed Forces of the USSR have the right to elect and be elected on equal terms with all other citizens.

Art. 139. Elections of deputies are direct: all Soviets of Working People's Deputies, from rural and city Soviets of Working People's Deputies to the Supreme Soviet of the USSR, are elected by the citizens by direct vote.

Art. 140. Voting at elections of deputies is secret.

Art. 141. Candidates are nominated by election district.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

Art. 142. It is the duty of every deputy to report to his electors on his

work and on the work of his Soviet People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

Chapter XII

Arms, Flag, Capital

Art. 143. The arms of the Union of Soviet Socialist Republics are a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain, with the inscription 'Workers of All Countries, Unite!' in the languages of the Union Republics. At the top of the arms is a five-pointed star.

Art. 144. The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1 : 2.

Art. 145. The capital of the Union of Soviet Socialist Republics is the City of Moscow.

Chapter XIII

Procedure for Amending the Constitution

Art. 146. The Constitution of the USSR may be amended only by decision of the Supreme Soviet of the USSR adopted by a majority of not less than two thirds of the votes in each of its Chambers.

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THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

SUMMARY

International Status

The United Kingdom of Great Britain and Northern Ireland is a member of the United Nations. It signed the Charter in San Francisco on June 26, 1945.

It was an original member of the League of Nations. It is a member of various other international organizations.[1]

[1] See Table I.

The "British Empire" signed the Statute of the Permanent Court of International Justice on December 18, 1920, and "His Majesty's Government in the United Kingdom" accepted the optional clause regarding compulsory jurisdiction on September 19, 1929, for a period of ten years and "thereafter until such time as notice may be given to terminate the acceptance," with certain exceptions. It is a party to the Statute of the International Court of Justice of 1945 and is subject to its compulsory jurisdiction under Article 36 of that Statute.[1]

The Statute of Westminster, passed by the House of Commons November 24, 1931, ratified the declarations of the Imperial Conferences of 1926 and 1930, participated in by the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and the Dominion of Newfoundland. The Conference defined the Dominions as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or foreign affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations .... Every selfgoverning member of the Empire is master of its destiny .... In fact if not always in form, it is subject to no more compulsion whatever." [2]

On March 31, 1949 and April 18, 1949, respectively, Newfoundland (which had become a Canadian province) and the Republic of Ireland ceased to be members of the Commonwealth. The dominions of India and Pakistan were set up from August 15, 1947 and the dominion of Ceylon from February 4, 1948. India, although a republic, remains a full member of the Commonwealth and, by an agreement reached at the Conference of 1949, accepts the monarch as "the symbol of the free association of the independent member nations and, as such, the head of the Commonwealth".

The roots of the United Kingdom date from about the ninth century when the English kingdoms were brought together under Egbert of Wessex (827).

Form of National Government

The United Kingdom has no single written constitutional document. The following documents are generally accepted as being among the principal ones which outline the British Constitution:

Magna Carta, 1215;

The Great Charter of the Liberties of England and of the Liberties of the Forest; confirmed 1297;

Statute concerning Tallage, 1297;

The Petition of Right, 1627;

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[1] See Yearbook of the Court 1951–52, p. 43, 196.

[2] The full text of the Statute of Westminster is printed under Canada.

The *Habeas Corpus* Act of 1670;
The Bill of Rights 1689;
The Act of Settlement of 1700, providing for the Protestant succession to the throne and other matters;
The Act of Union with Scotland of 1706 and Amendment of 1707;
The Act of Union with Ireland of 1800;
The Parliament Act of 1911, which enabled the Commons to pass certain acts without the concurrence of the House of Lords; The Statute of Westminster of 1931.

Supplementing these should also be mentioned the Electoral Reform Laws of 1832, 1867, 1884, 1918, 1928; the acts of 1828 and 1829 removing religious qualifications for office; the Secret Ballot Act of 1872; the Reapportionment Act of 1885; the Representation of the People Acts of 1928, 1945 and 1948; the House of Commons Act of 1944; the Parliament Acts of 1949; and the social legislation extending from 1897 to 1912 relating to workmen's compensation, old age pensions, regulations of "sweated industries", labor exchanges, and national insurance. There is also a large body of unwritten English constitutional law.

Source of Sovereign Power

Although not specifically stated, British constitutional documents imply that the sovereign power emanates from the Crown.

Rights of the People

The rights of the people are to be found in various documents and in precedents and traditions. Magna Carta (1215) granted protection to widows,[1] debtors,[2] against scutage,[3] distraint,[4] improper inquests,[5] protection of fair trials,[6] and of property,[7] protection of weights and measures,[8] and free movement of persons in and out of the kingdom and throughout the realm.[9] In the Great Charter of the Liberties of England (1297) further provision is made that no freeman shall be taken or imprisoned or deprived of his land or liberties except by the law of the land.[10] The Bill of Rights (1689) guarantees the right of petition, the right of Protestant subjects to carry arms "as allowed by the law," the freedom of election of members of Parliament, freedom of speech in Parliament, the right to juries, and that fines and forfeitures before conviction are illegal and void.[11]

Legislative Power

Legislative power is vested in Parliament, consisting of the King, the

[1] Magna Carta, Arts. 7, 8 [2] Id., Arts. 9, 10, 11. [3] Id., Arts. 12, 14.
[4] Id., Arts. 16, 23, 28, 29, 30, 31, 54, 55. [5] Id., Art. 18.
[6] Id., Arts. 20, 21, 38, 39, 40, 44, 45, 54 [7] Id., Arts. 25-29, 52.
[8] Id., Art. 35. [9] Id., Arts. 41, 42
[10] Great Charter of the Liberties of England, Chapter 29.
[11] Bill of Rights, 1689.

House of Lords, and the House of Commons. In 1952 there were about eight hundred and thirty-five members of the House of Lords (although the voting strength is only about one hundred and twenty). The Representation of the People Act of 1948 effected a redistribution of the constituencies in the United Kingdom. Each constituency returns a single member to the House of Commons and under the 1948 Act the number of constituencies is fixed at approximately 613 for the United Kingdom, not less than 71 in Scotland, not less than 35 in Wales and 12 in Northern Ireland.

Sir Edward Coke said, "The power and jurisdiction of Parliament is so transcendent and absolute that it cannot be confined within any bounds." Blackstone said that in Parliament is to be found "that absolute despotic power which must in all governments reside somewhere."

The supremacy of the British Parliament as a source of all sovereign power in England was asserted as early as 1589 by Sir Thomas Smith, then Secretary of State of Queen Elizabeth, who wrote: [1]

'The most high and absolute power of the realm of England consisteth in the parliament... That which is done by this consent is called firm, stable and *sanctum*, and is taken for law. The Parliament abrogateth old laws, maketh new, giveth orders for things past and for things hereafter to be followed, changeth rights and possessions of private men, legitimateth bastards, establisheth forms of religion, altereth weights and measures, giveth forms of succession to the crown, defineth of doubtful rights, whereof is no law already made, appointeth subsidies, tailes, taxes, and impositions, giveth most free pardons and absolutions, restoreth in blood and name as the highest court, condemneth or absolveth them whom the prince will put to that trial. And, to be short, all that ever the people of Rome might do either in *centuriatis comitiis* or *tributis*, the same may be done by the parliament of England which representeth and hath the power of the whole realm, both the head and body. For every Englishman is intended to be there present, either in person or by procuration and attorneys, of what pre-eminence, state, dignity or quality soever he be, from the prince, be he king or queen, to the lowest person of England. And the consent of the parliament is taken to be every man's consent'.

Executive Department

Executive power is vested theoretically in the Crown, but practically in the Committee of Ministers, called the Cabinet, whose existence is dependent on the support of a majority in the House of Commons.

The office of prime minister had been in actual existence nearly two hundred years before it was formally and officially recognized by royal warrant in 1905. The Ministers of the Crown Acts of 1937 provided for seventeen ministers of the first rank, of whom not more than fourteen

[1] Smith, *De Republica Anglorum*, Edition L. Alson, Cambridge: 1906; Bk. 11, C. 1.

may be members of the House of Commons and not less than three members of the House of Lords; and twenty-three parliamentary secretaries of whom not more than twenty-one may be members of the Commons and not less than two of the Lords. Those Acts also recognize officially, a "leader of the opposition," who receives a salary and is assigned a post.

Recent years have seen a growing focusing of power in the British cabinet. Appropriation bills now originate there. Members of Parliament cannot propose expenditures, but can only approve or disapprove those proposed by the government.

Judicial Department

The judges of the courts are appointed by the cabinet upon recommendation by the Lord Chancellor, who is a member of the cabinet. The right of the courts to declare legislation unconstitutional is deemed inconsistent in Great Britain with the powers of King, Lords and Commons in Parliament. Lord Coke claimed that the judges of the common law might hold a statute void either as against reason and natural law or because of infringement on royal prerogative.[1] Blackstone also expressed the view that judges might hold a statute void if it contravened the law of nature, but these theories are not deemed now a part of British jurisprudence.[2] However the British Courts, through processes of interpretation, attempt to protect basic individual rights from government interference.

Judges hold office for life. There are two Courts of Appeal which hear appeals from the High Court. The ultimate court of appeals is the House of Lords.

The highest authority in England for appeals for all the King's lands beyond the seas is the judicial committee of the Privy Council. Technically its judgment amounts to advice and recommendations to the Crown which result in an order in council. The Privy Council also is a court of appeal from ecclesiastical courts of England.

Area, Population, Language

The United Kingdom has an area of 94,300 square miles and an estimated population on June 30, 1953 of 49,207,600. The prevailing language is English.

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[1] 8 Rep. 118; also Maitland, *The Constitutional History of England*, p. 301.
[2] See Maitland, p. 201.

MAGNA CHARTA

1215

JOHN BY THE GRACE OF GOD, KING OF ENGLAND, LORD of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to his archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and to all his bailiffs and faithful subjects, greeting. Know that we, having regard to God and the safety of our soul, and those of all our ancestors and heirs, to the honour of God, and the exaltation of holy church, and the betterment of our realm, by the advice of our reverend fathers, Stephen archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, bishops; master Pandulph, the Pope's subdeacon and household official; brother Aymeric, master of the Knights of the Temple in England; and of the noble persons, William Marshal, earl of Pembroke, William, earl of Salisbury, William, earl of Warenne, William, earl of Arundel; Alan de Galloway, constable of Scotland, Warin Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh, seneschal of Poitou, Hugh de Neville, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip d'Aubigny, Robert de Roppelay, John Marshal, John Fitz-Hugh, and others of our faithful men,

1. Have, in the first place granted to God, and by this our present charter confirmed for us and our heirs for ever, that the English church shall be free, and enjoy her rights in their integrity and her liberties inviolate; and we will that it be so observed; and this is manifest from this, that we, of our mere and unconstrained will, before the contest between us and our barons had arisen, granted, and by our charter confirmed and procured to be confirmed by pope Innocent III, the freedom of elections which is most important and essential to the English church; and this we will observe and wish to be observed in good faith by our heirs for ever. We have also granted to all the freemen of our kingdom, for us and for our heirs for ever, all the underwritten liberties, to have and to hold to them and to their heirs, of us and of our heirs.

2. If any of our earls or barons, or others who hold of us in chief by knight's service, shall die, and at the time of his death his heir shall be of full age and owe a relief, he shall have his inheritance by the old relief, namely, the heir or heirs of an earl by paying one hundred pounds for the whole barony of an earl; the heir or heirs of a baron by paying one hundred pounds for a whole barony; the heir or heirs of a knight by paying one hundred shillings at most for a whole knight's fee; and he that oweth less shall give less according to the ancient custom of fees.

3. But if the heir of any such shall be under age and in ward, he shall have his inheritance without relief or fine when he comes of age.

4. The guardian of the land of any such heir being under age, shall take

therefrom only reasonable issues, customs, and services, and this without destruction or waste of men or goods; and if we commit the custody of any such lands to the sheriff, or to any other who is answerable to us for the issues thereof, and he shall make destruction and waste of his wardship, we will take amends of him, and the land shall be committed to two lawful and discreet men of that fee, who shall be answerable for the issues to us or to whomsoever we shall assign them; and if we sell or give to any one the wardship of any such lands, and he commit destruction or waste therein, he shall lose the wardship and it shall be committed to two lawful and discreet men of that fee who shall answer to us as aforesaid.

5. But the guardian, so long as he shall have the wardship of the land, shall keep up the houses, parks, fish-ponds, pools, mills and other appurtenances, from the issues of the land; and he shall restore to the heir, when he comes of age, his whole estate stocked with ploughs and tillage, as the season may require and the issues of the land can reasonably bear.

6. Heirs shall be married without disparagement, yet so that before the marriage takes place, those who are near in blood to the heir shall have notice.

7. A widow after the death of her husband shall immediately and without obstacle have her marriage-portion and her inheritance, nor shall she give anything for her dower, marriage-portion, or inheritance which she and her husband held on the day of his death; and she may remain in her husband's house for forty days after his death, within which time her dower shall be assigned to her.

8. No widow shall be distrained to marry so long as she wishes to live without a husband; provided that she gives security that she will not marry without our consent, if she holds of us, or that of the lore of whom she holds, if she holds of another.

9. Neither we nor our bailiffs shall seize any land or rent for any debt so long as the chattels of the debtor are sufficient to repay the debt; nor shall the debtor's sureties be distrained so long as the chief debtor is able to pay the debt; and if the chief debtor shall fail to pay the debt, having nothing wherewith to pay it then the sureties shall answer for it; and, if they will, they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they paid for him, unless the chief debtor can show himself to be quit thereof against them.

10. If anyone has borrowed from the Jews any sum, great or small, and shall die before the debt is paid, the debt shall not bear interest while the heir is under age, of whomsoever he may hold; and if the debt falls into our hands, we will only take the principal sum mentioned in the deed.

11. And if anyone shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the children of the deceased be left under age, necessaries shall be provided for them according to the estate of the deceased, and out of the residue the debt shall be paid, saving the service due to the lords; in like manner it shall be done concerning debts due to others than Jews.

12. No scutage or aid shall be imposed in our kingdom, except by the common counsel of our kingdom, except for ransoming our person, knight-

ing our eldest son, and once for marrying our eldest daughter, and for these only a reasonable aid shall be paid: likewise shall it be done concerning aids from the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Further, we will and grant that all other cities, and boroughs, and towns, and ports, shall have all their liberties and free customs.

14. And for obtaining the common counsel of the realm, concerning the assessment of aids other than in the three cases aforesaid, or for assessing a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, singly by our letters; and further we will cause to be summoned in general, by our sheriffs and bailiffs, all those who hold of us in chief; for a fixed day, namely, forty days after their summons at least, and at a fixed place; and in all letters of such summons we will explain the cause thereof; and the summons being thus made, the business shall proceed on the appointed day according to the advice of those who are present, even if all who are summoned do not come.

15. We will not in future give leave to any one to take an aid from his free men, except for redeeming his person, or knighting his eldest son, or once marrying his eldest daughter, for which only a reasonable aid shall be levied.

16. No man shall be distrained to perform more service for a knight's fee, or other free tenement, than is due therefrom.

17. Common pleas shall not follow our court, but shall be held in some appointed place.

18. Inquests of Novel Disseisin, Mor d'Ancestor, and of Darrein Presentment, shall only be taken in their proper counties, and in this fashion: we, or if we should be out of the realm, our chief justiciar, will send two justices through each shire four times a year, who, with four knights of each shire, elected by the shire, shall hold the said assizes in the shire, on the day and in the place of meeting of the shire court.

19. And if the said assizes cannot be held on the days of the shire court, as many knights and free tenants shall remain of those who were present at that court, as may be required for the administration of justice, according as the business be more or less.

20. A free man shall be amerced for a small crime only according to its measure; and for a great crime he shall be amerced according to its greatness, saving his position; and a merchant likewise saving his trade, and a villein saving his tillage, if they have fallen into our mercy; and none of the said amercements shall be imposed except by the oath of honest men of the neighbourhood.

21. Earls and barons shall only be amerced by their peers, and according to the measure of their offence.

22. A clerk shall be amerced for his lay tenement only after the manner of the other persons aforesaid, and not according to the value of his ecclesiastical benefice.

23. Nor shall any vill or man be distrained to make bridges over rivers, except those that were of old legally bound to do so.

24. No sheriff, constable, coroners, or our other bailiffs, shall hold the pleas of the crown.

25. All shires, hundreds, wapentakes, and tithings shall be at the old farms, without any increase, except our demesne manors.

26. If any one holding a lay fief of us shall die, and our sheriff or bailiff shall show our letters patent of summons for a debt which the deceased owed to us, our sheriff or bailiff may seize and register the chattels of the deceased found on his lay fee, to the value of that debt, by the view of lawful men, so that nothing be removed therefrom until the clear debt be paid; and the residue shall be left to the executors to carry out the will of the deceased; and if nothing is due to us from him, all his chattels shall remain to the deceased, saving to his wife and children their reasonable shares.

27. If any free man shall die intestate, his chattels shall be distributed by the hands of his near kinsfolk and friends, by view of the church, saving to everyone the debts which the deceased owed to him.

28. No constable or our other bailiffs shall take the corn or other chattels of any one, without immediate payment for it, unless the seller allows him a respite.

29. No constable shall distrain any knight to give money for castle-guard, if he wishes to do the service in his own person, or by another suitable man, if for any reasonable cause he cannot do it himself; and if we lead or send him to war, he shall be free of castle-guard for the time during which he has been in the army because of us.

30. No sheriff or bailiff of ours, or any one else, shall take the horses or carts of any free man for carrying-service against the will of the said free man.

31. Neither we nor our bailiffs shall take another man's timber, for our castles, or other business of ours, except with the consent of the owner thereof.

32. We will only keep the lands of persons found guilty of felony for a year and a day, when they shall be restored to the lords of the fees.

33. All fish-weirs shall henceforth be entirely removed from the Thames and the Medway, and throughout all England, except on the sea coast.

34. The writ called *Praecipe* shall not in future be issued to anyone concerning any tenement whereby a freeman may lose his court.

35. There shall be one measure of wine throughout our kingdom, and one of ale, and one of corn, namely the London quarter, and one breadth of dyed cloth, russetts, and haberjects, namely, two ells between the selvedges; and with weights it shall be as with measures.

36. Nothing shall in future be given or taken for a writ of inquisition of life or limbs, but it shall be freely granted and not denied.

37. If any one holds of us by fee-farm, or by socage, or by burgage, and holds land of another by knight's service, we shall not have the wardship of his heir nor of the land which is of another's fee, by reason of that fee-farm, or socage, or burgage; nor shall we have the wardship of that fee-farm, socage, or burgage unless the fee-farm owes knight's service. Nor shall we have the wardship of anyone's heir or land which he holds of another

by knight's service, by reason of any petty serjeanty which he holds of us by rendering us knives, arrows or the like.

38. No bailiff shall in future put any one to trial, upon his bare word, without credible witnesses to support it.

39. No free man shall be taken, or imprisoned, or disseised, or outlawed, or exiled, or in any way destroyed, nor will we go upon him, nor will we send against him, except by the lawful judgment of his peers or by the law of the land.

40. To none will we sell, to none will we deny, or delay, right or justice.

41. All merchants shall be safe and secure to leave, enter, dwell in, and travel through England, as well by land as by water, to buy and to sell, free of all evil tolls, by the ancient and right customs, except in time of war, if they are of the land which is warring against us; and if any such are found in our land at the onset of war, they shall be attached without harm to their bodies or goods, until it shall be known to us or to our chief justiciar, how the merchants of our land are treated, if they are found in the land warring against us; and if ours are safe there, the others shall be safe in our land.

42. It shall be lawful in future for anyone to leave our kingdom, and to return, safe and sound, by land and by water, saving the allegiance due to us, except for a short space in time of war, for the common good of the kingdom, except those imprisoned and outlawed according to the law of the land, and persons from a land hostile to us, and merchants who shall be dealt with as is aforesaid.

43. If anyone holding of some escheat, as of the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats, which are in our hand and are baronies, shall die, his heir shall not give any relief, nor shall he do service to us other than that which he did to the baron, if that barony was in the hand of a baron; and we shall hold it in the same way as the baron held it.

44. Men dwelling without the forest shall in future not come before our justices of the forest by common summonses, unless they have been impleaded, or are sureties for any person or persons impleaded for forest offences.

45. We will not appoint justices, constables, sheriffs, or bailiffs, except of such as know the law of the kingdom and are of a mind to keep it well.

46. All barons who have founded abbeys, concerning which they have charters of the kings of England, or of which they have ancient tenure, shall have the wardship of them when vacant, as they ought to have.

47. All forests made in our time shall immediately be disafforested; and so shall it be done concerning river-banks which have in our time been made by us into preserves.

48. All evil customs concerning forests and warrens, and foresters, warreners, sheriffs and their servants, river-banks and their wardens, shall be immediately inquired into in each shire by twelve sworn knights of the same shire, who are to be elected by honest men thereof, and within forty days after the making of the inquisition such customs shall be utterly and

irrevocably destroyed by them, provided that we, or our justiciar if we are not in England, previously have knowledge of it.

49. We will immediately restore all hostages and charters delivered to us by Englishmen as sureties of peace or loyal service.

50. We will entirely remove from their bailiwicks the relatives of Gerard of Athée, Engelard of Cigogné, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogné, Geoffrey of Martigny and his brothers, Philip Mark and his brothers, and Geoffrey his nephew, and all their followers.

51. And immediately after the restoration of peace we will expel from the kingdom all foreign knights, cross-bowmen, serjeants, and mercenary soldiers, who have come with horses and arms to the damage of the kingdom.

52. If any one has been dispossessed or removed by us without the lawful judgment of his peers, from his lands, chattels, liberties, or rights, we will immediately restore him to them; and if a dispute arise over this, then it shall be settled by the verdict of the twenty-five barons, of whom mention is made below in the clause for securing the peace; but with regard to all those things whereof anyone has been dispossessed or deprived without the lawful judgment of his peers, by king Henry our father or king Richard our brother, and which we have in our hand, or which others hold to whom we are bound to warrant them, we shall have respite until the usual term of crusaders; except those concerning which a plea has been begun or an inquisition taken by our command, before our assumption of the cross: and when we have returned from our pilgrimage, or if by chance we have remained behind from it, we will at once do full justice therein.

53. We shall have, moreover, the same respite, and in the same way, in doing justice in disafforesting or remeasuring the forests, which Henry our father or Richard our brother afforested, and concerning the wardship of lands which are of another's fee, and which we have hitherto held by reason of a fee which someone held of us by knight's service, and concerning abbeys founded on a fee other than our own, in which the lord of the fee claims the right; and when we have returned, or if we remain behind from our pilgrimage, we will do full justice to all who complain of such things.

54. No one shall be taken or imprisoned upon the appeal of a woman for the death of any other than her husband.

55. All fines made with us unjustly and against the law of the land, and all amercements levied unjustly and against the law of the land, shall be entirely pardoned, or else a verdict shall be given by the twenty-five barons, of whom mention is made below in the clause for securing the peace or by the verdict of the greater part of them, together with the said Stephen, archbishop of Canterbury, if he can be present, and others whom he may wish to summon for this purpose: and if he cannot be present, the business shall nevertheless proceed without him, provided that if any one or more of the said twenty-five barons be concerned in a plaint of this kind, he or they shall be removed for this occasion, and another or others, elected and sworn by the rest of the twenty-five for this time only, shall complete the number.

56. If we have dispossessed or removed Welshmen from lands or liberties

or other things, without the lawful judgment of their peers, in England or in Wales, they shall at once be restored to them; and if a dispute arises over this, then it shall be settled in the March by the judgment of their peers, according to the law of England with regard to English tenements, the law of Wales as to Welsh tenements, and the law of the March as to Marcher tenements. Welshmen shall do the same to us and ours.

57. Further, with regard to all those things of which any Welshman has been dispossessed or deprived without the lawful judgment of his peers, by king Henry our father or king Richard our brother, and which we hold in our hand, or which are held by others to whom we are bound to warrant them, we shall have a respite until the usual term of crusaders, those things excepted concerning which a plea has been begun or an inquisition made by our order before our assumption of the cross: but when we have returned, or if by chance we have remained behind from our pilgrimage, we shall at once do full justice to them therein, according to the laws of the Welsh and the said regions.

58. We will at once restore the son of Llewelyn, and all the hostages from Wales, and the charters which were delivered to us as security for the peace.

59. We will act towards Alexander king of the Scots, with regard to his sisters, and the return of hostages, and his liberties, and his right, in the manner as we shall act to our other barons of England, unless it ought to be otherwise according to the charters which we have from William his father, formerly king of the Scots; and this shall be done by the judgment of his peers in our court.

60. Moreover, all these said customs and liberties which we have granted to be observed in our realm in so far as pertains to us towards our men, as well clerk as lay, they shall themselves observe towards their own men.

61. And whereas we, for the honour of God and the betterment of our realm, and for the better allaying of the quarrel arisen between us and our barons, have granted all these things aforesaid, we, wishing that they be for ever enjoyed wholly and inviolate, establish and grant to them the following security; namely that the barons shall elect any twenty-five barons of the kingdom as they will, and these with all their power shall keep, hold, and cause to be kept the peace and liberties which we have granted to them, and by this our present charter confirmed to them, provided that if we, or our justiciar, or our bailiffs, or any of our servants, in any way fall away from them, or transgress any of the articles of peace or security, and the offence be shown to four barons of the said twenty-five, those four barons shall come before us or our justiciar if we are out of the kingdom, laying the offence before us, and asking that we cause it to be amended without delay. And if we do not amend it, or, if we are out of the kingdom and our justiciar does not amend it within forty days from the time when it was brought before us or before our justiciar if we should be out of the kingdom, the said four barons shall refer the matter to the rest of the twenty-five barons, who with the commonalty of the whole land shall distrain and grieve us in whatsoever way they can, namely by

the seizure of castles, lands, possessions, and in any other way they can, until the reform is made according to their judgment, saving our person and that of our queen and children; and when it is done they shall obey us as before. And whosoever in the land wishes may take oath that he is ready, for the execution of the aforesaid matters, to obey the orders of the said twenty-five barons, and that he and his men will grieve us as best he may, and we publicly and freely allow any one to take oath who so wishes, and to none shall it ever be denied. All those, moreover, in the land who of themselves and of their own accord are unwilling to swear to the twenty-five barons, with regard to distraining and grieving us with them, we shall cause to take oath by our command, as is aforesaid. And if any of the twenty-five barons shall die, or leave the country, or in any other way be prevented from executing the aforesaid, those who remain of the said twenty-five barons shall elect another in his room, at their discretion, and he shall be sworn in like manner as the others. Further, in all things, which are referred to the said twenty-five barons to execute, if by chance all the twenty-five are present, and a dispute arises among them about anything, or some of those who are summoned are unwilling or unable to attend, the verdict of the majority of those present shall be regarded as firm and binding, as if all the twenty-five had agreed to it; and the said twenty-five shall swear that they will loyally keep the aforesaid, and cause it to be kept in so far as they can. And we will procure nothing from anyone, by ourselves or through another, by which any of these concessions and liberties might be revoked or diminished; and if any such thing has been procured let it be null and void, and we will never use it personally or by another.

62. And all ill-will, wrath, and bitterness, that has arisen between us and our men, clerk and lay, from the time of the dispute, we have fully remitted and pardoned to all. Furthermore, all trespasses made by reason of the said dispute, from Easter in the sixteenth year of our reign until the re-establishment of peace, we have fully remitted to all, clerk and lay, and completely forgiven, as far as in us lies. And further we have caused to be made for them letters patent of witness of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, and of the said bishops, and of master Pandulf, concerning this security and the grants aforesaid.

63. Wherefore we wish and firmly enjoin that the English church be free and that the men in our kingdom have and hold all the aforesaid liberties, rights, and grants, well and in peace, freely and quietly, fully and wholly, to them and their heirs, of us and our heirs, in all things and places, forever as is aforesaid. This has been sworn to as well on our part as on the part of the barons, that all the aforesaid shall be kept in good faith and without malice.

Given under our hand
the above-named and many others being witnesses,
in the meadow which is called Runnymede,
between Winsor and Staines, on the fifteenth day of June,
in the seventeenth year of our reign.

THE GREAT CHARTER OF THE LIBERTIES OF ENGLAND AND OF THE LIBERTIES OF THE FOREST

confirmed by King Edward in the twenty-fifth year of his reign (1297)

Edward, by the grace of God, King of England, Lord of Ireland and Duke of Guyan (to all archbishops, bishops, etc.). We have seen the Great Charter of the Lord Henry sometime King of England, our father, of the liberties of England in these words.

Henry, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou to all archbishops, bishops, abbots, priors, earls, barons, sheriffs, provosts, officers, and to all bailiffs, and other our faithful subjects, which shall see this present charter, greeting: Know ye that we, unto the honor of Almighty God, and for the salvation of the souls of our progenitors and successors (Kings of England), to the advancement of the holy church and amendment of our realm, of our meer and free will, have given and granted to all archbishops, bishops, abbots, priors, earls, barons, and to all freemen of this our realm, these liberties following to be kept in the kingdom of England forever.

Chapter 1. Confirmatiom of Liberties

First, we have granted to God and by this our present charter have confirmed, for us and our heirs forever, that the church of England shall be free and shall have all her whole rights and liberties inviolable. We have granted also, and given to all the freemen of our realm, for us and our heirs forever, these liberties underwritten, to have and to hold to them and their heirs, of us and our heirs forever.

[Chapters 2–6 repealed as to England, 26 & 27 Vict. c. 125 (SLR); as to Ireland, 35 & 36 Vict. c. 98 (SLR).]

Chapter 7. Widow—Her Marriage Estate—Quarantine—Estovers—Dower—Remarriage

A widow after the death of her husband, incontinent, and without any difficulty shall have her [marriage[1]] and her inheritance which her husband and she held the day of the death of her husband; and she shall tarry in the chief house of her husband by forty days after the death of her husband, within which days her dower shall be assigned her, if it were not assigned her before, or that the house be a castle, then a competent house shall be forthwith provided for her in the which she may honestly dwell, until her dower be to her assigned as it is aforesaid; and she shall have in the meantime her reasonable estovers [of the common.[2]] And for her dower shall be assigned unto her the third part of all the lands of her husband, which were his [during coverture[3]] except she were endowed of less at the church

[1] Marriage estate. [2] Out of the common estate. [3] In his life.

door. No widow shall be [distrained to marry herself.[1]] Nevertheless she shall find surety that she shall not marry without our license and assent if she hold of us, nor without the assent of the lord if she hold of another.

[This chapter was repealed as to deaths after 1925 by the Administration of Estates Act, 1925].

Chapter 8. The King's Debtor

We, or our bailiffs, shall not seize any land or rent for any debt as long as the present goods and chattels of the debtor do suffice to pay the debt, and the debtor himself be ready to satisfy therefor. Neither shall the pledges of the debtor be distrained, as long as the principal debtor is sufficient for the payment of the debt; and if the principal debtor fail in payment of the debt, having nothing wherewith to pay, or will not pay where he is able, the pledges shall answer for the debt; and if they will, they shall have the lands and rents of the debtor, until they be satisfied of that which they before paid him, except that the debtor can show himself to be acquitted against the said sureties.

Chapter 9. Liberties of London, etc.

The city of London shall have all the old liberties and customs [which it hath been used to have]. Moreover we will and grant that all other cities, boroughs, towns, and the barons of the five ports and all other ports, shall have all their liberties and free customs.

Chapter 10. Distress for Services

No man shall be distrained to do more service for a knight's fee, nor any freehold than therefore is due.

[Chapters 11, 12 repealed, 42 & 43 Vict. c. 59; Chapter 13 repealed, 26 & 27 Vict. c. 125 (SLR).]

Chapter 14. Amercements

A freeman shall not be amerced for a small fault, but after the manner of the fault, and for a great fault, after the greatness thereof, saving to him his contenement[2]; and a merchant likewise saving him to his merchandise; and any other's villain than ours shall be likewise amerced, saving his wainage, if he fall into our mercy. And none of the said amerciaments shall be assessed but by oath of honest and lawful men of the vicinage. Earls and barons shall not be amerced but by their peers, and after the manner of their offense. No man of the church shall be amerced after the quantity of his spiritual benefice, but after his lay tenement, and after the quantity of his offence.

Chapter 15. Making of Bridges

No town nor freeman shall be distrained to make bridges (nor banks[3]) but such as of old time and of right have been accustomed to make them (in time of King Henry our grandfather).

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[1] While she chooses to remain single. [2] Countenance. [3] Over rivers.

Chapter 16. Obstructing of Rivers

No banks[1] shall be defended from henceforth, but such as were in defence in the time of King Henry our grandfather, by the same places and the same bounds, as they were wont to be in his time.
[Chapter 17 repealed, 55 & 56 Vict. c. 19 (SLR).]

Chapter 18. The King's Tenant his Debtor

If any that holdeth of us lay fee do die, and our sheriff or bailiff do show our letters patents of our summon for debt, which the dead man did owe to us, it shall be lawful to our sheriff or bailiff to attach or inroll all the goods and chattels of the dead being found in the (said fee,[2]) to the value of the same debt, by the sight and testimony of lawful men: So that nothing thereof shall be taken away until (we be clearly paid off the debt;[3]) (and the residue shall remain to the executors, to perform the testament of the dead; and if nothing be owing unto us,[4] all of the chattels shall go to the use of the dead; saving to his wife and children their reasonable parts).
Chapters 19–21 repealed, 26 & 27 Vict. c. 125 (SLR).]

Chapter 22. Lands of Felons

We will not hold the lands of them that be convict of felony but one year and one day and then those lands shall be delivered to the lord of the fee.

Chapter 23. Weirs

All weirs from henceforth shall be utterly put down by Thames and Medway, and through all England, but only by the seacoast.
[Chapter 24 repealed, 26 & 27 Vict. c. 125 (SLR).]

Chapter 25. Measures and Weights

One measure of wine shall be through our realm, and one measure of ale, and one measure of corn, that is to say, the quarter of London; and one breadth of dyed cloth, russets and haberjects, that is to say two yards within the lists. And it shall be of weights as it is of measures.
[Chapter 26 repealed, 9 Geo. 4. c. 31; Chapters 27, 28 repealed, 26 & 27 Vict. c. 125 (SLR).]

Chapter 29. Imprisonment etc. Contrary to Law

No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or in any other wise destroyed; nor will we not pass upon him nor (condemn him,[5]) but by the lawful judgment of his peers or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right.

Chapter 30. Foreign Merchants

All merchants, if they were not openly prohibited before, shall have

[1] Rivers. [2] Lay fee.
[3] There be paid unto us the debt which shall have been proved.
[4] By him. [5] Deal with him.

their safe and sure conduct to depart out of England, to tarry in, and go through England, as well by land as by water, to buy and sell without any manner of (evil tolts [1]) by the old and rightful customs, except in time of war; and if they be of a land making war against us, and be found in our realm at the beginning of the wars, they shall be attached without harm to body or goods, until it be known to us, or our chief justice, how our merchants be entreated (there in [2]) the land making war against us; and if our merchants be well intreated there, theirs shall be likewise with us. [Chapters 31, 33–34, 36 repealed, 26 & 27 Vict. c. 125 (SLR); Chapter 32 repealed, 50 & 51 Vict. c. 59 (SLR); Chapter 35 repealed, 50 & 51 Vict. c. 55.]

Chapter 37. Escuage

[Escuage from henceforth shall be taken like as it was wont to be in the time of King Henry our grandfather. (Repealed as to England, 26 & 27 Vict. c. 125 [SLR]; as to Ireland, 35 & 36 Vict. c. 98 [SLR]).] Reserving to all archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, and all persons, as well spiritual as temporal all their (free liberties [3]) and free customs, which they have had in times passed. And all these customs and liberties aforesaid, which we have granted to be holden within this our realm (as much as appertaineth to us and our heirs, we shall observe; and [4]) all men of this our realm, as well spiritual as temporal, (as much as in them is, shall observe the same against all persons in like wise [5]). And for this our gift and grant of these liberties and of other contained in our charter of liberties of our forest, the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders, and other our subjects, have given unto us the fifteenth part of all their moveables. And we have granted unto them on the other party,[6] that neither we nor our heirs shall procure or do anything whereby the liberties in this charter contained shall be infringed or broken. And if anything be procured by any person contrary to the premises, it shall be had of no force nor effect. These being witnesses:

[A list of sixty-three names follows.]

We ratifying and approving these gifts and grants aforesaid, confirm and make strong all the same for us and our heirs perpetually and by the tenor of these presents do renew the same; Willing and granting for us and our heirs that (this charter and [7]) all and singular his articles for ever shall be steadfastly, firmly, and inviolably observed; (and if [8]) any article in the same charter contained yet hitherto peradventure hath not been kept (we will and by authority royal command from henceforth firmly they be observed [9]).

In witness whereof we have caused these our letters patents to be made.

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[1] Evil tolles. [2] Who are then found in. [3] Liberties.
[4] On our part, towards our men.
[5] Shall observe on their part towards their men.
[6] For us and our heirs. [7] The charter aforesaid in. [8] Even although.
[9] Not in original.

(To Edward our son at Westminster the twenty-eighth day of March in the twenty-eighth year of our reign.[1])

CONFIRMATION OF THE CHARTERS 1297 (25 Edw. 1)

Chapter 1. Confirmation of the Charters

Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Guyan to all those that these present letters shall hear or see, greeting. Know ye that we, to the honor of God, and of holy church, and to the profit of our realm, have granted for us and our heirs, that the Charter of Liberties, and the Charter of the Forest which were made by the common assent of all the realm, in the time of King Henry our father, shall be kept in every point without breach. And we will that the same charters shall be sent under our seal, as well to our justices of the forest as to others, and to all sheriffs of shires and to all our other officers, and to all our cities throughout the realm, together with our writs, in which it shall be contained, that they cause the aforesaid charters to be published, and to declare to the people that we have confirmed them in all points; and (that [2]) our justices, sheriffs, mayors and other ministers, which under us [3] have the laws of our land to guide, (shall allow the said charters pleaded before them in judgment in all their points; [4]) that is to wit, the Great Charter as the common law, and the Charter of the Forest [5] for the wealth of our realm.

Chapter 2. Judgments against the Charters Void

And we will that if any judgment be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers that hold plea before them against the points of the charters, it shall be undone and holden for nought.

[Chapters 3 and 4 repealed, 50 & 51 Vict. c. 59 (SLR).]

Chapter 5. Aids, Tasks and Prises Granted to the King Shall Not Be Taken for a Custom

And for so much as divers people of our realm are in fear, that the aids and tasks which they have given us beforetime towards our wars and other business, of their own grant and goodwill, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and (likewise for [6]) the prises taken

[1] The old translation read: "These reverend fathers being witnesses: R. Archbishop of Canterbury Primate of England, A. Bishop of Duresune, and other; Given at Westminster with our own hand the twenty-eighth day of March the twenty-eighth year of our realm."

[2] To. [3] And by us.

[4] That they allow the same charters in all their points, in pleas before them, and in their judgments.

[5] According to the assize of the forest. [6] So likewise.

throughout the realm by our ministers;[1] we have granted for us and our heirs, that we shall not draw such aids, taskes, nor prises into a custom, for anything that hath been done heretofore, (be it by roll or any other precedent that may be founden [2]).

Chapter 6. No Aids or Prises Shall Be Taken but by Consent of the Realm

Moreover we have granted for us and our heirs as well to archbishops, bishops, abbots, priors, and other folk of the holy church, as also to earls, barons, and to all the commonalty of the land that for no business from henceforth we shall take [3] such manner of aids, tasks, nor prises but by the common assent of the realm, and for the common profit thereof, saving the ancient aids and prizes due and accustomed.

Chapter 7. A Release of Toll for Wool

And for so much as the more part of the commonalty of the realm find themselves sore grieved with the (maletent [4]) of woolls, that is to wit, a toll of forty shillings for every sack of wooll, and have made petition to us to release the same; we at their requests have clearly released it, and have granted (for us and our heirs) that we shall not take (such thing [5]) without their common assent and good will; saving to us and our heirs the custom of woolls, skins, and leather, granted before by the commonalty aforesaid. In witness of which things we have caused these our letters to be made patents. Witness Edward our son at London the tenth day of October, the five and twentieth year of our reign.

And be it remembered that this same charter, in the same terms, word for word, was sealed in Flanders under the King's great seal, that is to say, at Ghent the fifth day of November in the twenty-fifth year of the reign of our aforesaid lord the King, and sent into England.

STATUTE CONCERNING TALLAGE 1297

Chapter 1. No Tallage or Aid without the Assent of Parliament

No tallage or aid shall be taken or levied by us or our heirs in our realm without the good will and assent of archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land.

Chapter 2. No Purveyance without the Owner's Consent

No officer of ours or of our heirs shall take corn, leather, cattle, or any other goods, of any manner of person, without the good will and assent of the party to whom the goods belonged.

Chapter 3. No maletolte

Nothing from henceforth shall be taken of sacks of wool, by color or occasion of maletolte.

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[1] In our name.
[2] Or that may be found by roll or in any other manner.
[3] Of our realm.
[4] Unjust tolls.
[5] Such thing, nor any other.

Chapter 4. All Laws, Liberties, and Customs Confirmed

We will and grant for us and our heirs, that all clerks and laymen of our land shall have their laws, liberties, and free customs, as largely and wholly as they have used to have the same at any time when they had them best; and if any statutes have been made by us or our ancestors, or any customs brought in contrary to them, or any manner of article contained in this present charter, we will and grant, that such manner of statutes and customs shall be void and frustrate for evermore.

THE PETITION OF RIGHT 1627

The Petition exhibited to His Majesty by the Lords Spiritual and Temporal and Commons in this present Parliament assembled concerning divers rights and liberties of the Subject; with the King Majesties Royal Answer thereunto in full Parliament.

To the King's most excellent Majesty.

Humbly show unto our sovereign Lord the King, the lords spiritual and temporal and commons in Parliament assembled that

1. Reciting that by (25) 34 Edw. I, st. 4. c. 1, by authority of Parliament holden 25 Edw. 3, and by other laws of this realm, the King's subjects should not be taxed but by consent of Parliament. Whereas it is declared and enacted by a Statute made in the time of the reign of King Edward the First commonly called Statutum de Tallagio non concedendo, that no tallage or aid should be laid or levied by the King or his heirs in this realm without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the commonalty of this realm, and by the authority of Parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted that from henceforth no person should be compelled to make any loans to the king against his will because such loans were against reason and the franchise of the land, and by other laws of this realm it is provided, that none should be charged by any charge or imposition called a benevolence nor by such like charge by which the statutes before mentioned and other the good laws and statutes of this realm your subjects have inherited this freedom that they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent in Parliament.

2. And that commissions have of late issued on which proceedings have been contrary to law. Yet nevertheless of late divers commissions directed to sundry commissioners in several counties with instructions have issued, by means whereof your people have been in divers places assembled and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do have had an oath administered unto them not warrantable by the laws or statutes of this realm and have been constrained to become bound to make appearance and give attendance before your privy council and in other places; and others of them have been therefore imprisoned, confined, and in sundry other ways molested and disquieted and divers other charges have been laid and

levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of the peace and other by command or direction from your Majesty or your privy council against the laws and free customs of the realm.

3. Reciting 9 Hen. 3, M.C.c.29. And whereas also by the Statute called the Great Charter of the Liberties of England, it is declared and enacted, that no freeman may be taken or imprisoned or disseised of his freehold or liberties or his free customs or be outlawed or exiled or in any manner destroyed, but by the lawful judgment of his peers or by the law of the land.

4. Reciting 28 Edw. 3. c. 3. And in the eight and twentieth year of the reign of King Edward the Third it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his land or tenements nor taken nor imprisoned nor disherited nor put to death without being brought to answer by due process of law.

5. And that divers subjects have been imprisoned without cause shown or cause of detainer certified. Nevertheless against the tenor of the said statutes and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed: And when for their delivrance they were brought before your justices by your Majesty's writ of habeas corpus there to undergo and receive as the courts should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command signified by the lords of your privy council and yet were returned back to several prisons without being charged with any thing to which they might answer according to the law.

6. And that soldiers have been dispersed in divers counties and inhabitants compelled to receive them.[1] And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm and to the great grievance and vexation of the people.

7. Reciting 25 Edw. 3, and that commissions have issued under the great seal for proceedings according to martial law. And whereas also by authority of Parliament in the five and twentieth year of the reign of King Edward the Third it is delcared and enacted that no man should be forejudged of life and limb against the form of the Great Charter and other laws and statutes of this your realm no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm or by Acts of Parliament. And whereas no offender of what kind soever is exempted from the proceedings to be used and punishments to be inflicted by the laws and statutes of this your realm, nevertheless of late time divers commissions under your Majesty's Great Seal have

[1] So much as prohibits billeting, suspended so far as billeting is authorised by the Army Act 1881, 44 & 45 Vict. c. 58, 2, 102.

issued forth by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land according to the justice of martial law against such soldiers or mariners or other dissolute persons, joining with them as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law and as is used in armies in time of war to proceed to the trial and condemnation of such offenders and them to cause to be executed and put to death according to the law martial.

By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the same laws and statutes of the land they had deserved death, by the same laws and statutes also they might and by no other ought to have been judged and executed.

And also sundry grievous offenders by color thereof claiming an exemption have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or foreborne to proceed against such offenders according to the same laws and statutes upon pretence that the said offenders were punishable only by martial law and by authority of such commissions as aforesaid. Which commissions and all other of like nature are wholly and directly contrary to the said laws and statutes of this your realm.

8. The Petition. They do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by Act of Parliament, and that none be called to make answer or take such oath or to give attendance or be confined or otherwise molested or disquieted concerning the same or for refusal thereof. And that no freeman in any such manner as is before mentioned be imprisoned or detained. And that your Majesty would be pleased to remove the said soldiers and mariners and that your people may not be so burdened in time to come. And that the aforesaid commissions for proceeding by martial law may be revoked and annulled. And that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by color of them any of your Majesty's subjects be destroyed or put to death contrary to the laws and franchise of the land.

All which they most humbly pray of your most excellent Majesty as their rights and liberties according to the laws and statutes of this realm and that your Majesty would also vouchsafe to declare that the awards, doings, proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example. And that your Majesty would be also graciously pleased for the further comfort and safety of your people to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm as they tender the honor of your Majesty and the prosperity of this kingdom.

Qua quidem Petitione lecta & plenius intellecta per dictum Domininum

Regem taliter est responsum in pleno Parliamento, viz., *soit droit fait comme est desiré.*

THE HABEAS CORPUS ACT, 1640 (16 Car. 1, c. 10.)

An Act for [the Regulating[1]] the Privie Councell and for taking away the Court commonly called the Star Chamber

Whereas by the Great Charter [25 Edw. 1] many times confirmed in Parliament it is enacted that no freeman shall be taken or imprisoned or disseised of his freehold or liberties or free customes or be outlawed or exiled or otherwise destroyed and that the King will not passe upon him or condemn him but by lawfull judgment of his peers or by the law of the land and by another Statute made in the fifth yeare of the reigne of King Edward the Third [5 Edw. 3, c. 9] it is enacted that no man shall be attached by any accusation nor fore judged of life or [lim][2] nor his lands tenements goods or chattels seised into the Kings hands against the forme of the Great Charter and the law of the land and by another Statute made in the five and twentieth yeare of the reigne of the same King Edward the Third [25 Edw. 3, st. 5, c. 4] it is accorded assented and established that none shall be taken by petition or suggestion made to the King or to his councell unlesse it be by indictment or presentment of good and lawfull people of the same neighbourhood where such deeds be done in due manner or by processe made by writ originall at the common law and that none be put of his franchise or freehold unless he bee duly brought in to answer and forejudged of the same by the course of [the[3]] law and if any thing be done against the same it shall be redressed and holden for none and by another Statute made in the eight and twentieth yeare of the reigne of the same King Edward the Third [28 Edw. 3, c. 3] it is amongst other things enacted that no man of what estate or condition soever he be shall be put out of his lands or tenements nor taken nor imprisoned nor disinherited without being brought in to answer by due processe of law and by another Statute made in the two and fourtieth yeare of the reigne of the said King Edward the Third [42 Edw. 3, c. 3] it is enacted that no man be put to answer without presentment before justices or matter of record or by due processe and writ originall according to the old law of the land and if any thing be done to the contrary it shall be void in law and holden for errour and by another Statute made in the six and thirtieth yeare of the same King Edward the Third [36 Edw. 3, c. 15] it is amongst other things enacted that all pleas which shall be pleaded in any courts before any the Kings justices or in his other places or before any of his other ministers or in the courts and places of any other lords within the realm shall be entered and inrolled in Latine. And whereas by the Statute made in the third yeare of King Henry the Seav-

[1] Regulating of *O.*
[2] Lymne *O.*
[3] Interlined on the roll.

enth [3 Hen. 7, c. 1, § 1] power is given to the chancellour the lord treasurer of England for the time being and the keeper of the Kings privie seale or two of them calling unto them a bishop and a temporall lord of the Kings most honourable councell and the two chiefe justices of the Kings Bench and Common Pleas for the time being or other two justices in theire absence to proceed as in that Act is expressed for the punishment of some particular offences therein mentioned and by the Statute made in the one and twentieth yeare of King Henry the Eighth [21 Hen. 8, c. 20] the president of the councell is associated to joyne with the lord chancellour and other judges in the said statute of the third of Henry the Seaventh mentioned. But the said judges have not kept themselves to the points limited by the said statute but have undertaken to punish where no law doth warrant and to make decrees for things having no such authoritie and to inflict heavier punishments then by any law is warranted. And forasmuch as all matters examinable or determinable before the said judges or in the court commonly called the Star Chamber may have theire proper remedy and redresse and theire due punishment and correction by the common law of the land and in the ordinary course of justice elsewhere. And forasmuch as the reasons and motives inducing the erection and continuance of that court doe now cease and the proceedings censures and decrees of that court have by experience beene found to be an intollerable burthen to the subjects and the meanes to introduce an arbitrary power and government. And forasmuch as the councell table hath of late times assumed unto it selfe a power to intermedle in civill causes and matters onely of private interest betweene party and party and have adventured to determine of the estates and liberties of the subject contrary to the law of the land and the rights and priviledges of the subject by which great and manifold mischeifes and inconveniences have arisen and happened and much incertainty by meanes of such proceedings hath beene conceived concerning mens rights and estates. For setling whereof and preventing the like in time to come. Be it ordained and enacted by the authority of this present Parliament that

1. Court of Star Chamber and all its powers dissolved.—The said court commonly called the Star Chamber and all jurisdiction power and authority belonging unto or exercised in the same court or by any the judges officers or ministers thereof be from the first day of August in the yeare of our Lord God one thousand six hundred fourty and one cleerely and absolutely dissolved taken away and determined and that from the said first day of August neither the lord chancellour or keeper of the great seale of England the lord treasurer of England the keeper of the Kings privie seale or president of the councell nor any bishop temporall lord privy councellor or judge or justice whatsoever shall have any power or authoritie to heare examine or determine any matter or thing whatsoever in the said court commonly called the Star Chamber or to make pronounce or deliver any judgement sentence order or decree or to doe any judiciall or ministeriall act in the said court and that all and every Act and Acts of Parliament and all and every article clause and sentence in them and every of them by which any jurisdiction power or authority is given limited

or appointed unto the said court commonly called the Star Chamber or unto all or any the judges officers or ministers thereof or for any proceeding to be had or made in the said court or for any matter or thing to be drawn into question examined or determined there shall for so much as concerneth the said Court of Star Chamber and the power and authoritie thereby given unto it be from the said first day of August repealed and absolutely revoked and made void.

2. Like jurisdiction in several other courts repealed and taken away —No court or council to have the like jurisdiction.—And ... that the like jurisdiction now used and exercised in the court before the president and councell in the marches of Wales and alsoe in the court before the president and councell established in the northern parts and also in the court commonly called the Court of the Dutchy of Lancaster held before the chancellor and councell of the court and alsoe in the Court of Exchequer of the countie palatine of Chester held before the chamberlaine and councell of that court the like jurisdiction being exercised there shall from the said first day of August one thousand six hundred fourty and one be alsoe repealed and absolutely revoked and made void any law prescription custome or usage or the said statute made in the third yeare of King Henry the Seventh or the statute made the one and twentieth of Henry the Eighth or any Act or Acts of Parliament heretofore had or made to the contrary thereof in any wise notwithstanding. And that from henceforth no court councell or place of judicature shall be erected ordained constituted or appointed within this realme of England or dominion of Wales which shall have use or exercise the same or the like jurisdiction as is or hath beene used practised or exercised in the said Court of Star Chamber.

3. The King or his privy council shall have no jurisdiction over any man's estate.—Be it likewise declared and enacted by authoritie of this present Parliament that neither his Majestie nor his privie councell have or ought to have any jurisdiction power or authority by English bill petition articles libell or any other arbitrary way whatsoever to examine or drawe into question determine or dispose of the lands tenements hereditaments goods or chattels of any the subjects of this kingdome but that the same ought to be tried and determined in the ordinary courts of justice tice and by the ordinary course of the law.

4. Great officers and others offending—First offence, penalty £ 500 —Second offence, penalty £ 1000—Third offence, disabled.—And ... that if any lord chancellor or keeper of the great seale of England lord treasurer keeper of the Kings privy seale president of the councell bishop temporall lord privy councellour judge or justice whatsoever shall offend or doe any thing contrary to the purport true intent and meaning of this law [then he or they shall for such offence forfeit the sum of five hundred pounds of lawfull money of England unto any party grieved his executors or administrators who shall really prosecute for the same and first obtain judgement thereupon to be recorded in any court of record at Westminster by action of debt bill plaint or information wherein no essoine protection wager of law aid prayer priviledge injunction or order of restraint shall be

in any wise prayed granted or allowed nor any more than [one imparlance and if any person against whom any such judgment or recovery shall be had as aforesaid shall after such judgment or recovery offend againe in the same then he or they for such offence shall forfeit the sum of one thousand pounds of lawfull money of England unto any party grieved his executors or administrators who shall really prosecute for the same and first obtain judgment thereupon to be recorded in any court of record at Westminster by action of debt bill plaint or information in which no essoine protection wager of law aid prayer priviledge injunction or order of restraint shall be in any wise prayed granted or allowed nor any more than one imparlance and if any person against whom any such second judgement or recovery shall be had as aforesaid shall after such judgement or recovery offend againe in the same kind [1]] and shall be thereof duly convicted by indictment information or any other lawfull way or meanes that such person soe convicted shall be from thenceforth disabled and become by vertue of this Act incapable ipso facto to beare his and theire said office and offices respectively and shall be likewise disabled to make any gift grant conveyance or other disposition of any his lands tenements hereditaments goods or chattels or to take any benefit of any gift conveyance or legacy to his owne use.

5. Treble damages to the party grieved.—And every person so offending shall likewise forfeit and loose unto the party grieved by any thing done contrary to the true intent and meaning of this law his trebble damages which he shall sustain and be put unto by meanes or occasion of any such act or thing done the same to be recovered in any of his Majesties courts of record at Westminster by action of debt bill plaint or informacon wherein no essoine protection wager of law aid prayer priviledge injunction or order of restraint shall be in any wise prayed granted or allowed nor any more then one imparlance.

6. Every person committed contrary to this Act shall have an habeas corpus for the ordinary fees.—And ... if any person shall hereafter be committed restrained of his libertie or suffer imprisonment [by the order or decree of any such Court of Star Chamber or other court aforesaid now or at any time hereafter having or pretending to have the same or like jurisdiction power or authoritie to commit or imprison as aforesaid or by the command or warrant of the Kings Majestie his heires or successors in theire owne person or by the command or warrant of the councell board or of any of the lords or others of his Majesties privy councell [1]] that in every such case every person so committed restrained of his libertie or suffering imprisonment upon demand or motion made by his councell or other imployed by him for that purpose unto the judges of the Court of Kings Bench or Common Pleas in open court shall without delay upon any pretence whatsoever for the ordinary fees usually paid for the same have forthwith granted unto him a writ of habeas corpus to be directed generally unto all and every sheriffs gaoler minister officer or other person in whose custody the party committed or restrained shall be [and the sheriffs gaoler minister officer or other person in whose custody the party

[1] Annexed to the original Act in a separate schedule.

so committed or restrained shall be [1]] shall at the return of the said writ & according to the command thereof upon due and convenient notice thereof given unto him [at the charge of the party who requireth or procureth such writ and upon securitie by his owne bond given to pay the charge of carrying back the prisoner if he shall be remanded by the court to which he shall be brought as in like cases hath beene used such charges of bringing up and carrying backe the prisoner to be alwaies ordered by the court if any difference shall arise thereabout] bring or cause to be brought the body of the said party so committed or restrained unto and before the judges or justices of the said court from whence the same writ shall issue in open court and shall then likewise certifie the true cause of such his deteinor or imprisonment and thereupon the court within three court dayes after such return made and delivered in open court shall proceed to examine and determine whether the cause of such commitment appearing upon the said return be just and legall or not and shall thereupon do what to justice shall appertaine either by delivering bailing or remanding the prisoner and if any thing shall be otherwise wilfully done or omitted to be done by any judge justice officer or other person aforementioned contrary to the direction and true meaning hereof that then such person so offending shall forfeit to the party grieved his trebble damages to be recovered by such meanes and in such manner as is formerly in this Act limited and appointed for the like penaltie to be sued for and recovered.

7. To what courts this Act shall extend.—[Provided alwaies ... that this Act and the severall clauses therein contained shall be taken and expounded to extend only to the Court of Star Chamber and to the said courts holden before the president and councell in the marches of Wales and before the president and councell in the northern parts and alsoe to the court commonly called the Court of the Dutchy of Lancaster holden before the chauncellour and councell of the court and alsoe in the Court of Exchequer of the county palatine of Chester held before the chamberlaine and councell of that court and to all courts of like jurisdiction to be hereafter erected ordained constituted or appointed as aforesaid and to the warrants and directions of the councell board and to the commitments restraints & imprisonments of any person or persons made commanded or awarded by the Kings Majesty his heires or successors in their owne person or by the lords and others of the privie councell and every one of them.

8. Limitation of information, etc.—And ... no person or persons shall be sued impleaded molested or troubled for any offence against this present Act unlesse the party supposed to have so offended shall be sued or impleaded for the same within two yeares at the most after such time wherein the said offence shall be committed.]

[1] Interlined on the roll.

BILL OF RIGHTS
1689
An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown

Whereas the lords spiritual and temporal and commons assembled at Westminster fully and freely representing all the estates of the people of this realm did upon the thirteenth day of February in the year of our Lord one thousand six hundred and eighty-eight present unto their Majesties then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing made by the said lords and commons in the words following, viz.

Whereas the late King James the Second by the assistance of diverse evil councillors, judges, and ministers employed by him did endeavor to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom.

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament.

By committing and prosecuting diverse worthy prelates for humbly petitioning to be excused from concurring to the said assumed power.

By issuing and causing to be executed a commission under the great seal for erecting a court called the court of commissioners for ecclesiastical causes.

By levying money for and to the use of the Crown, by pretence of prerogative, for other time and in other manner than the same was granted by Parliament.

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament and quartering soldiers contrary to law.

By causing several good subjects being protestants to be disarmed at the same time when papists were both armed and employed contrary to the law.

By violating the freedom of election of members to serve in Parliament.

By prosecutions in the Court of Kings Bench for matters and causes cognizable only in Parliament and by diverse other arbitrary and illegal courses.

And whereas of late years partial, corrupt and unqualified persons have been returned and served on juries in trials and particularly diverse jurors in trials for high treason which were not freeholders.

And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of subjects.

And excessive fines have been imposed.

And illegal and cruel punishments inflicted.

And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes and freedoms of this realm.

And whereas the said late King James the Second having abdicated the government and the throne being thereby vacant, his highness, the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords spiritual and temporal and diverse principal persons of the commons) cause letters to be written to the lords spiritual and temporal being protestants and other letters to the several counties, cities, universities, boroughs, and cinque ports for the choosing of such persons to represent them as were of right to be sent to Parliament to meet and sit at Westminster upon the two and twentieth day of January of this year one thousand six hundred and eighty-eight in order to ordain such an establishment that their religion, laws and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made.

And thereupon the said lords spiritual and temporal and commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation taking into their most serious consideration the best means for attaining the ends aforesaid do in the first place (as their ancestors in like cases have usually done) for the vindicating and asserting of their ancient rights and liberties, declare.

Suspending power.—That the pretended power of suspending of laws and the execution of laws by regal authority without the consent of Parliament is illegal.

Late dispensing power.—That the pretended power of dispensing with laws or the execution of laws by regal authority as it hath been assumed and exercised of late is illegal.

Ecclesiastical Courts illegal.—That the commission for erecting the late court of commissioners for ecclesiastical causes and all other commissions and courts of like nature are illegal and pernicious.

Levying money.—That levying money for or to the use of the crown by pretence of prerogative without grant of Parliament for longer time or in other manner than the same is or shall be granted is illegal.

Right to Petition.—That it is the right of subjects to petition the king and all commitments and prosecutions for such petitioning are illegal.

Standing Army.—That the raising or keeping a standing army within the kingdom in time of peace unless it be with the consent of Parliament is against the law.

Subjects' arms.—That the subjects which are protestants may have arms for their defence suitable to their conditions and as allowed by law.

Freedom of election.—That the election of members of Parliament ought to be free.

Freedom of speech.—That the freedom of speech and debate or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

Excessive bail.—That excessive bail ought not to be required nor excessive fines imposed nor cruel and unusual punishment inflicted.

Juries.—That jurors ought to be duly impannelled and returned (and jurors which pass upon men in trials for high treason ought to be freeholders. Rep., 6 Geo. 4, c 50, s 62).

Grants of forfeiture.—That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

Frequent Parliaments.—And that for redress of all grievances and for the amending, strengthening and preserving of the laws Parliament ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of His Highness the Prince of Orange as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that his said Highness, the Prince of Orange, will perfect the deliverance so far advanced by him and will still preserve them from the violation of their rights which they have here asserted and from all other attempts upon their religion, rights and liberties. The said lords spiritual and temporal and commons assembled at Westminster do resolve that William and Mary, Prince and Princess of Orange, be and be declared King and Queen of England, France, and Ireland and the dominions thereunto belonging to hold the crown and royal dignity of the said kingdoms and dominions to them, the said prince and princess, during their lives and the life of the survivor of them. And that the sole and full exercise of the regal power be onely in and executed by the said Prince of Orange in the names of the said prince and princess during their joint lives and after their deceases the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said princess and for default of such issue to the Princess Anne of Denmark and the heirs of her body and for default of such issue to the heirs of the body of the said Prince of Orange. And the lords spiritual and temporal and commons do pray the said prince and princess to accept the same accordingly. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them and that the said oaths of allegiance and supremacy be abrogated.

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties, King William and Queen Mary.

So help me God.

I, A.B., do swear that I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position that princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects or any other whatsoever.

THE ACT OF SETTLEMENT (1700) (12 & 13 Will. 3, c. 2.)

An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject

The short title, "The Act of Settlement," was given to this Act by the Short Titles Act, 1896 (c. 14).

It is ultimately in pursuance of this Act that the now reigning sovereign occupies the throne.

Whereas in the first year of the reign of your Majesty and of our late most gracious sovereign lady Queen Mary (of blessed memory) an Act of Parliament was made intituled (an Act for declaring the rights and liberties of the subject and for setling the succession of the crown) wherein it was (amongst other things) enacted established and declared that the crown and regall government of the kingdoms of England France and Ireland and the dominions thereunto belonging should be and continue to your Majestie and the said late Queen during the joynt lives of your Majesty and the said Queen and to the survivor and that after the decease of your Majesty and of the said Queen the said crown and regall government should be and remain to the heirs of the body of the said late Queen and for default of such issue to her royall Highness the Princess Ann of Denmark and the heirs of her body and for default of such issue to the heirs of the body of your Majesty. And it was thereby further enacted that all and every person and persons that then were or afterwards should be reconciled to or shall hold communion with the see or church of Rome or should professe the popish religion or marry a papist should be excluded and are by that Act made for ever [incapable [1]] to inherit possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same or to have use or exercise any regall power authority or jurisdiction within the same and in all and every such case and cases the people of these realms shall be and are thereby absolved of their allegiance and that the said crown and government shall from time to time descend to and be enjoyed by such person or persons being protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled holding communion professing or marrying as aforesaid were naturally dead. After the making of which Statute and the settlement therein contained your Majesties good subjects who were restored to the full and free possession and enjoyment of their [religion [2]] rights and liberties by the providence of God giving success to your Majesties just undertakings and unwearied endeavours for that purpose had no greater temporall felicity to hope or wish for then to see a royall progeny descending from your Majesty to whom (under God) they owe their tranquility and whose ancestors have for many years been principall assertors of the reformed religion and the liberties of [Europe [2]] and from our said most gracious sovereign lady whose memory will always be precious to the subjects of these realms. And it having since pleased

[1] Uncapable *O.*

[2] Interlined on the roll.

Almighty God to take away our said sovereign lady and also the most hopefull Prince William Duke of Gloucester (the only surviving issue of her royall Highness the Princess Ann of Denmark) to the unspeakable grief and sorrow of your Majesty and your said good subjects who under such losses being sensibly put in mind that it standeth wholly in the pleasure of Almighty God to prolong the lives of your Majesty and of her royall Highness and to grant to your Majesty or to her royall Highness such issue as may be inheritable to the crown and regall government aforesaid by the respective limitations in the said recited Act contained doe constantly implore the divine mercy for those blessings. And your Majesties said subjects having daily experience of your royall care and concern for the present and future welfare of these kingdoms and particularly recommending from your throne a further provision to be made for the succession of the crown in the protestant line for the happiness of the nation and the security of our religion and it being absolutely necessary for the safety peace and quiet of this [realm [1]] to obviate all doubts and contentions in the same by reason of any pretended titles to the [crown [1]] and to maintain a certainty in the succession thereof to which your subjects may safely have recourse for their protection in case the limitations in the said recited [Act [1]] should determine. Therefore for a further provision of the succession of the crown in the protestant line we your Majesties most dutifull and loyal subjects the lords spirituall and temporall and commons in this present Parliament assembled do beseech your Majesty that it may be enacted and declared and be it enacted and declared by the Kings most excellent Majesty by and with the advice and consent of the lords spirituall and temporall and commons in this present Parliament assembled and by the authority of the same that

1. The Princess Sophia, Electress and Duchess dowager of Hanover, daughter of the late Queen of Bohemia, daughter of King James the First, to inherit after the King and the Princess Ann, in default of issue of the said princess and his Majesty, respectively; and the heirs of her body, being protestants.—The most excellent Princess Sophia Electress and Duchess dowager of Hanover daughter of the most excellent Princess Elizabeth late Queen of Bohemia daugher of our late sovereign lord King James the First of happy memory be and is hereby declared to be the next in succession in the protestant line to the imperiall crown and dignity of the [said [1]] realms of England France and Ireland with the dominions and territories thereunto belonging after his Majesty and the Princess Ann of Denmark and in default of issue of the said Princess Ann and of his Majesty respectively and that from and after the deceases of his said Majesty our now sovereign lord and of her royall Highness the Princess Ann of Denmark and for default of issue of the said Princess Ann and of his Majesty respectively the crown and regall government of the said kingdoms of England France and Ireland and of the dominions thereunto belonging with the royall state and dignity of the said realms and all honours stiles titles regalities prerogatives powers jurisdictions and authorities to the same belonging and appertaining shall be remain and continue to the said

[1] Interlined on the roll.

most excellent Princess Sophia and the heirs of her body being protestants And thereunto the said lords spirituall and temporall and commons shall and will in the name of all the people of this realm most humbly and faithfully submitt themselves their heirs and posterities and do faithfully promise that after the deceases of his Majesty and her royal Highness and the failure of the heirs of their respective bodies to stand to maintain and defend the said Princess Sophia and the heirs of her body being [protestants [1]] according to the limitation and succession of the crown in this Act specified and contained to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt any thing to the contrary.

2. The persons inheritable by this Act, holding communion with the church of Rome, incapacitated as by the former Act, to take the oath at their coronation, according to Stat. 1, W. & M. c. 6.—Provided always and it is hereby enacted that all and every person and persons who shall or may take or inherit the said crown by vertue of the limitation of this present Act and is are or shall be reconciled to or shall hold communion with the see or church of Rome or shall profess the popish religion or shall marry a papist shall be subject to such incapacities as in such case or cases are by the said recited Act provided enacted and established. And that every King and Queen of this realm who shall come to and succeed in the imperiall crown of this kingdom by vertue of this Act shall have the coronation oath administered to him her or them at their respective coronations according to the Act of Parliament made in the first year of the reign of his Majesty and the said late Queen Mary intituled An Act for establishing the coronation oath and shall make subscribe and repeat the declaration in the Act first above recited mentioned or referred to in the manner and form thereby prescribed

[The form of declaration is now that prescribed by the Accession Declaration Act, 1910 (c.29).]

3. Further provisions for securing the religion, laws, and liberties of these realms.—And whereas it is requisite and necessary that some further provision be made for securing our religion laws and liberties from and after the death of his Majesty and the Princess Ann of Denmark and in default of issue of the body of the said princess and of his Majesty respectively. Be it enacted by the Kings most excellent Majesty by and with the advice and consent of the lords spirituall and temporall and commons in Parliament assembled and by the authority of the same.

That whosoever shall hereafter come to the possession of this crown shall joyn in communion with the Church of England as by law established.

That in case the crown and imperiall dignity of this realm shall hereafter come to any person not being a native of this kingdom of England this nation be not obliged to ingage in any warr for the defence of any dominions or territories which do not belong to the crown of England without the consent of Parliament

[*That no person who shall hereafter come to the possession of this crown*

[1] Interlined on the roll.

shall go out of the dominions of England Scotland or Ireland without consent of Parliament. [*Rep.* 1 *Geo.* 1, *Stat.* 2, *c.* 51.]]

[*That from and after the time that the further limitation by this Act shall take effect all matters and things relating to the well governing of this kingdom which are properly cognizable in the privy council by the laws and customs of this realme shall be transacted there and all resolutions taken thereupon shall be signed by such of the privy councill as shall advise and consent to the same.* [*Rep.* 4 *&* 5 *Anne, c.* 20, *s.* 27.]]

That after the said limitation shall take effect as aforesaid no person born out of the kingdoms of England Scotland or Ireland or the dominions thereunto belonging (although he be [*naturalized or*] made a denizen (except such as [are [1]] born of English parents) shall be capable to be of the privy councill or a member of either House of Parliament or to enjoy any office or place of trust either civill or military or to have any grant of lands tenements or hereditaments from the Crown to himself or to any other or others in trust for him

[*That no person who has an office or place of profit under the King or receives a pention from the Crown shall be capable of serving as a member of the House of Commons.* [*Rep.* 4 *&* 5 *Anne, c.* 20, *s.* 28] . . .]

That no pardon under the great seal of England be pleadable to an impeachement by the commons in Parliament.

The words "naturalized or" were repealed by the British Nationality and Status of Aliens Act, 1914 (c. 17). Under s. 3 of that Act, Vol. 1, title ALIENS, p. 188, a person to whom a certificate of naturalisation has been granted has to all intents and purposes the status of a natural-born British subject.

4. The laws and statutes of the realm confirmed.—And whereas the laws of England are the birthright of the people thereof and all the kings and queens who shall ascend the throne of this realm ought to administer the government of the same according to the said laws and all their officers and ministers ought to serve them respectively according to the same. The said lords spirituall and temporall and commons do therefore further humbly pray that all the laws and statutes of this realm for securing the established religion and the rights and liberties of the people thereof and all other laws and statutes of the same now in force may be ratified and confirmed. And the same are by his Majesty by and with the advice and consent of the said lords spirituall and temporall and commons and by authority of the same ratified and confirmed accordingly.

[1] Interlined on the roll.

THE UNION WITH SCOTLAND ACT, 1706 (6 Anne, c. 11.) [1]

An Act for an Union of the Two Kingdoms of England and Scotland

The short title was given to this Act by the Short Titles Act, 1896 (c. 14).

Most Gracious Sovereign

Whereas articles of union were agreed on the twenty-second day of July in the fifth year of your Majesties reign by the commissioners nominated on behalf of the kingdom of England under your Majesties great seal of England bearing date at Westminster the tenth day of April then last past in pursuance of an Act of Parliament made in England in the third year of your Majesties reign and the commissioners nominated on the behalf of the kingdom of Scotland under your Majesties great seal of Scotland bearing date the twenty-seventh day of February in the fourth year of your Majesties reign in pursuance of the fourth Act of the third session of the present Parliament of Scotland to treat of and concerning an union of the said kingdoms. And whereas an Act hath passed in the Parliament of Scotland at Edinburgh the sixteenth day of January in the fifth year of your Majesties reign wherein 'tis mentioned that the estates of Parliament considering the said articles of union of the two kingdoms had agreed to and approved of the said articles of union with some additions and explanations and that your Majesty with advice and consent of the estates of Parliament for establishing the Protestant religion and Presbyterian Church government within the kingdom of Scotland had passed in the same session of Parliament an Act intituled Act for securing of the Protestant religion and Presbyterian Church government which by the tenor thereof was appointed to be inserted in any Act ratifying the treaty and expresly declared to be a fundamental and essential condition of the said treaty or union in all times coming the tenor of which articles as ratified and approved of with additions and explanations by the said Act of Parliament of Scotland follows

Article I

The kingdoms united; ensigns armorial.—That the two kingdoms of England and Scotland shall upon the first day of May which shall be in the year one thousand seven hundred and [sever [1]] and for ever after be united into one kingdom by the name of Great Britain and that the ensigns armorial of the said United Kingdom be such as her Majesty shall appoint and the crosses of St. George and St. Andrew be conjoyned in such manner as Her Majesty shall think fit and used in all flags banners standards and ensigns both at sea and land.

Article II

Succession to the monarchy.—That the succession to the monarchy of the United Kingdom of Great Britain and of the dominions thereto

[1] This is chap. VIII. 5 & 6 Ann. in the common printed editions. [2] Seven *O.*

belonging after her most sacred Majesty and in default of issue of her Majesty be remain and continue to the most excellent Princess Sophia Electoress and Dutchess dowager of Hanover and the heirs of her body being protestants upon whom the crown of England is settled by an Act of Parliament made in England in the twelfth year of the reign of his late Majesty King William the Third intituled An Act for the further limitation of the crown and better securing the right and liberties of the subject And that all papists and persons marrying papists shall be excluded from and for ever incapable to inherit possess or enjoy the imperial crown of Great Britain and the dominions thereunto belonging or any part thereof and in every such case the crown and government shall from time to time descend to and be enjoyed by such person being a protestant as should have inherited and enjoyed the same in case such papist or person marrying a papist was naturally dead according to the provision for the descent of the crown of England made by another Act of Parliament in England in the first year of the reign of their late Majesties King William and Queen Mary intituled An Act declaring the rights and liberties of the subject and settling the succession of the crown.

Article III

Parliament.—That the United Kingdom of Great Britain be represented by one and the same Parliament to be stiled the Parliament of Great Britain.

Article IV

Trade and navigation and other rights.—That all the subjects of the United Kingdom of Great Britain shall from and after the union have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom and the dominions and plantations thereunto belonging and that there be a communication of all other rights privileges and advantages which do or may belong to the subjects of either kingdom except where it is otherwise expressly agreed in these articles.

[*S.* 4, *so far as it ratifies Art. V., is repealed by* 30 *&* 31 *Vict. c.* 59. (*S.L.R.*)]

Article VI

Regulations of trade, duties, etc.—That all parts of the United Kingdom for ever from and after the union shall have the same allowances encouragements and drawbacks and be under the same prohibitions restrictions and regulations of trade and liable to the same customs and duties on import and export and that the allowances encouragements and drawbacks prohibitions restrictions and regulations of trade and the customs and duties on import and export settled in England when the union commences shall from and after the union take place throughout the whole United Kingdom excepting and reserving the duties upon export and import of such particular commodities from which any persons the subjects of either kingdom are specially liberated and exempted by

their private rights which after the union are to remain safe and entire to them in all respects as before the same. And that from and after the union no Scots cattle carried into England shall be liable to any other duties either on the publick or private accompts than those duties to which the cattle of England are or shall be liable within the said kingdom ...

Article VII

Excise.—That all parts of the United Kingdom be for ever from and after the union liable to the same excises upon all exciseable liquors excepting only that the thirty-four gallons English barrel of beer or ale amounting to twelve gallons Scots present measure sold in Scotland by the brewer at nine shillings six pence sterling excluding all duties and retailed including duties and the retailers profit at two pence the Scots pint or eighth part of the Scots gallon be not after the union liable on accompt of the present excise upon exciseable liquors in England to any higher imposition than two shillings sterling upon the aforesaid thirty-four gallons English barrel being twelve gallons the present Scots measure and that the excise settled in England on all other liquors when the union commences take place throughout the whole United Kingdom.

[*S.* 4, *so far as it ratifies Art. VIII, is repealed by* 30 *&* 31 *Vict. c.* 59. (*S.L.R.*)]

Article IX

Land tax.—That whensoever the sum of one million nine hundred ninety-seven thousand seven hundred and sixty-three pounds eight shillings and four pence half peny shall be enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called England on land and other things usually charged in Acts of Parliament there for granting an aid to the crown by a land tax that part of the United Kingdom now called Scotland shall be charged by the same Act with a further sum of forty-eight thousand pounds free of all charges as the quota of Scotland to such tax and so proportionably for any greater or lesser sum raised in England by any tax on land and other things usually charged together with the land and that such quota for Scotland in the cases aforesaid be raised and collected in the same manner as the cess now is in Scotland but subject to such regulations in the manner of collecting as shall be made by the Parliament of Great Britain.

[*S.* 4, *so far as it ratifies Arts. X.–XV., is repealed by* 30 *&* 31 *Vict. c.* 59. (*S.L.R.*)]

Article XVI

Coin.—That from and after the union the coin shall be of the same standard and value throughout the United Kingdom as now in England ...
[*Art. XVII. rep.* 41 *&* 42 *Vict. c.* 49, *s.* 86. (*Weights and Measures.*)]

Article XVIII

Laws concerning public rights; private rights.—That the laws concerning regulation of trade customs and such excises to which Scotland is by

virtue of this treaty to be liable be the same in Scotland from and after the union as in England and that all other laws in use within the kingdom of Scotland do after the union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this treaty) but alterable by the Parliament of Great Britain with this difference betwixt the laws concerning publick right policy and civil government and those which concern private right [that the laws which concern publick right [1]] policy and civil government may be made the same throughout the whole United Kingdom. But that no alteration be made in laws which concern private right except for evident utility of the subjects within Scotland.

Article XIX

Scottish Courts.—That the Court of Session or colledge of justice do after the union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the laws of that kingdom and with the same authority and privileges as before the union subject nevertheless to such regulations for the better administration of justice as shall be made by the Parliament of Great Britain and that hereafter none shall be named by Her Majesty or her royal successors to be ordinary lords of session but such who have served in the colledge of justice as advocates or principal clerks of session for the space of five years or as writers to the signet for the space of ten years with this provision that no writer to the signet be capable to be admitted a lord of the session unless he undergo a private and publick tryal on the civil law before the faculty of advocates and be found by them qualified for the said office two years before he be named to be a lord of the session yet so as the qualifications made or to be made for capacitating persons to be named ordinary lords of session may be altered by the Parliament of Great Britain. And that the Court of Justiciary do also after the union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the laws of that kingdom and with the same authority and privileges as before the union subject nevertheless to such regulations as shall be made by the Parliament of Great Britain and without prejudice of other rights of justiciary And that all admiralty jurisdictions be under the lord high admiral or commissioners for the admiralty of Great Britain for the time being and that the Court of Admiralty now established in Scotland be continued and that all reviews reductions or suspensions of the sentences in maritime cases competent to the jurisdiction of that court remain in the same manner after the union as now in Scotland until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole United Kingdom so as there be always continued in Scotland a Court of Admiralty such as in England for determination of all maritime cases relating to private rights in Scotland competent to the jurisdiction of the Admiralty Court subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that the heretable rights of admiralty and vice ad-

[1] Interlined on the roll.

miralties in Scotland be reserved to the respective proprietors as rights of property subject nevertheless as to the manner of exercising such heretable rights to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that all other courts now being within the kingdom of Scotland do remain but subject to alterations by the Parliament of Great Britain and that all inferior courts within the said limits do remain subordinate as they are now to the supreme courts of justice within the same in all time coming And that no causes in Scotland be cognoscible by the courts of Chancery Queen's Bench Common Pleas or any other court in Westminster Hall and that the said courts or any other of the like nature after the union shall have no power to cognosce review or alter the acts or sentences of the judicatures within Scotland or stop the execution of the same And that there be a Court of Exchequer in Scotland after the union for deciding questions concerning the revenues of customs and excises there having the same power and authority in such cases as the Court of Exchequer has in England and that the said Court of Exchequer in Scotland have power of passing signatures gifts tutories and in other things as the Court of Exchequer at present in Scotland hath and that the Court of Exchequer that now is in Scotland do remain until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the union ...

Article XX

Heritable offices, etc.—That all heretable offices superiorities heretable jurisdictions offices for life and jurisdictions for life be reserved to the owners thereof as rights of property in the same manner as they are now enjoyed by the laws of Scotland notwithstanding this treaty.

Article XXI

Royal burghs.—That the rights and privileges of the royal burghs in Scotland as they now are do remain entire after the union and notwithstanding thereof.

Article XXII

Sixteen peers of Scotland.—That by virtue of this treaty of the peers of Scotland at the time of the union sixteen shall be the number to sit and vote in the House of Lords and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain. ...

Article XXIII

Privileges of the sixteen Peers of Scotland.—That the aforesaid sixteen peers of Scotland mentioned in the last preceding article to sit in the House of Lords of the Parliament of Great Britain shall have all priviledges of Parliament which the peers of England now have and which they or any peers of Great Britain shall have after the union and particularly the right of sitting upon the trials of peers. And in the case of the trial of any peer in time of adjournment or prorogation of Parliament the said sixteen peers shall be summoned in the same manner and have the same

powers and privileges at such tryal as any other peers of Great Britain and that in case any tryals of peers shall hereafter happen when there is no Parliament in being the sixteen peers of Scotland who sat at the last preceding Parliament shall be summoned in the same manner and have the same powers and privileges at such tryals as any other peers of Great Britain And that all peers of Scotland and their successors to their honours and dignities shall from and after the union be peers of Great Britain and have rank and precedency next and immediately after the peers of the like orders and degrees in England at the time of the union and before all peers of Great Britain of the like orders and decrees who may be created after the union and shall be tryed as peers of Great Britain and shall enjoy all privileges of peers as fully as the peers of England do now or as they or any other peers of Great Britain may hereafter enjoy the same except the right and privilege of sitting in the House of Lords and the priviledges depending thereon and particularly the right of sitting upon the tryals of peers.

Article XXIV

Heraldry; great seal; privy seal; regalia.—That from and after the union there be one great seal for the United Kingdom of Great Britain which shall be different from the great seal now used in either Kingdom And that the quartering the arms and the rank and predecency of the Lyon king of arms of the kingdom of Scotland as may best suit the union be left to her Majesty And that in the mean time the great seal of England be used as the great seal of the United Kingdom and that the great seal of the United Kingdom be used for sealing writts to elect and summon the Parliament of Great Britain and for sealing all treaties with foreign princes and states and all publick acts instruments and orders of state which concern the whole United Kingdom and in all other matters relating to England as the great seal of England is now used and that a seal in Scotland after the union be always kept and made use of in all things relating to private rights or grants which have usually passed the great seal of Scotland and which only concern offices grants commissions and private rights within that kingdom and that until such seal shall be appointed by her Majesty the present great seal of Scotland shall be used for such purposes and that the privy seal signet casset signet of the Justiciary Court quarter seal and seals of courts now used in Scotland be continued but that the said seals be altered and adapted to the state of the union as her Majesty shall think fit and the said seals and all of them and the keepers of them shall be subject to such regulations as the Parliament of Great Britain shall hereafter make And that the crown scepter and sword of state the records of Parliament and all other records rolls and registers whatsoever both publick and private general and particular and warrants thereof continue to be kept as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming [notwithstanding [1]] the union.

[1] Notwithstanding *O.*

Article XXV

Laws inconsistent with the articles, void.—That all laws and statutes in either kingdom so far as they are contrary to or inconsistent with the terms of these articles or any of them shall from and after the union cease and become void and shall be so declared to be by the respective Parliaments of the said kingdoms.

As by the said articles of union ratified and approved by the said Act of Parliament of Scotland relation [being thereunto [1]] had may appear.

2. Acts of Scotland herein mentioned, confirmed.—And the tenor of the aforesaid Act for securing the Protestant religion and Presbyterian Church government within the kingdom of Scotland is as follows.

Our soveraign lady and the estates of Parliament considering that by the late Act of Parliament for a treaty with England for an union of both kingdoms it is provided that the commissioners for that treaty should not treat of or concerning any alteration of the worship discipline and government of the Church of this kingdom as now by law established which treaty being now reported to the Parliament and it being reasonable and necessary that the true Protestant religion as presently professed within this kingdom with the worship discipline and government of this Church should be effectually and unalterably secured therefore her Majesty with advice and consent of the said estates of Parliament doth hereby establish and confirm the said true Protestant religion and the worship discipline and government of this Church to continue without any alteration to the people of this land in all succeeding generations and more especially her Majesty with advice and consent aforesaid ratifies approves and for ever confirms the fifth Act of the first Parliament of King William and Queen Mary intituled Act ratifying the confession of faith and settling Presbyterian Church government with all other Acts of Parliament relating thereto in prosecution of the declaration of the estates of this kingdom containing the claim of right bearing date the eleventh of April one thousand six hundred and eighty-nine And her Majesty with advice and consent aforesaid expresly provides and declares that the foresaid true Protestant religion contained in the above mentioned confession of faith with the form and purity of worship presently in use within this Church and its Presbyterian Church government and discipline (that is to say) the government of the Church by kirk sessions presbyteries provincial synods and general assemblies all established by the foresaid Acts of Parliament pursuant to the claim of right shall remain and continue unalterable and that the said Presbyterian government shall be the only government of the Church within the kingdom of Scotland.

Universities and colleges of Saint Andrew, Glasgow, Aberdeen and Edinburgh, to continue.—And further for the greater security of the forsaid Protestant religion and of the worship discipline and government of this Church as above established her Majesty with advice and consent foresaid statutes and ordains that the universities and colledges of Saint Andrew's Glasgow Aberdeen and Edinburgh as now established by law

[1] Thereunto being *O.*

shall continue within this kingdom for ever and that in all time coming no professors principals regents masters or others bearing office in any university colledge or school within this kingdom be capable or be admitted or allowed to continue in the exercise of their said functions but such as shall own and acknowledge the civil government in manner prescribed or to be prescribed by the Acts of Parliament as also that before or at their admissions they do and shall acknowledge and profess and shall subscribe to the foresaid confession of faith as the confession of their faith and that they will practise and conform themselves to the worship presently in use in this Church and submit themselves to the government and discpline thereof and never endeavour directly or indirectly the prejudice or subversion of the same and that before the respective presbyteries of their bounds by whatsoever gift presentation or provisions they may be thereto provided.

Subjects not liable to oath, test, or subscription, inconsistent with the Presbyterian Church government; successor to swear to maintain the said settlement of religion.—And further her Majesty with advice aforesaid expresly declares and statutes that none of the subjects of this kingdom shall be liable to put all and every one of them for ever free of any oath test or subscription within this kingdom contrary to or inconsistent with the foresaid true Protestant religion and Presbyterian Church government worship and discipline as above established and that the same within the bounds of this Church and kingdom shall never be imposed upon or require of them in any sort And lastly that after the decease of her present Majesty (whom God long preserve) the soveraign succeeding to her in the royal government of the kingdom of Great Britain shall in all time coming at his or her accession to the crown swear and subscribe that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion with the government worship discipline right and privileges of this Church as above established by the laws of this kingdom in prosecution of the claim of right.

This Act to be held a fundamental condition of union, and to be inserted in any Act of Parliament for concluding the said union.—And it is hereby statute and ordained that this Act of Parliament with the establishment therein contained shall be held and observed in all time coming as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms without any alteration thereof or derogation thereto in any sort for ever As also that this Act of Parliament and settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms and that the same shall be therein expresly declared to be a fundamental and essential condition of the said treaty or union in all time coming which articles of union and Act immediately above written her Majesty with advice and consent aforesaid statutes enacts and ordains to be and continued in all time coming the sure and perpetual foundation of a compleat and entire union of the two kingdoms of Scotland and England under the express condition and provision that this approbation and ratification of the

foresaid articles and Act shall be no ways binding on this kingdom until the said articles and Act be ratified approved and confirmed by her Majesty with and by the authority of the Parliament of England as they are now agreed to approved and confirmed by her Majesty with and by the authority of the Parliament of Scotland declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said kingdom of England and not derogating from the security above provided for establishing of the Church of Scotland within the bounds of this kingdom as also the said Parliament of England may extend the additions and other provisions contained in the articles of union as above insert in favours of the subjects of Scotland to and in favour of the subjects of England which shall not supend or derogate from the force and effect of this present ratification but shall be understood as herein included without the necessity of any ratification in the Parliament of Scotland.

Laws contrary to articles, void.—And lastly her Majesty enacts and declares that all laws and statutes in this kingdom so far they are contrary to or inconsistent with the terms of these articles as above mentioned shall from and after the union cease and become void.

3. Recital of 6 Ann. c. 8.—And whereas an Act hath passed in this present session of Parliament intituled An Act for securing the Church of England as by law established the tenor whereof follows

Whereas by an Act made in the session of Parliament held in the third and fourth year of her Majesties reign whereby her Majesty was impowered to appoint commissioners [under the great seal of England to treat with commissioners [1]] to be authorized by the Parliament of Scotland concerning an union of the kingdoms of England and Scotland it is provided and enacted that the commissioners to be named in pursuance of the said Act should not treat of or concerning any alteration of the liturgy rites ceremonies discipline or government of the Church as by law established within this realm And whereas certain commisioners appointed by her Majesty in pursuance of the said Act and also other commissioners nominated by her Majesty by the authority of the Parliament of Scotland have met and agreed upon a treaty of union of the said kingdoms which treaty is now under the consideration of this present Parliament And whereas the said treaty (with some alterations therein made) is ratified and approved by Act of Parliament in Scotland and the said act of ratification is by her Majesties royal command laid before the Parliament of this kingdom And whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the Church of England and the doctrine worship discipline and government thereof should be effectually and unalterably secured Be it enacted by the Queens most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and the commons in this present Parliament assembled and by authority of the same that an Act made in the thirteenth year of the reign of Queen Elizabeth of famous memory intituled An Act for the ministers of the Church to be of sound religion and also another Act made in the

[1] Interlined on the roll.

thirteenth year of the reign of the late King Charles the Second intituled An Act for the uniformity of the publick prayers and administration of sacraments and other rites and ceremonies and for establishing the form of making ordaining and consecrating bishops priests and deacons in the Church of England (other than such clauses in the said Acts or either of them as have been repealed or altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the establishment and preservation of the Church of England and the doctrine worship discipline and government thereof shall remain and be in full force for ever.

And be it further enacted by the authority aforesaid that after the demise of her Majesty (whom God long preserve) the Sovereign next succeeding to her Majesty in the royal government of the kingdom of Great Britain and so for ever hereafter every King or Queen succeeding and coming to the royal government of the kingdom of Great Britain at his or her coronation shall in the presence of all persons who shall be attending assisting or otherwise then and there present take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England and the doctrine worship discipline and government thereof as by law established within the kingdoms of England and Ireland the dominion of Wales and town of Berwick upon Tweed and the territories thereunto belonging.

And be it further enacted by the authority aforesaid that this Act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a fundamental and essential part of any treaty of union to be concluded between the said two kingdoms and also that this Act shall be inserted in express terms in Any Act of Parliament which shall be made for settling and ratifying any such treaty of union and shall be therein declared to be an essential and fundamental part thereof.

4. The said articles and Act of Parliament of Scotland confirmed.—[1] May it therefore please your most excellent Majesty that it may be enacted and be it enacted by the Queen's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled and by authority of the same that all and every the said articles of union as ratified and approved by the said Act of Parliament of Scotland as aforesaid and herein before particularly mentioned and inserted and also the said Act of Parliament of Scotland for establishing the Protestant religion and Presbyterian Church government within that kingdom intituled Act for securing the Protestant religion and Presbyterian Church government and every clause matter and thing in the said articles and Act contained shall be and the said articles and Act are hereby for ever ratified approved and confirmed.

5. Cap. 8, ante, and the said Act of Parliament of Scotland to be observed as fundamental conditions of the said union; and the said articles

[1 Rep. or virt. rep., so far as it ratifies, approves, and confirms the articles and parts of articles omitted, 30 & 31 Vict. c. 59 (S.L.R.), 31 & 32 Vict. 2. 72, and 34 & 35 Vict. c. 48].

and Acts of Parliament to continue the union.—And it is hereby further enacted by the authority aforesaid that the said Act passed in this present session of Parliament intituled An Act for securing the Church of England as by law established and all and every the matters and things therein contained and also the said Act of Parliament of Scotland intituled Act for securing the Protestant religion and Presbyterian Church government with the establishment in the said Act contained be and shall for ever be held and adjudged to be and observed as fundamental and essential conditions of the said union and shall in all times coming be taken to be and are hereby declared to be essential and fundamental parts of the said articles and union and the said articles so as aforesaid ratified approved and confirmed by Act of Parliament of Scotland and by this present Act and the said Act passed in this present session of Parliament intituled an Act for securing the Church of England as by law established and also the said Act passed in the Parliament of Scotland intituled Act for securing the Protestant religion and Presbyterian Church government are hereby enacted and ordained to be and continue in all times coming the complete and intire union of the two kingdoms of England and Scotland.

6. Recital of Act of Parliament of Scotland for settling election of the sixteen peers and forty-five members for Scotland.—And whereas since the passing the said Act in the Parliament of Scotland for ratifying the said articles of union one other Act intituled Act settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain hath likewise passed in the said Parliament of Scotland at Edinburgh the fifth day of February one thousand seven hundred and seven the tenor whereof follows

Our soveraign lady considering that by the twenty-second article of the treaty of union as the same is ratified by an Act passed in this session of Parliament upon the sixteenth of January last it is provided that by virtue of the said treaty of the peers of Scotland at the time of the union sixteen shall be the number to sit and vote in the House of Lords and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain and that the said sixteen peers and forty-five members in the House of Commons be named and chosen in such manner as by a subsequent Act in this present session of Parliament in Scotland should be settled which Act is thereby declared to be as valid as if it were a part of and ingrossed in the said treaty Therefore her Majesty with advice and consent of the estates of Parliament statutes enacts and ordains that the said sixteen peers who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this treaty shall be named by the said peers of Scotland whom they represent their heires or successors to their dignities and honours out of their own number and that by open election and plurality of voices of the peers present and of the proxies for such as shall be absent the said proxies being peers and producing a mandate in writing duly signed before witnesses and both the constituent and proxy being qualified according to law declaring also that such peers as are absent being qualified as aforesaid may send to all such meetings lists of the peers

whom they judge fittest validly signed by the said absent peers which shall be reckoned in the same manner as if the parties had been present and given in the said list and in case of the death or legal incapacity of any of the said sixteen peers that the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers in manner before and after mentioned And that of the said forty-five representatives of Scotland in the House of Commons in the Parliament of Great Britain thirty shall be chosen by the shires or steuarties and fifteen by the royal burrows as follows viz. one for every shire and steuartry excepting the shires of Bute and Cathness which shall choose one by turns Bute having the first election the shires of Nairn and Cromarty which shall also choose by turns Nairn having the first election and in like manner the shires of Clackmanan and Kinross shall choose by turns Clackmanan having the first election and in case of the death or legal incapacity of any of the said members from the respective shires or steuartries above mentioned to sit in the House of Commons it is enacted and ordained that the shire or steuartry who elected the said member shall elect another member in his place and that the said fifteen representatives for the royal burrows be chosen as follows viz. that the town of Edinburgh shall have right to elect and send one member to the Parliament of Great Britain and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the Parliament of Scotland which commissioners and burghs (Edinburgh excepted) being divided into fourteen classes or districts shall meet at such time and burghs within their respective districts as her Majesty her heires or successors shall appoint and elect one for each district viz. the burghs of Kirkwall Week Dornock Dingwall and Taine one the burghs of Fortrose Inverness Nairn and Forress one of the burghs of Elgin Cullen Banff Inverury and Kintore one the burghs of Aberdeen Inverbervy Montrose Aberbrothock and Brochine one the burghs of Forfar Perth Dundee Coupar and Saint Andrews one the burghs of Craill Kilrennie Anstruther Easter Anstruther Wester and Pittenweem one the burghs of Dysart Kirkaldie Kinghern and Bruntisland one the burghs of Innerkithen Dunfermline Queensferry Culross and Sterling one the burghs of Glasgow Renfrew Ruglen and Dumbarton one the burghs of Haddington Dunbarr North Berwick Lauder and Jedburgh one the burghs of Selkirk Peebles Linlithgow and Lanerk one the burghs of Dumfries Sanquhar Annan Lockmaben and Kircudbright one the burghs of Wigtoun New Galloway Stranraver and Whitehern one and the burghs of Air Irvin Rothesay Campbletoun and Inverary one And it is hereby declared and ordained that where the votes of the commissioners for the said burghs met to choose representatives from their several districts to the Parliament of Great Britain shall be equal in that case the president of the meeting shall have a casting or decisive vote and that by and according to his vote as a commissioner from the burgh from which he is sent the commissioner from the eldest burgh presiding in the first meeting and the commissioners from the other burghs in their respective districts presiding afterwards by turns in the order as the said burghs are now called in the rolls of the Parliament of Scotland And that

in case any of the said fifteen commissioners from burghs shall decease or become legally incapable to sit in the House of Commons then the town of Edinburgh or the district which chose the said member shall elect a member in his or their place It is always hereby expresly provided and declared that none shall be capable to elect or be elected for any of the said estates but such as are twenty-one years of age complete and protestant excluding all papists or such who being suspect of popery and required refuse to swear and subscribe the formula contained in the third Act made in the eight and ninth sessions of King Williams Parliament intituled Act for preventing the growth of property And also declaring that none shall be capable to elect or be elected to represent a shire or burgh in the Parliament of great Britain for this part of the United Kingdom except such as are now capable by the laws of this kingdom to elect or be elected as commissioners for shires or burghs to the Parliament of Scotland And further her Majesty with advice and consent aforesaid for the effectual and orderly election of the persons to be chosen to sit vote and serve in the respective Houses of the Parliament of Great Britain when her Majesty her heires and successors shall declare her or their pleasure for holding the first or any subsequent Parliament of Great Britain and when for that effect a writ shall be issued out under the great seal of the United Kingdom directed to the privy council of Scotland conform to the said twenty-second article [statutes [1]] enacts and ordains that until the Parliament of Great Britain shall make further provision therein the said writ shall contain a warrant and command to the said privy council to issue out a prolamation in her Majesties name requiring the peers of Scotland for the time to meet and assemble at such time and place within Scotland as her Majesty and royal successors shall think fit to make election of the said sixteen peers and requiring the lord clerk register or two of the clerks of session to attend all such meetings and to administer the oaths that are or shall be by law required and to ask the votes and having made up the lists in [the [2]] presence of the meeting to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk register clerk or clerks of session attending) to the clerk of the privy council of Scotland and in like manner requiring and ordaining the several freeholders in the respective shires and steuartries to meet and conveen at the head burghs of their several shires and steuartries to elect their commissioners conform to the order above set down and ordaining the clerks of the said meetings immediately after the said elections are over respectively to return the names of the persons elected to the clerks of the privy council and lastly ordaining the ctiy of Edingburgh to elect their commissioner and the other royal burrows to elect each of them a commissioner as they have been [in [3]] use to elect commissioners to the Parliament and to send the said respective commissioners at such times to such burghs within their respective districts as her Majesty and successors by such proclamations shall appoint requiring and ordaining the common clerk of the respective burghs where such election shall be appointed to be made to attend the said meetings and immediately after the

[1] Interlined on the roll. [2] *O.* omits. [3] Interlined on the roll.

election to return the name of the person so elected (certified under his hand) to the clerk of privy council to the end that the names of the sixteen peers thirty commissioners for shires and fifteen commissioners for burghs being so returned to the privy council may be returned to the court from whence the writ did issue under the great seal of the United Kingdom conform to the said twenty-second article. And whereas by the said twenty-second article it is agreed that if her Majesty shall on or before the first day of May next declare that it is expedient the lords and commons of the present Parliament of England should be the members of the respective Houses of the first Parliament of Great Britain for and on the part of England they shall accordingly be the members of the said respective Houses for and on the part of England Her Majesty with advice and consent aforesaid in that case only doth hereby statute and ordain that the sixteen peers and forty-five commissioners for shires and burghs who shall be chosen by the peers barons and burghs respectively in this present session of Parliament and out of the members thereof in the same manner as committees of Parliament are usually now chosen shall be the members of the respective Houses of the said first Parliament of Great Britain for and on the part of Scotland which nomination and election being certified by a writ under the lord clerk registers' hand the person so nominated and elected shall have right to sit and vote in the House of Lords and in the House of Commons of the said first Parliament of Great Britain.

7. The said Act declared valid, as if it had been part of the said articles of union.—As by the said Act passed in Scotland for settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain may appear. Be it therefore further enacted and declared by the authority aforesaid that the said last mentioned Act passed in Scotland for settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain as aforesaid shall be and the same is hereby declared to be as valid as if the same had been part of and engrossed in the said articles of union ratified and approved by the said Act of Parliament of Scotland and by this Act as aforesaid.

THE UNION WITH SCOTLAND (AMENDMENT) ACT, 1707 [1]

(6 Anne, c. 40.) [2]

An Act for rendring the Union of the Two Kingdoms more intire and complete

The short title was given to this Act by the Short Titles Act, 1896 (c. 14).

Whereas by her Majesties great wisdom and goodness the union of the two kingdoms hath been happily effected and the whole island is thereby subject to one sovereignty and represented by one Parliament To the

[1] In this year was the first Parliament of Great Britain.
[2] This is chapter VI. 6 Ann. in the common printed editions.

end therefore that the said union may be rendred more complete and intire be it enacted by the Queens most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled and by the authority of the same that.

[1.] One privy council for Great Britain.—From and after the first day of May in the year of our Lord one thousand seven hundred and eight the Queen's Majesty her heirs and successors shall have but one privy council in or for the kingdom of Great Britain to be sworn to her Majesty her heirs and successors as Sovereigns of Great Britain and such privy council shall have the same powers and authorities as the privy council of England lawfully had used and exercised at the time of the union and none other.

2. Appointment of justices of peace for Scotland.—And to the end the publick peace may be in like manner preserved throughout the whole kingdom be it further enacted by the authority aforesaid that in every shire and stewartry within that part of Great Britain called Scotland and also in such cities boroughs liberties and precincts within Scotland as her Majesty her heirs or successors shall think fit there shall be appointed by her Majesty her heirs or successors under the great seal of Great Britain a sufficient number of good and lawful men to be justices of the peace within their respective shires stewartries cities boroughs liberties or precincts which persons so appointed over and above the several powers and authorities vested in justices of the peace by the laws of Scotland shall be further authorized to do use and exercise over all persons within their several bounds whatever doth appertain to the office and trust of a justice of peace by virtue of the laws and Acts of Parliament made in England before the union in relation to or for the preservation of the publick peace. Provided nevertheless that in the sessions of [the [1]] peace the methods of tryal and judgment shall be according to the laws and customs of Scotland.

3. Proviso for Edinburgh, and other royal burghs.—Provided that nothing in this Act contained shall be construed to alter or infringe any rights liberties or privileges heretofore granted to the city of Edinburgh or to any other royal borough of being justices of peace within their respective bounds.

[*S.* 4 *rep. with savings* 15 *&* 16 *Geo.* 5, *c.* 81, *s.* 4. *Sched.*]

5. Election of representatives of Scotland in the House of Commons.—And for the more uniform and express method of electing and returning members of Parliament be it likewise further enacted by the authority aforesaid that when any Parliament shall at any time hereafter be summoned or called the forty-five representatives of Scotland in the House of Commons of the Parliament of Great Britain shall be elected and chosen by authority of the Queens writts under the great seal of Great Britain directed to the several sheriffs and stewarts [of the respective shires and stewartries. . . .[1]]

[*S.* 6 *rep.* 30 *&* 31 *Vict. c.* 59. (*S.L.R.*)]

[1] Interlined on the roll.

THE UNION WITH IRELAND ACT (39 & 40 Geo. 3, c. 67.)

An Act for the Union of Great Britain and Ireland. [*2nd July, 1800*]

The short title was given to this Act by the Short Titles Act, 1896 (c. 14). See also the Government of Ireland Act, 1920 (c. 67), and the Irish Free State (Agreement) Act, 1922 (c. 4).

Whereas in pursuance of his Majesty's most gracious recommendation to the two houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two houses of the Parliament of Great Britain and the two houses of the Parliament of Ireland have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner, and on such terms and conditions, as may be established by the Acts of the respective Parliaments of Great Britain and Ireland:

And whereas, in furtherance of the said resolution, both houses of the said two Parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes, in the tenor following:

Article First

Great Britain and Ireland united into one kingdom.—That it be the First Article of the Union of the kingdoms of Great Britain and Ireland, that the said kingdoms of Great Britain and Ireland, shall upon the first day of January which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland, and that the royal stile and titles appertaining to the imperial crown of the said United Kingdom and its dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his Majesty, by his royal proclamation under the great seal of the United Kingdom, shall be pleased to appoint.

Article Second

Succession to the crown.—That it be the Second Article of Union, that the succession to the imperial crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of Great Britain and Ireland now stands limited and settled, according to the existing laws and to the terms of union between England and Scotland.

Article Third

Representation in Parliament.—That it be the Third Article of Union,

that the said United Kingdom be represented in one and the same Parliament, to be stiled the Parliament of the United Kingdom of Great Britain and Ireland.

Article Fourth

Lords spiritual and temporal and commoners to sit in Parliament.—That it be the Fourth Article of Union, that four lords spiritual of Ireland by rotation of sessions, and twenty-eight lords temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the Parliament of the United Kingdom; and one hundred commoners (two for each county of Ireland, two for the City of Dublin, two for the City of Cork, one for the university of Trinity College, and one for each of the thirty-one most considerable cities, towns and boroughs,) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom:

Act passed in Ireland to regulate the summoning and returning of lords and commoners to be considered part of the treaty of union.—That such Act as shall be passed in the Parliament of Ireland previous to the union, to regulate the mode by which the lords spiritual and temporal and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, shall be considered as forming part of the treaty of union, and shall be incorporated in the Acts of the respective Parliaments by which the said union shall be ratified and established:

Questions touching the rotation or election of lords of Ireland to be decided by the House of Lords.—That all questions touching the rotation or election of lords spiritual or temporal of Ireland to sit in the Parliament of the United Kingdom shall be decided by the House of Lords thereof; and whenever, by reason of an equality of votes in the election of any such lords temporal, a complete election shall not be made according to the true intent of this article, the names of those peers, for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the Parliaments at the table of the House of Lords whilst the house is sitting; and the peer or peers, whose name or names shall be first drawn out by the clerk of the Parliaments, shall be deemed the peer or peers elected, as the case may be:

Any peer of Ireland may be elected to serve in the House of Commons of the United Kingdom, unless previously elected to sit in the House of Lords.—That any person holding any peerage of Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city or borough of Great Britain, in the House of Commons of the United Kngdom, unless he shall have been previously elected as above to sit in the House of Lords of the United Kingdom; but that so long as such peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and

that he shall be liable to be sued, indicted, proceeded against and tried as a commoner, for any offence with which he may be charged:

His Majesty may create peers and make promotions in the peerage of Ireland—Number of Irish peers not entitled to an hereditary seat in the House of Lords of the United Kingdom may be kept up to 100.—That it shall be lawful for his Majesty, his heirs and successors, to create peers of that part of the United Kingdom called Ireland, and to make promotions in the peerage thereof, after the union; provided that no new creation of any such peers shall take place after the union, until three of the peerages of Ireland which shall have been existing at the time of the union shall have become extinct; and upon such extinction of three peerages that it shall be lawfull for his Majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland; and in like manner so often as three peerages of that part of the United Kingdom called Ireland shall become extinct, it shall be lawful for his Majesty, his heirs and successors, to create one other peer of the said part of the United Kingdom; and if it shall happen that the peers of that part of the United Kingdom called Ireland shall, by extinction of peerages or otherwise, be reduced to the number of one hundred exclusive of all such peers of that part of the United Kingdom called Ireland as shall hold any peerage of Great Britain subsisting at the time of the union, or of the United Kingdom created since the union, by which such peers shall be entitled to an hereditary seat in the House of Lords of the United Kingdom then and in that case it shall and may be lawful for his Majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland, as often as any one of such one hundred peerages shall fail by extinction, or as often as any one peer of that part of the United Kingdom called Ireland shall become entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom; it being the true intent and meaning of this article, that at all times after the union it shall and may be lawful for his Majesty, his heirs and successors, to keep up the peerage of that part of the United Kingdom called Ireland to the number of one hundred, over and above the number of such of the said peers as shall be entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom:

Peerages in abeyance and peerages deemed extinct.—That if any peerage shall at any time be in abeyance such peerage shall be deemed and taken as an existing peerage; and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage for the space of one year from the death of the person who shall have been last possessed thereof; and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the House of Lords of the United Kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct; provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct; and if such claim shall be allowed as valid by judgement of the House of Lords of the United Kingdom, reported to his Majesty, such peerage shall be considered

as revived; and in case any new creation of a peerage of that part of the United Kingdom called Ireland shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his Majesty, his heirs or successors in consequence quence of the next extinction which shall take place of any peerage of that part of the United Kingdom called Ireland:

Questions touching the election of members to sit in the House of Commons of the United Kingdom on the Part of Ireland.—That all questions touching the election of members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are or at any time hereafter shall be law be heard and decided; subject nevertheless to such particular regulations in respect of Ireland as, from local circumstances, the Parliament of the United Kingdom may from time to time deem expedient;

[*Paragraph concerning the qualification of members rep.* 21 *&* 22 *Vict. c.* 26]

Proclamation to issue to cause the lords and commons who are to serve on the part of Ireland to be returned.—That when his Majesty, his heirs or successors, shall declare his, her or their pleasure for holding the first or any subsequent Parliament of the United Kingdom, a proclamation shall issue, under the Great Seal of the United Kingdom, to cause the lords spiritual and temporal, and commons, who are to serve in the Parliament thereof on the part of Ireland, to be returned in such manner as by any Act of this present session of the Parliament of Ireland shall be provided; and that the lords spiritual and temporal and Commons of Great Britain shall, together with the lords spiritual and temporal and commons so returned as aforesaid on the part of Ireland, constitute the two houses of the Parliament of the United Kingdom:

[*Paragraph concerning the Parliament then existing, etc. rep.* 34 *&* 35 *Vict. c.* 116 (*S.L.R.*)].

All peerages of Great Britain and of Ireland to be considered as peerages of the United Kingdom, and the peers of Ireland to enjoy the same privileges (except those depending upon sitting in the House of Lords) as the peers of Great Britain.—That the lords of Parliament on the part of Ireland in the House of Lords of the United Kingdom, shall at all times have the same privileges of Parliament which shall belong to the lords of Parliament on the part of Great Britain; and the lords spiritual and temporal respectively on the part of Ireland shall at all times have the same rights in respect of their sitting and voting upon the trial of peers as the lords spiritual and temporal respectively on the part of Great Britain; and that all lords spiritual of Ireland shall have rank and precedency next and immediately after the lords spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the lords spiritual of Great Britain do now or may hereafter enjoy the same (the right and privilege of sitting in the House of Lords and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted); and that the persons holding any temporal peerages of Ireland existing at the time

of the union shall, from and after the union, have rank and precedency next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain subsisting at the time of the union; and that all peerages of Ireland created after the union shall have rank and precedency with the peerages of the United Kingdom so created, according to the dates of their creations; and that all peerages both of Great Britain and Ireland now subsisting or hereafter to be created shall in all other respects from the date of the union be considered as peerages of the United Kingdom; and that the peers of Ireland shall, as peers of the United Kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of Great Britain, the right and privilege of sitting in the House of Lords and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted.

Article Fifth

The churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.—That it be the Fifth Article of Union, that the churches of England and Ireland as now by law established be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline and government of the said united Church, shall be and shall remain in full force for ever, as the same are now by law established for the Church of England; and that the continuance and preservation of the said united Church, as the established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union; and that in like manner the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law and by the Acts for the union of the two kingdoms of England and Scotland.

As to the disestablishment of the Church of Ireland, see the Irish Church Act, 1869 (c. 42).

Article Sixth

The subjects of Great Britain and Ireland to be on the same footing in respect of trade and navigation, and of all treaties with foreign powers. —That it be the Sixth Article of Union, that his Majesty's subjects of Great Britain and Ireland shall from and after the first day of January one thousand eight hundred and one be entitled to the same privileges and be on the same footing, as to encouragements and bounties on the like articles, being the growth, produce or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and that in all treaties made by his Majesty his heirs and successors, with any foreign power, his Majesty's subjects of Ireland shall have the same privileges and be on the same footing as his Majesty's subjects of Great Britain:

Prohibitions and bounties on export of articles to cease—All articles not herein-after enumerated as subject to specific duties, to be imported

into each country from the other duty free.—That from the first day of January one thousand eight hundred and one all prohibitions and bounties on the export of articles, the growth, produce or manufacture of either country, to the other shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other without duty or bounty on such export: That all articles, the growth, produce or manufacture of either country (not herein-after enumerated as subject to specific duties), shall from thenceforth be imported into each country from the other free from duty other than such countervailing duties on the several articles enumerated in the schedule number one A. and B. hereunto annexed as are therein specified, or to such other countervailing duties as shall hereafter be imposed by the Parliament of the United Kingdom, in the manner herein-after provided; ...

[*Paragraph* 4 (*duties on calicoes and muslins*) *rep.* 34 *&* 35 *Vict. c.* 116 (*S.L.R.*)]

Articles of either country, subject to internal duty or to duty on the materials, may be subjected on importation into each country to countervailing duties; and upon their export a drawback of the duty shall be allowed.—That any articles of the growth, produce or manufacture of either country, which are or may be subject to internal duty or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty or duties on the materials; and that for the said purposes the articles specified in the said schedule number one A. and B., shall be subject to the duties set forth therein, liable to be taken off, diminished or increased in the manner herein specified; and that upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that in like manner in future it shall be competent to the united Parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty on any article of the growth, produce or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same; and that when any such new or additional countervailing duty shall be so imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other:

That all articles, the growth, produce or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce or manufacture;

[*The last paragraph of Article* 6 (*Duties, etc.*) *and the schedule thereto, rep.* 34 *&* 35 *Vict. c.* 116 (*S.L.R.*).]

Article Seventh

Interest and sinking fund of either kingdom to be defrayed separately.—That it be the Seventh Article of Union, that the charge arising from the payment of the interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the union, shall continue to be separately defrayed by Great Britain and Ireland respectively, except as herein-after provided:

The expenditure of the United Kingdom to be defrayed and provided for as herein specified.—That for the space of twenty years after the union shall take place the contribution of Great Britain and Ireland respectively towards the expenditure of the United Kingdom in each year shall be defrayed in the proportion of fifteen parts for Great Britain and two parts for Ireland; and that at the expiration of the said twenty years the future expenditure of the United Kingdom (other than the interest and charges of the debt to which either country shall be separately liable) shall be defrayed in such proportion as the Parliament of the United Kingdom shall deem just and reasonable, upon a comparison of the real value of the exports and imports of the respective countries upon an average of the three years next preceding the period of revision; or on a comparison of the value of the quantities of the following articles consumed within the respective countries on a similar average, videlicet, beer, spirits, sugar, wine, tea, tobacco and malt: or according to the aggregate proportion resulting from both these considerations combined; or on a comparison of the amount of income in each country, estimated from the produce for the same period of a general tax, if such shall have been imposed on the same descriptions of income in both countries; and that the Parliament of the United Kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than twenty years nor less than seven years from each other; unless previous to any such period the Parliament of the United Kingdom shall have declared, as herein-after provided, that the expenditure of the United Kingdom shall be defrayed indiscriminately by equal taxes imposed on the like articles in both countries; That for the defraying the said expenditure according to the rules above laid down the revenues of Ireland shall hereafter constitute a consolidated fund, which shall be charged, in the first instance, with the interest of the debt of Ireland and with the sinking fund applicable to the reduction of the said debt, and the remainder shall be applied towards defraying the proportion of the expenditure of the United Kingdom, to which Ireland may be liable in each year: That the proportion of contribution to which Great Britain and Ireland will be liable shall be raised by such taxes in each country respectively as the Parliament of the United Kingdom shall from time to time deem fit: Provided always, that in regulating the taxes in each country, by which their respective proportions shall be levied, no article in Ireland shall be made liable to any new or additional duty, by which the whole amount of duty payable thereon would exceed the amount which will be thereafter payable in England on the like article: That if at the end of any year any surplus shall accrue from the revenues of Ireland

after defraying the interest, sinking fund, and proportional contribution and separate charges to which the said country shall then be liable, taxes shall be taken off to the amount of such surplus, or the surplus shall be applied by the Parliament of the United Kingdom to local purposes in Ireland, or to make good any deficiency which may arise in the revenues of Ireland in time of peace, or be invested by the Commissioners of the National Debt of Ireland in the funds, to accumulate for the benefit of Ireland at compound interest, in case of the contribution of Ireland in time of war; provided that the surplus so to accumulate shall at no future period be suffered to exceed the sum of five millions: That all monies to be raised after the union by loan, in peace or war, for the service of the United Kingdom by the Parliament thereof, shall be considered to be a joint debt, and the charges thereof shall be borne by the respective countries in the proportion of their respective contributions; provided that if at any time, in raising their respective contributions hereby fixed for each country, the Parliament of the United Kingdom shall judge it fit to raise a greater proportion of such respective contributions in one country within the year than in the other, or to set apart a greater proportion of sinking fund for the liquidation of the whole or any part of the loan raised on account of the one country than of that raised on account of the other country, then such part of the said loan, for the liquidation of which different provisions shall have been made for the respective countries, shall be kept distinct, and shall be borne by each separately, and only that part of the said loan be deemed joint and common, for the reduction of which the respective countries shall have made provision in the proportion of their respective contributions: That if at any future day the separate debt of each country respectively shall have been liquidated, or if the values of their respective debts (estimated according to the amount of the interest and annuities attending the same and of the sinking fund applicable to the reduction thereof, and to the period within which the whole capital of such debts shall appear to be redeemable by such sinking fund) shall be to each other in the same proportion with the respective contributions of each country respectively, or if the amount by which the value of the larger of such debts shall vary from such proportion shall not exceed one hundredth part of the said value, and if it shall appear to the Parliament of the United Kingdom that the respective circumstances of the two countries will thenceforth admit of their contributing indiscriminately, by equal taxes imposed on the same articles in each, to the future expenditure of the United Kingdom, it shall be competent to the Parliament of the United Kingdom to declare that all future expence thenceforth to be incurred, together with the interest and charges of all joint debts contracted previous to such declaration, shall be so defrayed indiscriminately by equal taxes imposed on the same articles in each country, and thenceforth from time to time, as circumstances may require, to impose and apply such taxes acordingly, subject only to such particular exemptions or abatements in Ireland, and in that part of Great Britain called Scotland, as circumstances may appear from time to time to demand: That from the period of such declaration it shall no longer be necessary to regulate the contribution of the two

countries towards the future expenditure of the United Kingdom according to any specifick proportion, or according to any of the rules hereinbefore prescribed; provided nevertheless, that the interest or charges which may remain on account of any part of the separate debt with which either country shall be chargeable, and which shall not be liquidated or consolidated proportionably as above, shall, until extinguished, continue to be defrayed by separate taxes in each country: That a sum, not less than the sum which has been granted by the Parliament of Ireland on the average of six years immediately preceding the first day of January in the year one thousand eight hundred, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the union, to such local purposes, in Ireland in such manner as the Parliament of the United Kingdom shall direct: That from and after the first day of January one thousand eight hundred and one all publick revenue arising to the United Kingdom from the territorial dependencies thereof, and applied to the general expenditure of the United Kingdom, shall be so applied in the proportions of the respective contributions of the two countries.

Article Eighth

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, to remain, subject to such alterations as may appear proper to the united Parliament.—That it be the Eighth Article of Union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require; provided that all writs of error and appeals depending at the time of the union or hereafter to be brought, and which might now be finally decided by the House of Lords of either kingdom, shall from and after the union be finally decided by the House of Lords of the United Kingdom; and provided that from and after the union there shall remain in Ireland an Instance Court of Admiralty for the determination of causes civil and maritime only, and that the appeal from sentences of the said court shall be to his Majesty's delegates in his Court of Chancery in that part of the United Kingdom called Ireland; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any Act for carrying these articles into effect, be from, and after the union repealed.

[1] Foregoing articles to be the articles of union.—And whereas the said articles having, by address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same, and to recommend it to his two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said articles: In order therefor to give full effect and validity to the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

in this present Parliament assembled, and by the authority of the same, that the said foregoing recited articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed and approved, and be and they are hereby declared to be the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the year of our Lord one thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect in the like manner the said foregoing recited articles.

2. Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons to serve in the Parliament of the United Kingdom on the part of Ireland shall be summoned and returned. —And whereas an Act, intituled 'An Act to regulate the mode by 'which 'the lords spiritual and temporal, and the commons, to serve in the 'Parliament of the United Kingdom on the part of Ireland, shall be 'summoned and returned to the said Parliament,' has been passed by the Parliament of Ireland, the tenor whereof is as follows: 'An Act to regulate 'the mode by which the lords spiritual and temporal, and the commons, 'to serve in the Parliament of the United Kingdom on the part of Ireland, 'shall be summoned and returned to the said, Parliament. Whereas it is 'agreed by the Fourth Article of Union, that four lords spiritual of Ireland 'by rotation of sessions, and twenty-eight lords temporal of Ireland 'elected for life by the peers of Ireland, shall be the number to sit and vote 'on the part of Ireland in the House of Lords of the Parliament of the 'United Kingdom; and one hundred commoners (two for each county of 'Ireland, two for the city of Dublin, two for the city of Cork, one for the 'college of the Holy Trinity of Dublin, and one for each of the thirty-one 'most considerable cities, towns and boroughs,) be the number to sit and 'vote on the part of Ireland in the House of Commons of the Parliament of 'the United Kingdom: Be it enacted by the King's most excellent Majesty, 'by and with the advice and consent of the lords spiritual and temporal, 'and commons, in this present Parliament assembled, and by authority 'of the same, that the said four lords spiritual shall be taken from among 'the lords spiritual of Ireland in the manner following; that is to say, that 'one of the four archbishops of Ireland and three of the eighteen bishops 'of Ireland shall sit in the House of Lords of the united Parliament in each 'session thereof, the said right of sitting being regulated as between the 'said archbishops respectively by a rotation among the archiepiscopal sees 'from session to session, and in like manner that of the bishops by a like 'rotation among the episcopal sees: That the primate of all Ireland for the 'time being shall sit in the first session of the Parliament of the United 'Kingdom, the archbishop of Dublin for the time being in the second, the 'archbishop of Cashel for the time being in the third, the archbishop 'of Tuam for the time being in the fourth, and so by rotation of sessions 'for ever, such rotation to proceed regularly and without interruption 'from session to session, notwithstanding any dissolution or expiration 'of Parliament: That three suffragan bishops shall in like manner sit according to rotation of their sees from session to session, in the follow-

'ing order; the lord bishop of Meath, the lord bishop of Kildare, the lord 'bishop of Derry, in the first session of the Parliament of the United 'Kingdom; the lord bishop of Raphoe, the lord bishop of Limerick, 'Ardfert and Aghadoe, the lord bishop of Dromore, in the second session 'of the Parliament of the United Kingdom; the lord bishop of Elphin, the 'lord bishop of Down and Connor, the lord bishop of Waterford and Lis-'more, in the third session of the Parliament of the United Kingdom; the 'lord bishop of Leighlin and Ferns, the lord bishop of Cloyne, the lord 'bishop of Cork and Ross, in the fourth session of the Parliament of the 'United Kingdom; the lord bishop of Killaloe and Kilfenora, the lord 'bishop of Kilmore, the lord bishop of Clogher, in the fifth session of the 'Parliament of the United Kingdom; the lord bishop of Ossory, the lord 'bishop of Killala and Achonry, the lord bishop of Clonfert and Kilmac-'duagh, in the sixth session of the Parliament of the United Kingdom; the 'said rotation to be nevertheless subject to such variation therefrom from 'time to time as is herein-after provided: That the said twenty-eight lords 'temporal shall be chosen by all the temporal peers of Ireland in the manner 'hereinafter provided; that each of the said lords temporal so chosen shall 'be entitled to sit in the House of Lords of the Parliament of the United 'Kingdom during his life; and in case of his death, or forfeiture of any of 'the said lords temproral, the temporal peers of Ireland shall, in the 'manner herein-after provided, choose another peer out of their own 'number to supply the place so vacant. And be it enacted, that of the 'one hundred commoners to sit on the part of Ireland in the United 'Parliament sixty-four shall be chosen for the counties and thirty-six for 'the following cities and boroughs, videlicet: For each county of Ireland 'two; for the city of Dublin two; for the city of Cork two; for the college 'of the Holy Trinity of Dublin one; for the city of Waterford one; for the 'city of Limerick one; for the borough of Belfast one; for the county and 'town of Drogheda one; for the county and town of Carrickfergus one; 'for the borough of Newry one; for the city of Kilkenny one; for the city 'of Londonderry one; for the town of Galway one; for the borough of 'Clonmell one; for the town of Wexford one; for the town of Yougall one; 'for the town of Bandon-Bridge one; for the borough of Armagh one; 'for the borough of Dundalk one; for the town of Kinsale one; for the 'borough of Lisburne one; for the borough of Sligo one; for the borough 'of Catherlough one; for the borough of Ennis one; for the borough of 'Dungarvan one; for the borough of Downpatrick one; for the borough 'of Colraine one; for the town of Mallow one; for the borough of Athlone 'one; for the town of New Ross one; for the borough of Tralee one; 'for the city of Cashel one; for the borough of Dungannon one; for the 'borough of Portarlington one; for the borough of Enniskillen one. And 'be it enacted, that in case of the summoning of a new Parliament, or if 'the seat of any of the said commoners shall become vacant by death or 'otherwise, then the said counties, cities or boroughs, or any of them, 'as the case may be, shall proceed to a new election; and that all the other 'towns, cities, corporations or boroughs, other than the aforesaid, shall 'cease to elect representatives to serve in Parliament; and no meeting

'shall at any time hereafter be summoned, called, convened or held for 'the purpose of electing any person or persons to serve or act or be con- 'sidered as representative or representatives of any other place, town, city, 'corporation or borough, other than the aforesaid, or as representative or 'representatives of the freemen, freeholders, householders or inhabitants 'thereof, either in the Parliament of the United Kingdom or elsewhere '(unless it shall hereafter be otherwise provided by the Parliament of the 'United Kingdom); and every person summoning, calling or holding any 'such meeting or assembly, or taking any part in any such election or 'pretended election shall, being thereof duly convicted, incur and suffer 'the pains and penalties ordained and provided by the statute of provision 'and præmunire made in the sixteenth year of the reign of Richard the 'Second. For the due election of the persons to be chosen to sit in the 'respective Houses of the Parliament of the United Kingdom on the part 'of Ireland, be it enacted, that on the day following that on which the 'Act for establishing the union shall have received the royal assent, the 'primate of all Ireland, the lord bishop of Meath, the lord bishop of Kil- 'dare, and the lord bishop of Derry, shall be and they are hereby declared 'to be the representatives of the lords spiritual of Ireland in the Parliament 'of the United Kingdom for the first session thereof; and that the temporal 'peers of Ireland shall assemble at twelve of the clock on the same day as 'aforesaid in the now, accustomed place of meeting of the House of Lords 'of Ireland, and shall then and there proceed to elect twenty-eight lords 'temporal to represent the peerage of Ireland in the Parliament of the 'United Kingdom in the following manner; that is to say, the names of the 'peers shall be called over according to their rank by the clerk of the 'Crown or his deputy, who shall then and there attend for that purpose; 'and each of the said peers who previous to the said day and in the present 'Parliament shall have actually taken his seat in the House of Lords of 'Ireland, who shall there have taken the oaths and signed the declara- 'tion which are or shall be by law required to be taken and signed by the 'lords of the Parliament of Ireland before they can sit and vote in the 'Parliament hereof, shall, when his name is called, deliver, either by 'himself or by his proxy (the name of such proxy having been previously 'entered in the books of the House of Lords of Ireland according to the 'present forms and usages thereof), to the clerk of the Crown or his 'deputy '(who shall then and there attend for that purpose) a list of twenty-eight 'of the temporal peers of Ireland; and the clerk of the Crown or his deputy 'shall then and there publickly read the said lists, and shall then and there 'cast up the said lists, and publickly declare the names of the twenty- 'eight lords who shall be chosen by the majority of votes in the said lists, 'and shall make a return of the said names to the House of Lords of the 'first Parliament of the United Kingdom; and the twenty-eight lords so 'chosen by the majority of votes in the said lists shall, during their respec- 'tive lives, sit as representatives of the peers of Ireland in the House of 'Lords of the United Kingdom, and be entitled to receive writs of summons 'to that and every succeeding Parliament; and in case a complete election 'shall not be made of the whole number of twenty-eight peers by reason

'of an equality of votes, the clerk of the Crown shall return such number 'in favour of whom a complete election shall have been made in one list, 'and in a second list shall return the names of those peers who shall have an 'equality of votes, but in favour of whom by reason of such equality a 'complete election shall not have been made, and the names of the peers 'in the second list, for whom an equal number of votes shall have been so 'given, shall be written on pieces of paper of a similar form, and shall be 'put into a glass by the clerk of the Parliament of the United Kingdom at 'the table of the House of Lords thereof whilst the House is sitting, and the 'peer whose name shall be first drawn out by the clerk of the Parliament shall be deemed the peer elected, and so successively as often as the case 'may require: and whenever the seat of any of the twenty-eight lords tem-'poral so elected shall be vacated by decease or forfeiture, the chancellor, 'the keeper or commissioners of the great seal of the United Kingdom for 'the time being, upon receiving a certificate under the hand and seal of 'any two lords temporal of the Parliament of the United Kingdom certifying 'the decease of such peer, or on view of the record of attainder of such peer, 'shall direct a writ to be issued under the great seal of the United Kingdom 'to the chancellor, the keeper or commissioners of the great seal of Ireland 'for the time being, directing him or them to cause writs to be issued by 'the clerk of the Crown in Ireland to every temporal peer of Ireland 'who shall have sat and voted in the House of Lords of Ireland before the 'union, or whose right to sit and vote therein or to vote at such elections 'shall on claim made on his behalf have been admitted by the House of 'Lords of Ireland before the union, or after the union by the House of 'Lords of the United Kingdom; and notice shall forthwith be published 'by the said clerk of the Crown in the London and Dublin Gazettes of the 'issuing of such writs, and of the names and titles of all the peers to whom 'the same are directed; and to the said writs there shall be annexed a form 'of return thereof in which a blank shall be left for the name of the peer 'to be elected, and the said writs shall enjoin each peer within fifty-two 'days from the teste of the writ to return the same into the Crown Office 'of Ireland with the blank filled up, by inserting the name of the peer for 'whom he shall vote as the peer to succeed to the vacancy made by demise 'or forfeiture as aforesaid; and the said writs and returns shall be bipartite, 'so as that the name of the peer to be chosen shall be written twice, that is, 'once on each part of such writ and return, and so as that each part may 'also be subscribed by the peer to whom the same shall be directed, and 'likewise be sealed with his seal of arms; and one part of the said writs 'and returns, so filled up, subscribed and sealed as above, shall remain 'of record in the Crown Office of Ireland, and the other part shall be 'certified by the clerk of the Crown to the clerk of the Parliament of the 'United Kingdom; and no peer of Ireland, except such as shall have been 'elected as representative peers on the part of Ireland in the House of 'Lords of the United Kingdom, and shall there have taken the oaths and 'signed the declaration prescribed by law, shall, under pain of suffering 'such punishment as the House of Lords of the United Kingdom may 'award and adjudge, make a return to such writ, unless he shall, after the

'issuing thereof and before the day on which the writ is returnable, have 'taken the oaths and signed the declaration which are or shall be by law 'required to be taken and signed by the lords of the United Kingdom 'before they can sit and vote in the Parliament thereof; which oaths and 'declaration shall be either taken and subscribed in the Court of Chancery 'of Ireland, or before one of his Majesty's justices of the peace of that part 'of the United Kingdom called Ireland, a certificate whereof, signed by 'such justices of the peace or by the register of the said Court of Chancery, 'shall be transmitted by such peer with the return, and shall be annexed to 'that part thereof remaining of record in the Crown Office of Ireland; 'and the clerk of the Crown shall forthwith after the return day of the 'writs cause to be published in the London and Dublin Gazettes a notice 'of the name of the person chosen by the majority of votes, and the peer 'so chosen shall during his life be one of the peers to sit and vote on the 'part of Ireland in the House of Lords of the United Kingdom; and in case 'the votes shall be equal, the names of such persons who have an equal 'number of votes in their favour shall be written on pieces of paper of a 'similar form and shall be put into a glass by the clerk of the Parliament 'of the United Kingdom at the table of the House of Lords whilst the 'House is sitting, and the peer whose name shall be first drawn out by the 'clerk of the Parliament shall be deemed the peer elected. And be it 'enacted, that in case any lord spiritual, being a temporal peer of the 'United Kingdom or being a temporal peer of that part of the United 'Kingdom called Ireland, shall be chosen by the lords temporal to be one 'of the representatives of the lords temporal, in every such case during 'the life of such spiritual peer being a temporal peer of the United King-'dom or being a temporal peer of that part of the United Kingdom called 'Ireland, so chosen to represent the lords temporal, the rotation of repre-'sentation of the spiritual lords shall proceed to the next spiritual lord, 'without regard to such spiritual lord so chosen a temporal peer, that is to 'say, if such spiritual lord shall be an archbishop, then the rotation shall 'proceed to the archbishop whose see is next in rotation, and if such 'spiritual lord shall be a suffragan bishop, then the rotation shall proceed 'to the suffragan bishop whose see is next in rotation. And whereas by 'the said Fourth Article of Union it is agreed that if his Majesty shall on 'or before the first day of January next declare under the great seal of 'Great Britain that it is expedient that the lords and commons of the 'present Parliament of Great Britain should be the members of the re-'spective Houses of the first Parliament of the United Kingdom on the 'part of Great Britain, then the lords and commons of the present Parlia-'ment of Great Britain shall accordingly be the members of the respective 'Houses of the first Parliament of the United Kingdom on the part of 'Great Britain: Be it enacted, for and in that case only, that the present 'members of the thirty-two counties of Ireland, and the two members 'for the city of Dublin, and the two members for the city of Cork, shall 'be and they are hereby declared to be by virtue of this Act members for 'the said counties and cities in the first Parliament of the United Kingdom; 'and that, on a day and hour to be appointed by his Majesty under the

'great seal of Ireland, previous to the said first day of January one thou-
'sand eight hundred and one, the members then serving for the college of
'the Holy Trinity of Dublin and for each of the following cities or bor-
'oughs, that is to say, the city of Waterford, city of Limerick, borough of
'Belfast, county and town of Drogheda, county and town of Carrickfergus,
'borough of Newry, city of Kilkenny, city of Londonderry, town of Gal-
'way, borough of Clonmell, town of Wexford, town of Youghall, town of
'Bandon-Bridge, borough of Armagh, borough of Dundalk, town of Kin-
'sale, borough of Lisburne, borough of Sligo, borough of Catherlough,
'borough of Ennis, borough of Dungarvan, borough of Downpatrick,
'borough of Coleraine, town of Mallow, borough of Athlone, town of New
'Ross, borough of Tralee, city of Cashel, borough of Dungannon, borough
'of Portarlington and borough of Enniskillen, or any five or more of
'them, shall meet in the now usual place of meeting of the House of
'Commons of Ireland, and the names of the members then serving for the
'said places and borough shall be written on separate pieces of paper, and
'the said papers being folded up shall be placed in a glass or glasses, and
'shall successively be drawn thereout by the clerk of the Crown or his
'deputy, who shall then and there attend for that purpose, and the first
'drawn name of a member of each of the aforesaid places or boroughs
'shall be taken as the name of the member to serve for the said place or
'borough in the first Parliament of the United Kingdom; and a return of
'the said names shall be made by the clerk of the Crown or his deputy to
'the House of Commons of the first Parliament of the United Kingdom,
'and a certificate thereof shall be given respectively by the said clerk of
'the Crown or his deputy to each of the members whose names shall have
'been so drawn: Provided always, that it may be allowed to any member
'of any of the said places or boroughs, by personal application to be then
'and there made by him to the clerk of the Crown or his deputy, or by
'declaration in writing under his hand to be transmitted by him to the
'clerk of the Crown previous to the said day so appointed as above, to
'withdraw his name previous to the drawing of the names by lot, in which
'case, or in that of a vacancy by death or otherwise of one of the members
'of any of the said places or boroughs at the time of so drawing the names,
'the name of the other member shall be returned as aforesaid, as the
'name of the member to serve for such place in the first Parliament of the
'United Kingdom; or if both members for any such place or borough shall
'so withdraw their names, or if there shall be a vacancy of both members
'at the time aforesaid, the clerk of the Crown shall certify the same to the
'House of Commons of the first Parliament of the United Kingdom, and
'shall also express in such return whether any writ shall then have issued
'for the election of a member or members to supply such vacancy; and if
'a writ shall so have issued for the election of one member only, such writ
'shall be superseded, and any election to be thereafter made thereupon
'shall be null and of no effect; and if such writ shall have issued for the
'election of two members, the said two members shall be chosen accord-
'ingly, and their names being returned by the clerk of the Crown to the
'House of Commons of the Parliament of the United Kingdom, one of

'the said names shall then be drawn by lot in such manner and time as the 'said House of Commons shall direct, and the person whose name shall be 'so drawn shall be deemed to be the member to sit for such place in the 'first Parliament of the United Kingdom; but if at the time aforesaid 'no writ shall have issued to supply such vacancy, none shall thereafter 'issue until the same be ordered by resolution of the House of Commons 'of the Parliament of the United Kingdom, as in the case of any other 'vacancy of a seat in the House of Commons, of the Parliament of the 'United Kingdom. And be it enacted, that whenever his Majesty, his 'heirs and successors, shall by proclamation under the great seal of the 'United Kingdom summon a new Parliament of the United Kingdom 'of Great Britain and Ireland, the chancellor, keeper or commissioners 'of the great seal of Ireland, shall cause writs to be issued to the several 'counties, cities, the college of the Holy Trinity of Dublin, and boroughs 'in that part of the United Kingdom called Ireland, specified in this Act, 'for the election of members to serve in the Parliament of the United 'Kingdom according to the numbers herein-before set forth; and whenever 'any vacancy of a seat in the House of Commons of the Parliament of the 'United Kingdom for any of the said counties, cities or boroughs, or of 'the said college of the Holy Trinity of Dublin, shall arise by death or 'otherwise, the chancellor, keeper or commissioners of the great seal, 'upon such vacancy being certified to them respectively by the proper 'warrant, shall forthwith cause a writ to issue for the election of a person 'to fill up such vacancy; and such writs and the returns thereon respec-'tively, being returned into the Crown Office in that part of the United 'Kingdom called Ireland, shall from thence be transmitted to the Crown 'Office in that part of the United Kingdom called England, and be certified 'to the House of Commons in the same manner as the like returns have 'been usually or shall hereafter be certified; and copies of the said writs 'and returns, attested by the chancellor, keeper or commissioners of the great seal of Ireland for the time being, shall be preserved in the Crown 'Office of Ireland, and shall be evidence of such writs and returns, in case 'the original writs and returns shall be lost:' Be it enacted, that the said Act so herein recited be taken as a part of this Act, and be deemed to all intents and purposes incorporated within the same.

[The period for the return of the writ in the election of a Lord Temporal was reduced from 52 to 30 days by the Election of Representative Peers (Ireland) Act, 1882 (c. 26).]

3. The great seal of Ireland may, if his Majesty shall think fit, after the union be used there in like manner as before, except where otherwise provided.—And be it enacted, that the great seal of Ireland may, if his Majesty shall so think fit, after the union be used in like manner as before the union, except where it is otherwise provided by the foregoing articles, within that part of the United Kingdom called Ireland; and that his Majesty may, so long as he shall think fit, continue the Privy Council of Ireland to be his Privy Council for that part of the United Kingdom called Ireland.

THE PARLIAMENT ACT
(1 and 2 Geo. 5, c. 13)

An Act to make provision with respect to powers of the House of Lords in relation to those of the House of Commons and to limit the duration of Parliament [18th August 1911]

Whereas it is expedient that provision should be made for regulating the relations between the two Houses of Parliament:

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of a hereditary basis, but such substitution cannot immediately be brought into operation.

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords.

[The intentions expressed in this preamble have not yet been fulfilled.]

1. Powers of the House of Lords as to Money Bills.

(a.) If a Money Bill having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified notwithstanding that the House of Lords have not consented to the Bill.

(b.) A Money Bill means a Public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue, or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matter incidental to these subjects or any of them. In this subsection the expressions "taxation," "public money," and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

(c.) There shall be endorsed on every Money Bill when it is sent up to the House of Lords or when it is presented to His Majesty for assent the certificate of the Speaker of the House of Commons signed by him that it is a Money Bill. Before giving his certificate, the Speaker shall consult, if so practicable, two members to be appointed from the Chairman's Panel at the beginning of each session by the Committee of Selection.

2. Restriction of the Power of the House of Lords as to Bills other than Money Bills.

(a.) If any Public Bill (other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years) is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and having been sent up to the House of Lords in each of those sessions, it is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the

third time by the House of Lords, unless the Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill. Provided that this provision shall not take effect unless two years have elapsed between the date of the second reading in the first of those sessions of the Bill in the House of Commons and the date on which it passes the House of Commons in the third of those sessions.

(b.) When a Bill is presented to His Majesty for assent in pursuance of the provisions of this section, there shall be endorsed on the Bill the certificate of the Speaker of the House of Commons signed by him that the provisions have been duly complied with.

(c.) A Bill shall be deemed rejected by the House of Lords if it is not passed by the House of Lords either without amendments or with such amendments only as may be agreed to by both Houses.

(d.) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made in the House of Lords in the former Bill in the preceding session, and any amendments which are certified by the Speaker to have been made by the House of Lords in the third session and agreed to by the House of Commons shall be inserted in the Bill as presented for Royal Assent in pursuance of this section:

> Provided that the House of Commons may if they think fit, on the passage of such a Bill through the House in the second or third session suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and, if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons, but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

3. Certificate of Speaker.—Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes and shall not be questioned in any court of law.

4. Enacting words.

(a.) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:—

> Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same, as follows.

(b.) Any alteration of a Bill necessary to give effect to this section shall not be deemed an amendment to the Bill.

5. Provisional Order Bills excluded.—In this Act the expression 'Public Bill' does not include any Bill for confirming a Provisional Order.

6. Saving for existing rights and privileges of the House of Commons.—Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

7. Duration of Parliament.—Five years shall be substituted for seven

as the time fixed for the maximum duration of Parliament under the Septennial Act 1715.[1]

8. Short Title.—This Act may be cited as the Parliament Act, 1911.

THE STATUTE OF WESTMINSTER, 1931
(22 George V. Chapter 4)

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930.
[11th December, 1931]

[For the text of this statute—see under Canada, Vol. 1.

[1] For the Act cited, see 1 Geo. 1, stat. 2, c. 38.

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UNITED STATES OF AMERICA

SUMMARY

International Status

The United States of America is a member of the United Nations.[1] It signed the Charter of that organization on June 26, 1945, and deposited its ratification on August 8, 1945. It did not become a member of the

[1] The United States of America did not claim additional voting power in the Assembly of the League of Nations at the Versailles Conference in 1919 or in the General Assembly of the United Nations at the San Francisco Conference of 1945. Its present voting power is not representative of its actual international status nor does it take into account the

League of Nations, nor did it become a party to the Statute of the Perma nent Court of International Justice. It has made a declaration under Article 36 of the Statute of the International Court of Justice of 1945, accepting the compulsory jurisdiction of the new court [1]. It is a member of other international organizations.[2]

The independence of the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia was acknowledged by His Britannic Majesty in a definitive treaty of peace concluded September 3, 1783, and proclaimed January 14, 1784. A confederation of these states had been formed under Articles of Confederation adopted March 1, 1781. A federal union of the same states, established by a constitution which became effective in 1789, was extended during the next sixty years to include the entire area from the Atlantic to the Pacific Ocean between Canada and Mexico. The Territory of Alaska, to the northwest of Canada, was acquired by purchase from Russia in 1867; the Territory of Hawaii was annexed, at the request of the Queen of Hawaii, in 1898; and several island possessions, including the Philippines and Puerto Rico, were ceded by Spain in 1899. The independence of the Philippines was recognized by the United States on July 4, 1946.

Form of National Government

The Constitution of 1789 makes detailed provisions in three separate articles for the vesting and exercise of the legislative, executive, and judicial powers of the federal government. Most of the remainder of the Constitution is devoted to the relationships between the federal government and the governments of the states and to the relationships among the states. Ten articles of amendment, adopted in 1791, set forth rights reserved to the people and to the several States of the Union. A republican form of government and protection against invasion are guaranteed by the United States to each of the states of the union.[3]

The Constitution of the United States of America is the oldest written national constitution now in force. Many of its principles and provisions have been followed by other nations in their national constitutions.

Source of Sovereign Power

The articles of the Constitution are introduced by a preamble in which

federalization which it has accomplished of important sovereign states. This situation and comparable situations of some other large federal nations, will presumably call for readjustment in the event of the vesting of more extensive sovereign powers in United Nations organs and of the removal of the so-called "veto" now provided respecting the Council of the U.N.

[1] See Yearbook of the Court 1951–52 p. 43 and 197.

[2] See Table I.

[3] Const., Art. IV, sec. 4.

it is stated that the Constitution is ordained and established by the people of the United States.

Rights of the People and the States

It is declared in Article I of the Constitution, section 9, that the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it, and that no bill of attainder or *ex post facto* law will be passed. Article III contains a provision that the trial of all crimes, except in cases of impeachment, shall be by jury. The first ten amendments, adopted in 1791 and generally known as the Bill of Rights, contain the following guarantees: that the federal Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances;[1] that the right of the people to keep and bear arms shall not be infringed;[2] that no soldier shall in time of peace be quartered in any house without the consent of the owner;[3] that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated;[4] that no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; and that private property shall not be taken for public use, without just compensation;[5] that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;[6] that in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved;[7] and that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.[8]

Powers not delegated to the United States by the constitution nor prohibited by it to the States are reserved to the States respectively or to the people.[9]

The thirteenth amendment, adopted in 1865, prohibits slavery and involuntary servitude; and the fifteenth amendment adopted in 1870

[1] Amendment I. [2] Amendment II. [3] Amendment III.
[4] Amendment IV. [5] Amendment V. [6] Amendment VI.
[7] Amendment VII. [8] Amendment VIII. [9] Amendment X.

prohibits the United States and the states from denying or abridging the right of any citizen to vote on account of race, color, or previous condition of servitude.

The fourteenth amendment, adopted in 1868, provides that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; or deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection of the laws.

The nineteenth amendment, adopted in 1920, provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

The Legislative Department

The legislative powers granted by the Constitution to the federal government are vested in a bi-cameral Congress.[1] The members of the House of Representatives are chosen every second year by the people of the several states.[2] The number of representatives may not exceed one for every thirty thousand inhabitants;[3] it is at present approximately one for every three hundred thousand inhabitants. There are two members of the Senate, chosen by popular vote, for each of the forty-eight States of the Union. The Senatorial term is six years, one-third of the membership being renewed every second year.[4]

The House of Representatives chooses its presiding officer, called the Speaker, and its other officers. It has the sole power of impeachment.[5] The Senate is presided over by the Vice-President of the United States, who has no vote except in case of equal division. The Senate chooses its other officers, including a president *pro tempore* in the absence of the Vice-President, or when he is exercising the office of President of the United States, and it has the sole power to try impeachments[6].

Bills passed by both houses of Congress must be presented to the President for approval. A bill to which the President objects becomes law, notwithstanding his objections, if it is passed by two-thirds vote of each of the houses.[7]

The powers of the Congress include the levying of taxes, the regulation of interstate and foreign commerce, and the declaration of war.[8]

The Executive Department

The executive power is vested in a President, who holds office for four years and, together with the Vice-President, is chosen by electors who meet in their respective states and vote by ballot.[9] The electors are

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[1] Const., Art. I, sec. 1. [2] Id., Art. I, sec. 2. [3] Id., Art. I, sec. 2.
[4] Id., Art. I, sec. 3. [5] Id., Art. I, sec. 2. [6] Id., Art. I, sec. 3.
[7] Id., Art. I, sec. 7. [8] Id., Art. I, sec. 8. [9] Id., Art. II, sec. 1.

themselves chosen by popular vote in each state. No person may be elected President more than twice.[1]

The President is commander in chief of the army and navy. He has power, by and with the advice and consent of the Senate, to make treaties and to appoint ambassadors, Supreme Court judges, and other officers whose appointments are not provided for otherwise.[2]

Judicial Department

The judicial power is vested in a Supreme Court and in inferior courts established by the Congress.[3] It extends to all cases arising under the Constitution, federal laws, and treaties; to all cases affecting ambassadors, other public ministers and consuls; to all admiralty and maritime cases; to controversies to which the United States is a party; to controversies between two or more states or between citizens of different states; and to controversies between citizens of the same state claiming lands under grants of different states.[4] In cases affecting ambassadors, ministers and consuls and those in which a state is a party, the Supreme Court has original jurisdiction; otherwise its jurisdiction is appellate.[5]

Area, Population, Language

The area of the United States, excluding territories and possessions, is 3,022,387 square miles with a population (1950 census) of 150,697,361. The language most generally spoken, and the one employed in official documents, is English.

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[1] Const., Amd. XXII. [2] Id., Art. II, sec. 2. [3] Id., Art. III, sec. 1.

[4] Id., Art. III, sec. 2. But see Amendment XI which provides that the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

[5] Id. Art. III, sec. 2.

THE CONSTITUTION
of the
UNITED STATES OF AMERICA

Signed September 17, 1787
effective June 21, 1788

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons.][1] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such tnumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Planeations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virignia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the

[1] See Amendments XIII, XIV, and XVI.

Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Repesentatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof,[1] for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December,[2] unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of

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[1] See Amendment XVII.

[2] See Amendment XX.

absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the

United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.] [1]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—'I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the

[1] See Amendment XII.

best of my Ability, preserve, protect and defend the Constitution of the United States.'

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent, of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occassions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfuly executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or

more States;—between a State and Citizens of another State;[1]—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.[1]

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed

[1] See Amendment XI.

as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

Article I [1]

Congress shall make no law respecting an establishment of religion, or

[1] Adoption certified December 15, 1791.

prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II [1]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III [1]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article IV [1]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V [1]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI [1]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article VII [1]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Article VIII [1]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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[1] Adoption certified December 15, 1791.

Article IX [1]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X [1]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article XI [2]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Article XII [3]

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a

[1] Adoption certified December 15, 1791.

[2] Adopted February 7, 1795; see Press Release, Dept. of State XII, 247, of April 15, 1935. Declared ratified January 8, 1798.

[3] Adopted September 25, 1804. Supplemented by Amendment XX.

quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Article XIII [1]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Article XIV [2]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be

[1] Adopted December 9, 1865; declared ratified on December 18, 1865.
[2] Adopted July 21, 1868; declared ratified on July 28, 1868.

questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV [1]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Article XVI [2]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Article XVII [3]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XVIII [4]

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

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[1] Adopted February 19, 1870; declared ratified on March 30, 1870.

[2] Adopted February 3, 1913; declared ratified on February 25, 1913.

[3] Adopted May 9, 1913; declared ratified on May 31, 1913.

[4] Declared ratified on January 29, 1919; repealed by Amendment XXI on December 5, 1933.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Article XIX [1]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Article XX [2]

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Sections 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Article XXI [3]

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

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[1] Adopted August 24, 1920; declared ratified on August 26, 1920.
[2] Adopted January 24, 1933; declared ratified on February 6, 1933.
[3] Adopted and declared ratified December 5, 1933.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Article XXII[1]

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

[1] Adopted; declared ratified February 26, 1951.

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URUGUAY

SUMMARY

International Status

Uruguay is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and ratified it November 2, 1945.

It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice and accepted the optional clause. It is subject to the compulsory jurisdiction of the International Court of Justice under Article 36 of its Statute.[1] It is a mem-

[1] See yearbook of the Court 1951–52, p. 43, 197.

ber of the Organization of the American States, and various other international organizations.[1]

The province of Montevideo was not connected with the independence movement of the revolutionary committee of Buenos Aires in 1810, and in 1811 the latter sent General Artigas to lay siege to Montevideo. Hostilities continued until 1814, at which time the city capitulated. In 1817 Uruguay was incorporated into Brazil. In 1825 there was a revolt and declaration of independence by Uruguay. This resulted in war between Argentina and Brazil. Three years later, by means of British mediation, a treaty was signed guaranteeing Uruguayan independence.

During the twenty years after the adoption of the first Constitution in 1830, Uruguay was torn by the struggle between the "Whites" and the "Reds", a struggle that was complicated by the efforts of Rosas, Argentina's ruler, to annex the small country to his own. Between 1838 and 1851 there was war between the two countries which would probably have resulted in the incorporation of Uruguay into Argentina had not Brazilian intervention provoked the downfall of Rosas.

The first Constitution of Uruguay was promulgated in 1830 but was only nominally effective during most of its existence. New Constitutions were promulgated in 1918 (providing for a dual executive) and 1934 (amended in 1938 and 1942). The present Constitution was approved by the Uruguayan General Assembly on October 26, 1951, and subsequently ratified by a vote of the people on December 16, 1951.

Form of National Government

The Constitution of October 26, 1951, states that the government is democratic-republican,[2] that it "always shall be free and independent of any sovereign power," [3] and that "it shall never be the patrimony of any person or of any family." [4]

Source of Sovereign Power

Sovereignty "resides fundamentally in the Nation" of which every citizen is a member.[5]

Rights of the People

The Constitution guarantees enjoyment of life, honor, liberty, security, labor and property; [6] equality before the law,[7] inviolability of the home,[8] prohibition of imprisonment except by law,[9] prohibition of the death penalty,[10] inviolability of correspondence,[11] freedom of speech and the press,[12] the

[1] See Table I.
[2] Const. Art. 82.
[3] Id., Art. 2.
[4] Id., Art. 3.
[5] Id., Arts. 4, 77.
[6] Id., Art. 7.
[7] Id., Art. 8.
[8] Id., Art. 11.
[9] Id., Arts. 12, 15.
[10] Id., Art. 26.
[11] Id., Art. 28.
[12] Id., Art. 29.

right of petition,[1] inviolability of the right of property,[2] protection of intellectual property,[3] freedom of occupation,[4] freedom of entry into, departure from, and residence in the country,[5] and the right of assembly and association.[6]

There are sections dealing with protection of the family, including protection of children, maternity, and the promotion of public health and hygiene,[7] also with the protection of labor including protection of women and minors, the right to just remuneration, certain hours, holidays, and hygienic conditions, the right to trade unions, pensions, and social insurance.[8] Education is free and primary education is compulsory.[9]

Legislative Department

Legislative power is exercised by the General Assembly composed of the Chamber of Representatives and the Senate.[10] The former has ninety-nine members elected directly by the people for a term of four years.[11] The Senate consists of 31 members, elected directly by the people for a term of four years, from a single electoral list.[12] Election of both Representatives and Senators is according to the system of integral proportional representation.[13] Provision is made for a permanent commission composed of four senators and seven representatives.[14]

Executive Department

Executive power is vested in the National Council of Government, composed of nine members elected directly by the people, in accordance with the system of proportional representation, together with a double number of alternatives, for a period of four years.[15] National Counsellors may not be reelected except after an interval of one term.[16] The presidency of the National Council is by yearly rotation among the members elected by the party which obtained the majority.[17] The National Council appoints the nine Ministers of State who are responsible for such decrees or other orders as they may sign or issue with the President of the National Council of Government.[18] Provision is made for autonomous Councils or Boards of Directors to administer various State controlled industrial and commercial services[19] and for a Tribunal of Accounts to supervise and deliver opinions on all financial and budget activities.[20]

Judicial Department

Provision is made for a Supreme Court composed of five members,

[1] Const., Art. 30.
[2] Id., Art. 32.
[3] Id., Art. 33.
[4] Id., Art. 36.
[5] Id., Art. 37.
[6] Id., Arts. 38, 39.
[7] Id., Arts. 40-49.
[8] Id., Arts. 53-59.
[9] Id., Arts. 68, 70.
[10] Id., Arts. 83, 84.
[11] Id., Arts. 88, 89.
[12] Id., Art. 94.
[13] Id., Arts. 77, 88, 94.
[14] Id., Art. 127.
[15] Id., Arts. 149, 150.
[16] Id., Art. 153.
[17] Id., Art. 158.
[18] Id., Arts. 174, 175.
[19] Id., Art. 185.
[20] Id., Arts. 208, 211.

appointed by the General Assembly, for a period of ten years.[1] It may declare laws unconstitutional.[2]

Area, Population, Language

Uruguay has an area of 72,172 square miles and a population (estimated 1949) of 2,650,000. The language is Spanish.

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[1] Const. Arts. 234, 236, 237.

[2] Id., Art. 256.

CONSTITUTION
of the
ORIENTAL REPUBLIC OF URUGUAY[1]

October 26, 1951

SECTION I

THE NATION AND ITS SOVEREIGNTY

Chapter I

Art. 1. The Oriental Republic of Uruguay is the political association of all inhabitants included within its territory.

Art. 2. It is and always shall be free and independent of any foreign power.

Art. 3. It shall never be the patrimony of any person or of any family

Chapter II

Art. 4. Sovereignty to its full extent resides fundamentally in the Nation, which has the exclusive authority to enact its laws in the manner which will be hereinafter set forth.

Chapter III

Art. 5. All religious sects are free in Uruguay. The State supports no religion whatever. It recognizes the right of the Catholic Church to ownership of all temples which have been built wholly or partly from funds of the National Treasury, with the sole exception of chapels dedicated for use by asylums, hospitals, prisons, or other public establishments. It likewise declares exempt from all form of taxes the temples dedicated to worship by the various religious sects.

Chapter IV

Art. 6. In international treaties which the Republic may conclude there shall be proposed a clause to the effect that all differences which may arise between the contracting parties shall be settled by arbitration or other peaceful means.

SECTION II

RIGHTS, DUTIES AND GUARANTEES

Chapter I

Art. 7. The inhabitants of the Republic have the right of protection in the enjoyment of life, honor, liberty, security, labor, and property.

[1] Pan American Union, Law Treaty Series No. 36.

No one may be deprived of these rights except in conformity with laws which may be enacted for reasons of general interest.

Art. 8. All persons are equal before the law, no other distinctions being recognized among them save those of talent and virtue.

Art. 9. The establishment of primogenital entailments is prohibited.

No authority of the Republic may grant any title of nobility or hereditary honors or distinctions.

Art. 10. Private actions of persons which do not in any way affect the public order or prejudice others shall be outside the jurisdiction of the magistrates.

No inhabitant of the Republic shall be obliged to do what the law does not require, or prevented from doing what it does not prohibit.

Art. 11. The sanctity of the home is inviolable. No one may enter it by night without the consent of its master, and by day only at the express order of a competent judge, in writing, and in cases determined by law.

Art. 12. No one may be punished or imprisoned without due process of law and a legal sentence.

Art. 13. Ordinary law may establish trial by jury in criminal cases.

Art. 14. The penalty of confiscation of property may not be imposed for reasons of a political nature.

Art. 15. No one may be arrested except in case of *flagrante delicto* or by written order of a competent judge based on reasonable grounds.

Art. 16. In any of the cases contemplated in the preceding article, the judge, under the gravest responsibility, shall take the declaration of the person under arrest within twenty-four hours and shall begin the summary process within forty-eight hours at the most. The declaration of the accused must be taken in the presence of his defender. The latter shall also have the right to attend all summary hearings.

Art. 17. In the event of unlawful detention, the interested party or any other person may apply to the competent judge for a writ of *habeas corpus* to the end that the detaining authority shall immediately explain and justify the legal grounds for such detention, the decision of the aforementioned judge being final.

Art. 18. The laws shall establish the procedure and formalities of trials.

Art. 19. Trials by commission are prohibited.

Art. 20. The taking of an oath by the accused in making a declaration or confession regarding his own acts is abolished; and it is prohibited that the accused shall be treated as a criminal.

Art. 21. Criminal trials *in absentia* are likewise abolished. The law shall make suitable provision to this effect.

Art. 22. Every criminal trial shall begin with an accusation by a complaining witness, or by the public prosecutor, secret examinations being abolished.

Art. 23. All judges are responsible before the law for the slightest infringement of the rights of individuals as well as for deviation from the established order of procedure in that respect.

Art. 24. The State, the Departmental Governments, the Autonomous Entities, the Decentralized Services, and in general any agency of the State, shall be civilly liable for injury caused to third parties, in the performance of public services, entrusted to their action or direction.

Art. 25. Whenever the injury has been caused by their officials, in the performance of their duties or by reason of such performance, in the event they have been guilty of gross negligence or fraud, the corresponding public agency may reclaim from them whatever has been paid as compensation.

Art. 26. The death penalty shall not be applied to anyone.

In no case shall prisons be permitted to use brutal treatment; they shall be used only as a means of assuring that convicts and prisoners are reeducated, acquire an aptitude for work, and become rehabilitated.

Art. 27. In any stage of a criminal trial which will not result in a penitentiary sentence, judges may place the accused at liberty, under a bond as determined by law.

Art. 28. The papers of private individuals, their correspondence, whether epistolary, telegraphic, or of any other nature, are inviolable, and they may never be searched, examined, or intercepted except in conformity with laws which may be enacted for reasons of public interest.

Art. 29. The expression of opinion on any subject by word of mouth, private writing, publication in the press, or by any other method of dissemination is entirely free, without prior censorship; but the author, printer or publisher as the case may be, may be held liable, in accordance with law, for abuses which they may commit.

Art. 30. Every inhabitant has the right of petition to all or any of the authorities of the Republic.

Art. 31. Individual security may not be suspended except with the consent of the General Assembly or, during its recess, the Permanent Commission and in the event of an extraordinary case of treason or conspiracy against the country; and even then such suspension may be used only for the apprehension of the guilty parties, without prejudice to the provisions of section 17 of article 168.

Art. 32. The right of property is inviolable, but is subject to the provisions of laws which may be enacted for reasons of general interest.

No one may be deprived of his property rights except in case of public necessity or utility established by law, and in such cases the National Treasury shall always pay just compensation in advance.

Whenever expropriation is ordered for reasons of public necessity or utility, the property owners shall be indemnified for loss or damages they may suffer on account of delay, whether the expropriation is actually carried out or not.

Art. 33. Intellectual property, the rights of authors, inventors, or artists shall be recognized and protected by law.

Art. 34. All the artistic or historical wealth of the country, whoever may be its owner, constitutes the cultural treasure of the Nation; it shall be placed under the protection of the State and the law shall establish what is deemed necessary for such protection.

Art. 35. No one shall be compelled to render aid of any kind to the army, or to permit his house to be used for the billeting of troops except by order of a civil magistrate according to law, and in such cases he shall receive from the Republic indemnification for loss that may be incurred.

Art. 36. Every person may engage in labor, farming, industry, commerce, a profession, or any other lawful activity, save for the limitations imposed by general interest which the law may enact.

Art. 37. The entry of any person into the Republic, his residence therein, and his departure with his property, are free, if he obeys the laws, except in cases of prejudice to third parties.

Immigration shall be regulated by law, but in no case shall an immigrant be admitted who has physical, mental, or moral defects which may injure society.

Art. 38. The right of peaceful and unarmed public meetings is guaranteed. The exercise of this right may not be denied by any authority of the Republic except in accordance with law, and only in so far as such exercise may prejudice public health, safety or order.

Art. 39. All persons have the right to form associations, for any purpose whatsoever, provided they do not form an association which the law has declared unlawful.

Chapter II

Art. 40. The State shall safeguard the social development of the family.

Art. 41. The care and education of children, so that they may attain their fullest physical, intellectual, and social capacity, is the duty and the right of parents. Those who have large families to support are entitled to compensatory aid if they need it.

The law shall provide the necessary measures for the protection of infancy and youth against physical, intellectual, or moral neglect by their parents or guardians, as well as against exploitation and abuse.

Art. 42. Parents have the same duties toward children born outside of wedlock as toward children born within it.

Maternity, regardless of the condition or circumstances of the mother, is entitled to the protection of society and to its assistance in case of destitution.

Art. 43. The law shall provide that juvenile delinquency shall be dealt with under a special system in which women will be allowed to participate.

Art. 44. The State shall legislate on all questions connected with public health and hygiene, endeavoring to attain the physical, moral, and social improvement of all inhabitants of the country.

It is the duty of all inhabitants to take care of their health as well as to receive treatment in case of illness. The State will provide gratis the means of prevention and treatment to both indigents and those lacking sufficient means.

Art. 45. The law shall promote hygienic and economical housing for workers, by sponsoring the construction of housing and communities which meet these conditions.

Art. 46. The State shall give asylum to indigent persons or those

lacking sufficient means who, because of chronic physical or mental inferiority, may be incapacitated for work.

Art. 47. The State shall combat social vices by means of the law and international conventions.

Art. 48. The right of inheritance is guaranteed within the limits established by law. Lineal ascendants and descendants shall have preferential treatment in the laws regarding taxation.

Art. 49. The 'family property' (*bien de familia*), its constitution, conservation, enjoyment, and transmission shall be protected by special legislation.

Art. 50. Every commercial or industrial organization in the form of a trust shall be subject to control by the State.

Art. 51. The establishment and enforcement of rates for public services operated by firms holding concessions shall be conditional upon their approval by the State or Departmental Governments, as the case may be.

The concessions to which this article refers may in no case be granted in perpetuity.

Art. 52. Usury is prohibited. The law fixing a maximum limit on interest rates on loans is of a public character. This law will fix the penalties to be applied to offenders thereunder.

No one may be deprived of his liberty for debts.

Art. 53. Labor is under the special protection of the law.

It is the duty of every inhabitant of the Republic, without prejudice to his freedom, to apply his intellectual or physical energies in a manner which will redound to the benefit of the community, which will endeavor to afford him, with preference to citizens, the possibility of earning his livelihood through the development of some economic activity.

Art. 54. The law must recognize the right of every person, performing labor or services as a worker or employee, to independence of moral and civic consciousness; just remuneration; limitation of the working day; a weekly day of rest; and physical and moral health.

The labor of women and of minors under eighteen years of age shall be specially regulated and limited.

Art. 55. The law shall regulate the impartial and equitable distribution of labor.

Art. 56. Every enterprise, the nature of which requires that the personnel reside on the premises, shall be obliged to provide adequate food and lodging in accordance with conditions which the law may establish.

Art. 57. The law shall promote the organization of trade unions, according them charters and issuing regulations for their recognition as juridical persons.

It shall likewise promote the creation of tribunals of conciliation and arbitration.

The strike is declared to be a right of trade unions. Regulations shall be made governing its exercise and effect, on that basis.

Art. 58. Public officials are in the service of the Nation and not of a political party. Any activity alien to their duties is prohibited and po-

litical propaganda (*proselitismo*) on their part, at their offices or during office hours, shall be considered unlawful.

They may not organize groups for propaganda purposes by using the names of public agencies or any connection their positions may bear to membership in such organizations.

Art. 59. The law shall establish civil service regulations (*estatuto del Funcionario*) on the fundamental basis that the official exists for the office and not the office for the official.

Its principles shall apply to subordinate officials:

(a) of the Executive Power, with the exception of the military, police and diplomatic officials, who shall be governed by special laws;

(b) of the Judicial Power and of the Contentious-Administrative Tribunal except with respect to judgeships;

(c) of the Tribunal of Accounts;

(d) of the Electoral Court and its agencies, without prejudice to regulations enacted for the control of political parties;

(e) of the Decentralized Services, without prejudice to whatever may be provided in special laws covering the diverse nature of their functions.

Art. 60. An administrative career service is established for officials covered by the budget of the central administration, who are declared to have permanent status, without prejudice to provisions of law that may be enacted on the subject by an absolute majority of the votes of the full membership of each Chamber or under the third paragraph of this article.

They may be dismissed only in accordance with rules established by this Constitution.

Officials who are political in character or who have duties of personal trust (*de particular confianza*) are not included if given such character by law approved by an absolute majority of votes of the full membership of each Chamber, and they shall be appointed and are subject to dismissal by the appropriate administrative organ.

Art. 61. The civil service regulations (*Estatuto del Funcionario*) shall establish the conditions for admission for career officials and shall regulate the right to permanent status, advancement,weekly days of rest, and the system of annual and sick leave; grounds for suspension or transfer their official duties; and administrative recourses against rulings that may affect them, without prejudice to the provisions of Section XVII.

Art. 62. The Departmental Governments shall adopt these regulations (*Estatuto*) for their officials in accordance with the rules set forth in the preceding articles, and until this is done the provisions established by law governing public officials shall apply.

To grant permanent status to their officials and to establish positions that are political or of personal trust shall require the approval of three-fifths of the membership of a Departmental Board (*Junta Departamental*).

Art. 63. Within one year following the promulgation of this Constitution, the Autonomous Entities shall adopt civil service regulations for their officials, such regulations to be subject to the approval of the National Council of Government.

These regulations shall contain provisions designed to ensure normal operation of the services and the guarantees established in the preceding

articles for public officials, in so far as they can be reconciled with the specific purposes of each Autonomous Entity.

Art. 64. By a two-thirds vote of the total membership of each Chamber, the law may establish special regulations which, by their general scope or nature, may be applicable to the officials of all Departmental Governments and all Autonomous Entities, or only to certain ones, as the case may be.

Art. 65. The law may authorize the organization of representative personnel committees within the Autonomous Entities, for purposes of collaboration with their directors in the enforcement of the regulations, study of budgetary requirements, organization of the services, labor regulations and the application of disciplinary measures.

In public services administered directly or by concession holders, the law may provide for the formation of competent organs to hear disputes between authorities of the services and their employees; and to consider methods and procedures to be used by the public authority to maintain continuity of service.

Art. 66. No parliamentary or administrative investigation of irregularities, neglect, or malfeasance shall be considered as completed until the accused official has had an opportunity to submit his answer and to present his defense.

Art. 67. The general retirement and social security funds shall be organized in such a way as to guarantee to all workers, employers, employees, and laborers adequate retirement pensions and subsidies in case of accident, sickness, disability, enforced unemployment, etc.; and in case of death, the corresponding pension to their families. The old age pension is the right of those who have reached the limit of their productive age, after long residence in the country, and who lack the means to provide for the necessities of life.

Art. 68. Freedom of education is guaranteed.

The law shall regulate state intervention for the sole purpose of maintaining hygiene, morality, safety and public order.

Every parent or guardian has the right to select the teachers or institutions he desires for the education of his children or wards.

Art. 69. Private educational institutions which give free classes to a number of students, in accordance with regulations which the law shall prescribe, and cultural institutions, shall be exempted from national and municipal taxes as a subsidy for their services.

Art. 70. Primary education is compulsory.

The State will make the necessary provisions for its accomplishment.

Art. 71. Free official primary, intermediate, advanced, industrial, artistic, and physical education is declared to be of social utility, as well as the creation of scholarships for continued study and specialization in cultural, scientific and occupational fields, and the establishment of public libraries.

In all educational institutions special attention shall be paid to the formation of the moral and civic character of students.

Chapter III

Art. 72. The enumeration of rights, duties, and guarantees made in this Constitution does not exclude others which are inherent in human beings or which are derived from a republican form of government.

SECTION III

CITIZENSHIP AND SUFFRAGE

Chapter I

Art. 73. Citizens of the Oriental Republic of Uruguay are natural or legal.

Art. 74. All men and women born at any place within the territory of the Republic are natural citizens. Children of Uruguayan fathers or mothers are also natural citizens, wherever they may have been born, provided that they take up residence in the country and register themselves in the Civil Register.

Art. 75. The following have the right to legal citizenship:

(a) Foreign men and women of good conduct, and having a family within the Republic, who possess some capital or property in the country or are engaged in some profession, craft, or industry, and have resided habitually in the Republic for three years;

(b) Foreign men and women of good conduct, without families in the Republic, who possess any of the qualifications mentioned in the preceding paragraph and who have resided habitually in the country for five years;

(c) Foreign men and women who obtain special courtesy from the General Assembly for noteworthy services or outstanding merit.

Proof of residence must necessarily be based on a public or private document of proven date.

The rights appertaining to legal citizenship may not be exercised by foreigners included in paragraph A) and B) until three years after the issuance of the respective citizenship papers.

The existence of any of the grounds for suspension referred to in article 80 shall bar the granting of citizenship papers.

Art. 76. Any citizen may hold public employment: Legal citizens may not be appointed until three years after obtaining citizenship papers.

Citizenship shall not be required for a position as professor in institutions of higher learning.

Chapter II

Art. 77. Every citizen is a member of the sovereignty of the Nation; as such he is a voter and eligible for election in the cases and in accordance with the procedure which will be set forth.

Suffrage shall be exercised in the manner determined by law, but on the following bases:

(1) Compulsory inscription in the Civil Register;
(2) Secret and compulsory vote;
(3) Integral proportional representation;

(4) Judicial magistrates, members of the Contentious-Administrative Tribunal and the Tribunal of Accounts, directors of the Autonomous Entities and the Decentralized Services, persons in active military service regardless of rank, and police officials of whatever category, must abstain, under penalty of dismissal and withdrawal of elegibility to hold any other public office for from two to ten years, from membership in political committees or clubs, from signing party proclamations and, in general, from any other public or private act of a political character, with the exception of voting. The participation of directors of the Autonomous Entities and the Decentralized Services in party organizations engaged in the specific task of the study of government, legislation, and administration, is not regarded as included in these prohibitions.

The Electoral Court shall be competent to take cognizance of and impose penalties for the above-mentioned electoral offenses. The accusation should be made before the Electoral Court through the intermediary to the national party authorities.

Without prejudice to the above provisions, the facts shall in all cases be referred to the ordinary courts for such additional action as they may deem appropriate.

(5) The neutral members of the Electoral Court to whom paragraph 1 of article 324 refers, may not belong to political committees or clubs, nor hold directive positions in party organizations, nor take part in any way in political election propaganda;

(6) All electoral boards which may be designated to intervene in questions of suffrage must be elected with the guarantees provided in this article.

(7) Any new law concerning the Civil Register or elections, as well as any amendment or interpretation of the existing laws, shall require a two-thirds vote of the full membership of each Chamber. This special majority shall apply only to the guarantees of suffrage and election, composition, functions, and procedure of the Electoral Court and electoral boards. For action in matters of expenditures, budgets, and internal regulations, a simple majority will be sufficient.

(8) By a two-thirds vote of the full membership of each Chamber, the law may extend the prohibitions contained in paragraphs (4) and (5) to include other officials.

(9) The election of members of both Chambers of the Legislative Power, of the National Council of Government, of the Departmental Boards and Councils, and of any organ for which the law may provide that its members are to be elected by the people, shall take place on the last Sunday in November every four years.

The lists of candidates for these positions shall be included jointly on a single ballot, under one party label (*lema*), without prejudice to the provisions of article 79.

Art. 78. Foreign men and women of good conduct, having a family in the Republic, who possess some capital or property within the country or are engaged in some profession, craft, or industry and have habitually resided at least fifteen years in the Republic have the right to vote without the necessity of previously obtaining legal citizenship.

Proof of residence must be based on a public or private document of proven date, and if the evidence is satisfactory to the authority competent to pass upon it, the foreigner will be entitled to exercise the right to vote from the time he is inscribed in the Civil Register, as authorized by a certificate issued by the same authority for this purpose.

Chapter III

Art. 79. Only permanent parties may 'accumulate' votes for any elec-

tive office, without prejudice to compliance in all cases, for the election of Representatives, with the terms of the first part of article 88.

The accumulation of votes is authorized, however, for factions which belonged to the same party and which subsequently acquired or used a new party label, and may be done under the label of any one of them or by each retaining its own label jointly or separately in the lists of candidates for National Councillor, Senator, Representative, members of the Departmental Councils and Boards and the electoral organizations. In the event that the political factions to which this clause refers decide to make use of the right of accumulation to which they are entitled, they shall give notice thereof, through their national officers, to the Electoral Court or the departmental electoral organizations, as the case may be, at least thirty days in advance of the election, and in addition must state on the respective ballots the accumulative character of the lists included in the agreement.

Persons connected with factions which belonged to the same party and which subsequently acquired or used a new party label may be included without distinction in the lists of candidates of such factions for members of both Chambers of the Legislative Power, of the National Council of Government, of the Departmental Councils and Boards, and of any organ for which the laws provide that the members shall be chosen by the people through the elective process.

Chapter IV

Art. 80. Citizenship is suspended:

(1) By physical or mental ineptitude which prevents free and reflective action;

(2) By having the status of a soldier of the line, whether classified as a musician, bugler, trumpeter, drummer, marksman or any other rank below that of corporal, with the exception of cadets of the military academies;

(3) By being under indictment on a criminal charge which may result in a penitentiary sentence;

(4) By being under eighteen years of age;

(5) By being under sentence which imposes the penalty of exile, prison, penitentiary, or loss of political rights during the term of the sentence;

(6) By habitually engaging in morally dishonest activities which shall be specified by law in accordance with subsection 7 of article 77;

(7) By being a member of social or political organizations which advocate the destruction of the fundamental bases of the Nation by violence. Those mentioned in Sections I and II of this Constitution are considered to be such for the purposes of this provision;

(8) By a continuing lack of good conduct as required by article 75.

The last two grounds shall apply only with respect to legal citizens.

Exercise of the right granted by article 78 is suspended on the grounds listed above.

Chapter V

Art. 81. Nationality is not lost even by naturalization in another country, it being sufficient for the purpose of regaining the rights of cit-

izenship merely to take up residence in the Republic and register in the Civil Register.

Legal citizenship is lost by any other form of subsequent naturalization.

SECTION IV

THE FORM OF GOVERNMENT AND ITS VARIOUS POWERS

Chapter I

Art. 82. The Nation adopts the democratic-republican form of government.

Its sovereignty shall be exercised directly by the voters (*cuerpo electoral*) through election, initiative, and referendum, and indirectly by the representative powers which this Constitution establishes; all in conformity with the rules herein set forth.

SECTION V

THE LEGISLATIVE POWER

Chapter I

Art. 83. The Legislative Power shall be exercised by the General Assembly.

Art. 84. The latter shall be composed of two Chambers: one of Representatives and the other of Senators, which shall function jointly or separately according to the various provisions of this Constitution.

Art. 85. The General Assembly is competent:

1) To enact and order publication of the Codes;

2) To establish Tribunals and regulate the administration of justice and of contentious-administrative matters;

3) To enact laws relating to the independence, security, tranquility, and decorum of the Republic; the protection of all individual rights and the fostering of education, agriculture, industry, and domestic and foreign trade;

4) To impose the necessary taxes to meet budgetary expenditures, provide for their distribution, collection and appropriation, and to repeal, modify, or increase those in existence;

5) To approve or disapprove, in whole or in part, the accounts presented by the Executive Power;

6) To authorize, on the initiative of the Executive Power, the National Public Debt, to consolidate it, to provide for its guaranties, and to regulate the public credit, an absolute majority of the full membership of each Chamber being necessary in the three first-mentioned cases;

7) To declare war and to approve or disapprove, by an absolute majority of the full membership of both Chambers, the treaties of peace, alliance, commerce, and conventions or contracts of any nature which the Executive Power may make with foreign powers;

8) To designate each year the armed force that may be necessary. Military effectives may be increased only by an absolute majority of the votes of the full membership of each Chamber;

9) To create new Departments by a vote of two-thirds majority of the full membership of each Chamber; to establish their boundaries; to establish ports of entry: to establish custom houses and export and import duties, applying, with respect to the latter, the provisions of article 87;

10) To establish the weight, standard and value of monies; to fix the rates and denominations thereof; and to provide a system of weights and measures.

11) To permit or prohibit the entry of foreign troops into the territory of the Republic, and in the former case, to fix the time when they must depart. Excepted from the above are forces which may enter for the sole purpose of doing honor and whose entry shall be authorized by the Executive Power;

12) To refuse or permit the expedition of national forces outside the Republic, in the latter case fixing the time for their return to the country.

13) To create or abolish public offices, determining their functions, compensation and retirement regulations, and to approve, disapprove, or decrease the budgets of expenditures presented by the Executive Power; to grant pensions and other classes of pecuniary compensation and to decree public honors as a reward for distinguished services;

14) To grant pardons by a two-thirds vote of the full membership of the General Assembly in joint session, and to grant amnesties in extraordinary cases, by an absolute majority vote of the full membership of each Chamber;

15) To issue regulations concerning the militia and to fix their number and designate the times they shall be called to service;

16) To select the place where the principal authorities of the Nation must reside;

17) To grant monopolies by a two-thirds vote of the full membership of each Chamber. To establish a monopoly in favor of the State or of a Departmental Government requires an absolute majority of the votes of the full membership of each Chamber;

18) To elect, in joint session of both Chambers, the members of the Supreme Court of Justice, of the Electoral Court, of the Contentious-Administrative Tribunal, and of the Tribunal of Accounts, subject to the provisions of the respective sections;

19) To pass political judgment on the conduct of the Ministers of State, in accordance with the provisions of Section VIII;

20) To interpret the Constitution, without prejudice to the power of the Supreme Court of Justice under articles 256 to 261.

Art. 86. The creation and abolishment of public offices and services; the fixing and changing of salaries, and the authorization of expenditures, shall be effected through the budgetary laws, subject to the provisions of Section XIII.

Any other law which involves expenses to be borne by the National Treasury must indicate the revenues from which they shall be paid; but the initiative in the creation of offices, increases in salaries and retirement pay, the granting or increasing of pensions or pecuniary compensation, shall be vested solely in the Executive Power.

Art. 87. An affirmative vote of the absolute majority of the full membership of each Chamber shall be necessary to authorize taxes.

Chapter II

Art. 88. The Chamber of Representatives shall consist of ninety-nine members elected directly by the people, under a system of proportional representation which takes into account the votes cast in favor of each party throughout the country.

Each Department shall have at least two Representatives.

The number of Representatives may be changed by law, the enactment of which shall require a two-thirds vote of the full membership of each Chamber.

Art. 89. Representatives shall hold office for four years and their election shall be effected under the guaranties and rules of suffrage provided in Section III.

Art. 90. To be a Representative it is necessary to be a natural citizen in full exercise of civil rights, or a legal citizen who has exercised his civil rights for five years, and in both cases, to have attained twenty-five years of age.

Art. 91. The following may not be Representatives:

(1) Members of the Executive Power, the Judicial Power, the Electoral Court, the Contentious-Administrative Tribunal, the Tribunal of Accounts the Departmental Boards and Councils, or of salaried Councils or Boards of Directors of the Autonomous Entities and the Decentralized Services;

(2) Military employees or civil employees of the Executive, Legislative or Judicial Powers, the Electoral Court, Contentious-Administrative Tribunal, Tribunal of Accounts, the Departmental Governments, the Autonomous Entities and the Decentralized Services, if they receive a salary, but excepting retired or pensioned employees. This provision does not apply to university teaching positions or university technicians with teaching functions, but if the elected Representative chooses to continue in such position, it must be honorary during his term in office. Military persons who resign their posts and salary in order to serve in the Legislature shall retain their rank but for the duration of their legislative functions they may not be promoted; they shall be exempt from all military discipline and the time during which they hold their legislative position shall not be counted for purposes of seniority for promotion.

Art. 92. The National Councillors, judges and prosecuting attorneys (*fiscales letrados*) and police officials in the Departments in which they hold office, and military officers in the districts in which they command forces or actively exercise any military function, may not be candidates for Representative unless they resign and terminate their positions three months prior to the election. Likewise, members of the boards of directors or councils of the Autonomous Entities and Decentralized Services may not be candidates unless they have acted in accordance with the provisions of article 203.

Art. 93. The Chamber of Representatives has the exclusive right of impeachment, before the Senate Chamber, of the National Councillors and Ministers of State, the members of both Chambers, of the Supreme Court of Justice, the Contentious-Administrative Tribunal, and the Electoral Court, for violation of the Constitution or the laws, or other serious

offenses, after taking cognizance of the matter upon petition of a party or by one of its members, and having decided that there are grounds for prosecution.

Chapter III

Art. 94. The Senate shall be composed of thirty-one members, elected by the people, considering the Republic as a single electoral district, in accordance with the guaranties and rules concerning suffrage contained in Section III and stated in subsequent articles.

The Presidency of the Senate and of the General Assembly shall be occupied by the person heading the list which received the most votes within the party receiving the most votes. In the event of a permanent vacancy, the Presidency will be held by the next person on the same list.

Art. 95. The Senators shall be elected by the system of integral proportional representation.

Art. 96. The distribution of the Senate seats obtained by different factions (*sub-lemas*) of the same party shall also be based on the number of votes cast in favor of the respective lists.

Art. 97. Senators shall have a term of office of four years.

Art. 98. To be a Senator it is necessary to be a natural citizen in full exercise of civil rights, or a legal citizen who has exercised these rights for seven years, and in both cases to have attained thirty years of age.

Art. 99. The disqualifications to which article 91 refers are applicable to Senators, with such exceptions as are stated therein.

Art. 100. Judges and prosecuting attorneys, police officials, and military officers in command of forces or engaged in some military activity may not be candidates for Senator, unless they resign and terminate their position three months prior to the election.

Art. 101. A citizen who has been elected both as a Senator and as a Representative may choose between the two offices.

Art. 102. The Senate is competent to initiate the public trial of those impeached by the Chamber of Representatives or a Departmental Board, as the case may be, and to pronounce sentence, by a two-thirds vote of its full membership, and such sentence shall have the sole effect of removal from office.

Art. 103. An impeached person whom the Senate has removed from office in accordance with the preceding article shall nevertheless be subject to trial according to law.

Section VI

Sessions of the General Assembly. Provisions Common to Both Chambers. The Permanent Commission

Chapter I

Art. 104. The General Assembly shall begin its sessions on the fifteenth of March of each year, meeting until the fifteenth of December, or only until October fifteenth, in the event that there are elections, and the new

Assembly must in that event begin its sessions on the fifteenth of the following February.

The General Assembly shall meet on the dates indicated, without the necessity of special convocation by the Executive Power.

Only for grave and urgent reasons may the General Assembly, or either of its Chambers, or the Executive Power, terminate the recess, and then exclusively for the purpose of dealing with the questions which have given rise to the convocation.

Chapter II

Art. 105. Each Chamber shall be governed internally by such regulations as it may issue, and when they meet jointly in General Assembly, by such rules as the General Assembly may make.

Art. 106. Each Chamber shall appoint its president and vice Presidents, with the exception of the president of the Senate, whose appointment is governed by the provisions of article 94.

Art. 107. Each Chamber shall appoint its secretaries and personnel, in conformity with regulations which must be established in accordance with the guaranties provided in articles 58 to 66, wherever appropriate.

Art. 108. Within the first twelve months of each legislative term, each Chamber shall adopt its budget of salaries and expenses, by an absolute majority of its full membership, and shall notify the Executive Power, in order that he may include them in the general budget.

Such changes as are deemed strictly necessary may be made during the legislative term.

Art. 109. Neither Chamber may open its sessions unless more than half of its members are present, and if such is not the case on the day designated by the Constitution, the minority may meet for the purpose of compelling absent members to attend under penalties which they may prescribe.

Art. 110. The Chambers shall communicate in writing between themselves and with the other public Powers through their respective presidents and with the authorization of a secretary.

Art. 111. The granting of special pensions shall be decided by secret vote and require approval by an absolute majority of the full membership of each Chamber.

The regulations of each Chamber may provide for a secret vote in cases of pardons and appointments.

Chapter III

Art. 112. Senators and Representatives shall never be held liable for the votes they cast or opinions expressed during the discharge of their duties.

Art. 113. No Senator or Representative, from the day of his election until that of his retirement, may be arrested except in case of *flagrante delicto* and then notice shall immediately be given to the respective Chamber, with a summary report of the case.

Art. 114. No Senator or Representative, from the day of his election

until that of his retirement, may be indicted on a criminal charge, or even for common offenses which are not specified in article 93, except before his own Chamber, which, by two-thirds of the votes of its full membership, shall decide whether or not there are grounds for prosecution, and if so, shall declare him suspended from office, and he shall be placed at the disposition of a competent tribunal.

Art. 115. Each Chamber may reprimand any of its members for disorderly conduct in the discharge of his duties, and may even suspend him by a two-thirds vote of its full membership.

By the same number of votes it may remove a member for physical or mental incapacity which developed after he took office.

A simple majority of those present shall be sufficient to accept voluntary resignations.

Art. 116. Vacancies which may occur for any reason during each legislature, shall be filled by the alternates designated at the time of the elections, in the manner to be provided by law, and without a new election.

The law may also authorize the substitution of alternates in cases of temporary disability or absence of the principals.

Art. 117. Senators and Representatives shall be compensated for their services by a monthly salary which they shall receive during their term of office and which shall be fixed by a two-thirds vote of the full membership of the General Assembly in joint session in the last period of each legislature, to affect the members of the following legislature. This compensation shall be paid with absolute independence from the Executive Power.

Chapter IV

Art. 118. Any legislator may ask the Ministers of State, the Supreme Court of Justice, the Electoral Court, the Contentious-Administrative Tribunal, and the Tribunal of Accounts, for such data and information as he may consider necessary for the discharge of his duties. The request shall be made in writing and through the intermediary of the president of the respective Chamber, who will transmit it immediately to the appropriate agency. If the latter does not supply the information within the period to be fixed by law, the legislator may request it through the Chamber to which he belongs, which will make final decision in the case.

Matters pertaining to the jurisdictional business and competence of the Judicial Power and of the Contentious-Administrative Tribunal may not be the object of such a request.

Art. 119. Each Chamber has the right, by a resolution of one-third of its full membership, to require the presence on its floor of the Ministers of State in order to question them and receive from them information which it considers appropriate, whether for legislative purposes or for purposes of inspection or investigation, without prejudice to the provisions of Section VIII.

When such information refers to Autonomous Entities or Decentralized Services, the Ministers may require the simultaneous attendance of a representative of the corresponding council or board of directors.

Art. 120. Each Chamber may appoint parliamentary committees for making investigations or for obtaining data for legislative purposes.

Art. 121. In the cases contemplated in the three preceding articles, either Chamber may make statements, without prejudice to the provisions of Section VIII.

Chapter V

Art. 122. Senators and Representatives, after they have taken their seats in their respective Chambers, may not hold salaried positions under the State, the Departmental Governments, the Autonomous Entities, the Decentralized Services, or any other public agency, or perform remunerative services of any kind for them, without the consent of the Chamber to which they belong, and in all such cases their seats shall be considered vacated by the act of accepting such a position or rendering such service.

Whenever Senators and Representatives are called to serve temporarily as National Councillors, or to be Ministers or Under-Secretaries of State, their legislative functions are suspended, and during such suspension, their corresponding alternates shall replace them.

Art. 123. The legislative function is likewise incompatible with the holding of any other elective public office, regardless of its nature.

Art. 124. Senators and Representatives, during their term of office, are likewise prohibited from:

(1) Participating as directors, administrators, or employees of enterprises under contract for works or services with the State, the Departmental Governments, Autonomous Entities, Decentralized Services or any other public agency;

(2) Carrying on or directing matters in behalf of third parties before the central administration, Departmental Governments, Autonomous Entities or the Decentralized Services.

Non-observance of the provisions of this article will entail immediate loss of the legislative office.

Art. 125. The prohibition provided in the first paragraph of article 122 shall apply to Senators and Representatives until one year after the end of their term of office, except by the express authorization of the respective Chamber.

Art. 126. The law, by an absolute majority of votes of the full membership of each Chamber may enact regulations on the prohibitions set forth in the preceding two articles or may establish others or extend them to include persons in other agencies.

Chapter VI

Art. 127. There shall be a Permanent Commission composed of four Senators and seven Representatives elected by the proportional system and designated by their respective Chambers. The President shall be a Senator of the majority.

The designation is to be made annually within fifteen days after the organization of the General Assembly or after the beginning of each period of regular sessions of the legislature.

Art. 128. At the same time that this election is held, an alternate is to be elected for each of the eleven members, who shall replace the member in case of his illness, death, or other impediment.

Art. 129. The Permanent Commission shall be the guardian of the observance of the Constitution and the laws, and shall make the necessary representations to the Executive Power in this respect, under responsibility to the existing or following General Assembly, as the case may be.

Art. 130. In the event the aforementioned representations, if made for the second time do not produce any effect, the Commission may, according to the importance and gravity of the matter in question, convoke the General Assembly on its own responsibility.

Art. 131. It shall exercise its functions while the General Assembly is in recess and until its ordinary sessions are resumed.

Nevertheless, if the recess is interrupted, and during extraordinary sessions, the General Assembly or either Chamber may, when they so decide, assume jurisdiction in matters within their competence which are under consideration by the Permanent Commission, upon notice to the latter body.

If the powers of the Senators and Representatives have lapsed by reason of the expiration of their constitutional terms, and the newly elected Senators and Representatives have not been proclaimed, the Permanent Commission shall continue to exercise the functions conferred upon it by this Chapter, until the new Chambers are organized.

In such case, when each Chamber is organized it shall proceed with the designation of new members of the Permanent Commission.

Art. 132. The Permanent Commission shall likewise be competent to give or withhold its consent in all cases in which the Executive Power requires it in accordance with the present Constitution, and it shall have the authority conferred on the Chambers in articles 118 et seq., without prejudice to the provisions of paragraph 13 of article 168.

Section VII

Introduction, discussion, passage and promulgation of the laws

Chapter I

Art. 133. Any bill may originate in either of the two Chambers on the proposal of any of its members or by the Executive Power through the intermediary of its Ministers, without prejudice to the provisions of paragraph 6 of article 85 and article 86.

Chapter II

Art. 134. If the Chamber in which a bill originated approves it, it shall be transmitted to the other in order that, after discussion therein, it may be approved, amended, amplified, or rejected.

Art. 135. If either of the two Chambers to which a bill has been sent returns it with additions or objections and the Chamber which sent it agrees to them, it shall give notice to that effect and the bill shall be sent

to the Executive Power; but if the latter Chamber is not in accord and insists on maintaining the bill in the form in which it was originally submitted, it may in that case request a joint session of both Chambers and, according to the result of the discussion, there shall be adopted whatever may be decided by a two-thirds vote, which may modify the divergent bills or even approve a new one.

Art. 136. If the Chamber to which a bill has been sent has no objection to offer, it shall approve it and by merely notifying the Chamber which submitted it, shall submit it to the Executive Power in order that it may be published.

Bills which have not passed both Chambers in the same legislature shall be considered as having originated in the Chamber which last passed them.

Art. 137. If, upon receipt of a bill, the Executive Power has objections or observations to make, the bill shall be returned with them to the General Assembly within the prescribed period of ten days.

Art. 138. Whenever a bill shall have been returned by the Executive Power with objections or observations, the General Assembly shall be convoked and the matter shall be decided by a three-fifths vote of the members present.

Art. 139. If the objections of the Executive Power refer to a part of the bill, the Assembly, by an absolute majority of the members present, maypass the bill modifying it in accordance with the objections.

Art. 140. If the Chambers in joint session disapprove the bill returned by the Executive Power it shall be considered null and void for the time being and may not again be presented until the following legislature.

Art. 141. In all cases of the reconsideration of a bill returned by the Executive, the voting shall be by name and by 'ayes' and 'nayes', and both the names and reasons of those voting, as well as the objections or observations of the Executive Power, shall be immediately published in the press.

Art. 142. Whenever a bill passed by one Chamber shall be rejected by the other at the beginning, it shall be considered as null and void for the time being and may not again be introduced until the following period of the legislature.

Chapter III

Art. 143. If the Executive Power has no objection to offer to a bill which has been submitted to it, it shall immediately give notice to that effect, the bill being thereby approved, and promulgated without delay.

Art. 144. If the Executive does not return a bill within the ten days provided in article 137, it shall become law and shall be complied with as such, the Chamber which sent it having the right to demand such action if this is not done.

Art. 145. When a bill returned by the Executive Power with objections or observations has been considered by the Chambers in joint session and has again been approved, it shall be considered as finally passed and

shall be communicated to the Executive Power, which shall promulgate it immediately without further objections.

Chapter IV

Art. 146. When a law has been passed, the following formula shall invariably be used for its promulgation:

"The Senate and the Chamber of Representatives of the Oriental Republic of Uruguay, met in General Assembly, decree:"

Section VIII

RELATIONS BETWEEN THE LEGISLATIVE POWER AND THE EXECUTIVE POWER

Chapter I

Art. 147. Either of the Chambers may pass judgment on the conduct of Ministers of State by proposing that the General Assembly, in joint session shall declare that their acts of administration or of government are censured.

Whenever motions to this effect are presented, the Chamber in which they are made shall be specially convoked, within a period of not over forty-eight hours, to decide upon its course of action.

If the motion is approved by a majority of those present, notice shall be given to the General Assembly, which shall be called within forty-eight hours.

If upon the first convocation of the General Assembly there are not a sufficient number of members present to hold a meeting, a second convocation shall be made and the General Assembly shall be considered organized with the number of legislators who attend.

Art. 148. The censure, adopted by an absolute majority of the full membership of the General Assembly, shall require the immediate resignation of the Minister or Ministers affected by it.

Section IX

THE EXECUTIVE POWER

Chapter I

Art. 149. The Executive Power shall be exercised by the National council of Government.

Art. 150. The National Council of Government shall consist of nine members elected directly by the people, together with a double number of alternates, for a period of four years, with the guaranties and in accordance with the rules of suffrage set forth in Section III, the Republic to be considered as a single electoral district. In the election of the National Councillors, votes may be accumulated by parties but accumulation by factions (*sub-lemas*) is prohibited.

Art. 151. The party receiving the most votes shall have six Councillors and three shall go to the one with the next highest number of votes.

The six posts of the majority shall be allotted to the list having the most

votes within a party. But if within the party of the majority, another list differentiated by its own permanent label (*sub-lema*) distinct from the list which received the majority and the use of which is independent of the administrative authority of the majority party, or of one of the parties to which article 79 refers, receives more than one-sixth of the votes cast for the party, five posts shall be allotted to the list having the highest number of votes and one to the party with the next highest number and which fulfills the conditions set forth herein.

The three posts corresponding to the minority shall be distributed proportionally among all lists running under one party label or the parties to which the second paragraph of article 79 refers.

The law, by a two-thirds vote of the full membership of each Chamber, may provide a system of proportional representation for the majority posts among the party or parties referred to in the second paragraph of article 79. The use of this system shall be optional for the authorities of the respective party or parties.

Art. 152. To be a National Councillor a person must be:

(1) A natural citizen in the exercise of his civil rights;
(2) At least thirty-five years of age.

Art. 153. The National Councillors may not be reelected except after an interval of one term between termination of office and the date they may again assume such position.

Alternates are considered included in this prohibition if they have held office as a replacement for their principal for more than one year, continuously or at intervals.

Art. 154. On the first of March following their election, the National Councillors shall take office, after first making the following declaration before the General Assembly in joint session:

"I (N.N.) promise on my honor loyally to fulfill the office which has been entrusted to me, and to guard and defend the Constitution of the Republic."

Art. 155. If on the date when the National Council of Government is to take office the new National Councillors have as yet not been proclaimed, the Supreme Court of Justice shall temporarily assume this office and its functions.

Art. 156. The National Council of Government shall represent the State both at home and abroad.

Art. 157. The remuneration of the National Councillors shall be fixed by law, prior to each election, and may not be changed during a term of office.

Chapter II

Art. 158. The Presidency of the National Council of Government shall be by rotation, by yearly periods, among the members elected by the party which obtained a majority and by order of their place on the respective list.

In the event of the absence, vacancy or temporary impediment or leave of the Councillor serving as President, he shall be replaced by the

member who followed him on the said list, who shall also occupy the Presidency for the year corresponding to him by virtue of the above provision.

In the case provided for in the last paragraph of article 151, the Presidency shall be occupied by the members from the majority list in order of their position thereon, beginning with the one who received the most votes.

Art. 159. The National Council of Government shall meet regularly on the days and hours it may determine, and extraordinarily at any time by decision of the President or two of its members.

Art. 160. The Council shall be in session if at least five members are present. The President of the Council has the right to speak and to vote.

Art. 161. All decisions of the Council may be revoked by a vote of the majority of its members.

Art. 162. A discussion in the Council may be terminated at any time by majority vote. The motion to this effect shall not be discussed.

Art. 163. Councillors shall not be entitled to leave with salary for more than six months, nor for more than one year without salary, and non-attendance without leave at twenty meetings within a period of two years, regardless of reason, shall terminate the office.

Art. 164. If a Councillor is granted leave for more than fifteen days, or if for any reason a permanent or temporary vacancy occurs, the corresponding alternate shall be called to serve.

Art. 165. The internal affairs of the Council shall be governed by such regulations as it may issue.

Art. 166. Every Council shall appoint a Secretary, who shall go out of office with it, unless reappointed, and he may be removed or temporarily replaced at any time.

Chapter III

Art. 167. The President shall represent the National Council of Government. He shall preside over its meetings and sign the resolutions and communications of the Council together with the Minister or Ministers whom the matter concerns and with the Secretary of the Council, and with the latter only with respect to internal matters, and without such signatures no one is compelled to obey them. However, the Council may provide that certain decisions shall take effect by a general act issued in accordance with the same requirements as the preceding.

The National Councillors may not individually give orders of any kind.

Chapter IV

Art. 168. The National Council of Government, acting with the respective Minister or Ministers, has the following duties:

1) The preservation of internal order and tranquility and external security;

2) The supreme command of all armed forces;

3) To grant retirement and regulate the pensions of civilian and military employees, in accordance with the laws;

4) To publish and circulate without delay all laws which, in accordance with Section VII, are ready to be published and circulated; to enforce them and see that they are enforced, and to issue such special regulations as may be necessary for their execution;

5) To inform the Legislative Power, at the beginning of regular sessions, of the state of the Republic and of the improvements and reforms which it considers worthy of its attention;

6) To set forth objections or make observations concerning bills which the Legislative Power sends it, and to suspend or oppose their promulgation in the manner provided in Section VII;

7) To propose bills to the Chambers or amendments to laws previously enacted;

8) To convoke the Legislative Power to extraordinary sessions, specifying the matters which give rise to the convocation, in accordance with the provisions of article 104;

9) To confer civilian and military offices in accordance with the Constitution and the laws;

10) To remove employees for inefficiency, dereliction of duty or malfeasance, with the consent of the Senate in all cases, or during its recess, with that of the Permanent Commission; in cases of malfeasance, the matter shall be submitted to the courts. Diplomatic and consular officers may likewise be dismissed with the previous consent of the Senate for the commission of acts which affect their good name or the prestige of the country and of the office they hold. If the Senate or Permanent Commission does not take definite action within ninety days, the Executive Power may proceed with the dismissal without the consent requested;

11) To grant military promotions in accordance with the laws, the consent of the Senate, or during its recess, of the Permanent Commission, being required for promotions to colonel or higher ranks;

12) To appoint consular and diplomatic personnel, the consent of the Senate or during its recess, of the Permanent Commission, being necessary for the appointment of Chiefs of Mission;

13) To appoint the Court Prosecutor (*Fiscal de Corte*) and other prosecuting attorneys (*fiscales letrados*) in the Republic, with the consent of the Senate or of the Permanent Commission, as the case may be, by a three-fifths vote of the full membership.

Such consent shall not be necessary for appointment of the State Attorney (*Procurador del Estado*) for the Contentious-Administrative Tribunal or for the prosecutors in the Ministries of Government and Treasury;

14) To remove on its own initiative military and police employees and others which the law declares removable;

15) To receive diplomatic agents and authorize foreign consuls to exercise their functions;

16) To decree the severance of relations, and in accordance with a prior resolution of the General Assembly, to declare war, provided that arbitration or other pacific means to avoid it have been unsuccessful;

17) To take prompt measures of security in grave and unforeseen cases of foreign attack or internal disorder, giving an account within twenty-

four hours to a joint session of the General Assembly, or during its recess, to the Permanent Commission, of the action taken and its motives, the decision of the latter bodies being final.

With respect to persons, the prompt measures of security authorize only their arrest or removal from one place in the territory of the country to another provided they do not elect to leave it. This measure, like the others, must be submitted within twenty-four hours to a joint session of the General Assembly or to the Permanent Commission, which will make the final decision;

18) To collect the revenues through its agencies in conformity with the laws and to appropriate them in accordance therewith;

19) To prepare and submit the general budget annually to the General Assembly, in accordance with the provisions of Section XIII, and to render an itemized account of the expenditures made during the preceding year;

20) To conclude and sign treaties, the approval of the Legislative Power being necessary for their ratification;

21) To grant industrial privileges in accordance with the laws;

22) To grant or withhold authorization to create any proposed banks.

23) To lend, at the request of the Judicial Power, the assistance of the police force.

Art. 169. It may not permit the payment of salary for other reasons than active service, superannuation, retirement or pension, in accordance with the laws.

Chapter V

Art. 170. The National Councillors may not leave the territory of the Republic for more than seven days, without the authorization of the General Assembly.

Art. 171. The National Councillors shall enjoy the same immunities and shall be subject to the same disqualifications and prohibitions as Senators and Representatives.

Art. 172. The National Councillors may not be impeached except in the manner indicated in article 93, and even then, only while they hold office or within six months thereafter, during which time they are subject to residence requirements, unless authorization to leave the country is granted by an absolute majority of the votes of the full membership of the General Assembly meeting in joint session.

If the impeachment is approved by a two-thirds vote of the total membership of the Chamber of Representatives, a National Councillor shall be suspended from office.

Chapter VI

Art. 173. In each Department of the Republic there shall be a Chief of Police who shall be appointed for the respective period by the National Council of Government, from among citizens who meet the qualifications for being Senator.

The National Council of Government may remove or dismiss them whenever this is deemed appropriate.

Section X

THE MINISTERS OF STATE

Chapter I

Art. 174. There shall be nine Ministries, each of which shall have its own name and such powers and authority in its separate functions as may be specified by law passed by an absolute majority of the full membership of each Chamber.

The Ministers shall be appointed and removed by resolution of the National Council of Government, without prejudice to the provisions of Section VIII.

Their number may also be modified by law, requiring in each case a favorable vote of two-thirds of the full membership of each Chamber.

Art. 175. A Minister or Ministers shall be responsible for such decrees or orders as they may sign or issue with the President of the National Council of Government. This responsibility shall become effective in accordance with the provisions of articles 93, 102, and 103.

Art. 176. The same qualifications shall be required for a Minister as for a Senator.

Art. 177. Upon the opening of each legislative period, the Ministers shall submit a concise report to the General Assembly, on all matters concerning their respective Ministries.

Art. 178. Upon termination of their office, Ministers remain subject to six months' residence, and may not leave the territory of the Republic except by authorization granted by an absolute majority of votes of the full membership of the General Assembly meeting in joint session.

Art. 179. Ministers shall not be exempt from responsibility for crime even if they invoke the written or verbal order of the National Council of Government.

Art. 180. Ministers may attend the sessions of the General Assembly, of either Chamber, of the Permanent Commission, or of their respective standing committees, and may take part in debate but shall have no vote.

The Under-Secretaries of State have the same right with respect to attendance at committee meetings, whenever the respective Ministers so direct. Likewise, by resolution of the latter, they may attend in a body the sessions of the General Assembly, either Chamber, or the Permanent Commission. In both cases, the Under-Secretaries shall act under the responsibility of the Ministers.

Art. 181. The powers and duties of the Ministers, in their respective portfolios and in accordance with the laws and regulations of the Executive Power, are as follows:

1) To enforce the Constitution, laws, decrees, and resolutions;

2) To formulate and submit to the consideration of superior authority, such projects of laws, decrees and resolutions as they may deem appropriate;

3) To effect, within the limits of their functions the payment of recognized debts of the State;

4) To grant leaves of absence to the employees of their departments;

5) To propose the appointment or discharge of employees of their divisions;

6) To supervise administrative functions and adopt the necessary measures for their proper conduct, and to impose disciplinary penalties;

7) To sign and communicate the resolutions of the Executive Power.

Art. 182. The functions of the Ministers and Under-Secretaries shall be regulated by the Executive Power.

Chapter II

Art. 183. Each Ministry shall have an Under-Secretary who shall be proposed by and take office with the Minister, and whose services will terminate with the latter, unless reappointed.

Art. 184. In the event of absence of the Ministers, the National Council of Government may authorize the Under-Secretaries to assume their functions.

Section XI

THE AUTONOMOUS ENTITIES AND DECENTRALIZED SERVICES

Chapter I

Art. 185. The various state-controlled industrial and commercial services shall be administered by autonomous councils or boards of directors.

Art. 186. The services of Posts and Telegraph, Customs and Ports Administrations, and Public Health may not be decentralized in the form of Autonomous Entities, although the law may grant them a degree of autonomy compatible with control by the Executive Power.

Art. 187. The councils or boards of directors, if composed of salaried members, shall consist of five or seven members, as the law may establish in each case, who shall be designated at a meeting of the National Council of Government, three by a plurality of votes of the majority and two by a plurality of votes of the minority, in the first case, and four and three, respectively, in the second case. These designations shall be made known to the Senate which, within the fifteen days following, may make objections concerning the personal, functional, or technical qualifications of the appointees to these posts. If the objections are supported by three-fifths of the membership of the Senate, the designations objected to shall be void, and new appointments must be made in the manner described above. Likewise, the National Council of Government, at the request of the majority or minority who made a designation which was objected to, may void such designation within fifteen days after receiving the corresponding communication from the Senate, even if the objection was sustained by less than a three-fifths vote of the Senate membership, and shall propose a new designation in the manner previously indicated.

Art. 188. For the purposes of the provisions of the preceding article, majority and minority mean the National Councillors elected by the parties that obtained such representation on the National Council of Government.

Art. 189. Permanent vacancies on the boards of directors or councils of the Autonomous Entities and Decentralized Services shall be filled when necessary, by the same procedure as outlined in article 187.

The law, by a two-thirds vote of the full membership of each Chamber, shall regulate the filling of temporary vacancies.

Art. 190. The same rules as outlined in the preceding articles shall apply, in so far as they are appropriate and without the requirement contained in the second paragraph of article 187, for the designation of honorary directors, councils or commissions for permanent agencies.

Excepted from this provision are those agencies that are merely advisory, those that function without assets of their own, those that administer funds for welfare, insurance or compensation composed mainly of contribution from employers and workers, with the exception of retirement funds; and all those for which the law, by a two-thirds vote of the full membership of each Chamber, may adopt some other form of membership in accordance with the nature or technical peculiarities of the functions to be performed.

Art. 191. The law, by a three-fifths vote of the full membership of each Chamber, may declare the members of the councils or boards of directors to be elective and shall specify in each case the persons of groups with an interest in the service who may participate in such election.

In such case, if the council or board of directors consists of five members, the law may also, by the same majority, increase the number of members to seven.

Art. 192. In order that the law may admit private capital in the constitution or extension of the assets of the Autonomous Entities or Decentralized Services as well as to regulate the participation that may be granted to shareholders in such cases in the councils and boards of directors, a three-fifths vote of the full membership of each Chamber shall be required.

The amount of private capital and the representation thereof on the councils or boards of directors shall never be greater than that of the State.

Art. 193. The creation of new Autonomous Entities, the dissolution of those existing, or an increase in the number of directors, shall require a two-thirds vote of the full membership of each Chamber.

Art. 194. The Autonomous Entities and Decentralized Services may not conduct any business foreign to that specifically assigned to them by law, nor may they devote any of their resources to purposes foreign to their normal activities.

The law shall determine the conditions and circumstances under which they may acquire, encumber, or sell real property, for which purpose a favorable vote of four or five directors or council members shall be required, according to whether the respective board or council is composed of five or seven members.

Art. 195. The Autonomous Entities, Decentralized Services, and in general all autonomous administrative agencies with their own assets, regardless of their juridical nature, shall publish periodic statements which shall clearly show their financial condition. The law shall specify

the content and yearly number thereof and each shall be countersigned by the Tribunal of Accounts.

Art. 196. The members of the councils or boards of directors shall terminate their positions when the National Council of Government replacing the one which appointed them makes the designations for a new period. They may be reelected or designated for some other board or council, provided their conduct has not been subject to objection by the Tribunal of Accounts by a vote of at least five of its members.

Art. 197. The outgoing councils or boards of directors must submit an accounting of their work to the Executive Power, after report by the Tribunal of Accounts, without prejudice to liabilities incurred, in accordance with the provisions of Section XII.

Art. 198. The final decisions of the boards or councils of the Autonomous Entities may only be appealed or reviewed before the Contentious-Administrative Tribunal or the Judicial Power, as provided in this Constitution or the laws, without prejudice to the provisions of subsequent articles.

Art. 199. Whenever the Executive Power shall consider any act of the councils or boards to be inappropriate or illegal, it may make such objections as are deemed pertinent. Should these be disregarded, the Executive Power may place them before the Senate and may also propose corrective measures or request such removals as it may deem appropriate. The Senate shall act by a three-fifths vote of its full membership.

The law shall regulate the authority of the Executive power in matters to which this article refers.

Art. 200. The provisions of the preceding article shall not affect authority of the Executive Power to remove directors or members of councils, with the approval of the Senate, in cases of inefficiency, neglect, or malfeasance in the exercise of their functions; or for the commission of acts which affect their reputation or the prestige of the institution with which they are connected.

If the Senate does not act within a period of ninety days, the Executive Power may effect the removal.

Art. 201. Amendment to the organic charter of the State banks requires an absolute majority of the votes of the full membership of each Chamber.

Art. 202. The members of councils or boards of the Autonomous Entities and Decentralized Services may not be appointed to posts, not even to honorary posts, which directly or indirectly are connected with the institution to which they belong. This provision does not include council members or directors of educational services, who may be reelected as teachers or professors and appointed to the post of dean or honorary teaching positions.

This inhibition shall be effective for a period of one year following the termination of the functions on which it is based, whatever may be the reason for such termination, and shall include any other post, professional or otherwise, even though not permanent in character nor with fixed remuneration.

Nor may members of councils or boards of the Autonomous Entities or Decentralized Services simultaneously practice professions or perform activities which directly or indirectly bear relation to the institution with which they are connected.

The provisions of the two preceding paragraphs are not applicable to teachers.

Art. 203. In order to become candidates for Representative, directors of the Autonomous Entities and the Decentralized Services must terminate their position at least ten months prior to the date of the election.

In such cases, the mere presentation of a resignation based on these grounds shall effect an immediate termination of office.

Electoral organizations shall not certify lists which include candidates who have not complied with this requirement.

Chapter II

Art. 204. Higher, secondary, primary, normal, industrial and artistic public education shall be governed by one or more autonomous councils of directors (*consejos directivos*).

Other State teaching services shall also be entrusted to autonomous councils of directors if the law so provides by a two-thirds vote of the full membership of each Chamber.

The Public Education Entities shall be consulted, by the parliamentary committees, for advisory purposes, in the drafting of laws relating to their services. Each Chamber may fix a time for such consultations.

Art. 205. The councils of directors for teaching services shall be appointed or elected in such manner as may be provided by law by an absolute majority of votes of the full membership of each Chamber.

The Council of Directors of the University of the Republic shall be appointed by the organs of which it is composed, and the councils of these organs shall be elected by teachers, students, and alumni, in accordance with provisions of a law to be passed by the majority indicated in the preceding paragraph.

Art. 206. The councils of directors shall have such powers and duties as may be determined by a law approved by an absolute majority of the full membership of each Chamber.

These councils shall establish statutes for their officials in conformity with the bases provided in articles 58 and 61 and such fundamental rules as the law may provide, taking into consideration the special features of the Entity.

Art. 207. Articles 193, 194, 195, 196, 197, 198, 200, 202 and 203 shall be applicable, wherever pertinent, to the various educational services.

Section XII

THE TRIBUNAL OF ACCOUNTS

Chapter I

Art. 208. The Tribunal of Accounts shall be composed of seven members who must meet the same qualifications as those required of a Senator.

They shall be appointed by the General Assembly by a two-thirds vote of its full membership.

The prohibitions contained in articles 122, 123, 124, and 125 shall apply in this respect.

The terms of members shall end when the General Assembly which replaces the one that appointed them makes appointments for the new period.

They may be re-elected, and for each member there shall be three alternates for cases of vacancy, temporary disability or leave of absence.

Art. 209. The members of the Tribunal of Accounts are responsible to the General Assembly, in joint session, for the faithful and accurate fulfillment of their functions. The General Assembly may remove them in case of inefficiency, neglect, or malfeasance, by a two-thirds vote of its full membership.

Art. 210. The Tribunal of Accounts shall have functional autonomy, which shall be regulated by a law to be drafted by the Tribunal itself. The law may also give it other functions not specified in this Section.

Art. 211. It shall be the province of the Tribunal of Accounts:

(a) To deliver opinions and furnish information on budget matters;

(b) To supervise expenditures and payments, in accordance with the rules and regulations to be established by law, for the sole purpose of certifying as to their legality, appending whenever necessary any pertinent objections. Should the respective auditor persist, he shall communicate the matter to the Tribunal, without prejudice to compliance with the order.

Should the Tribunal of Accounts in turn maintain its objections, it shall communicate detailed information to the General Assembly, or to whoever may be acting in its stead, for appropriate action.

In the Departmental Governments, Autonomous Entities and Decentralized Services, the duties to which this paragraph refers may be performed under like conditions through the intermediary of the respective accountants or officials acting in their stead, who shall perform such duties under the supervision of the Tribunal of Accounts, subject to the provisions of law, which may extend this rule to other public services administering funds;

(c) To deliver opinions and furnish information with respect to the submission of accounts and activities of all the organs of the State, including Departmental Governments, Autonomous Entities and Decentralized Services, regardless of their nature, as well as, in so far as appropriate action in cases of responsibility is concerned, setting forth the pertinent consideration and objections;

(d) To present to the General Assembly an annual report relative to the rendering of accounts required under the preceding paragraph;

(e) To intervene in all matters relating to the financial activities of the organs of the State, the Departmental Governments, Autonomous Entities and Decentralized Services, and to report to the appropriate authority all irregularities in the management of public funds or infractions of budgetary and accounting laws;

(f) To issue ordinances on accounting which shall be binding on all organs of the State, Departmental Governments, Autonomous Entities and Decentralized Services, regardless of their nature;

(g) To draft its budget, which it shall submit to the Executive Power to be included in the general budget. The Executive Power, with such modifications as it may see fit to make, shall transmit it to the Legislative Power for final action.

Art. 212. The Tribunal of Accounts shall exercise supervision in all matters within its competence and subject to the provisions of its organic law, over all offices of accounts, collections and payments of the State, Departmental Governments, Autonomous Entities and Decentralized Services, regardless of their nature, and it may propose, to appropriate officials, such changes as it may consider advisable.

Art. 213. The Tribunal of Accounts shall present to the Executive Power the draft of a law on accounting and financial administration, and the Executive Power shall submit it to the Legislative Power with such suggestions as it may deem appropriate. Such draft shall include regulatory provisions covering financial and economic administration, and particularly the organization of the accounting and collection services; the requisites, for purposes of supervision, for the acquisiton and alienation of property and the making of contracts affecting the public wealth and for making effective preventive supervision of receipts, expenditures and payments; and the responsibilities and guaranties which shall be exacted from officials who have to do with the handling of the patrimony of the State.

Section XIII

THE PUBLIC WEALTH

Chapter I

Art. 214. The Executive Power and the Departmental Councils shall prepare the budgets for salaries, expenditures and revenues for their term of government and shall submit them to the Legislative Power and Departmental Boards, respectively, within the first twelve months of their term of office. The budget of expenditures, including the global items for payment of wages and contracted services, may be submitted jointly or separately from the budget for salaries.

Art. 215. The Executive Power and the Departmental Councils shall submit to the Legislative Power and the Departmental Boards, respectively, within six months after the close of each fiscal year, which shall coincide with the calendar year, a statement of accounts and of the budgetary balance corresponding to that year. Jointly therewith they may propose such changes as are deemed necessary in the budgets for salaries, expenditures and revenues.

Art. 216. A special section in the budgets may be established by law which shall comprise the ordinary permanent expenditures of the administration, for which a periodic revision is not necessary.

Items shall not be included in the budgets when they cover a period longer than the term of office of the Government or which do not refer exclusively to its interpretation or execution.

Art. 217. All budgetary drafts shall be transmitted to the appropriate official for consideration and approval, including a comparison with the current budgets.

Art. 218. The Legislative Power and the Departmental Boards may not create positions on their own initiative, nor increase allotments for

salaries and expenses in the draft budgets submitted by the Executive Power or the Departmental Councils.

Chapter II

Art. 219. Each Chamber must consider the draft budgets within three months after they are submitted.

At the expiration of this period, the Chamber shall be convoked in extraordinary and permanent session for their approval or rejection.

Fifteen days after meeting, if the Chamber has not acted, the draft budgets shall be considered rejected.

Art. 220. If a draft approved by one Chamber is amended by the other, the Chamber that originally approved it must act on the amendments within thirty days after they are received. If such period has expired or the amendments are rejected, the draft shall go to the General Assembly, which shall have thirty days for its consideration.

If this period expires without action by the General Assembly, it shall be convoked in extraordinary and permanent session, and if it then fails to act within ten days the draft shall be considerd rejected.

Chapter III

Art. 221. The Judicial Power, the Contentious-Administrative Tribunal, the Electoral Court, the Tribunal of Accounts, the Autonomous Entities and Decentralized Services, with the exception of those included in the article following, shall draft their respective budgets and present them to the Executive Power, which shall include them in the draft general budget. The Executive Power may modify the original drafts and shall submit them, with the modifications, to the Legislative Power.

Art. 222. The budgets of the industrial or commercial Entities of the State shall be drafted by each of these and submitted for approval to the Executive Power, after report by the Tribunal of Accounts. The Executive Power may object to the budgets and in this case, as well as in those in which objections are made by the Tribunal of Accounts, shall return them to the respective agency.

If the Entity accepts the objections of the Executive Power and the report of the Tribunal of Accounts, it shall return the papers in the case to the Executive Power for approval of the budget.

In the absence of the acceptance mentioned in the foregoing paragraph, the budgetary drafts shall be sent to the General Assembly, together with the papers in the case. The General Assembly, in joint session of both Chambers, shall render decisions concerning discrepancies and global items, subject to the provisions of article 218. If the General Assembly fails to act within a period of forty days, the budget shall be considered as approved with inclusion of the objections made by the Executive Power.

The report of the Tribunal of Accounts requires the affirmative vote of a majority of its members and shall be communicated to the Entity concerned within the period prescribed by law.

The approved budgets shall be incorporated in the general budget, for purposes of information.

After reports by the respective agencies and the Tribunal of Accounts, as well as the opinion of the Executive Power, the law shall fix the percentages which an agency may reserve for salaries and expenses of management and administration.

Chapter IV

Art. 223. The Departmental Boards shall consider the draft budgets prepared by the Departmental Councils within six months after they are submitted.

Art. 224. The Departmental Boards may modify the draft budgets only to increase revenues or decrease expenditures and may not give approval to any draft which indicates a deficit, and they may not create positions on their own initiative.

Prior to approval of the budget, the Board shall request reports from the Tribunal of Accounts, which shall act within twenty days, and may offer objections only as to errors in the calculation of revenues, the omission of budgetary obligations, or the violation of applicable constitutional or legal provisions.

If the Board accepts the objections of the Tribunal of Accounts, or does not dispute them, the budget is definitively approved.

In any case the Board may not make other changes subsequent to the report submitted by the Tribunal of Accounts.

If the Departmental Board does not accept the objections offered by the Tribunal of Accounts, the budget and statement of facts of the case shall be submitted to the General Assembly which, meeting in joint session, shall pass on the discrepancies within a period of forty days, and if no decision is reached, the budget shall be considered approved.

Art. 225. Upon expiration of the period provided in article 223, if the Departmental Board has not taken final action, the draft budget shall be considered to be rejected.

Art. 226. Budgets of the Departmental Governments which are declared to be in effect shall be communicated to the Executive Power for inclusion in the general budget, as information, and to the Tribunal of Accounts with the facts concerning its objections if there were any.

Chapter V

Art. 227. Supervision of the execution of the budgets and the exercise of control in all matters relating to the public wealth shall be vested in the Tribunal of Accounts.

Art. 228. As long as a draft budget has not been approved, the previous budget shall continue to be in effect.

Art. 229. The Executive Power, the Autonomous Entities, the Decentralized Services and the Departmental Councils may not propose the creation of new offices, increases in salaries or in debits or items for wages or contracted services within twelve months prior to the date of the regular elections.

Art. 230. The Legislative Power and the Departmental Boards may

not approve budgets, create offices, make increases in salaries and other debits or approve increases in items for wages and contracted services within twelve months prior to the date of the regular elections, with the exception of the allotments referred to in articles 117 and 157.

Section XIV

THE COUNCIL OF NATIONAL ECONOMY

Chapter I

Art. 231. The law may create a Council of National Economy, advisory and honorary in character, composed of representatives of the economic and professional interests of the country. The law shall prescribe its form of organization and its functions.

Art. 232. The Council of National Economy shall communicate with the Public Powers in writing but it may have its opinions supported before legislative committees by one or more of its members.

Section XV

THE JUDICIAL POWER

Chapter I

Art. 233. The Judicial Power shall be vested in the Supreme Court of Justice and in the tribunals and courts as prescribed by law.

Chapter II

Art. 234. The Supreme Court of Justice shall be composed of five members.

Art. 235. The following qualifications are required in order to be a member of the Supreme Court of Justice:

(1) Forty years of age or over;
(2) Native citizenship in exercise of the rights thereof, or legal citizenship with ten years exercise thereof and twenty-five years of residence in the country;
(3) To have been a lawyer for ten years, or as such to have been a member of the judiciary or the Public Ministry for a period of eight years.

Art. 236. The members of the Supreme Court of Justice shall be appointed by the General Assembly by a two-thirds vote of its full membership.

In cases of vacancy as long as they are not filled, and of challenge, excuse, or disability in fulfilling the judicial function, the Supreme Court shall be constituted in the manner prescribed by law.

Art. 237. The members of the Supreme Court of Justice shall serve for ten years, without prejudice to the provisions of article 250, and they may not be reelected until after a lapse of five years following the previous term.

Art. 238. Their compensation shall be fixed by the Legislative Power.

Chapter III

Art. 239. The Supreme Court of Justice shall:

1) Try all violators of the Constitution, without exception; offenses against the Law of Nations and cases in admiralty; questions relating to treaties, pacts and conventions with other States; and take cognizance of cases involving diplomatic representatives in such cases as are contemplated in International Law.

In the aforementioned matters and in all others in which the Supreme Court has original jurisdiction, it shall be the province of the law to decide on the procedure to be followed, which in any case shall be public and shall require final judgments, with opinions and express references to the law that is applied;

2) Exercise directive, corrective, advisory, and economic supervision over the tribunals, courts and other dependencies of the Judicial Power;

3) Prepare the draft budgets of the Judicial Power and transmit them in due course to the Executive Power for inclusion in the draft of the general budget, together with such modifications as may be deemed appropriate;

4) With the approval of the Senate, or during its recess with that of the Permanent Commission, appoint the citizens who shall compose the Appeals Tribunals, such appointments to be contingent upon the following:

A) A favorable vote of three of its members, for candidates who belong to the judiciary or to the Public Ministry;

B) A favorable vote of four, for candidates not having the qualifications of the foregoing paragraph;

5) Appoint the lawyer judges (*jueces letrados*) of all grades and classes, an absolute majority of all members of the Supreme Court being required in each case.

These appointments shall be permanent in character from the moment they are made whenever the candidates concerned are citizens who have served at least two years in the judiciary, the Public Ministry, or as a justice of peace, in positions which must be filled by lawyers.

If such officials had less seniority in their respective posts, they shall be considered as interim lawyer judges for a period of two years, counting from the date of their appointment, and citizens newly taken into the magistracy shall have a like classification for the same period.

During such interim period the Supreme Court may at any time remove the interim judge by absolute majority of all its members. At the end of the period the appointment shall be considered confirmed in full right;

6) Appoint the permanent official defenders and justices of peace by absolute majority of all members of the Supreme Court of Justice;

7) Appoint, promote, or remove, by a vote of four of its members, the employees of the Judicial Power, in accordance with the provisions of articles 58 to 66, wherever pertinent;

8) Perform such other duties as the law may prescribe.

Art. 240. In the exercise of its functions, it shall address itself directly to the other Powers of the State, and its President shall be empowered to attend the parliamentary committees, with a voice in discussions but no vote

when they deal with matters of interest to the administration of justice, and may promote therein the progress of bills for judicial reforms and amendments to the Codes of Procedure.

Chapter IV

Art. 241. There shall be established such Appellate Tribunals as the law may determine, and with such powers as the law may confer upon them. Each of such Tribunals shall consist of three members.

Art. 242. To be a member of an Appellate Tribunal requires the following qualifications:

(1) Thirty-five years of age or more;
(2) Native citizenship in full exercise of such rights, or legal citizenship exercised for at least seven years;
(3) To have been a lawyer for at least eight years or to have been engaged in such capacity in the judiciary or Public Ministry for six years.

Art. 243. The members of the Appellate Tribunals shall remain in office during good conduct, up to the limit imposed by article 250.

Chapter V

Art. 244. The law shall fix the number of lawyer courts (*juzgados letrados*) in the Republic, consistent with the exigencies of a most prompt and efficient administration of justice, and shall indicate the location of the seat of each of these, its powers, and the manner of exercising them.

Art. 245. To be a lawyer judge (*juez letrado*) the following requirements must be met:

(1) Twenty-eight years of age or more;
(2) Native citizenship in full exercise thereof, or legal citizenship for four years or more;
(3) To have been a lawyer for at least four years or to have been engaged in such capacity in the Public Ministry or as a Justice of Peace for at least two years.

Art. 246. Lawyer judges who render effective service shall remain in office during good conduct, up to the limit imposed by article 250. Notwithstanding, and for reasons of the good of the service, the Supreme Court may transfer them at any time, from their office or place or from both, provided such transfer is decided upon after hearing the Court prosecutor, and subject to the following conditions:

(1) Vote of approval of three members of the Supreme Court in favor of the transfer, if the new office does not imply a reduction in grade or remuneration or both, as compared with the former;
(2) Vote of approval of four of its members in favor of the transfer if the new office does imply a reduction in grade or remuneration, or both, as compared with the former.

Chapter VI

Art. 247. To be a Justice of Peace the following requirements are prescribed:

(1) Twenty-five years of age or more;
(2) Native citizenship in full exercise thereof, or legal citizenship for two years.

To the qualifications stated there should be added the requirement that candidates for Justice of Peace in the Department of Montevideo must be lawyers, and either lawyer or notary public in the capitals and cities of the other Departments or in any other town of the Republic where the judicial activity so demands, in the opinion of the Supreme Court.

Art. 248. There shall be as many Peace Courts in the Republic as there are judicial districts into which the territory of the Departments is divided.

Art. 249. Justices of Peace shall hold office for four years and may be removed at any time, if the best interests of the public service so demand.

Chapter VII

Art. 250. The services of all members of the Judicial Power shall cease upon their attaining the age of seventy years.

Art. 251. Positions under the judiciary shall be incompatible with any other salaried public office, with the exception of professorships in law in higher public education, and with any other permanent honorary function except those particularly connected with the judiciary.

To occupy any such position the prior authorization of the Supreme Court of Justice shall be required, by an absolute majority of all its members.

Art. 252. Magistrates and all persons attached to internal offices and sections of the Supreme Court, tribunals and courts shall be prohibited, under penalty of immediate dismissal, from conducting, defending, or handling judicial cases, or from acting, except as required by their official duties, in any way in connection therewith, even by voluntary jurisdiction. The violation shall be officially declared as soon as it becomes known. This prohibition shall be without effect solely with respect to personal matters of the official or of his wife, children and parents.

With reference to the personnel of offices or sections, these may also be subject to such exceptions as may be established by law.

The law may also lay down individual prohibitions with respect to officials or employees of staffs not covered by the first paragraph of this article.

Chapter VIII

Art. 253. Military jurisdiction shall be limited to military offenses and to a state of war.

Common offenses committed by the military in time of peace, regardless of the place in which they are committed, shall be subject to the ordinary courts.

Art. 254. The administration of justice shall be gratis for those who are declared paupers according to law. In suits in which such a declaration has been made in favor of the plaintiff, the defendant shall enjoy a like privilege up to the time of final judgment, which shall confirm his right thereto if such judgment declares the plaintiff guilty of bringing suit without sufficient cause.

Art. 255. No suit in a civil cause may be brought without first showing

that settlement has been attempted before a Justice of the Peace, save for those exceptions established by law.

Chapter IX

Art. 256. Laws may be declared unconstitutional by reason of form or content, in accordance with the provisions of the succeeding articles.

Art. 257. The Supreme Court of Justice has original and exclusive jursidiction in the hearing and decision of such matters; and must render its decision in accordance with the requirement for final decisions.

Art. 258. The declaration of the unconstitutionality of a law and the inapplicability of the provisions affected thereby, may be requested by any person who considers that his direct, personal, and legitimate interest is injured:

(1) By means of lawsuit, which must be filed before the Supreme Court of Justice;

(2) By plea of exception, which may be made in any judicial proceeding.

A judge or court which hears any judicial proceeding, or the Contentious-Administrative Tribunal, as the case may be, may also request the declaration of unconstitutionality of a law and its inapplicability, before rendering a decision.

In this case and in that provided in subparagraph 2 above, the proceedings shall be suspended and the case referred to the Supreme Court of Justice.

Art. 259. The decision of the Supreme Court of Justice shall refer exclusively to the concrete case and shall have effect solely on the proceedings for which it was rendered.

Art. 260. Decrees of the Departmental Governments which have the force of law within their jurisdictions may also be declared unconstitutional, subject to the provisions of the preceding articles.

Art. 261. The law shall prescribe the pertinent procedure.

Section XVI

THE GOVERNMENT AND ADMINISTRATION OF THE DEPARTMENTS

Chapter I

Art. 262. The government and administration of the Departments, with the exception of public security services, shall be exercised by a Departmental Board (*Junta Departamental*) and a Departmental Council (*Concejo Departamental*), which shall function in the capital city of each Department and shall take office on the fifteenth of February following an election.

Art. 263. The Departmental Boards shall be composed of sixty-five members in the Department of Montevideo and thirty-one members in the remaining Departments.

Art. 264. To be a member of a Departmental Board a person must meet these requirements: be twenty-three years of age or over; have native or legal citizenship exercised for three years: be a native of the Department or a resident thereof for at least three years preceding.

Art. 265. Members of the Departmental Boards shall hold office for four years. Three times as many alternates as the number of members shall be elected at the same time.

Art. 266. The Departmental Councils shall consist of seven members in the Department of Montevideo and five in the other Departments.

Art. 267. To be a member of a Departmental Council requires the same qualifications as for Representative and in addition being a native of the Department or a resident thereof for at least three years preceding.

Art. 268. Councillors shall hold office for four years and may be re-elected once only. Three times as many alternates as the number of councillors shall be elected at the same time, and they may be called to serve in case of vacancy, temporary disability or leave of absence of a member.

Art. 269. The law, by a two-thirds vote of the full membership of each Chamber, may change the number of members on Departmental Boards and Councils.

Chapter II

Art. 270. The Departmental Boards and Councils shall be elected directly by the people, under the guaranties and in accordance with the rules of suffrage prescribed in Section III.

Art. 271. In the election of members of the Departmental Councils votes may be accumulated by parties but accumulation by factions is prohibited.

The party or group of parties receiving the highest number of votes, as referred to in article 79 shall be given four members in the Department of Montevideo and three in the other Departments; and three or two members, respectively, shall be given to the party or group of parties with the next highest vote. In the Department of Montevideo the number of members corresponding to each party or group of parties shall be allotted to the list having the highest number of votes within each. In the other Departments, the members corresponding to each party or group of parties shall be distributed among all lists therein in proportion to the number of votes for each such list.

The law, by a two-thirds vote of the full membership of each Chamber, may raise to nine the number of members of the Departmental Council of Montevideo, and if this is done, provide for the same method of allotment of posts as for the National Council of Government, described in article 151, relative to distribution among parties and among the lists which have participated under each party.

The law may also, by a two-thirds vote of each Chamber, raise to nine the number of members of the Departmental Council of Montevideo with the six members of the majority and three for the minority to be distributed proportionally among the lists of each party.

Art. 272. The positions of members of the Departmental Boards shall be distributed among the various parties in proportion to the number of votes of each, without prejudice to the provisions of the succeeding paragraphs.

If the party or group of parties to which article 79 refers, which obtained the majority on the Departmental Council, may have obtained only a plurality, this party or group of parties shall be allotted a majority of the members, of the Departmental Board, distributed proportionally among all its lists.

The other posts shall be distributed by the system of integral proportional representation among those parties which did not obtain representation under the previous allotment.

The law, by a two-thirds vote of the full membership of each Chamber, may eliminate the exceptions established in the two preceding paragraphs.

Chapter III

Art. 273. The Departmental Board shall exercise the legislative and supervisory functions of the Departmental Government.

Its jurisdiction shall extend throughout the territory of the Department.

In addition to whatever the law may prescribe, the Departmental Board shall have these powers:

(1) To issue, at the instance of the Departmental Council or on its own initiative, such decrees and resolutions as it may deem necessary;

(2) To approve the budgets submitted to its consideration by the Departmental Council, in accordance with the provisions of Section XIII;

(3) To create or fix the amount, at the instance of the Departmental Council, of taxes, excises, rates and charges. The creation of taxes and excises shall require an absolute majority of its members, except for the imposition of taxes provided for under numeral one of article 297, which shall require a two-thirds vote of its full membership;

(4) To requisition the intervention of the Tribunal of Accounts for advice concerning questions relating to departmental finances or administration. Such requisition must always be made if requested by one-third of the members of the Board;

(5) To remove from office, at the instance of the Council and by a majority vote of all members, the members of non-elective Local Councils;

(6) To adopt, within the first twelve months of its term of office, its budgets for salaries and expenditures, by an absolute majority of the votes of all its members, and transmit them to the Departmental Council for inclusion in its general budget.

In the course of its term of office, such modifications may be made as are deemed strictly necessary;

(7) To appoint the employees of its staff, and discipline, suspend or remove them in cases of inefficiency, neglect, or malfeasance, in the latter case referring the matter to the courts;

(8) To grant concessions for local or departmental public services, at the instance of the Council, and by an absolute majority of the votes of its full membership;

(9) To create new Local Councils, at the instance of the Departmental Council;

(10) To consider requests for authorization or concurrence submitted by the Council;

(11) To petition the Legislative Power directly for amendments or additions to the Organic Law on Departmental Governments.

Chapter IV

Art. 274. The Departmental Council exercises the executive functions of the Departmental Government.

In addition to whatever the law may prescribe, its powers are as follows:

(1) To comply with and enforce the Constitution and the laws;

(2) To promulgate and publish the decrees sanctioned by the Departmental Board, issuing such regulations and resolutions as may be deemed appropriate for the administration thereof;

(3) To prepare the budgets for expenditures and salaries and submit them to the approval of the Departmental Board, in accordance with the provisions of Section XIII;

(4) To propose taxes, excises, rates and charges for approval by the Departmental Board;

(5) To appoint the employees of its staff and discipline, or suspend them. To remove them in case of inefficiency, neglect or malfeasance, on the authorization of the Departmental Board, which must take action within forty days. If it fails to act, the removal shall be considered as effected. In case of malfeasance the matter shall also be referred to the courts;

(6) To present drafts of decrees and resolutions to the Departmental Board and offer objections to those which the Board approves, within ten days from the date of notification of passage;

(7) To give notice of property to be expropriated for reasons of public necessity or utility, with the approval of the Departmental Board;

(8) To appoint the members of the Local Councils, with the approval of the Departmental Board;

(9) To oversee public health and primary, secondary, preparatory industrial and artistic education and propose to competent authorities suitable measures for their improvement.

Chapter V

Art. 275. The presiding officer of a Departmental Council shall be the member highest on the list receiving the most votes under the party with the highest number of votes. In case of temporary or permanent vacancy the presiding officer shall be one of the members elected on the same list, in order of their position thereon, or if none is present, one of the alternates for the president.

Art. 276. The Council shall meet if at least a majority of its members are present. The president of the Council has a voice in discussions and a vote.

Art. 277. All resolutions of the Council may be revoked by a vote of the majority of its members.

Art. 278. Debate in the Council may be terminated at any time by a majority vote. The motion offered to this effect shall not be debated.

Art. 279. The Council shall be governed internally by such regulations as it may adopt.

Art. 280. The president shall represent the Council and preside over its sessions; he shall sign the resolutions and communications of the Council together with the Secretary or other official designated by the Council. The secretary shall be appointed by each Council and his functions shall terminate with it, unless he is reappointed, and he may be removed or temporarily replaced at any time.

Chapter VI

Art. 281. Decrees adopted by the Departmental Board, to be effective, must first be promulgated by the Departmental Council.

The latter may object to those deemed unsuitable, but the Board may sustain its position by a three-fifths vote of its full membership, and in such case the decree will take effect immediately.

If the Departmental Council does not return a decree within ten days after receipt, it shall be considered promulgated and is to be enforced as such.

Objections may not be made to budgets which have gone to the General Assembly by the procedure provided in article 224.

Art. 282. Councillors may attend meetings of the Departmental Board and its committees and may take part in discussions but cannot vote.

Art. 283. The Departmental Councils or Boards may bring suit before the Supreme Court of Justice for any alleged injury to the autonomy of the Department, in the manner that the law may prescribe.

Art. 284. Any member of a Departmental Board may request from the Council any information or data deemed necessary to fulfill his functions. The request must be made in writing through the intermediary of the president of the Board, who shall immediately transmit it to the Council.

If the Council does not furnish the information within a period of twenty days, the member of the Departmental Board may request it through the intermediary of the Board itself.

Art. 285. The Board is empowered, by a resolution adopted by one-third of all its members, to cause the Departmental Council to appear before it in order that it may request and receive such information as it may deem suitable, for either legislative or supervisory purposes. The Council, in this event, shall be represented by the Councillor or Councillors it may designate, who may be accompanied by any officials of its staff considered necessary acting under the responsibility of the Councilors selected.

Art. 286. The Departmental Board may appoint investigating committees to obtain such data as is considered necessary in carrying out its functions, and the Council and offices subordinate to it are required to furnish the data requested.

Chapter VII

Art. 287. In any community beyond the city limits of the capital of a Department there may be a Local Council whose members shall be appointed, in so far as possible, on the basis of the proportional representation of parties on the Departmental Board. There shall be five members who shall have the same qualifications as are required for members of the Departmental Board and they must be residents of the locality; members of the Departmental Council or Board may not be members. Its president shall represent the Local Council and execute its resolutions.

Art. 288. The law shall prescribe the conditions for the creation of the Local Councils and their powers, and by an absolute majority of votes of the full membership of each Chamber and at the initiative of the respective Departmental Government may broaden their scope of action in communities which though not the capital of a Department have over ten thousand inhabitants or are of special national interest for the develop-

ment of tourist travel. The law may also, by meeting the same requirements, provide that the members of these autonomous Local Boards shall be elected by the people.

Chapter VIII

Art. 289. The office of Councillor is incompatible with any other public office or employment with the exception of teaching, or with any other personal situation in which a salary or remuneration is received for services to an enterprise under contract with the Departmental Government. Councillors may not make contracts with the Departmental Government.

Art. 290. Employees of a Departmental Government or persons receiving a salary or remuneration for services to private enterprises under contract with a Departmental Government may not be members of Departmental Boards or of Local Councils.

Likewise, those officials mentioned in paragraph four of article 77 may not be members of these bodies.

Art. 291. Councillors, and members of the Departmental Boards or the Local Councils, during their term of office, are likewise prohibited from:

(1) Acting as directors or administrators of enterprises which contract for works or supplies for a Departmental Government or for any other public agency related thereto;

(2) Handling or conducting business for themselves or for third parties with the Departmental Government.

Art. 292. Violation of the provisions of the preceding articles shall result in immediate dismissal from office.

Art. 293. The position of member of a Departmental Board is incompatible with that of Councillor, but this provision shall not apply to members of Departmental Boards who are called upon to hold the position of Councillor temporarily. In this event, their functions as members of the Departmental Board will be suspended and the position occupied, during the suspension, by their alternates.

Art. 294. The offices of Councillor and members of Departmental Boards are incompatible with the exercise of any other elective public office, regardless of its nature.

Chapter IX

Art. 295. The positions of members of the Departmental Boards and of the Local Councils shall be honorary.

Councillors shall receive such remuneration as may be fixed by the Departmental Board prior to their election. The amount may not be changed during their term of office.

Art. 296. Councillors and members of a Departmental Board may be impeached by the Senate by a vote of one-third of the members of the Departmental Board, on the grounds provided in article 98.

The Senate may separate them from office by a two-thirds vote of its full membership.

Chapter X

Art. 297. The sources of revenues of the Departmental Governments, decreed and administered by them, shall be the following:

(1) Taxes on real property located within their jurisdiction, excluding improvements on rural real property, and with the exception of national supplementary taxes in existence or subsequently imposed;

(2) The tax on idle lands (baldíos) and on inappropriate building construction in urban and suburban districts of cities, towns, villages, and populated centers;

(3) Taxes levied for the benefit of the Departmental Governments and those that may be imposed by law in the future for the same purpose on sources not enumerated in this article;

(4) Special levies for improvements to real estate benefited by departmental public works;

(5) Excises, fees and charges for the utilization, supply, or benefits obtained from services supplied by the Departmental Government, and special taxes on enterprises holding exclusively departmental concessions;

(6) Taxes on public entertainment with the exception of those established by law for special purposes until they are repealed, and taxes on transport vehicles;

(7) Taxes on advertisements and announcements of all kinds. Excepted therefrom are press and radio advertising as well as political, religious, trade union, cultural and sports advertising and any others that the law may exempt by an absolute majority of the full membership of each Chamber;

(8) Profits obtained from games of chance already authorized or subsequently authorized by law, in such form and under the conditions established therein;

(9) Taxes on horse racing and other competitive sports in which mutuel betting is used, with the exception of those exempted by law until it is repealed;

(10) Proceeds from fines:

(a) as established by the Departmental Government, until repealed or that may be established under its powers;

(b) as established by laws in effect, for the benefit of the Departmental Governments;

(c) that may be established by new laws, for the benefit of the Departmental Governments;

(11) Income from property owned by the Departmental Government and the proceeds from sales thereof;

(12) Gifts, inheritances and legacies made to it and accepted.

Art. 298. The law, by a two-thirds vote of the full membership of each Chamber, may extend the scope of Departmental taxation or broaden the sources that may be taxed, provided that double taxation will not result.

Art. 299. The decrees of the Departmental Governments creating or changing taxes shall not be enforced until ten days after publication in the *Diario Oficial* and they shall be published in a special section of the Register of Laws and Decrees (*Registro Nacional de Leyes y Decretos*).

They must also be published in at least two newspapers in the Department.

Art. 300. The National Council of Government, within fifteen days following their publication in the *Diario Oficial*, may appeal to the General Assembly against decrees of the Departmental Governments which create

or change taxes, on grounds of the public interest. Such appeal is suspensive in effect.

If no action is taken on the appeal in the General Assembly in joint session, within sixty days after receipt, the appeal is considered void.

Within fifteen days after an appeal has been submitted to the General Assembly, it may request, once only, any necessary supplementary information, and the sixty-day period is interrupted until this is received.

A recess of the General Assembly interrupts any of the periods mentioned in the foregoing.

Art. 301. The Departmental Governments may not issue certificates of municipal public debt except with the consent of the Council, approved by the Board, and based on a report by the Tribunal of Accounts, and with the approval of the Legislative Power by an absolute majority of the votes of the full membership of both Chambers.

Contracts for borrowing money shall require the initiative of the Council and approval by an absolute majority of votes of the members of the Departmental Board, following a report by the Tribunal of Accounts. If the period of the loan is to exceed the term of office of the Council which proposes it, the loan must be approved by a two-thirds vote of the full membership of the Departmental Board.

Art. 302. Any surplus must be applied in full to special amortizations of departmental obligations. If there are no obligations, it shall be used for the execution of public works or for remunerative investments through the adoption of a resolution by the Departmental Board, proposed by the Council and following a report by the Tribunal of Accounts.

Chapter XI

Art. 303. Decrees of the Departmental Board and resolutions of the Departmental Council which are contrary to the Constitution or the laws, not susceptible of being taken before the Contentious-Administrative Tribunal, shall be appealable to the General Assembly within fifteen days after their promulgation, by one-third of the members of a Departmental Board or by one thousand citizens registered in the Department. In the latter case, and when the decree appealed is for the purpose of increasing departmental revenues, the appeal shall not have suspensive effect.

If within sixty days following receipt of the facts by the General Assembly, the appeal is not acted upon by a joint session, the appeal shall be considered as not having been taken.

The General Assembly, within fifteen days after it has been notified of the appeal, may request, once only, any desired supplementary information, and the period for action is interrupted until this has been received.

A recess of the General Assembly interrupts the periods fixed in the foregoing.

Chapter XII

Art. 304. The law, by an absolute majority of votes of the full membership of each Chamber, may introduce the referendum as a recourse against decrees of the Departmental Boards.

Likewise, by an absolute majority of the votes of the full membership of each Chamber, the law may introduce and regulate the right of popular initiative in affairs of the Departmental Government.

Art. 305. Fifteen percent of the registered residents of a locality or district specified by law shall have the right of initiative before the organs of the Departmental Government in matters affecting that jurisdiction.

Art. 306. The police force shall lend its cooperation to the Departmental Boards and Councils and to the Local Councils, whenever this is required for the fulfillment of their functions.

Section XVII

THE CONTENTIOUS-ADMINISTRATIVE TRIBUNAL

Chapter I

Art. 307. There shall be a Contentious-Administrative Tribunal (*Tribunal de lo Contencioso-Administrativo*) which shall be composed of five members.

In cases of vacancy and as long as these are not filled, and in the event of challenge, excuse, or disability to fulfill the jurisdictional function, the places shall be filled in such manner as may be prescribed by law.

Art. 308. The qualifications necessary for members of this Tribunal, the manner of their appointment, the prohibitions and incompatibilities, their remuneration and term of office shall be those established for members of the Supreme Court of Justice.

Chapter II

Art. 309. The Contentious-Administrative Tribunal shall hear pleas for the nullification of definitive administrative acts performed by the government in the exercise of its functions which are contrary to a rule of law or which are a distortion of authority.

The Tribunal shall also have jurisdiction over definitive administrative acts of the Departmental Governments, the Autonomous Entities, and the Decentralized Services.

Action for nullification may be taken only by one who has a right or a direct, personal and legitimate interest which is violated or injured by the administrative act.

Art. 310. The Tribunal shall limit itself to appraising the act in itself, confirming or annulling it, without alteration.

In issuing a decision all members of the Tribunal must concur, but a simple majority is sufficient to declare the annulment of an act contested on grounds of injury to a subjective right.

In other cases, annulment of an act shall require four favorable votes. However, the Tribunal shall reserve to the complaining party the right to sue for redress if three favorable votes declare the grounds for annulment sufficiently justified.

Art. 311. Whenever the Contentious-Administrative Tribunal declares the annulment of an administrative act contested on grounds of injury to

a subjective right of the plaintiff, the decision shall have effect solely in the case acted upon.

If the decision declares the annulment of an act with respect to a rule of law or of good administration, it shall have general and absolute effect.

Art. 312. When annulment has been declared or the right of action for redress reserved, as the case may be, the claim for redress must be entered in the ordinary courts to determine the damages incurred. The law, by a three-fifths vote of the full membership of each Chamber, may broaden the jurisdiction of the Tribunal by giving it the right to hear claims for redress.

Art. 313. The Tribunal shall, in addition, act upon conflicts of jurisdiction based upon legislation and upon the differences that may arise between the Executive Power, the Departmental Governments, the Autonomous Entities and the Decentralized Services, and likewise upon disputes or differences arising between one and another of these organs.

It shall act also upon disputes or differences that may arise among the members of the Departmental Councils and Boards, the directorates or councils of the Autonomous Entities and Decentralized Services, provided they have not been settled by the normal procedure for ascertaining the will of the agency concerned.

All disputes based on the Constitution shall be heard by the Supreme Court of Justice.

Chapter III

Art. 314. There shall be a State Attorney (*Procurador del Estado*) in the Contentious-Administrative Tribunal, appointed by the National Council of Government.

The qualifications necessary for this position, the prohibitions and incompatibilities, as well as its remuneration and term of office, shall be determined by the Contentious-Administrative Tribunal.

Art. 315. The State Attorney in the Contentious-Administrative Tribunal shall necessarily be heard at the final hearing on all matters within the jurisdiction of the Tribunal.

The State Attorney is independent in the exercise of his functions. Consequently he may render opinions according to his convictions based upon what he believes to be the intent of the law.

Art. 316. The defendant official may have such representation or counsel as he may consider necessary.

Chapter IV

Art. 317. Administrative acts may be contested by a plea for reversal, before the same official who issued the orders, within a period of ten days counted from the day following personal notification, if such was the case, or following publication in the *Diario Oficial.*

If the administrative act was executed by an official subject to higher authority, it may also be contested by a plea to that authority, who shall become jointly and subsidiarily a party to the plea for reversal.

If the administrative act comes from an authority which under its

juridical statutes is subject to administrative supervision, it may be contested on the same grounds for annulment as provided in article 309, by a petition for annulment before the National Council of Government, which must become a party jointly and subsidiarily to the plea for reversal.

If the act issues from an organ of the Departmental Governments it may be contested by a plea for retrial and appeal in the manner provided by law.

Art. 318. Every admimistrative authority is required to act upon any petition submitted by a person having a legitimate interest in the execution of a specific administrative act and to act upon any administrative pleas against his decisions, after taking such steps as may be necessary for due understanding of the matter, within a period of twenty days from the date of enforcement of the last act imposed by law or by applicable regulation.

The petition is considered denied or the plea rejected if the authority in question does not act within the indicated time limit.

Art. 319. Action for annulment before the Contentious-Administrative Tribunal may not be taken if appropriate previous remedies in administrative channels have not been exhausted.

Action for annulment must be taken, under penalty of forfeiture, within the period prescribed by law in each case.

Chapter V

Art. 320. The law may, by a three-fifths vote of the full membership of each Chamber, create subordinate organs within the contentious-administrative jurisdiction.

These organs shall be appointed by the Contentious-Administrative Tribunal, in accordance with whatever the law may prescribe on the basis of provisions covering the Judicial Power, and they shall be subject to its directive, disciplinary, advisory and economic supervision.

Art. 321. The Contentious-Administrative Tribunal shall prepare its budgets and transmit them in due course to the Executive Power for inclusion in the draft general budget with such modifications as may be deemed pertinent.

Section XVIII

ELECTORAL JUSTICE

Chapter I

Art. 322. There shall be an Electoral Court which shall have the following powers in addition to those established in Section III or which may be prescribed by law:

(a) To act in all matters relating to electoral acts or procedures;

(b) To exercise directive, disciplinary, advisory, and economic supervision over electoral organs;

(c) To render final decision on all appeals and claims that may arise and act as judge of the elections to all elective offices, and of plebiscites and referendums.

Art. 323. In budgetary and financial matters, the provisions of Section XIII shall apply.

Art. 324. The Electoral Court shall be composed of nine members and twice as many alternates. Five members and their alternates shall be appointed by the General Assembly in joint session by a two-thirds vote of its full membership, and they must be citizens who by virtue of their position in the political scene afford a guarantee of impartiality.

The four remaining members, representatives of the parties, shall be elected by the General Assembly by the system of the double simultaneous vote, two to be selected from the majority list of the party having the most votes and two from the majority list of the party with the next highest number of votes.

Art. 325. The members of the Electoral Court may not be candidates for any office requiring election by the people, unless they resign and terminate their functions at least six months before the date of the election.

Art. 326. The resolutions of the Electoral Court shall be adopted by a majority vote and to be valid must have the affirmative vote of at least three of the five members to which paragraph 1 of article 324 refers, unless they are adopted by a two-thirds vote of the full membership.

Art. 327. The Electoral Court may annul the elections in whole or in part, this step requiring an affirmative vote of six members, three of which must be members elected by the two-thirds vote of the General Assembly.

In such event it must call for a new election—in whole or in part—which shall take place on the second Sunday following the date of nullification.

Art. 328. The Electoral Court shall communicate directly with the Public Powers.

Section XIX

THE OBSERVANCE OF FORMER LAWS

Enforcement and Amendment of the Present Constitution

Chapter I

Art. 329. There are hereby declared to be in full force and effect the laws which up to the present time have governed in all matters and points which are not directly in conflict with this Constitution or with the laws issued by the Legislative Power.

Chapter II

Art. 330. Any person who attacks or who is instrumental in attacking the present Constitution, following its sanction and publication, shall be regarded, tried, and punished as guilty of treason.

Chapter III

Art. 331. The present Constitution may be amended, in whole or in part, in accordance with the following procedures:

(a) Upon the initiative of ten percent of the citizens inscribed in the National Civic Register, by presenting a detailed proposal which shall be referred to the President of the General Assembly, to be submitted for popular decision at the next election.

The General Assembly, meeting in joint session, may make substitute proposals which shall be submitted to plebiscitary decision together with the popular initiative.

(b) By proposal of amendment approved by two-fifths of the full membership of the General Assembly, presented to the President thereof, and submitted to plebiscite at the next ensuing election.

For an affirmative result in the methods outlined in paragraphs a) and b), a "yes" vote of an absolute majority of the citizens participating in the elections shall be required, and this majority must represent at least thirty-five percent of all persons inscribed in the National Civic Register.

(c) The Senators, Representatives, and the Executive Power may present proposed amendments which must be approved by an absolute majority of the full membership of the General Assembly.

A proposal which is rejected may not be renewed until the succeeding legislative period, and the same formalities must be observed.

Upon the approval of a proposal and its promulgation by the President of the General Assembly, the Executive Power, within ninety days thereafter, shall call for the election of a National Constituent Convention, which shall consider and decide upon approved proposals for amendment as well as upon any other proposals that may be presented to the convention. The number of members of the Convention shall be double the number of legislators. Twice as many alternates shall be elected at the same time. The conditions for eligibility and the immunities and incompatibilities shall be the same as for Representatives.

The election by departmental lists shall be governed by the system of integral proportional representation and in accordance with laws in force for the election of Representatives. The Convention shall meet within one year from the date of promulgation of the proposal of amendment.

The decisions of the Convention must be taken by an absolute majority of the whole number of members of the Convention and the work of the Convention must be terminated within one year from the date of its commencement. The proposal or proposals drawn up by the Convention shall be communicated to the Executive Power for immediate and full publication.

The proposal or proposals drawn up by the Convention must be ratified by the body electorate convoked for the purpose by the Executive Power, on the date to be fixed by the National Constituent Convention.

Voting shall be by "yes" or "no" and if there are several texts of amendment, it shall be separate for each of them. For this purpose the Constituent Convention shall group together those amendments which by their nature require that they be voted on as a unit. One third of the members of the Convention may require separate voting on one or several texts. An amendment or amendments must be approved by a majority of votes, which shall not be less than thirty-five percent of the citizens inscribed in the National Civic Register.

In the cases contemplated by paragraphs (a) and (b), there shall be submitted for ratification by plebiscite at the same time as the next elections only those proposals which have been presented at least six months before the date of such elections, or in the first of these cases, three months before, for substitute proposals approved by the General Assembly. Proposals presented after the periods mentioned shall be submitted to plebiscite at the time of the subsequent elections.

(d) The Constitution may be amended, also, by constitutional laws which shall require for their sanction two-thirds of the full membership of each Chamber in the same legislative period. Constitutional laws may not be vetoed by the Executive Power and shall take effect as soon as the

electorate specially convoked on the date specified in such laws shall have expressed their approval by an absolute majority of the votes cast and they shall be promulgated by the President of the General Assembly;

(e) If the convocation of the electorate for ratification of amendments, in the cases contemplated in paragraphs (a), (b), (c), and (d) coincides with any election of members of the organs of the State, the citizens must express their will on the constitutional amendments on ballots separate and apart from the election lists. Whenever the amendments submitted to plebiscite relate to election to elective offices, the voting for such offices shall be both by the system proposed and by the existing system, and the decision of the plebiscite shall be final.

Chapter IV

Art. 332. The provisions of the present Constitution which recognize individual rights, as well as those which confer powers and impose duties on public authorities, shall not be without effect by reason of the lack of corresponding regulations, but such regulations shall be supplied on the basis of analagous laws, general principles of justice, and generally accepted doctrines.

TRANSITORY AND SPECIAL PROVISIONS

A) The members of the first National Council of Government and their corresponding alternates shall be designated by a two-thirds vote of the full membership of the General Assembly, meeting in special session within thirty days after the promulgation of the present Constitution.

The first National Council of Government shall be inaugurated on March 1, 1952 and its members shall serve until March 1, 1955.

B) The present President and Vice President of the Republic shall continue in office until March 1, 1952 the date on which the transfer of the Executive Power to the National Council of Government will take place, and they may be elected as members of that body.

C) The present Vice President of the Republic shall be a member of the Senate from March 1, 1952 to February 15, 1955 and shall continue to be the presiding officer thereof and of the General Assembly.

In the event of a temporary or permanent vacancy, he shall be replaced by the leading member on the list receiving the highest number of votes of the party by which he was elected, and the corresponding alternate on such list will be convoked.

D) The first National Council of Government shall be presided over until March 1, 1955 by the National Councillor chosen by an absolute majority of votes of the members of the Council. In the event of permanent or temporary vacancy a new election shall be held to designate a substitute.

E) The General Assembly, in a joint session of both Chambers, shall fix the salaries of the members of the first National Council of Government before they have been selected.

F) The present Intendentes and members of Departmental Boards shall continue in office until the end of their terms and may be elected as members of Departmental Councils or Boards, in which case an Intendente must resign his office two months before the date of the election.

G) The rules relating to the Departmental Governments as provided in Section XVI shall be applied after February 15, 1955, except in all matters relating to the election of the first Departmental Councils and Boards. Until the foregoing date present provisions relating to the government and administration of the Departments shall remain in effect. Prior to the date of the next elections, the present Departmental Boards shall fix the salaries of the first Departmental Councils.

H) The present taxes established under the law on sources of revenue contained in article 297 shall continue in effect until they are repealed or amended by the Departmental Governments, with the exception of the national supplementary taxes referred to in numeral 1 of the aforementioned article.

I) The first election for all elective offices, to which article 77 refers, shall be held on the last Sunday of November, 1954.

J) The members of the first Contentious-Administrative Tribunal shall be chosen at a special session of the General Assembly within thirty days after the promulgation of the present Constitution.

K) The Executive Power is authorized to take from the General Revenues the funds necessary for the installation and functioning of the Contentious-Administrative Tribunal until the law sanctions its bugets for salaries, expenditures and allotments.

L) The Contentious-Administrative Tribunal shall take office immediately after it is selected and shall assume jurisdiction beginning March 1, 1952.

M) The provisions of Section XVII shall apply to administrative acts which are completed or executed on or after March 1, 1952.

Administrative acts prior to that date may be contested or the proceedings continued in accordance with the system in effect at the time the acts were performed. As of March 1, 1952 there are repealed all legal provisions which granted jurisdiction to organs of ordinary justice to hear in first or final instance matters subject to the jurisdiction of the Contentious-Administrative Tribunal.

N) Until such time as the Organic Law for the Contentious-Administrative Tribunal is promulgated:

1. Its composition and functioning shall be governed, wherever applicable, by Law No. 3246 of October 28, 1907 and amendatory and supplementary laws;
2. The procedure to be followed before this body shall be the same as that provided in the Code of Civil Procedure for ordinary suits of lesser amount;
3. It must render its decisions within the period established for this purpose by the Supreme Court of Justice under Law No. 9594 and the State Attorney of the Contentious-Administrative Tribunal must act within the period established under the same law for the Court Prosecutor (*Fiscal de Corte*). Decisions of the Tribunal shall be susceptible of amplification or clarification in accordance with the provisions of articles 436 and 437 of the Code of Civil Procedure;
4. The organs of ordinary justice shall transmit to the Contentious-Administrative Tribunal an attested copy of judgments issued with respect to suits for redress provided for in article 312. The representatives of the defendant party shall likewise transmit an attested copy of such judgments to the State Attorney of the Tribunal;

5. An action for annulment must be entered, under penalty of forfeiture within the periods heretofore established in laws in force up to the present time, in order to be heard by judicial authority. In those cases not expressly provided for, the period shall be sixty days counting from the day following personal notification of the definitive administrative act, or of its publication in the *Diario Oficial* or the expiration of the time limit in which the authority may act.

N) The Contentious-Administrative Tribunal, within six months after its installation, must submit for the approval of the General Assembly, a draft of its Organic Law. The Tribunal must likewise adopt its internal regulations within a period of six months following the date of promulgation of its Organic Law;

O) The accumulation authorized under paragraph 2 of article 79 includes only those parties which participated in the elections of 1950.

P) The existing District Judges shall continue in office until the end of their present terms.

Q) The present members of the boards of directors or commissions referred to in article 190 of the Constitution shall continue in office until the persons who are to replace them have been named.

R) The provisions of article 247 shall not be applicable to Justices of Peace who are in office at the time the present Constitution is adopted and they may be reelected more than once even if they fail to meet the qualifications stated in the final paragraph of that article.

S) The present secretaries of the municipal Intendencias shall retain their official rank and budget classification, without prejudice to the provisions of article 280.

T) Pending suits filed against officials and the organ of the State in which they are employed, in accordance with article 24 of the Constitution in effect shall be continued hereafter exclusively against the defendant organ of the State, without prejudice to the provisions of article 25 of the present Constitution.

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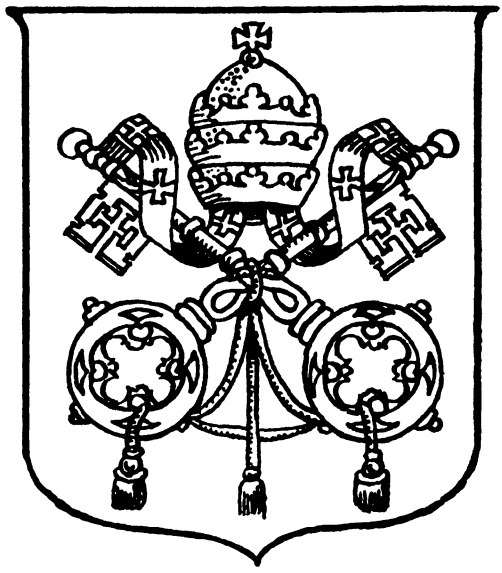

VATICAN CITY

SUMMARY

International Status

For many centuries, until 1871, the popes held temporal sovereignty over the Papal States, an area of some 16,000 square miles. This territory was incorporated into Italy when it became unified and the Pope's authority was restricted to the palaces of the Vatican and Lateran in Rome and the villa of Castel Gandolfo. The situation was unsatisfactory to the Papal State, and final settlement came in 1929 when treaties were signed regarding the area and sovereignty.

The Vatican City is a member of the Postal Union and the Telecommunications Union.[1]

[1] See Table I.

As it is the abode of the popes, it remains neutral in all conflicts between nations and was neutral during World War II.

Form of Government

The government of the City is based upon:

(1) The Lateran Treaty of February 11, 1929, which guarantees to the Holy See "full ownership, exclusive and absolute power, and sovereign jurisdiction" over its territory; sets up the City of the Vatican; and outlines the extent of its territory; [1]

(2) The Concordat between the Holy See and Italy of the same date, containing religious provisions and agreements; and

(3) The Constitutional Laws of June 7, 1929, including the Fundamental Law; the Law on the Sources of the Law; the Law on the Rights of Citizenship and Sojourn; the Law on Administrative Organization; the Law on Economic, Commercial and Professional Organization; and the Law of Public Security.

These set up a unique type of monarchical-sacerdotal state in which governmental functions are vested in the Pope.

Source of Sovereign Power

All power belongs to the Pope.[2]

Rights of the People

The Law on the Rights of Citizenship and Sojourn merely states who are Vatican citizens and places certain limitations on the rights of residence and entry into the city.

Legislative Department

Legislative power is vested in the Pope or, during a vacancy in the pontifical see, in the Holy College.[3] He may delegate certain legislative powers to the governor of the State, appointed by him, who, for the promulgation of laws, rules or ordinances, should take the advice of the general counsellor of the State,[4] also appointed by the Pope.[5]

Where there is no provision in the laws of the Vatican, the laws of the Kingdom of Italy are applied.[6]

Executive Department

Executive power is vested in the Pope [7] and he may delegate it to the governor.[8]

Judicial Department

Judicial power is vested in the Pope [9] and is delegated by him to single judges, a tribunal of first instance, the Sacred Roman Rota which has the

[1] Lateran Treaty, Arts. 3, 14. [2] Constit. Law 1, Arts. 1, 2. [3] Id., Art. 1.
[4] Id., Art. 5. [5] Id., Art. 8. [6] Constit. Law 2, Art. 3.
[7] Constit. Law 1, Art. 1. [8] Id., Art. 6. [9] Id., Art. 1.

function of a court of appeals, and the Supreme Tribunal of the Signature.[1] The Pontiff appoints all judicial personnel.

Area, Population

The Vatican City has an area of 16 square miles and extraterritorial rights in certain buildings in Rome. The population (1947 census) is 940.

Agreement between the Holy See and the Kingdom of Italy of the 11th of February, 1929

TREATY OF THE LATERAN

In the name of the Holy Trinity:

Inasmuch as the Holy See and Italy have recognized the necessity of setting aside all causes of difference existing between them and of arriving at a definitive settlement of their reciprocal relations which would be in accordance with justice and the dignity of the two high parties and which, while assuring to the Holy See in a stable manner a situation of fact and of law that would guarantee to it absolute independence for the accomplishment of its high mission in the world, would also permit the Holy See to recognize that the 'Roman question,' originating in 1870 from the annexation of Rome to the Kingdom of Italy under the dynasty of the House of Savoy, is resolved in a definitive and irrevocable manner; and

As it is necessary, in order to assure to the Holy See absolute and visible independence, to guarantee to it unquestionable sovereignty even in the international domain, and the necessity is therefore apparent of constituting the 'City of the Vatican' with special characteristics by recognizing the full ownership, exclusive and absolute power, and sovereign jurisdiction of the Holy See over this territory:

Art. 1. Italy recognizes and reaffirms the principle consecrated in Article 1 of the Statute of the Kingdom dated March 4, 1848, by virtue of which the Catholic, apostolic, and Roman religion is the only religion of the State.

Art. 2. Italy recognizes the sovereignty of the Holy See in the international domain as an attribute inherent in its nature, in accordance with its tradition and with the requirements of its mission in the world.

Art. 3. Italy recognizes that the Holy See has full ownership, exclusive and absolute power, and sovereign jurisdiction over the Vatican, as it is at present constituted with all its dependencies and endowments, creating thus the City of the Vatican for its special ends and with the characteristics

[1] Constit. Law I, Art. 10.

set forth in the present Treaty. The limits of the said city are indicated on the plan which constitutes Annex 1 of the said Treaty of which it forms an integral part.

It is, moreover, understood that Saint Peter's Square, while it forms a part of the City of the Vatican, will continue to be normally open to the public and subject to the police powers of the Italian authorities; these will stop at the foot of the stairs of the Basilica, although that will continue to be destined for public worship, and they will abstain from mounting or entering the Basilica except in the case of being invited to intervene by the competent authority.

In case the Holy See, in view of particular ceremonies, should deem it advisable to suspend temporarily the free passage of the public, through Saint Peter's Square, the Italian authorities, unless invited to remain by the competent authority, will retire beyond the exterior lines of the colonnade of Bernini and of their extension.

Art. 4. The exclusive sovereignty and jurisdiction of the Holy See which Italy recognizes over the City of the Vatican implies the consequence that no interference on the part of the Italian government may be there manifested, and that there will be no other authority than that of the Holy See.

Art. 5. For the execution of all that is established in the preceding Article, the territory constituting the City of the Vatican should be, through the care of the Italian government, before the present Treaty becomes effective, rendered free of all servitude and of its eventual occupants. The Holy See will watch over the closing of access, by surrounding the open parts outside Saint Peter's Square with a wall.

It is further agreed that in that which concerns the immovable and existing things belonging to the religious institutes or bodies, the Holy See will make provision directly for the regulation of its relations with them, the Italian state taking no further interest therein.

Art. 6. Italy will provide, by the necessary arrangements with interested organisms, that the City of the Vatican be assured in its own right of an adequate provision of water.

It will provide also for placing the city in communication with the railroads of the state by means of a railroad station in the City of the Vatican at the place indicated on the plan mentioned above [Annex 1] and by means of the circulation of carriages belonging to the Vatican on the Italian railroads.

It will provide, furthermore, for connections directly with the other states the telegraphic, telephonic, radiotelegraphic, radiotelephonic, and postal services of the City of the Vatican.

Finally, it will provide also for connection with the other public services.

All the above services will be provided at the cost of the Italian state and within one year from the entrance into effect of the present Treaty.

The Holy See will provide, at its own expense, for the maintenance of the existing entrances to the Vatican and those which it shall deem advisable to open hereafter.

Agreements will be made between the Holy See and the Italian state

for the circulation on the territory of the latter of terrestrial vehicles and airplanes of the City of the Vatican.

Art. 7. The Italian government agrees that it will not permit, in the territory surrounding the Vatican City, new construction which would overlook its interior, and that to this end it will proceed to the partial demolition of the structures already existing at Cavalleggeri Gate along the Via Aurelia and the Viale Vaticano.

In accordance with the rules of international law, airplanes of any kind are forbidden to fly over the territory of the Vatican.

On Rusticucci Square and in the parts adjacent to the colonnade to which the extraterritoriality mentioned in Article 15 does not extend, all changes for purposes of town planning or improvement which might interest the City of the Vatican will be made by common accord.

Art. 8. Italy, considering as sacred and inviolable the person of the Sovereign Pontiff, declares any attack upon him or provocation of an attack punishable under threat of the same penalties established for an attack or provocation of attack upon the person of the King.

Public offenses and injuries committed on Italian territory against the person of the Sovereign Pontiff by speech, acts, or writing are punished as offenses and injuries against the person of the King.

Art. 9. In accordance with the rules of international law, all persons having a permanent residence in the City of the Vatican are subject to the sovereignty of the Holy See. This residence is not lost by the simple fact of a temporary residence in another place, unless this fact is accompanied by the loss of domicile in the city itself or by other circumstances proving the abandonment of the said domicile.

When they cease to be subject to the sovereignty of the Holy See, the persons mentioned in the preceding paragraph and who, by terms of the Italian law, apart from the circumstances of fact stated above, would not be considered as possessing another citizenship, will be considered in Italy with no further formality as Italian citizens.

To these same persons, as long as they remain subject to the sovereignty of the Holy See, there shall be applicable in the territory of the Italian Kingdom, in the determination of questions governed by the personal (when such questions are not regulated by standards emanating from the Holy See), the provisions of the Italian law, or if the person concerned is considered as having a different citizenship, the laws of the state to which he belongs shall be applicable.

Art. 10. The dignitaries of the Church and persons belonging to the pontifical court, who shall be indicated in a table on which the high contracting parties will agree, even when they are not citizens of the Vatican, are always and in every case, in relation to Italy, exempt from military service, from jury service, and from any requirement of a personal character.

This provision applies also to career officers declared by the Holy See to be indispensable, attached permanently and with a fixed salary to the services of the Holy See, as well as to the courts and officers indicated below in Articles 13, 14, 15 and 16 which exist outside the City of the Vati-

can. These officers shall be indicated on another table which should be established as above by common accord and which each year shall be brought up to date by the Holy See.

The ecclesiastics who, by reason of their office, take part, outside the City of the Vatican, in the execution of the acts of the Holy See may not, by reason of their office, be the object of any accusations, inquiry, or molestation on the part of the Italian authorities.

Every foreigner invested with an ecclesiastical office in Rome enjoys the personal guaranties accorded to Italian citizens by virtue of the laws of the Kingdom.

Art. 11. The central organisms of the Catholic Church are free from all interference on the part of the Italian state (reserving the dispositions of Italian laws concerning the acquisitions of legal persons) as well as from conversion of their immovable property.

Art. 12. Italy recognizes in the Holy See the power of active and passive legation according to the general rules of international law.

Envoys of foreign governments to the Holy See will continue to enjoy in the Kingdom all the prerogatives and immunities belonging to diplomatic agents according to international law, and their residences may continue to be on Italian territory; they shall enjoy the immunities due them according to international law even if their countries do not have diplomatic relations with Italy.

It is understood that Italy promises to leave free, always and in every case, the correspondence between all states, including belligerents, and the Holy See and vice versa, as well as the access of bishops of the whole world to the Apostolic See.

The high contracting parties engage to establish between themselves normal diplomatic relations by accrediting to the Holy See an Italian ambassador and to Italy a papal nuncio, who will be the head of the diplomatic corps under the terms of the customary law recognized by the Congress of Vienna in the Act of June 9, 1815.

As an effect of the recognition of sovereignty, and without prejudice to that fixed in Article 19 below, the diplomatic agents of the Holy See and the couriers sent in the name of the Sovereign Pontiff shall enjoy in Italian territory, even in time of war, the same treatment as that due according to the rules of international law to the diplomatic agents and cabinet couriers of other foreign governments.

Art. 13. Italy recognizes in the Holy See the full ownership of the patriarchal basilicas of Saint John Lateran, of Saint Mary the Greater and of Saint Paul with the annexed buildings (Annex II, 1, 2 and 3).

The state transfers to the Holy See the free management and administration of the said basilica of Saint Paul and of the monastery attached, turning over also to the Holy See the capital corresponding to the sums fixed annually in the budget of the minister of public instruction for the said basilica.

It is also understood that the Holy See has free ownership of the building depending on Saint Calliste, close to Saint Mary of Transtevere (Annex II, 9).

Art. 14. Italy recognizes in the Holy See full ownership of the pontifical palace of Gandolfo Castle, with all its endowments, appurtenances, and dependencies (Annex II, 4) such as are already in possession of the same Holy See, and at the same time it is obliged to grant, also in full ownership, delivery to be effected within six months from the coming into force of this Treaty, the Villa Barberini, at Gandolfo Castle, with all its endowments, appurtenances, and dependencies (Annex II, 5).

To complete the ownership of the real property situated on the north side of Janiculum belonging to the Sacred Congregation of Propaganda and to other ecclesiastical institutes and having a view toward the Vatican palaces, the state engages to transfer to the Holy See or to the entities indicated by it the real property of the domains of the state or of individuals existing in the said zone. The real property belonging to the said congregation and to the other institutes and those to be transferred are indicated in the annexed plan (Annex II, 12).

Italy, finally, transfers to the Holy See, in full and free ownership, the ex-conventual buildings of Rome attached to the basilica of the Twelve Holy Apostles and to the churches of Saint Andrew della Valle and of Saint Charles ai Catinari, with all their annexes and dependencies (Annex III, 3, 4, and 5) and to deliver them free of their occupants, within the space of one year from the coming into force of the present Treaty.

Art. 15. The real property indicated in Article 13 and in paragraphs 1 and 2 of Article 14, as well as the palaces of the Datery, of the Chancelery, of the Propaganda, Spanish Square, the Palace of the Holy Office and the adjacent real property, that of the Convertendi (present seat of the Congregation of the Eastern Church), Scossacavalli Square, the Palace of the Curacy (Annex II, 6, 7, 8, 10 and 11), and the other buildings in which the Holy See shall in future deem it advisable to organize other courts, although within the territory of the Italian state, shall enjoy the immunities recognized by international law for residences of diplomatic agents of foreign states.

The same immunities apply also with regard to the other churches, even outside Rome, during the time when, even though not open to the public, ceremonies are being celebrated in the presence of the Sovereign Pontiff.

Art. 16. The real property indicated in the three preceding articles as well as the seats of the following pontifical institutes: the Gregorian University, the Biblical, Oriental, and Archaeological Institutes, the Russian Seminary, the Lombard College, the two Palaces of Saint Appollinaris and the House of Exercises for the Clergy of Saints John and Paul (Annex III, 1 *bis*, 2, 6, 7, 8) shall never be subject to servitudes or expropriations by reason of public utility unless there is a previous agreement with the Holy See, and they shall be exempt from taxes either ordinary or extraordinary, on the part of the state as well as of any other entity.

It is in the power of the Holy See to give all the real property above indicated, in the present Article and in the three preceding Articles, arrangements of its own accord, without the necessity of authorization or consent on the part of Italian governmental, provincial or communal

authorities, which may rely in full security upon the noble artistic traditions which are the honor of the Catholic Church.

Art. 17. The payments of whatever nature due by the Holy See, by the other central organizations of the Catholic Church, and by the organizations managed directly by the Holy See, even outside Rome, to dignitaries, employed and salaried, whether they have permanent office or not, shall be exempt on Italian territory, beginning January 1, 1929, from all taxes whatsoever of the state or of any other administration.

Art. 18. The treasures of art and science in the City of the Vatican and the Lateran Palace shall be accessible to scholars and to visitors, the Holy See reserving to itself the full liberty of regulating the entrance of the public.

Art. 19. The diplomatic agents and envoys of the Holy See, the diplomatic agents and envoys of foreign governments to the Holy See, and the dignitaries of the Church coming from abroad to go to the City of the Vatican and provided with passports of the states from which they come vised by the pontifical representatives abroad, may without other formality proceed to this city across Italian territory. It will be the same for the above persons who, furnished with a pontifical passport in order, proceed abroad from the Vatican City.

Art. 20. Merchandise coming from abroad and sent to the City of the Vatican or, outside the latter, to the institutes or offices of the Holy See shall always be admitted, from any point on the Italian frontiers or from any port in the Kingdom, to cross Italian territory with full exemption from customs and tolls.

Art. 21. All the cardinals shall enjoy in Italy the honors due to princes of the blood; those who reside in Rome, even outside the City of the Vatican, are citizens of this city, with all the effects resulting therefrom.

During the vacancy of the pontifical seat, Italy, will see to it in a special manner that there is no obstacle to the free passage and access of cardinals across Italian territory to the Vatican, and that no hindrance or limitation is placed on their personal liberty.

Italy will also see to it that on its territory, in the vicinity of the City of the Vatican, acts capable of troubling in any manner the meetings of the conclave shall not be committed.

These rules are valid also for conclaves that are held outside the City of the Vatican, as well as for the councils presided over by the Supreme Pontiff or by his legates, and as regards the bishops called to participate therein.

Art. 22. Upon the demand of the Holy See, and by means of a delegation which it may establish in each case or in a permanent manner, Italy will be responsible in its territory for the punishment of crimes committed in the City of the Vatican; but, when the author of the crime has taken refuge in Italian territory, he shall be prosecuted without further formality according to the rules of Italian law.

The Holy See will return to the Italian state persons who may have taken refuge in the City of the Vatican, being accused of acts committed in Italian territory and recognized as criminal by the laws of both states.

The same procedure shall be followed as regards persons accused of crimes who may have taken refuge in the buildings which enjoy immunity according to Article 15, unless those in charge of the said buildings prefer not to invite the Italian agents to enter for the purpose of arresting the said persons.

Art. 23. For the execution within the Kingdom of sentences rendered by the tribunals of the City of the Vatican the rules of international law shall be applied.

On the other hand, the sentences and measures emanating from the ecclesiastical authorities and officially communicated to the civil authorities, on the subject of ecclesiastical or religious persons, in spiritual or disciplinary matters shall have, without other formality, full juridical effectiveness in Italy with even all their civil effects.

Art. 24. The Holy See, so far as concerns the sovereignty belonging to it in the international domain, declares that it wishes to remain and will remain removed from the temporal competitions among other states and from international meetings convoked with such a purpose, unless the parties to a dispute make a unanimous appeal to its mission of peace, reserving to itself, however, the right to assert in every case its moral and spiritual power.

In consequence the City of the Vatican shall always and in every case be considered as neutral and inviolable territory.

Art. 25. By a special convention signed at the same time as the present Treaty, constituting Annex IV of the said Treaty and forming an integral part thereof, the liquidation of the debts of Italy to the Holy See is provided for.

Art. 26. The Holy See affirms that, by the agreement signed today, it possesses in an adequate manner all that is necessary to watch over the liberty and independence due to the pastoral government of the diocese of Rome and of the Catholic Church in Italy and in the world; it declares that the 'Roman question' is definitively and irrevocably resolved and therefore eliminated, and it recognizes the Kingdom of Italy under the dynasty of the House of Savoy with Rome as capital of the Italian state.

On its side, Italy recognizes the state of the City of the Vatican under the sovereignty of the Sovereign Pontiff.

Law 214 of May 13, 1871 ,is abrogated as well as every other disposition contrary to the present Treaty.

Art. 27. The present Treaty, within a period which shall not exceed four months from the time of signature, shall be submitted to the ratification of the Sovereign Pontiff and of the King of Italy and shall become effective from the act of exchange of ratifications.

ANNEX 1. Territory of the City of the Vatican
ANNEX 2. Immovables enjoying the privilege of extraterritoriality with exemption from expropriations and taxes
ANNEX 3. Immovables exempt from expropriations and taxes
ANNEX 4. Financial Convention

CONCORDAT BETWEEN THE HOLY SEE AND ITALY

February 11, 1929

(Extracts)

IN THE NAME of the Most Holy Trinity:

Inasmuch as, from the beginning of the negotiations between the Holy See and Italy to resolve the 'Roman question' the Holy See itself has proposed that the negotiations relative to this question have as a necessary complement a concordat destined to regulate the conditions of religion and of the Church in Italy ...

Art. 1. Italy, by the terms of Article 1 of the Treaty, assures to the Catholic Church the free exercise of spiritual power, the free and public exercise of worship, as well as that of its jurisdiction in ecclesiastical matters, according to the rules established in the present Concordat; where it may be necessary, it accords to ecclesiastics, for acts of their spiritual ministry, the protection of the authorities.

In consideration of the sacred character of the eternal city, episcopal seat of the Sovereign Pontiff, center of the Catholic world and objective of pilgrimage, the Italian government will take care to forbid in Rome anything which might be inconsistent with this character.

Art. 2. The Holy See communicates and corresponds freely with the bishops, with the clergy, and with all the Catholic world, without any interference from the Italian government.

Art. 22. Ecclesiatics who are not Italian citizens may not be invested with benefices existing in Italy. The heads of dioceses and of parishes should also speak the Italian language. In case of need, they must have coadjutors who, in addition to Italian, understand and speak the language of local usage with the purpose of giving religious aid in the language of the faithful, according to the rules of the Church.

Art. 29. The Italian state will revise its legislation regarding ecclesiastical matters in order to reform and complete it and place it in harmony with the directives which inspire the Treaty with the Holy See and the present Concordat. It is, from the present agreed ... [dispositions relative to the juridical personality of the recognized ecclesiastical bodies and of the public churches, of religious associations with or without vows approved by the Holy See, of brotherhoods exclusively or principally for religious purposes; to the recognition of religious foundations of all kinds; to the composition, half monastic, of civil administrations of ecclesiastical property, etc.].

Art. 34. The Italian state wishing to give again to the institution of marriage, which is the basis of the family, a dignity conforming to the Catholic traditions of its people, recognizes the civil effects of the sacrament of marriage regulated by canon law. ... Cases concerning the nullity of marriages and the dispensation of marriages ratified and not consummated are reserved to the competence of ecclesiastical tribunals and courts. The decisions and sentences on the question, when they have become definitive, shall be taken to the supreme tribunal of the

Signature, which will ascertain whether the rules of canon law relative to the competence of the judge, to the citation and legitimate representation, or to the contumacy of the parties have been respected. The said definitive decisions and sentences, with the decrees and pertinent records of the supreme tribunal of the Signature, shall be transmitted to the state court of appeal which is competent for the territory, and which, by ordinance in chamber of council, shall have them executed in their civil effects and order their notation on the registers of civil status in the margin of the marriage record.

In cases of legal separation, the Holy See consents to whatever may be decided by the civil judicial authority.

Art. 35. For schools of secondary instruction kept by ecclesiastical or religious bodies, the institution of state examination remains obligatory, in order that there may be effective equality of situation between the candidates of the said schools and those of governmental institutes.

Art. 36. Italy considers the teaching of the Christian doctrine according to the form received from the Catholic tradition as the base and crown of public instruction. In consequence it agrees that the religious instruction now given in the elementary public schools shall receive a further development in the secondary schools according to a program to be established by agreement between the Holy See and the state.

This instruction shall be given by masters or professors, priests or brothers approved by the ecclesiastical authority, and subsidiarily by lay masters and professors holding for this purpose a certificate of capacity to be granted by the diocesan ordinary, the revocation of the said certificate by this ordinary suppressing without other formality the power to teach.

Only the manuals approved by the ecclesiastical authority shall be accepted for the said religious instruction in the public schools.

Art. 37. The directors of state associations for physical education and military preparation, of guard-ships and *Balillas*, in order to render possible religious instruction and attendance for the youth confided to their care, will regulate their hours so as not to impede the performance of religious duties on Sundays and prescribed feast days.

The directors of the public schools will do the same as regards possible meetings of students on feast days.

Art. 41. Italy authorizes the wearing in the kingdom and colonies of the pontifical decorations of orders of chivalry, subject to registration of the documents of appointment upon presentation of the said documents and the written request of the interested party.

Art. 42. Italy will recognize, by royal decree, titles of nobility conferred by the Sovereign Pontiffs after 1870 and in the future.

The cases shall be established in which the said recognition shall not be subject to the payment of a tax in Italy.

Art. 43. The Italian state recognizes the organizations dependent on the Italian Catholic Action, insofar as the latter, pursuant to the decision of the Holy See, develop their activity outside of any political party and under the immediate authority of the hierarchy of the Church for the diffusion and effectuation of Catholic principles.

The Holy See takes the occasion of the stipulation of the present Concordat to renew the prohibition to all ecclesiastics and monks to inscribe themselves or be active in any political party whatever.

Art. 44. If in the future any difficulty arises in the interpretation of the present Concordat, the Holy See and Italy will proceed by common accord to an amicable solution of the question.

Art. 45. With the coming into effect of the present Concordat the provisions of the concordats, which have fallen into disuse, with the former Italian states, shall cease to apply in Italy. The Austrian laws and the laws, regulations, ordinances and decrees of the Italian state now in effect, in so far as they are contrary to the provisions of the present Concordat, are considered as abrogated from the date of its coming into effect.

CONSTITUTIONAL LAWS OF THE CITY OF THE VATICAN

June 7, 1929

1. Fundamental Law of the City of the Vatican

Art. 1. The Sovereign Pontiff, sovereign of the City of the Vatican, has full legislative, executive, and judicial powers.

During a vacancy in the pontifical see, these same powers belong to the Holy College, which may promulgate legislative dispositions only in cases of urgency, these dispositions having effect only during the period of the vacancy, unless they are later confirmed by the Sovereign Pontiff elected according to the rules of the sacred constitutions.

Art. 2. Reserved to the Sovereign Pontiff is the fullness of the powers which belong to him, as regards the organs and tribunals of the Apostolic See, according to Canons 7, 230–270, 1597–1607 of the *Codex iuris canonici*, and all that prescribed in Article 14 of the present law with respect to the said tribunals, and also as regards his court, including the noble, Palatine and Swiss guards, subject, as to the last mentioned, to the provisions of Article 7 of the present law.

Also depending directly on the Sovereign Pontiff are the administration of the property of the Holy See, the special administration of the Holy See, the library and the archives of the Vatican, the printing office, and the book shop.

Art. 3. Reserved to the Sovereign Pontiff is the representation of the state of the Vatican, by the intermediary of the Secretary of State, for the conclusion of treaties and for diplomatic relations with foreign states.

Art. 4. The approval of the administrative budgets and accounts of the City of the Vatican is reserved to the Sovereign Pontiff. These shall be presented to him by the governor upon the advice of the general counsellor of the state.

Art. 5. The Sovereign Pontiff, in that which concerns the government of the City of the Vatican, subject to the exceptions mentioned in the

preceding articles, reserves to himself the right to delegate his legislative powers in certain matters or for special objects to the governor of the state.

Apart from express delegation, the governor, for all that affects the government of the City of the Vatican, has likewise the right to issue regulations and ordinances for the execution of laws, without, however, being able to derogate from them or grant exemptions from them.

For the promulgation of the laws for which he is delegated, and of regulations or ordinances, the governor, unless there are provisions to the contrary, should take the advice of the general counsellor of the state.

Art. 6. To the governor of the state, subject to the exceptions and limitations fixed in the preceding Articles 2, 3, and 4, is delegated the exercise of the executive power. Excepted from this delegation are the acts which are reserved to the Sovereign Pontiff and those which he may deem it advisable to reserve to himself.

Art. 7. The governor of the state is appointed and relieved of his functions by the Sovereign Pontiff, to whom he is directly and exclusively responsible.

The corps of pontifical gendarmes is under the direct control of the governor who may, for purposes of security and order, require also, and in the necessary measure, the assistance of the Swiss Guard.

Art. 8. The consultative organ of the City of the Vatican is the counsellor general of the state.

He is appointed and revoked by the Sovereign Pontiff, to whom he is directly and exclusively responsible. He is obliged to give advice at all times prescribed by law and when required by the Sovereign Pontiff or the governor.

Art. 9. The judicial power is delegated to the organs indicated in the following articles, which exercise it in the name of the Sovereign Pontiff.

Art. 10. The judicial power in civil matters, in cases not coming before a single judge, and in penal matters, for the judgment of crimes, is normally exercised by a tribunal of first instance and by the Sacred Roman Rota having the function of a court of appeal; in extraordinary cases, recourse is had to the supreme tribunal of the Signature.

The tribunal of first instance is composed of a president, two regular judges, and an alternate.

The appointment and revocation of the judicial personnel are reserved to the Sovereign Pontiff. The disciplinary power is exercised by the supreme tribunal of the Signature.

Art. 11. The functions of a single judge in civil matters are usually performed by the president of the tribunal of first instance or by one of the judges, designated by him, of the same tribunal.

Art. 12. In penal matters, for infractions, jurisdiction is usually exercised by one or more administrative officers designated by the governor.

In cases in which the sentences, in matters of infractions, are, according to the laws above indicated, susceptible of appeal, the judge of appeal is the president of the tribunal of first instance or another judge designated by him, all further recourse being impossible.

Art. 13. In the tribunal of first instance, the president confides the functions of examining magistrate to one of the judges of the tribunal, at the beginning of each year; those of state's attorney and solicitor are, upon the designation of the dean of the Sacred Roman Rota, performed by a consistorial advocate.

Art. 14. The Sacred Roman Rota and the supreme tribunal of the Signature, when they function as judicial organs of the City of the Vatican, must accomplish their acts within the limits of the territory of the city.

Representation and defense before the judicial organs of the state of the Vatican are reserved to consistorial advocates, except as prescribed on the subject of representation and defense before a single judge in a civil matter and before the judge of infractions.

Art. 15. When an administrative act injures a right, an action may be filed before the judicial authority, which, even though it deems the act unlawful, may neither annul nor modify it, but only judge its effects and, if there are grounds, decide upon the obligation of repairing the damage.

Art. 16. In any case, whoever thinks himself damaged in one of his rights or interests by an administrative act may address a petition to the Sovereign Pontiff through the general counsellor of the state.

Art. 17. In every civil or penal case, and in all the phases of the case, the Sovereign Pontiff may refer the trial and judgment to a special commission with power to render a sentence conforming to equity and to exclude all further recourse.

Art. 18. The right to grant pardons, amnesties, dispensations, and abatements is always reserved to the Sovereign Pontiff.

Requests for pardon are transmitted through the general counsellor of the state.

Art. 19. The flag of the City of the Vatican consists of two fields divided vertically, a yellow field on the staff side and a white field on the other side, which bears the tiara and the keys, the whole following the model A annexed to the present law.

The shield shows the tiara with the keys, according to the model B annexed to the present law.

The seal bears in the center the tiara and the keys, and on the circumference the words 'State of the City of the Vatican,' according to the model C annexed to the present law.

Art. 20. The standards and customs observed heretofore by the Holy See regarding titles of nobility and orders of chivalry remain effective.

Art. 21. The present law shall become effective on the day of its publication.

2. Law of the Sources of the Law

Art. 1. The principal sources of objective law in the state of the City of the Vatican are:

(a) The *Codex iuris canonici* and the apostolic constitutions:

(b) The laws promulgated for the City of the Vatican by the Sovereign Pontiff or by any other authority delegated by him, as well as the regulations lawfully issued by the competent authority.

Art. 2. The laws and regulations indicated under letter (b) of the preceding Article are deposited in the archives of the government and published in a supplement of *Acta Apostolicae Sedis*, except for particular cases where a different form of publication may be prescribed in the laws or regulations themselves, and subject to the provisions of Article 24 of the present law.

The publication bears the date on which the laws and regulations have been issued and a special order number for each pontificate.

These laws and regulations become effective the seventh day after their publication, unless by the nature of their objects they should not be immediately executed, or unless a shorter or longer delay is expressly fixed in the law or regulation.

Art. 3. For matters not provided for in the sources enumerated in Article 1 and until provision concerning such matters is made by the laws of the City of the Vatican, there shall be applied, in a supplementary manner the laws promulgated by the Kingdom of Italy up to the effective date of the present law, together with the general regulations and the local regulations of the province and government of Rome, indicated in the following articles with the modifications and limitations specified in these articles, always with the reservation that these laws and regulations are not contrary to the precepts of the divine law, to the general principles of canon law, nor to the clauses of the treaty and the concordat stipulated between the Holy See and the Kingdom of Italy on the eleventh of February, 1929, and that they are applicable in the City of the Vatican with due regard to the situation there existing.

Art. 4. With the reservations expressed in the preceding Article, there shall be observed in the City of the Vatican the penal code at present in force in the Kingdom of Italy, together with the laws which have modified or completed it by pertinent regulations, up to the coming into force of the present law.

Whoever commits in the territory of the City of the Vatican an act directed against the life, integrity, and personal liberty of the king, the regent, the queen, the crown prince of any foreign state whatsoever of a monarchical form of government, against the chief of a foreign state that is not monarchical, against the chief of the government of the Kingdom of Italy or of any other state, shall be punished by the same penalty as that which would be applicable if the acts had been committed on the territory of the state to which the person against whom the attack was directed belongs.

The penalty to which the person is liable who, on the territory of the City of the Vatican, makes an attempt against the life, integrity, or personal liberty of the Sovereign Pontiff is that provided in Article 1 of Law No. 2008 of the Kingdom of Italy of November 25, 1926.

Art. 5. When the penalty fixed for any offense is simply pecuniary, the accused is always authorized to stay the course of the penal action by offering a sum of which the amount shall be fixed, within the limits between the maximum and minimum of the penalty incurred, through the consistorial lawyer in charge of the function of the public ministry or through any other authority provided for by law.

This rule is applicable to infractions even when there is an option between a pecuniary penalty and deprivation of personal liberty. The amount of the offer is fixed, in such case, by the judge of infractions or by any other functionary designated by law.

In cases where the accused is a foreigner and the penalty fixed for the offense is, at the option of the delinquent, a pecuniary penalty or deprivation of personal liberty, the judge may not apply the first of these penalties unless the accused offers, before all proceedings, appropriate guaranty for the payment of the maximum of the pecuniary sum, either by deposit of a sum equal to such guaranty or in the form of a pledge, a personal bond, a letter of exchange, or the guaranty of a Vatican citizen.

Art. 6. For offenses punished by a pecuniary penalty under the laws issued in the City of the Vatican, the commutation of the pecuniary penalty to a penalty restrictive of personal liberty, in the cases provided for by the penal code of the Kingdom of Italy, shall be calculated at the rate of one day of deprivation of personal liberty for each part of the unpaid sum equal to fifty lire or fraction of fifty lire.

Art. 7. With the reservations specified in Article 3, there shall be observed in the City of the Vatican the code of penal procedure now in effect in the Kingdom of Italy, as well as the laws which have modified or completed it and the pertinent regulations up to the coming into force of the present law. Exception is made with respect to the competence of tribunals, which is regulated by the fundamental law and the present law, and there is also reserved, according to the tenor of the treaty between the Holy See and the Kingdom of Italy of the eleventh of February, 1929, the power to delegate the exercise of penal procedure as regards offenses committed against the authorities of the same Kingdom.

Art. 8. For any offense whatsoever, and even for infractions, a foreigner accused may be arrested, even apart from cases of flagrant offense, on an order of summons, and provisional liberty may be accorded him only if he deposits a security in the forms indicated in the last paragraph of Article 5.

The security, if the penalty is pecuniary, may not be less than the maximum of the penalty.

Art. 9. Any perpetrator of an infraction taken in flagrant offense by an officer or agent of the judicial police is arrested and immediately conducted before the judge of infractions; also brought before him are the witnesses present whom the officer or agent deems it necessary to summon or whom the accused himself designates.

The judge fixes the sum which may be offered as security, and the payment of this sum ends the penal action *ipso facto*.

When no offer is made to the judge, unless the accused demands an adjournment, and the judge recognizes the merits of the reasons stated for the adjournment, the accused, if he is a foreigner, deposits security fixed according to the terms of the last paragraph of Article 5 or is subjected to preventive imprisonment; after which the proceedings continue according to the general rules following:

(a) The judge has as clerk of the court an officer of the government whom he chooses in each case;

(b) The judge appoints another officer of the government as state's attorney, and, if the accused has not the means or the time to choose a defender, appoints, of his own motion, as defender a consistorial advocate or any other person present or immediately available whom he deems capable of performing this function;

(c) The witnesses are heard under oath;

(d) An official report is drafted;

(e) The sentence is thereupon read in its entirety and immediately published with its preamble and its terms;

(f) The appeal, if it is receivable, is entered at the same hearing upon a declaration made to the clerk of the court.

The judgment of appeal before the president of the tribunal of first instance, when the judgment before the judge of infractions has occurred according to the summary procedure above indicated, must take place, with a corresponding summary procedure, within the five days which follow the sentence of the first degree.

If the judgment of appeal is not rendered within the time above indicated, the accused who has been arrested may be placed in provisional liberty even without security.

When the above mentioned summary procedure is not followed, the prescriptions of the code of penal procedure of the Kingdom of Italy, as well as the modifications of these prescriptions by communal regulations in matters of infractions, are applied as far as possible even in the judgment of infractions. The procedure by decree may be applied only to Vatican citizens.

Art. 10. The special provisions established for foreigners in the preceding articles do not apply to those whose state of origin has concluded with the City of the Vatican a treaty by which sentences to a pecuniary penalty pronounced by the Vatican tribunals are executed by means of coercive recovery or, in default of payment, by means of a commutation of a pecuniary penalty to a penalty restrictive of personal liberty in the territory of that state.

Art. 11. Under the reservations specified in Article 3, there shall be observed in the City of the Vatican the civil code of the Kingdom of Italy and the laws which have modified or completed it, as well as the pertinent regulations, up to the coming into effect of the present law, subject to the following modifications:

(a) Vatican citizenship is regulated, in conformity with the treaty between the Holy See and the Kingdom of Italy, by Law No. 3 of this day;

(b) The capacity to accomplish a juridical act, to acquire and dispose of property by contract among the living or upon the decease of clerks and monks who are Vatican citizens is regulated by the canon law;

(c) Marriage is also exclusively regulated by the canon law;

(d) Adoption is authorized by the Sovereign Pontiff;

(e) Prescription, with respect to ecclesiastical property, remains regulated by canons 1508 to 1512 of the *Codex iuris canonici*, with the further observation of the clauses of canon 63 § 2 of the same code;

(f) Gifts as well as legacies upon death in favor of pious works are regulated by canons 1513 to 1517 of the same code;

(g) The records of birth, marriage, and death are drawn up on the

occasion of the baptism, marriage, or funeral ceremony and kept by the priest, who sends a copy to the governor;

(h) The registers of citizenship and of civil status are kept by the governor, through a bureau designated for this purpose;

(i) The functions of notary are performed by consistorial advocates appointed by the governor, the notarial legislation of the Kingdom of Italy being observed, subject to Article 3; the notarial archives shall be kept at the seat of the government;

(j) The functions of recorder of mortgages, in accordance with the mortgage transcriptions and inscriptions, are fulfilled by a bureau of the government, which also provides for the keeping and preservation of the register of real property, always according to Italian legislation, with the usual reservations. In appropriate cases the government arranges with competent bureaus of the Italian conserver of mortgages and register of the survey of lands to settle provisionally questions of mortgage and land transcriptions and inscriptions, and for the transfer of registers or records relating thereto.

Art. 12. Under the reservations specified in Article 3 there shall be observed in the City of the Vatican the commercial code of the Kingdom of Italy and the laws which have modified and completed it, together with the pertinent regulations up to the coming into effect of the present law; there shall accordingly be accepted, to a certain extent, the bills of exchange, bank reimbursements, and circular reimbursements issued and payable in the City of the Vatican, as well as the insurance of persons or things there situated.

In cases where, according to the tenor of the law on economic, commercial, and professional organization, the establishment and functioning of commercial agencies or enterprises are authorized in the City of the Vatican, the general and special rules regarding agency or authorized undertakings, as set forth in the Italian code of commerce and in the laws and usages of commerce effective in the City of Rome, shall be applicable in full measure unless otherwise provided in the act of authorization.

Art. 13. Under the reservations specified in Article 3, there shall be observed in the City of the Vatican the code of civil procedure of the Kingdom of Italy and the laws which have modified or completed it will be observed in the City of the Vatican, and the pertinent regulations, up to the coming into effect of the present law and, in a certain measure, the procedure of execution and the special procedures set forth in Book III, Title I (general provisions), Title III (absence), Title V (minors), Title VI (interdiction and incapacity), Title VIII (successions), Title IX (offers of payment and deposits), Title X (copy and collation of public acts), Title XII (execution of sentences rendered abroad), modified by decree Law No. 1272 of the Kingdom of Italy of June 30, 1919.

Art. 14. The powers which, in the civil code and the code of civil procedure of the Kingdom of Italy or in other laws of the same Kingdom, are conferred on the justice of the peace or on the praetor in matters of execution or in procedures of voluntary jurisdiction are exercised by the president of the tribunal of first instance or by a judge whom he designates.

Art. 15. Civil actions not exceeding five thousand lire and possessory actions having a declaration of new work and of possible damage, in the

cases provided for in Article 82 of the code of civil procedure of the Kingdom of Italy, are within the competence of the president of the tribunal of first instance or of the judge whom he designates.

For the said actions the procedure fixed by the same code on the subject of judgments before the praetor shall be followed.

The appeal interjected against sentences pronounced in these actions is taken before the tribunal of first instance.

Before this tribunal, before the Sacred Rota and the supreme tribunal of the Signature, as regards the civil judgment of jurisdiction and other matters belonging to the civil tribunals, the rules of canons 1552 to 1998 of the *Codex iuris canonici* shall be observed in the measure in which they are applicable.

Art. 16. In civil matters as well as in penal matters the functions of solicitor and advocates are fulfilled by consistorial advocates.

However, subject to the provisions of Article 9 (b), the dean of the Sacred Roman Rota may draw up a list of persons having the qualities required to exercise the functions of solicitor and advocate before the single judge of civil matters and infractions.

For the tribunal of first instance the dean of the Sacred Roman Rota designates the persons charged with exercising the functions of notary and judicial officer or bailiff.

Art. 17. The following are within the territorial jurisdiction of the City of the Vatican:

1. All actions involving a citizen having his residence in the City of the Vatican or a stranger authorized to reside in that City for an indeterminate time;
2. Actions relative to the estates of the persons indicated in the preceding number;
3. Actions involving a foreigner when it is a question of: (a) real or personal actions relative to movable or immovable property in the City of the Vatican; (b) actions arising from contracts concluded or events occurring in the territory of the same city, or obligations resulting therefrom and effective in the said territory.

Art. 18. The vatican tribunals are competent to judge offenses committed by any person within the territory of the City of the Vatican, under the condition, however that the perpetrator has not taken refuge in Italian territory or has not been turned over to the tribunals of the Kingdom of Italy, all according to Article 22 of the treaty of the eleventh of February, 1929.

The competence of the Vatican tribunals exists also in regard to offenses committed in a foreign state, when, for these same offenses, it is possible to proceed within the territory of the state of the Vatican according to the provisions of the penal code of the Kingdom of Italy, subject likewise to the provisions of the above mentioned Article 22 of the Treaty.

Art. 19. In penal and civil cases, as well as in those to which the procedural provisions of the *Codex iuris canonici* are not applicable, all oaths of the parties, witnesses, experts, or other persons must be taken in the forms observed before the ecclesiastical tribunals.

Art. 20. With the reservations specified in Article 3, the following shall be observed in the City of the Vatican:

(a) Law No. 2359 of the Kingdom of Italy on expropriations by reason of public utility, of the twenty-fifth of June 1855, modified by law No. 5188 of the eighteenth of December, 1879, and by the decree-law No. 691 of the eleventh of March, 1923, as well as Articles 30, 33, and 34 of the Royal Decree No. 422 on the execution of public works of the eighth of February, 1923.

If, for grave reasons, and apart from the cases provided for by the abovementioned law on expropriation by reason of public utility, it is necessary to dispose of the use of immovable private property, to acquire proprietary rights to movable objects or to use them, or to require compulsory labor, the governor will make the decision, by executory decree on his own initiative, upon suitable indemnity fixed by him, subject to later action before a competent judge for its definitive determination.

Without prejudice to the official execution or to the civil action for the fixing of the indemnity, he who does not obey the decree of the governor in the cases above indicated is punished by a fine up to nine thousand lire or by imprisonment up to six months:

(b) The legislation of the Kingdom of Italy in effect on the date of the promulgation of the present law together with the pertinent regulations, concerning:

Antiquities and fine arts;

Panoramic sites;

The transmission of electric energy to a distance;

Public works, with the exception of matters relating to adjudications, which remain subject to successive contracts, and reserving the provisions of Article 8 of Law 5 dated this day;

(c) The legislation of the Kingdom of Italy in effect as above said, including regulations and treaties ratified by the Kingdom of Italy up to the coming into effect of the present law, as well as the prescriptions relative to the execution of these treaties, subject to subsequent adherence of the City of the Vatican to the latter, concerning:

(1) Weights and measures of every kind;
(2) Artistic and literary property;
(3) Patents of invention, trademarks, and patents of manufacture;
(4) Railroads;
(5) Posts;
(6) Telegraphs;
(7) Telephones;
(8) Radio telegraphy and radio telephony;
(9) Aviation;
(10) Automobiles and their circulation;
(11) Prophylaxis of infectious and contagious diseases.

In the relations between the City of the Vatican and the Kingdom of Italy on the subjects above indicated, there are reserved the special conventions which will be signed and which may derogate from the above rules adopted provisionally;

(d) In a general manner, the laws of the Kingdom of Italy, with their respective general and specific regulations, as well as the regulations of the province and government of Rome, for all that concerns the public hygiene and health, the security and integrity of persons and things, the aedile and urban police, as well as in general for every object which, not being already regulated by the present law or by other laws of the City of the Vatican, needs to be juridically established in this city, to the exclusion, however, unless there is express indication to the contrary, of all that relates to the organization of public corporations and administrations, to the economic and juridical status of officers and employees, to the armed forces, to contributions, subsidies, and other similar measures of administration in favor of the objects just enumerated, to taxes, contributions, and fiscal charges imposed on the same objects for the benefit of the administration, to accounting, and to finances.

The government provides for medical assistance according to rules to be prescribed by the governor.

For the authorities of the Kingdom of Italy contemplated in the laws and regulations connected with the present Article, there shall be substituted the governor, the officer, or the bureau dependent upon him which he will designate for this purpose.

Art. 21. Elementary instruction is obligatory from the age of six years through fourteen for children of both sexes who, until schools are established in the City of the Vatican, must frequent those of Rome which will be designated by the governor after agreement with the local authority.

Parents or tutors who violate the above obligation shall be punished by a fine up to five hundred lire or imprisonment up to ten days, unless they can prove that they are able to give private instruction at their own expense and by appropriate methods.

The penalty may be applied twice in the course of a scholastic year.

Art. 22. In case a civil controversy is not settled, because the sources indicated in the preceding articles do not contain a precise juridical rule or because the supplemental legislation of the Kingdom of Italy is for any reason inapplicable, the judge, relying on the precepts of divine and natural law, as well as on the general principles of canon law, shall decide, applying the principles that he would follow if he were a legislator.

Art. 23. Whenever the penal provisions of the legislation of the Kingdom of Italy, used by way of supplement, seem inapplicable for any reason and no other special penal provision exists, if the act committed violates the principles of religion or of morality, public order or the security of persons or of things, the judge, always without prejudice to the provisions and spiritual penalties of the canon law, may apply to the guilty person the penalty of a fine up to nine thousand lire or imprisonment up to six months.

Art. 24. To the governor is delegated for a period of three years the right to issue, in case of absolute necessity or urgency, and without other formality, measures having a general character and the force of law for a term not exceeding three months, in order to regulate either questions for which there is occasion, by way of supplement according to the preceding articles, to apply the legislation of the Kingdom of Italy or any other questions which have not been provided for nor made the object of any other regulation.

Such decisions of the governor shall be published by affixing a notice to the door of the bureaus of the government and in the Saint Damasus court or in other places expressly designated in the same decisions; they shall become effective on the day of their publication.

Art. 25. The present law shall become effective on the day of its publication.

3. Law on the Rights of Citizenship and Sojourn

Chapter I

The Right of Citizenship

Art. 1. The following are citizens of the City of the Vatican:

(a) The cardinals residing in the city or in Rome;

(b) Those who reside in the City of the Vatican in a permanent fashion because of their rank, office, service or employment, when such residence is prescribed by a law or a regulation, or when it is authorized by the Sovereign Pontiff and, in his name, by the Cardinal Secretary of State, if it concerns a person belonging in any way to the pontifical court or to any of the administrations indicated in Article 2 of the fundamental law the City of the Vatican, or by the governor when it is a question of any other person;

(c) Those who, independently of the conditions provided for in the two preceding paragraphs, are authorized by the Sovereign Pontiff, for reasons which he in his sovereign authority deems sufficient, to reside in a permanent fashion in the City of the Vatican with the concession or reservation of the right of citizenship.

Art. 2. Also Vatican citizens are the wife, children, parents, brothers, and sisters of a Vatican citizen, on the condition that they live with him and are authorized to reside in the City of the Vatican according to the rules fixed in the following articles.

Art. 3. The authorization indicated in the preceding Article is granted by the Sovereign Pontiff and in his name by the Cardinal Secretary of State, if it concerns a person attached in any way to the pontifical court or to any of the administrations mentioned in Article 2 of the fundamental law of the City of the Vatican, or by the governor if it concerns any other person.

Art. 4. The authorization for the wife and children may be given on the simple statement of relationship.

The authorization ceases by law: (a) for the wife if the marriage is annulled or is the object of a dispensation, as well as if legal separation is pronounced; (b) for the children when they attain the age of twenty-five years unless they are incapable of working and are dependent on the Vatican citizen; (c) for the daughters until their marriage.

The powers of the Sovereign Pontiff indicated in Articles 1 (c) and 16 and those of the governor indicated in Article 17 are reserved and absolute.

Art. 5. The authorization indicated in Article 3 relative to parents, brothers, and sisters may not be granted except when the said relatives are dependent on the Vatican citizen for food.

The authorization ceases by law for the brothers when they attain the age of twenty-five years, unless they are incapable of working, and for the sisters at the time of their marriage.

In every case the powers mentioned in the last paragraph of the preceding article remain reserved.

Art. 6. Vatican citizenship is lost:

(a) By cardinals when, for any reason, they cease to reside in the City of the Vatican or in Rome;

(b) By all citizens voluntarily giving up residence in the city;

(c) By the persons indicated under Article 1 (b) when they leave the

rank, office, service, or employment for which they were obliged or authorized to reside in the said city;

(d) By any Vatican citizen whose residence in the city depends on the authorizations indicated in the preceding articles, when the right resulting from the said authorizations by virtue of the same articles ceases, or when a revocation thereof takes place.

Always reserved, as regards residence in the City of the Vatican and, should the case arise, the resulting rights of citizenship, are the powers mentioned in the last paragraph of Article 4.

Art. 7. Since the limited extent of the City of the Vatican does not permit all the descendants and collateral relatives of Vatican citizens to reside there with their new families, the Sovereign Pontiff, desirous of encouraging the formation of new families and generations, reserves the right, for each case, by sovereign and absolute judgment, to take measures in favor of new families who are obliged to abandon the City of the Vatican and to concede to them, under favorable conditions, the use of lodgings belonging to the Holy See in the Kingdom of Italy.

Art. 8. Vatican citizenship is not lost by the simple fact of a temporary sojourn in another place unless such sojourn is accompanied by abandonment of residence in the City of the Vatican or, for cardinals, by abandonment of residence in Rome, or by some other circumstance proving abandonment of residence.

Art. 9. The authorizations envisaged in the present Chapter are revocable at any time, with suitable advance notice, unless reasons of public order, service, morality, and discipline require immediate measures.

Art. 10. The governor keeps a register of Vatican citizens on which are transcribed:

(a) The names of the Vatican citizens indicated under letters (a), (b), and (c) of Article 1, with mention of the title giving them this quality;

(b) The authorizations provided in the present chapter;

(c) The revocation of these authorizations;

(d) The declarations of voluntary abandonment of permanent residence

(e) The certificates attesting the loss of Vatican citizenship for any other reason.

Art. 11. Vatican citizens must provide themselves with identity cards, which the governor will deliver to them according to methods to be fixed by the regulations.

On presentation of such identity cards they may leave the City of the Vatican and re-enter without other formality.

Cardinals who are Vatican citizens and their suites, the governor, and other persons to be designated by the regulations are exempt from the obligation of having identity cards.

Chapter II

Entrance and Sojourn in the City of the Vatican

Art. 12. Those who are not Vatican citizens, in order to enter the City of the Vatican, must provide themselves with an authorization, conforming to the model to be fixed by regulation of the governor, which, after proof of the identity of the persons, shall be delivered by the officers or agents in charge of the maintenance of entries.

For just and grave reasons, of which the officers and agents above indicated are the only judges, the authorization may be refused.

The authorization allows remaining in the City of the Vatican only during the hours determined by regulation of the governor.

The authorization must be kept and shown whenever asked.

Art. 13. For the entrance of societies, bands of pilgrims, and other similar groups, a collective authorization may be delivered in the name either of the leaders or of the directors of the societies or bands of pilgrims in question, with the simple indication of the number of persons accompanying them.

The governor or official delegated by him may accord permanent authorizations of entry.

Art. 14. Those who are not Vatican citizens must, in order to remain in the City of the Vatican outside the hours indicated in Article 12 above, obtain authorization from the governor or from the officer designated for this purpose.

The authorization specifies the duration of the stay and may contain the restrictions and conditions which the governor or the said officer deems advisable.

Art. 15. Exempted from the authorization mentioned in Article 12 are foreigners furnished with passports already visaed by a diplomatic representative of the Holy See or by any other authority delegated for this purpose by the Sovereign Pontiff. This visa does not authorize remaining in the City of the Vatican outside the hours mentioned in the next to last paragraph of the Article above-mentioned.

Exempted from the authorization of entry and stay in the City of the Vatican outside the hours above indicated are the cardinals who are not citizens of the Vatican and their suites, the members of the diplomatic corps accredited to the Holy See, the family of the Sovereign Pontiff, the dignitaries of the pontifical court, the ecclesiastics and other persons attached to offices or courts of the apostolic see, the general counsellor of the state, the employees of the government and of other Vatican administrations, those who belong to the armed forces when they come for reasons of service, and the other persons who may be indicated in the regulations.

Art. 16. The Sovereign Pontiff, for such reasons as he may deem necessary in his sovereign authority, reserves the right to permit anyone to remain in the City of the Vatican for an indeterminate length of time, but without such authorization implying the acquisition of right of citizenship.

Art. 17. The governor or office designated for this purpose may, with the same effect, grant authorizations for temporary stay: (a) to members of the families of Vatican citizens, within the limits of relationship indicated in Article 2, even when those mentioned in Articles 4 and 5 have not existed or have ceased to exist, and also to relatives and connections of even more distant degree than those mentioned in the said articles, if their permanent residence in the City of the Vatican is necessary to a Vatican citizen for personal assistance or the management of his house. The authorization may be accorded, as a general rule, to only one person

for each Vatican citizen. An authorization for several persons must be delivered by the governor himself; (b) to persons indicated under the preceding letter when the Vatican citizen obliged by law to furnish them with the necessities of life is able to provide them only in his own domicile; (c) to domestics and servants of Vatican citizens or of persons who have the right to reside in the City of the Vatican; (d) in extraordinary cases of absolute necessity.

Art. 18. No person, even though authorized to stay, may give lodging, temporary or permanent, with or without payment, without authorization of the governor or of the office designated for this purpose.

Art. 19. The authorizations specified in this Chapter are always revocable, subject to the provisions of Article 9 relative to advance notice.

Art. 20. The granting of lodgings in the City of the Vatican to those who reside there, except in the case of lodgings in private property and subject, in that case, to the provisions relative to leases, sub-leases, and the right of requisition, is made in an absolute manner by the Sovereign Pontiff and in his name by the governor.

The concession of lodgings is revocable, with appropriate advance notice, unless reasons of public order, service, morality, or discipline require immediate revocation.

The Lodging may be changed by a decision of the authority which has granted them, but subject to the rules of appropriate advance notice.

The indications concerning the capacity of lodgings assigned or assignable, as well as other particulars of the localities, must be kept up to date with a view to the concession or refusal of authorization of residence to relatives and connection in accordance with the provisions of Chapter I and of the present Chapter.

The revocation of the concession of lodgings implies by law the revocation of the authorization to reside in the City of the Vatican, unless it provides otherwise.

Art. 21. The persons who are in the City of the Vatican without the authorizations required in the preceding articles or with authorizations that have lapsed or have been revoked may be expelled by the public force.

For grave reasons, or where it is a question of persons condemned by the Vatican courts for any offense whatsoever, the expulsion may be accompanied, on order of the governor, by permanent or temporary prohibition to enter the City of the Vatican.

Art. 22. The governor keeps a register of civil status. Inscribed therein are: the names of the persons authorized to reside in the City of the Vatican for a limited or unlimited period according to the rules of the preceding articles; the revocations of the same authorizations; the decrees of expulsion and prohibitions of entry.

Chapter III

Entrance into the City of the Vatican with Vehicles

Art. 23. Carriages or automobiles belonging to foreigners, whether they serve for transportation of persons or things and whether they are

private or for public service, may enter the City of the Vatican after delivery of special authorization: (a) when they transport persons or merchandise permitted to enter the City; (b) when, although empty, they are required by a person within the territory of the City of the Vatican for the transportation of persons or things in the interest of the person requiring them.

Arts. 24–27. [Parking, registration, fueling of automobiles.]

Arts. 28–31. [Penal provisions.]

Art. 32. Until the establishment of a new and special entry for the museums of the Vatican, the governor will have the right to suspend by his regulations the application of the provisions contained in Articles 12, 13, 15, 23, 24 and 25 of the present law or to issue other regulations in place of the above-mentioned provisions.

Art. 33. The present law shall become effective on the day of its publication.

4. Law on Administrative Organization

Chapter I

General Rules

Art. 1. The grants of power made by this law or others do not in any way derogate from the right of evocation possessed by the Sovereign Pontiff by virtue of Article 6 of the fundamental law.

Art. 2. The Sovereign Pontiff reserves to himself the right to annul, at any moment, the provisions emanating from any administrative authority which are contrary to the laws or to the general or special regulations.

He may, as well, revoke or amend at any time measures which seem inopportune or prejudicial to the public interest, subject, in case the said measures have given rights to third persons, to an equitable indemnification fixed in the decision of revocation or amendment.

Art. 3. Subject to the right of invoking at any time against an administrative measure, and by means of grace, the power of annulment, revocation or amendment indicated in the preceding article, appeal to the Sovereign Pontiff by means of the tribunals, provided for in Article 16 of the fundamental law, must be formulated within thirty days of the publication or notification of the measure attacked, or from the day when the interested party has shown that he had knowledge thereof.

Art. 4. Action against an administrative authority to defend a right allegedly violated by it is prescribed after a period of five years. The prescription runs also as regards minors and incompetents.

Chapter II

Organization of the Government

Art. 5. The governor personally exercises his powers:

(a) In matters of legislation, when they are delegated to him;
(b) In the making of regulations;

(c) In the conclusion of agreements with the communal, provincial, or local governmental authorities residing in Rome;

(d) In relations with the said authorities or with other authorities of the Kingdom of Italy, if the occasion arises in the transaction of business within the jurisdiction of the government;

(e) When it appears expressly from other laws or regulations that the power is strictly personal.

Art. 6. The governor must be a Vatican citizen and reside in the Vatican.

Art. 7. In case of absence or impediment, the governor is replaced by the chief of service whom he designates; for lack of designation, by the secretary general and, in the absence of the latter, by the senior chief of service present, or, if there is parity in the date of nomination, by the oldest.

He who replaces the governor may not exercise the powers reserved personally to the latter except in cases of necessity or urgency.

Art. 8. The counsellor general of the state and the judges and officers of the judicial power are not obliged to be Vatican citizens or to reside in the Vatican; they do not belong to the category of officers and employees and receive only a simple compensation for services.

Art. 9. The distribution of offices, the number, the powers, the rights, and obligations of officers, employees, and clerks, their appointment, their discipline and their dismissal are determined by regulations to be issued by the governor.

Art. 10. On any occasion, subject to the powers of the Sovereign Pontiff as regards the governor and the counsellor general of the state, and subject also to the special provisions applicable to the armed forces, the officers and employees dependent on the governor may be punished, according to the gravity of their fault, by censure or by suppression of a fourth of their salary during one year or more. The faults which render an officer unworthy, unsuitable, or incapable, from the point of view of the necessary confidence, may always entail dismissal notwithstanding a contract for a period or for life.

Dismissal may also and always be pronounced in case of physical or intellectual incapacity.

Art. 11. The measures treated in the preceding Article are taken by the governor, after hearing the interested parties and without other formality.

Recourse to the Sovereign Pontiff is admitted against these measures, to the exclusion of any other action except with respect to the civil property rights which may result from special contracts and on the subject of which it is impossible to check the reasons for the administrative measure.

Art. 12. The officers or employees who are responsible for payments or collections or who are, in any way, responsible for the handling of money, securities, or merchandise, must render account to the governor, to whose supervision they are submitted through the bureau of finances and accounting.

The governor, when he considers a person subject to accounting to be

responsible even through simple negligence, notifies such person of his reasons and gives him a period of time for his defense. If, in the opinion of the counsellor general of the state, the responsibility is well established, the amount of reimbursement is fixed by a decision of the governor on the basis of conservative measures, or of the inscription of a judicial mortgage, or, when the governor deems it advisable, of a forced execution on the property of the person subject to accounting, including the property taken for security if such exists.

Against this decision the person subject to accounting may appeal to the Sacred Rota. The appeal does not have the effect of suspension.

Art. 13. The administrative officers charged with receiving pledges, ordering payments, with watching over those who handle money, securities, or commodities and also over the pledges and expenditures above indicated, are responsible for the losses which, by their fault or fraud, result to the state.

Every officer or employee who by act or omission, even though unpremeditated, causes prejudice to the state, incurs the same responsibility, unless he can show that he acted by virtue of a superior order which he was obliged to execute.

The supervision of the said responsibility is conducted according to the same procedure as that established for persons subject to accounting in the preceding Article.

The governor of the Sacred Rota may by way of equity, however, as regards the responsible officers or employees mentioned in the present Article, charge the responsible officer or employee with only a part of the loss sustained.

Art. 14. All dignitaries, officers, and employees shall take the oath of allegiance by means of the following formula:

> I swear on the Holy Gospel to be faithful to the Sovereign Pontiff, to observe scrupulously the orders which shall be given by him, by my other superiors, and by the laws of the state, and to fulfill with zeal the obligations of my office.

The oath is taken by the governor, the counsellor general of the state, and the commandants of the armed forces before the Sovereign Pontiff, and by other persons before the governor.

Chapter III

Contracts

Art. 15. All contracts entered into in the interest of the City of the Vatican for an amount greater than 5,000 lire must be first submitted for the examination of the bureau of finances and accounting, which may present on the subject the observations which seem to it legitimate, and thereafter for the approval of the governor or his substitute.

For lack of these formalities contracts are null. The nullity may be opposed only by the public administration.

Art. 16. In all contracts for work or supplies, unless there is a contrary stipulation, the right of cancellation upon payment of ten percent of the

amount of the work or supplies to be delivered, in addition to full payment for deliveries already made, is reserved to the administration.

Art. 17. In all contracts for work or supplies, when the contractor does not execute his bargain, the administration may, by an executory decree and with the assistance of the public force, if it is necessary, occupy the shops, seize the machines, the warehouses of materials, or supplies of merchandise, and execute the contract subject to the eventual indemnities to be fixed by the judicial authority.

Chapter IV

General Provisions

Art. 18. The present law shall become effective on the day of its publication.

5. Law on Economic, Commercial, and Professional Organization

Art. 1. The state of the City of the Vatican has its own currency.

The money and bank notes of the Kingdom of Italy are legal tender according to the legislation of that Kingdom until the rules concerning the currency of the City of the Vatican are formulated and that currency is issued.

Art. 2. The authorization of the governor is necessary for the alienation of real property situated within the territory of the Vatican, for transactions between the living, whether for compensation or gratuitous, for the constitution of rights of long lease, rights to the surface of land, use, usufruct, servitude, mortgage, or any other effective right, as well as for the leases and sub-leases, even partial, of such real property, whatever may be the duration of the lease.

The same authorization is obligatory for the acquisition of the same rights over the said real property by lawful succession or by testamentary disposition, either by universal or by individual title.

Until this authorization has been granted, no one may dispose of the possession of real property or effect the operations above indicated. Infractions of this provision are punished by a fine which may amount to three thousand lire.

The absence of authorization renders null the transactions mentioned in the preceding Article. The nullity may be disregarded by the government.

In the case where authorization is refused for entrance into possession of real property by succession, as stated above, the real property falls under the patrimony of the state in exchange for a just indemnity fixed by the governor, but with recourse possible to the courts according to the methods and forms applicable to indemnities for expropriation. If the authorization to acquire rights with respect to real property by inheritance is refused, the heir who is authorized to receive the title to the property shall take it free of the said rights, but pecuniary compensation commensurate with the charge imposed by the said rights shall be granted and, in case of difference, fixed by the judicial authority.

Art. 3. For the real property existing in the City of the Vatican and

not owned by the Holy See, no work of transformation or enlargement may be executed without the previous authorization of the governor.

Infractions of this prohibition are punished by fine up to five thousand lire; moreover, the governor or the service delegated for this purpose shall have full power to require officially, without other formality and at the expense of the offender, the restoration of the property to its previous condition.

Art. 4. The purchase for resale of merchandise or commodities, of whatever nature or origin, and their sale are reserved as a monopoly to the state, according to the rules to be fixed by decree.

The state provides, further, by means of a special organization, for the pharmaceutical service.

By the sole intermediary of competent offices of the state, or following only the forms which shall be fixed by regulations, persons residing in the City of the Vatican may cause to be sent there, for their personal use or for that of their families, merchandise or commodities exempt from the customs taxes and taxes of consumption in effect in the Kingdom of Italy. Amounts exceeding the limits of this use will be confiscated with or without indemnity according to the circumstances.

Art. 5. The introduction by private persons into the City of the Vatican, for their personal use or for that of their own families, of merchandise or commodities acquired in the Kingdom of Italy and already subjected to customs taxes, as well as to taxes of consumption in effect in the said Kingdom, is free, subject, in each case, to proof by the person introducing them that the conditions above indicated exist.

It is forbidden to individuals to bring into the City of the Vatican merchandise or commodities, even when they have paid the customs taxes and taxes of consumption established by the laws of the Kingdom of Italy, if they are brought in in such abundance, and in such a manner that they are obviously intended for commerce; it is the same in regard to the storing of the said merchandise or commodities and their sale.

Infractions of the prohibition mentioned in the preceding paragraph are punished by a fine up to five thousand lire, as well as by confiscation of the merchandise and commodities. In case of a second offense, imprisonment up to six months may be added to the fine.

It is further forbidden to individuals to bring into the City of the Vatican merchandise or commodities which have not been subjected to the customs taxes and taxes of consumption mentioned above, even when they are not brought in in such quantity or in such manner that a commercial purpose is evident; it is the same as to the holding of such merchandise or commodities and their sale.

The violation of the prohibition formulated in the preceding paragraph is punished by a fine up to fifteen thousand lire; in every case the merchandise introduced, held, or sold in violation of this prohibition is confiscated, as well as the receptacles and means of transportation. In case of association for the accomplishment of the offense or of a second offense, the penalty of imprisonment may be also pronounced for a term which may reach three years.

Art. 6. The exportation of merchandise or commodities from the City of the Vatican to the territory of the Kingdom of Italy is forbidden. The violation or even the simple attempt to violate this prohibition is punished by a fine of the same amount as that fixed in the last paragraph of the preceding Article, and by imprisonment up to three years, in addition to the confiscation of the contraband, merchandise, or commodities and of the receptacles and means of transportation.

Exempt from the prohibition of exportation are objects of personal use in the usual quantity needed for a trip, and also the exportation of personal property in case of removal of residence from the City of the Vatican.

Art. 7. No one may open a store, a workshop, or an office, even for the purpose of simple occupations, or establish industrial or commercial enterprises of any kind, or create cabinets, offices, agencies, or fixed localities to receive the public with a view to exercising any profession whatever, without the authorization of the governor.

If the laws in effect in the City of the Vatican or the national laws of a foreigner exercising a liberal profession require for the exercise of that profession proofs of capacity, the authorization may be granted only if these proofs have been submitted in conformity with the Vatican or foreign law.

Infractions of this prohibition are punished by a fine up to three thousand lire and, as well, by the closing, as a matter of course and without other formality, of the places used.

Art. 8. Whenever, for the establishment of a business bureau or a commercial or industrial enterprise, the authorization provided for in the preceding Article has been granted, provided that other rules have not been issued by the City of the Vatican, the employer shall be subject by law to the provisions of the legislation of the Kingdom of Italy in effect upon the application of the present law, to the extent that these provisions are applicable and subject to the reservations mentioned in Article 3 of Law No. 2 of the same date on the sources of law, with respect to labor contracts, the labor of women and children, the eight hour day, rest on feast days, social insurance for accidents, maternity, illness, and old age, enforced idleness and tuberculosis; also, whenever it is not otherwise prescribed by the laws or by clauses of the act of concession, and in so far as special rules shall not have been formulated by the City of the Vatican, he shall fulfill the assurances connected with the preceding questions by means of contracts entered into with the establishments or organizations to which the legislatoin of the Kingdom of Italy requires him to address himself.

Also subject to the rules of the preceding paragraph are foreign entrepreneurs who, by contracts, either with the public administration or with individuals, execute enterprises or carry on any work or provisioning in the City of the Vatican.

Art. 9. The occasional and temporary work executed by representatives, even foreigners, of various professions, arts, enterprises, or occupations, for the profit of persons residing in the City of the Vatican or their

property, are free, subject to the obervance of the rules relative to admissions and sojourn.

However, even in the case provided for by this Article, if the Vatican law or the national law of the foreign professional requires proofs of capacity, the latter may offer his services only if he has submitted these proofs.

Infractions of the prohibitions contained in the present Articles are punished by a fine up to nine thousand lire or by imprisonment up to six months.

Art. 10. The present law shall become effective on the day of its publication.

6. Law of Public Security

Art. 1. The governor watches over the maintenance of public order, the security of the citizens, the integrity of their persons, the protection of their property, the safeguarding of their possessions, and the public hygiene and morality.

With this purpose, either in the execution of the laws and regulations or on the occasion of events not provided for in the general provisions, he will take the measures he deems advisable.

Whoever does not obey these measures, without committing any other graver fault, is punished by a fine up to four thousand, five hundred lire or by imprisonment up to three months.

Without prejudice to the penal action, the measures above indicated may, in such a case, be executed even immediately, with the aid of the public force, but with the obligation for the person obliged to obey to reimburse the expenses of execution in accordance with the liquidation established by the governor.

Art. 2. Anyone who, on the summons of the governor or of the officers dependent on him, does not present himself on the day set, is punished, unless there are valid reasons, by a fine up to one thousand, five hundred lire or by imprisonment up to one month.

Without prejudice to the penal action, the authorities indicated in the preceding paragraph may, by constraint, oblige those who have not obeyed the summons to appear.

Art. 3. The constitution of any association without the authorization of the governor is forbidden.

The prohibition is not applicable to religious orders, to congregations and associations provided for by the *Codex iuris canonici* and constituted according to the rules of the latter.

The associations constituted contrary to this prohibition are dissolved independently of measures which shall seem advisable as regards the locality and possessions.

The offenders are subject to a fine up to nine thousand lire and to imprisonment up to six months.

Art. 4. Any meeting in a public place or one open to the public is forbidden without the previous authorization of the governor. A meeting announced by private invitation is considered as public when it appears from the place designated, the number of persons invited, and the object

of the meeting that the private character of such meeting is simulated.

The provision of the preceding Article does not apply to receptions, processions, religious ceremonies, and funeral corteges, subject to understanding to be established with the governor.

Unauthorized meetings are dissolved by the public force. Even authorized meetings may also be dissolved when they are disorderly or in danger of becoming so.

Anyone who takes part in an unauthorised meeting is punished by a fine from five hundred to nine thousand lire or by imprisonment from ten days to six months.

Whoever does not obey the order of dissolution of an authorized meeting is punished by a fine up to four thousand, five hundred lire or by imprisonment up to three months.

Art. 5. It is forbidden to keep arms, even in one's dwelling place, or to carry them outside without the authorization of the governor.

Sharp or cutting instruments capable of causing wounds may not be carried without just cause outside of one's dwelling.

Authorization is even necessary for collection of artistic, rare and ancient arms.

Transgressors of the prohibition to have or carry arms without authorization or to circulate without just cause with instruments capable of causing wounds are punished by a fine up to nine thousand lire or by imprisonment up to six months. The said arms or instruments are confiscated.

Those who infringe the prohibition of having collections of artistic, rare, or ancient arms without authorization are punished by a fine of three thousand lire. Confiscation is optional.

Art. 6. It is forbidden, without authorization of the governor, to keep war weapons, deposits of arms not of war, deposits of munitions and explosive material. Whoever violates this prohibition is punished, if the act is not accompanied by a graver offense, by imprisonment from three months to three years, as well as by the confiscation of the arms, munitions and explosive matters.

Art. 7. For the observance of the two preceding Articles the governor may order domiciliary visits or personal searchers.

Art. 8. The public exercise of printing, lithography, photography, and other mechanical or chemical reproduction of characters, designs, or figures is forbidden without the authorization of the governor.

It is forbidden to affix or offer to the public, even gratuitously, announcements, writings, printed matter, books, engraving, lithographs, photographs, statues of any kind, without the authorization of the governor.

Infractions of the two preceding prohibitions are punished by a fine of nine thousand lire or by imprisonment up to six months.

Art. 9. The ambulatory sale of any objects whatever is absolutely prohibited. Infractions of this prohibition are punished by the penalties indicated in the preceding Article.

Art. 10. It is forbidden to exercise the profession of guide or interpreter

without authorization of the governor, which is subject to proofs of the aptitude of the applicant.

Whoever infringes this prohibition is punished by a fine up to four thousand, five hundred lire or by imprisonment up to three months.

Art. 11. The authorizations or licenses mentioned in the preceding Articles may be granted by the governor or by the offices dependent on him, except for the authorization mentioned in Article 3; they may also be subjected to all the conditions and limitations of term which may seem advisable. They are revocable at any time without indemnity.

Art. 12. The present law shall become effective on the day of its publication.

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VENEZUELA

SUMMARY

International Status

Venezuela is a member of the United Nations. It signed the Charter in San Francisco on June 26, 1945 and ratified it September 25, 1945.

It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice of 1921 and is a party to the Statute of the International Court of Justice of 1945. It is not, as of the time of our going to press, subject to the compulsory jurisdiction of the Court under Article 36 of its Statute.[1] It is a member of other international organizations.[2]

[1] See Yearbook of the Court 1951–52, p. 43.

[2] See Table I.

Venezuela broke off relations with the Axis in December 1941 and declared war on Germany and Japan, February 15, 1945.

In July 1811 the National Congress proclaimed Venezuela's independence, but very soon thereafter the country was reconquered by Spain. It was finally liberated by Bolívar and its independence once more was proclaimed by the Congress of Angostura on February 15, 1819. Until 1830, Venezuela formed part of a federation comprising Colombia, Panama, Venezuela and Ecuador.

Form of National Government

The Constitution at present in force in Venezuela was promulgated on April 11, 1953. It replaced the Constitution of July 5, 1947. Previous Constitutions were signed in 1811, 1905, and 1936. The Constitution of 1953 states that the Republic of Venezuela is governed by the principles of federal, democratic, elective, representative, responsible and alternative government.[1]

Source of Sovereign Power

Sovereignty resides in the people.[2]

Rights of the People

The Constitution guaranties personal liberty and equality before the law,[3] inviolability of life, the home, correspondence, freedom of movement and domicile, of religion, expression, meeting, association, work and teaching and the right of property.[4] It is the duty of Venezuelans to defend the country, to provide military service and to obey the Constitution and laws.[5]

Legislative Department

The Legislative power is vested in a bicameral National Congress.[6] The Chamber of Deputies is elected by direct, universal and secret suffrage, the Senate by the respective State Legislative Assemblies, and for the Federal District, the Municipal Assembly.[7] The two Chambers meet together as the National Congress for certain purposes, among which are the consideration of amendments to the Constitution and the creation of new States.[8]

Executive Department

Executive power is exercised by the President of the Republic, elected by universal, direct and secret suffrage at the beginning of each constitu-

[1] Const. of 1953, Art. 1.
[2] Id., Art. 38.
[3] Id., Arts. 28–30, 35.
[4] Id., Art. 35.
[5] Id., Art. 33.
[6] Id., Art. 62.
[7] Id., Art. 69, 70.
[8] Id., Art. 84.

tional period (i.e. for a term of five years).[1] Provision is made for Ministers and a Cabinet.[2]

Judicial Department

Judicial power is exercised by the Federal Court, the Court of Cassation and other courts.[3] Members of the Federal Court and Court of Cassation are elected for the "constitutional period" (five years) but continue in office unless at the end of this term, they are replaced.[4] The Federal Court has the power to declare laws and acts unconstitutional.[5]

Area, Population, Language

Venezuela has an area of 352,150 square miles and a population (1950 census) of 4,985,716. The language is Spanish.

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[1] Const. of 1953, Arts. 100, 102, 104, 42. [2] Id., Arts. 111, 112. [3] Id., Art. 129.
[4] Id., Art. 130. [5] Id., Art. 133.

CONSTITUTION OF VENEZUELA[1]

April 11, 1953

THE CONSTITUENT ASSEMBLY OF THE UNITED STATES OF VENEZUELA,

In the Name of Almighty God,

Decrees the following

CONSTITUTION

Preliminary Declaration

Art. 1. The Venezuelan Nation is the association of Venezuelans in a pact of political organization with the name of Republic of Venezuela, which is governed by the principles of Federal, Democratic, Elective, Representative, Responsible and Alternative Government, and which is independent and free from all foreign domination or protection.

The Venezuelan Nation proclaims as the prime reason of its existence the maintenance of its moral and historic patrimony, the preservation of its dignity, the conservation and defense of its territory, and the utilization of its riches for the welfare of its inhabitants.

The Venezuelan Nation aspires to achieve an ever higher position of prestige in the universal community, by improvements in physical conditions and in the status of its inhabitants, in an atmosphere of harmony among those who dwell in its territory, and with sound aims of international cooperation.

TITLE I

ORGANIZATION OF THE REPUBLIC

Chapter I

Territory and Political Division

Art. 2. The territory of the Republic of Venezuela is that which belonged to the Captaincy General of Venezuela before the political transformation of 1810, with the modifications resulting from treaties approved by the Republic. Also subject to its authority and jurisdiction are the bed of the sea and the subsoil of the areas that constitute the continental shelf, as well as any islands that may be formed or that may appear in this zone. The extent of the territorial sea, the contiguous maritime zone, and the air space over which the State exercises its vigilance,shall be determined by law. Neither the territory nor the zones subject to the authority and jurisdiction of Venezuela may be alienated, ceded, or leased in any manner to a foreign State or States, nor to anyone having, representing or managing their rights.

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[1] Source: Pan American Union Law and Treaty Series.

Foreign States may acquire, in conformity with law, only the real property necessary for the seat of their diplomatic representation in the metropolitan area of the capital of the Republic, on the basis of reciprocity and reserving always national sovereignty over the land.

Art. 3. The national territory is divided politically into States, a Federal District, Federal Territories and Federal Dependencies. States are divided into Districts, and Districts into Municipalities. The Federal District and the Federal Territories shall be divided in accordance with their organic laws.

Art. 4. There are twenty States, namely: Anzoátegui, Apure, Aragua, Barinas, Bolívar, Carabobo, Cojedes, Falcón, Guárico, Lara, Mérida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Táchira, Trukillo, Yaracuy and Zulia.

Art. 5. The boundaries of the States, the Federal District and the Federal Territories may be changed by special laws when reasons of high national interest require.

Adjoining States may be united by agreement of their respective Legislative Assemblies, although they shall always retain the power to separate again, if one year in advance and during the ordinary sessions of the Legislative Assembly of the resulting State, such separation is requested by the majority of the representatives from Districts of any of the States united.

Art. 6. The city of Caracas is the capital of the Republic and the seat of the National Government.

Art. 7. The Federal District and the two Federal Territories, Amazonas and Delta-Amacuro, shall be organized by special laws.

Art. 8. The Federal Territories may decide to become States, provided they have at least the population required to elect a Deputy and they are capable of providing public services.

Art. 9. The maritime islands are Federal Dependencies, except those of Margarita, Coche and Cubagua, which constitute the State of Nueva Esparta. Any islands that may be formed or that may appear in the zone of the continental shelf of Venezuela are considered a part of such Dependencies.

Art. 10. The Federal Dependencies are governed by the National Executive Power. The conditions whereby Dependencies may decide to become Federal Territories shall be regulated by law.

Chapter II

The States

Art. 11. The States reciprocally recognize their autonomy and their equality as political entities, and agree that their first duty is the conservation of the independence, the sovereignty, the integrity and the dignity of the Nation; that their organization and functioning are governed by the principles established in article 1 of this Constitution, and that the Public Power is distributed among the National, State and Municipal Powers.

Art. 12. The States are obligated to comply with and enforce the

Constitution and the laws of the Republic and any provisions enacted by the National Power.

Art. 13. The Legislative Power of the States shall be exercised by a collegiate body to be called the Legislative Assembly.

Art. 14. The Executive Power of the States shall be exercised by an official called the Governor, who, in addition to the powers and duties given him by the Constitution and State laws, shall be the agent of the National Executive Power in the respective State.

Art. 15. The National Government may maintain in the territory of the States such officers and members of the National Armed Forces as it considers necessary.

Art. 16. It is within the competence of States:

(1) To adopt their own Constitutions, in conformity with the National Constitution and laws.

(2) To change their name and modify their politico-territorial division.

(3) To administer the Constitutional Allotment allocated to them, and the taxes and other contributions levied by their Legislative Assemblies.

Art. 17. The States may not:

(1) Contract loans abroad.

(2) Lay import, export or transit taxes on domestic or foreign goods, or on other objects within national or municipal competence.

(3) Tax consumer goods before they enter into circulation within their territory.

(4) Prohibit consumption within their territory of goods produced outside, or tax such goods differently from those produced within their jurisdiction.

Chapter III

Municipalities

Art. 18. The Municipal Power shall be exercised in each District of the States, in the Federal District, and in Federal Territories, by a Municipal Council, autonomous in matters pertaining to municipal finances, economy and administration, except for restrictions provided by this Constitution. The Municipality shall be represented by the Municipal Councils, which shall be organized according to law.

The Organic Law of the Federal District may provide a special organization of its Municipal Power, subject to the provisions of this Constitution.

Art. 19. Municipalities have juridical personality; they may not be intervened in the performance of their functions, and their Ordinances, Decisions and Resolutions may only be challenged before the competent judicial authority.

Art. 20. Municipalities may not contract loans abroad.

Art. 21. It is within the competence of Municipalities:

(1) To organize, subject to national laws and regulations, their services to supply waterworks, inspection of weights and measures, public lighting, civil architecture, social welfare, cemeteries, education, slaughterhouses, municipal decorations, urban transport, and other services of a municipal nature.

(2) To promote and supervise city planning, subject to the norms established by law, in coordination with national technical organizations.

(3) To adopt an Ordinance to regulate the administration of their *ejidos* (communal lands) and municipal property, in which it shall be provided that the former are inalienable and imprescriptible, except for improvements and for purposes of agrarian reform.

(4) To organize and administer their revenues and receipts, derived from the following sources:

(a) Industrial, commercial and vehicle licenses.

Products of the soil, stockraising and fishing for consumption shall be subject only to municipal taxes at the retail level.

(b) Income from the sale, lease or exploitation of *ejidos* or municipal property.

(c) Municipal public services.

(d) Receipts from fines imposed by municipal officials, and those which by virtue of special laws are destined to the municipal treasury.

(e) Urban real estate and public spectacles.

TITLE II

NATIONALITY

Art. 22. The following are Venezuelans by birth:

(1) Those born in the territory of the Republic.

(2) Those born on Venezuelan ships or airplanes, outside the jurisdiction of another State.

(3) Children of a Venezuelan father or mother.

Art. 23. The following are Venezuelans by naturalization:

(1) Adult children, of a naturalized Venezuelan father or mother, born abroad, if they are domiciled in the country and express their intention to be Venezuelans.

(2) Natives of Spain or of Latin American States, domiciled in the country, who express their intention to be Venezuelans and are accepted as such.

(3) Aliens who obtain a naturalization certificate.

Art. 24. A Venezuelan woman who marries an alien retains her Venezuelan nationality.

Art. 25. The dissolution of marriage shall not affect the nationality of the spouses or of their children.

Art. 26. Expressions of intention, the acquisition of a naturalization certificate and the revocation of naturalization shall be regulated by law.

Art. 27. By public treaty rules may be adopted for determining the nationality of persons to whom the application of laws of different countries attributes more than one nationality.

TITLE III

INDIVIDUAL AND SOCIAL RIGHTS AND DUTIES

Chapter I

General Provisions

Art. 28. Every person has the right to do what does not harm another, and no one is bound to do what the law does not command or to refrain from doing what it does not prohibit.

Art. 29. No one may be tried by specially created courts, but by regular judges and under preexisting law.

Art. 30. No legislative provision shall have retroactive effect, unless it imposes a lesser penalty. Procedural laws shall be applied from the time they enter into force, even in cases pending; but in this event, if the trial is criminal, the evidence introduced, insofar as it is beneficial to the defendant, shall be governed by the law in force at the time the trial began.

Art. 31. Neither Venezuelans nor aliens shall have the right in any case to indemnification from the Nation, the States or the Municipalities for damages or expropriations that have not been caused or executed by competent authorities in the exercise of their legal powers.

Art. 32. The statement of rights made in the present Title is not to be understood as a denial of any other rights belonging to the inhabitants of Venezuela.

Chapter II

Duties of Venezuelans and Aliens

Art. 33. The following are duties of Venezuelans:

(1) To defend their country, and never to serve against it or against its allies in the event of international armed conflict.

Venezuelans who fail in this duty shall be considered traitors to their country.

(2) To render military service.

(3) To obey the Constitution, the laws and regulations enacted by the Public Power.

Art. 34. The following are duties of aliens in Venezuela:

(1) To contribute to national defense in the manner determined by law.

(2) To respect other legal precepts on the same terms demanded of Venezuelans.

(3) To refrain from political activities other than those pertaining to the exercise of suffrage when they are entitled to this right.

Aliens who fail in these duties shall be equally responsible with nationals, and may be detained, confined or expelled from the territory of the Republic.

Chapter III

Individual Guarantees

Art. 35. The inhabitants of Venezuela are guaranteed:

1. Inviolability of life. No law may establish the death penalty and no authority may carry it out.

2. Liberty and personal security. Consequently, no one may:

(a) Be arrested or detained except in conformity with the laws.

(b) Be arrested or detained for noncompliance with civil obligations not defined as a crime by law.

(c) Be bound to testify under oath against or to admit the guilt of himself, his spouse or other relatives within the fourth degree of consanguinity or second of affinity.

(d) Continue to be detained after the final judicial decision that revokes his detention, or after being legally granted liberty under bail, or after fulfilling the penalty imposed.

(e) Be convicted in a criminal case without having been personally notified of the charges and heard as provided by law.

(f) Be tried for the same acts that formed the basis of his former trial.

(g) Be sentenced to imprisonment for more than thirty years, or to infamous or perpetual punishment, or subjected to procedures that cause physical suffering.

3. Inviolability of the home. It may not be broken into except to prevent the consummation of a crime or to carry out decisions of the courts of justice. It shall be subject, according to law, to inspections on fiscal grounds or for public security.

4. Inviolability of correspondence in all its forms. Only a competent authority, upon previously complying with the legal formalities, may seize letters, telegrams, private papers and other correspondence. In any case secrecy shall be maintained respecting domestic and private affairs that have no relation with the proceeding.

5. Freedom of transit through the national territory, to change residence, to leave and return to the Republic, to bring his property to the country or to take it out, with the limitations imposed by law.

6. Religious freedom, under the supreme inspection of all faiths by the National Executive Power, in accordance with law.

No one may invoke religious beliefs or disciplines in order to avoid complying with the laws.

7. Freedom of expression of thought, with the limitations established by law.

8. Equality before the law.

The identification of a person for acts in his civil life shall not include any mention that refers to the nature of his filiation, establishes differences in births or indicates the marital status of his parents.

No official form of address shall be used other than 'citizen' (ciudadano) or 'you' (usted), except for diplomatic formulas.

9. The right of property. By virtue of its social function, property shall be subject to taxes, restrictions and obligations established by law, in accordance with which also expropriation of any kind of property may be declared by final judgment and payment of the price.

The law may establish special prohibitions for the acquisition, transfer, use and enjoyment of particular classes of property, by its nature, condition or location in the national territory.

Lands acquired and destined for exploitation of mining concessions, of hydrocarbons and other combustible minerals, shall pass in full title to the Nation, without indemnification of any kind, upon the expiration of the respective concession for any reason.

10. The right of assembly, of association and of forming unions, according to the laws.

11. The freedom and protection of labor, according to the laws.

12. The freedom of industry and of commerce, according to the laws.

13. The freedom of instruction, with the limitations established by law.

Art. 36. In the event of national or international emergency the President of the Republic may, by Decree issued in the Council of Ministers restrict or suspend, in whole or in part, the guarantees of citizens in all or in part of the national territory, with the exception of those provided in

paragraph 1 of article 35 of this Constitution and in clause (g) of paragraph 2 of the same article.

This Decree shall be revoked upon the termination of the grounds upon which it was based.

Art. 37. The restriction or suspension of guarantees shall not in any case affect the functioning of the Public Power.

TITLE IV

SOVEREIGNTY AND THE PUBLIC POWER

Chapter I

Suffrage

Art. 38. Sovereignty resides in the people, who exercise it by means of the suffrage and through the agency of the Public Power.

Art. 39. Suffrage is a public function exclusive to Venezuelans. Nevertheless, it may be extended to aliens. The law shall determine the conditions and other procedures relative to the exercise of suffrage in both cases.

Chapter II

The Public Power and its Exercise

Art. 40. The Public Power is distributed among the Municipal Power, the State Power and the National Power.

Art. 41. The Public Power shall be exercised in conformity with this Constitution and the laws that define its functions and powers. Any act that goes beyond such definition constitutes a usurpation of functions.

Art. 42. The constitutional periods of the National Public Power shall be for five years.

Art. 43. All official public acts and documents of the Republic, the States, the Federal District, the Federal Territories, the Federal Dependencies and the Municipalities, in addition to calendar dates, shall state the year of Independence and the year of Federation, counting from April 19, 1810 and from February 20, 1859, respectively.

Art. 44. The discharge of any public office requires the prior taking of an oath by the person who is to fill it.

Art. 45. No one in the service of the State may receive offices, honors or compensation from foreign governments without prior authorization from the Senate.

Art. 46. No one may occupy more than one remunerated public office at the same time, except for academic, temporary, advisory, teaching, edilitian or electoral offices.

Art. 47. No one in the service of the State may enter into a contract with the State, either directly or through intermediaries, with the exceptions that may be established by law.

Art. 48. No contract of national, state or municipal public interest may be entered into with foreign governments or assigned to them. Neither may such contracts be entered into with natural or juridical

persons not domiciled in Venezuela, nor assigned to them if signed with third parties.

In order to enter into such contracts with official or semi-official foreign entities having autonomous juridical personality or to assign such contracts to them, the authorization of the National Congress shall be required.

Art. 49. In contracts of public interest entered into with the National Government, or with the States or Municipalities, the following clause shall be deemed to be incorporated: "Doubts and controversies of any kind that may arise out of this contract and that cannot be settled in a friendly manner by the contracting parties, shall be decided by the competent courts of Venezuela, in accordance with its laws, and they may not for any reason be the basis for foreign claims".

Art. 50. The Right of Ecclesiastical Patronage, which belongs to the Republic, shall be exercised according to law. However, agreements or treaties may be entered into to regulate relations between the Church and the State.

Art. 51. International commitments of the State shall include a clause whereby the parties bind themselves to decide controversies that might arise relating to the interpretation or execution of the agreement by pacific means recognized in international law or previously agreed upon by them, if such be the case.

Art. 52. The State shall not grant monopolies. It may only grant concessions for a limited time, in the form most advantageous to the Nation.

Art. 53. The State may reserve to itself the operation of particular industries, exploitations or services of public interest. Also it may adopt measures of an economic nature to rationalize and promote production and to regulate the circulation and consumption of resources.

Art. 54. Exportation is free and may only be prohibited, taxed or limited when the interests of the Nation require.

Art. 55. For the purpose of dealing with particular subjects of high national interest there shall be created Superior Councils composed of the President of the Republic, who shall preside; the members of the Cabinet; other competent officials, according to the case, and other persons to be designated by the President of the Republic.

Chapter III

National Armed Forces

Art. 56. The National Armed Forces are a professional institution, impersonal and nonpolitical, at the exclusive service of the Nation.

The fundamental aim of the National Armed Forces is to guarantee the defense of the Nation, to maintain internal stability and to enforce the Constitution and the laws.

Art. 57. The members of the National Armed Forces may not exercise the right of suffrage, belong to political groups or take part in the activities of such groups, as long as they remain in active service.

Art. 58. Those holding military rank may not be deprived of it or of the honors and other benefits inherent in the rank, except in the cases and in the manner determined by law.

TITLE V

NATIONAL PUBLIC POWERS

Chapter I

The National Power

FIRST SECTION

GENERAL PROVISION

Art. 59. The National Public Power is divided into Legislative, Executive and Judicial.

Each branch of the National Public Power has its own functions; but the agencies that perform these functions shall collaborate with each other and with the other Public Powers in the realization of the aims of the State.

SECOND SECTION

THE COMPETENCE OF THE NATIONAL POWER

Art. 60. The competence of the National Power includes matters relating to:

(1) The defense of the Nation. The supervision and preservation of national interests. The maintenance of public peace and the right application of the laws.

(2) International action of the Republic of Venezuela.

(3) The symbols of the Nation.

(4) The National Armed Forces.

(5) The organization and government of the Federal District, the Territories and the Federal Dependencies.

(6) The legislation to regulate the guarantees granted by this Constitution; civil, commercial, criminal and procedural legislation; legislation on elections; on expropriation for public and social benefit; on patents and trademarks; on copyright and industrial property, and on other matters within national competence.

(7) National holidays. Honors conferred by the Republic. Conservation of historical interests.

(8) Services of security and identification. Admission, expulsion and naturalization of aliens.

(9) Immigration and colonization.

(10) Agrarian reform.

(11) The system of weights and measures, the national monetary system and the circulation of foreign currency. In no case may values represented on paper or bank bills circulate without the metallic reserve or deposit determined by law.

(12) Banks and other credit institutions.

(13) Public credit.

(14) Pensions.

(15) The establishment, collection, inspection and enforcement of taxes, contributions, assessments and other revenues not assigned to the States and Municipalities.

(16) The General Budget of Public Revenues and Expenditures.

(17) The administration of mines and hydrocarbons, pearl oysterbeds, salt mines and public lands.

Only concessions may be granted, and these only for a limited time for the exploitation of natural resources. Nevertheless, the National Executive Power may sell or lease public lands. The public lands of islands may

not be alienated, and their exploitation must be authorized in such a way as not to imply that title to the land is being transferred. Income from the property indicated and the proceeds from the sale of public lands shall inure to the National Treasury.

(18) Tourism. Hotels, recreational establishments and other services for the promotion of tourism. Lotteries.

(19) Census and national statistics.

(20) National public works.

(21) Establishment, coordination and unification of technical standards and procedures for works of architectural engineering and city planning, and the creation and operation of the corresponding agencies.

(22) Principles and standards for education and culture in general. Functioning of educational and cultural institutes, associations and services.

(23) Technical direction, establishment of administrative standards and coordination of services dedicated to safeguarding public health.

The law may provide for the nationalization of these public services in the collective interest.

(24) Conservation, promotion and utilization of natural resources.

(25) Labor, social welfare and security.

(26) Transportation on land and sea, in the air, and on rivers and lakes.

(27). Postal, telegraph, telephone and wireless communications services.

(28) Administration of justice and the public Ministry. Public register. Jails and penitentiaries.

(29) Any matter that the present Constitution does not assign to the other Powers.

Art. 61. The National Government may construct such works and establish such services as it considers necessary for national administration

Chapter II

The National Legislative Power

FIRST SECTION

General Provisions

Art. 62. The exercise of the National Legislative Power is the function of the National Congress, which is composed of two Chambers: the Chamber of Deputies and the Senate.

Art. 63. The power of the National Congress to legislate cannot be delegated.

Art. 64. The Legislative Chambers shall meet in the capital of the Republic, in ordinary or extraordinary sessions.

Art. 65. Ordinary sessions shall commence on April 19 of each year or on the earliest possible date following, without the necessity of being previously convoked. Such sessions shall be for 100 days, and may not be extended. Every hour of this entire period shall be considered working time (*hábiles*).

At extraordinary sessions only matters stated in the call shall be considered, unless in legislating on such matters it becomes necessary to amend legislation governing related questions. However, at such sessions the Legislative Chambers may also act on matters of obvious urgency.

The sessions shall be public, but they may be secret if so decided by the respective Chambers.

Art. 66. Acts approved by the Legislative Chambers functioning

separately as co-legislative bodies shall be called *leyes* (laws), and those approved by Congress assembled, or separately when the subject pertains to a single chamber, shall be called *acuerdos* (resolutions).

Art. 67. Each Legislative Chamber shall be installed with at least two thirds of its members. If there are fewer than this number, those present shall organize themselves as a preparatory committee and take such steps as they consider necessary to obtain a quorum. If the preparatory committee has not succeeded after fifteen days, each Chamber shall then meet with not less than one more than half of its membership.

After being installed, each Legislative Chamber may meet with an absolute majority of its members.

Art. 68. The Legislative Chambers shall be installed on the same day and at the same hour, and likewise they shall adjourn on the same day and at the same hour. Neither of them may change the place of its meeting without the consent of the other. In case of disagreement they shall assemble in Congress and comply with its decision.

Art. 69. Deputies shall be elected by universal, direct and secret vote, according to law. Alternates shall be elected in the same manner, to substitute in the order of their election, for the principals when permanently or temporarily disabled.

Art. 70. Senators shall be elected by the respective Legislative Assembly of the States and by the Municipal Council in the Federal District, each unit being entitled to two Senators.

Alternates shall be elected in the same manner, to substitute, in the order of their election, for the principals when permanently or temporarily disabled.

Art. 71. When permanent vacancies reduce the number of alternates of Deputies in any electoral district by fifty percent or more, the States shall proceed to complete the number by means of an election by an Assembly of the respective Municipal Councils, to be held in the capital of the State and to be composed of at least one more than half of the members of each Council. In the Federal District and in the Federal Territories the respective Municipal Council shall complete the said number.

Art. 72. When a permanent vacancy among the alternates to Senators occurs in a district, the number shall be completed by means of an election by the Legislative Assembly of the State or the Municipal Council of the Federal District, as the case may be.

Art. 73. To be a Deputy it is necessary to be a native-born Venezuelan and over twenty-one years of age.

Art. 74. To be a Senator it is necessary to be a native-born Venezuelan and over thirty years of age.

Art. 75. The following persons cannot be elected Deputies or Senators:

(1) The President of the Republic, the Ministers of the National Executive Office, the Secretary of the President of the Republic, the members of the Federal Court and of the Court of Cassation, the Attorney General (Procurador) of the Nation, the Comptroller and Deputy Comptroller of the Nation, the Governors of States, of the Federal District and of the Federal Territories.

(2) The directors, administrators and agents of official autonomous

institutes and of organizations or enterprises in which the State has a controlling economic interest.

(3) Any other public official who holds a remunerated office, except offices that are academic, temporary, advisory, teaching, electoral or of the legislative branch.

(4) Citizens who act in their own name or on behalf of others as contractors or managers of State business, in cases determined by law.

Art. 76. Persons elected Deputy or Senator shall enjoy immunity for thirty days preceding the 19th of April each year. Active Deputies or Senators shall also enjoy immunity during the period of ordinary sessions and for thirty days after adjournment, and from the date of the convocation of extraordinary sessions until thirty days after their termination.

For the duration of the immunity they may not be arrested, imprisoned, confined, detained in any way, coerced in the performance of their functions, required to appear in court or to give testimony during that time, which period shall not be counted as a lapse in the respective trial.

Art. 77. Deputies and Senators shall incur no legal liability at any time for opinions expressed at meetings of their Chambers or of Congress.

SECOND SECTION

Functions of the Legislative Chambers

Art. 78. The following are functions of the Chamber of Deputies:

(1) To vote a censure of the Ministers of the National Executive Office, for which a majority is required of at least two thirds of its members present. When the Federal Court declares the proceeding proper, such a vote of censure shall effect the removal of the Minister.

(2) Other functions assigned to it by law.

Art. 79. The following are functions of the Senate:

(1) To accord to illustrious Venezuelans, twenty-five years after their death, the honor of having their remains deposited in the National Pantheon.

(2) To authorize the promotion of officers of the National Armed Forces, from the ranks of Colonel or Naval Captain, both inclusive, upon prior compliance with the legal requisites.

(3) Other functions assigned to it by law.

Art. 80. The following are functions common to both Legislative Chambers:

(1) To adopt their internal regulations and rules for debate.

(2) To accredit their members and to accept their resignations.

(3) To appoint investigating committees, which may require of every official the information and documents needed for the carrying out of their duties.

(4) To require the appearance of Ministers of the National Executive Office, for the purpose of giving information on affairs within their competence, upon giving at least three days' notice of the points to be considered at the appearance.

(5) Other functions assigned to them by law.

Art. 81. The following are functions of the Legislative Chambers as co-legislative bodies:

(1) To legislate on matters within the competence of the National Power and on the functioning of the National Power.

(2) To authorize the President of the Republic to declare war or negotiate peace.

(3) To take cognizance in every case of international treaties, conventions and agreements negotiated by the National Executive Power, which they must approve for them to be valid, unless it is a question of carrying out or strengthening preexisting obligations of the State, of performing ordinary acts of international relations or of exercising powers that the law expressly confers upon the National Executive Power. International treaties, conventions and agreements may be executed provisionally when urgently necessary.

(4) To approve or reject contracts negotiated by the National Executive Power which by law are subject to this requirement.

(5) To approve the Draft Budget of Public Revenues and Expenditures presented by the National Executive Power. This Draft shall enter into force on the first of July of each year, even when it has not been approved by that date.

THIRD SECTION

The National Congress

Art. 82. The Legislative Chambers shall assemble in Congress whenever required by this Constitution or the laws, or when agreed to by one Chamber at the petition of the other.

Art. 83. The President of the Senate and the President of the Chamber of Deputies are, respectively, President and Vice President of the National Congress.

Art. 84. The following are functions of the National Congress:

(1) To count the votes of the Legislative Assemblies on amendments to the Constitution.

(2) To elevate to the category of State a Federal Territory that fulfils the conditions required by this Constitution.

(3) To elect the officials whose designation is assigned to it by this Constitution and the laws, and to take from them the oath required by law.

(4) To accept the resignation of the President of the Republic or of the person who is acting as such.

(5) To receive and consider the annual Message of the President of the Republic.

(6) To consider and approve or disapprove the Reports and Accounts of the Ministers of the National Executive Office and of any other agency or official that, in accordance with this Constitution or the laws, is to report directly to the Chambers on the affairs for which such agency or official is responsible.

(7) To adopt the internal regulations and the rules of debate for the National Congress.

(8) Other functions assigned to it by this Constitution and the laws.

FOURTH SECTION

Enactment of Laws

Art. 85. Laws may be initiated in either Legislative Chamber, by members thereof or by the National Executive Power.

Art. 86. Bills admitted shall receive three discussions in each Chamber.

Art. 87. A bill that has been finally approved in one Chamber shall go to the other for discussion. If the latter also approves it, it shall be returned to the Chamber of origin with any amendments made.

When the Chamber that initiated the bill accepts the amendments made by the other Chamber, the bill is adopted as a legislative act. If the amendments are not accepted, the two Chambers shall assemble in Congress and decide the matter.

Art. 88. Preceding the text of laws the following formula shall appear: 'The Congress of the Republic of Venezuela Decrees'.

Art. 89. After approval, legislative acts shall be reproduced in duplicate, following the text agreed upon in the discussions. They shall be signed by the President, the Vice President and the Secretaries of Congress, and shall bear the date of their approval.

One of these copies shall be sent by the President of the National Congress to the President of the Republic, for the purpose of promulgation.

Art. 90. The President of the Republic shall promulgate legislative acts within ten days after receiving them; but within that period, he may request, through the President of the National Congress, that they be amended, or that approval of them be withdrawn. If it is a question of amendments, these and related articles shall receive two discussions in each Chamber. If the request is for withdrawal of approval, the Chambers assembled in Congress shall decide at a single discussion. In order to retain the original text of the legislative act, the vote in each Chamber must be by two-thirds majority, at least, of the members present.

When the Chambers do not accept the request, the President of the Republic shall promulgate the legislative act within five days following its receipt, in the form in which it has been returned to him, unless his statement has challenged the constitutionality of the legislative act. In this case, the President of the Republic shall transmit it to the Federal Court, which will decide the question within ten court sessions, counting from the day on which it receives the communication from the President of the Republic. If it declares that the legislative act is not unconstitutional, the President of the Republic shall promulgate it within five days following the date of the finding of the Federal Court.

Art. 91. When the ten days allowed for the promulgation of legislative acts expires after the termination of the corresponding period of sessions of the Legislative Chambers, the President of the Republic may request the amendment or the withdrawal of approval of legislative acts before the National Congress assembled in extraordinary session.

Art. 92. The promulgation of legislative acts shall be effected by means of the order (*Ejecútese*) of the President of the Republic and publication thereof in the Official Gazette of the Republic of Venezuela.

Art. 93. The time for promulgating a law approving an international treaty, agreement or convention is within the discretion of the National Executive Power, in conformity with international usage and the convenience of the Republic.

Art. 94. Laws may be repealed only by other laws, and they may be partially amended.

FIFTH SECTION

Comptroller of the Nation

Art. 95. The National Legislative Power shall inspect and audit the receipts and disbursements of the National Treasury, the operations inherent in such acts of the Offices of the National Executive Power and the Autonomous Institutes and the corresponding accounts, through an agency called Office of the Comptroller of the Nation, without prejudice to the inspection and auditing that may be done by the National Executive Power.

The law may assign to other agencies the task of centralizing accounts, and may establish a special system for specific operations relating to the security of the State.

The functions of the Comptroller's Office and of the agencies assigned to the task of centralization and examination, may be extended to the administrations of states and municipalities.

The organization and functioning of the Office of the Comptroller of the Nation shall be determined by law.

Art. 96. The Office of the Comptroller of the Nation shall be under the direction of an official who shall be called the Comptroller of the nation, elected by the national Congress within thirty days following the installation of the Legislative Chambers, in the year in which the constitutional period begins.

At the time of the election of the Comptroller of the Nation a Deputy Comptroller shall be elected, to assist the Comptroller and to take his place when he is temporarily or permanently disabled, and three alternates to take the place of the Deputy Comptroller, according to law. The election of the Comptroller of the Nation, of the Deputy Comptroller and of the three alternates shall be for the respective constitutional period.

The other officials of the Comptroller's Office may be freely appointed and removed by the Comptroller.

Art. 97. The Comptroller, the Deputy Comptroller and the three alternates must be native-born Venezuelans, over thirty years of age and not related to the President of the Republic or the Attorney General of the Nation by blood or marriage, within the fifth and second degrees, respectively.

Art. 98. The Comptroller of the Nation shall present to the National Congress annually a report on the conduct of his office, and shall supply Congress with any other information it may require. The law shall determine what information the Comptroller is to submit to the National Executive Power.

Chapter III

The National Executive Power

FIRST SECTION

The National Government and Administration

Art. 99. Matters relating to the National Government and Administration not assigned by this Constitution to any other authority are within the competence of the National Executive Power.

Art. 100. The National Executive Power shall be exercised by the President of the Republic.

Art. 101. The National Executive Power shall have its seat in the capital of the Republic.

SECOND SECTION

The President of the Republic

Art. 102. The President of the Republic is the representative of the State, the chief of the National Executive Power and the highest ranking officer of the National Armed Forces.

Art. 103. Any native-born lay Venezuelan over thirty years of age may be elected President of the Republic.

Art. 104. The President of the Republic shall be elected by universal, direct and secret vote, at least three months before April 19 of the year in which the constitutional period begins, on a date to be determined by the National Congress in ordinary session during the year immediately prior to the beginning of the respective period.

The citizen who has obtained the greatest number of votes shall be proclaimed elected as President of the Republic.

Art. 105. On the 19th of April of the year in which the constitutional period begins the President-elect shall assume office, taking the oath required by law before the National Congress.

When the President-elect is unable to assume office on April 19, the outgoing President shall continue in power, as Acting in Charge of the National Executive Power. If the President-elect does not take the oath required by law within thirty days of the date referred to, the office of President of the Republic shall be considered vacant. In this case the National Congress shall, within ten days following the expiration of the thirty-day period, proceed to elect, by absolute majority of votes, the President of the Republic for the remainder of the constitutional period.

When the President-elect is unable to take the oath of office before the National Congress because the latter is not in session, he shall do so before the Federal Court.

Art. 106. In the event of inability of the President of the Republic to serve after he has taken the oath of office, the Ministers of the Cabinet, with a quorum of one more than half, shall select by absolute majority vote a Minister to take charge of the National Executive Power. The Minister designated shall immediately take the oath of office before the Cabinet and shall function as Acting in Charge of the National Executive Power. If the National Congress is in session it shall proceed, within ten days following the date of the vacancy, to elect a President of the Republic by an absolute majority vote, for the remainder of the constitutional period. If the National Congress is not in session, the Acting in Charge of the National Executive Power, within ten days after his designation, shall call an extraordinary session, for the purpose of filling the vacancy. The National Congress shall meet within ten days after the call and, within ten days following its installation shall proceed to elect, by absolute

majority vote, a President of the Republic for the remainder of the constitutional period.

The President elected in the manner indicated shall take office within ten days after his election, taking the oath of office before the National Congress, or the Federal Court if the former is not in session. If he does not do so the office of President of the Republic shall be considered vacant and the procedure shall be followed that is provided in the foregoing article.

Art. 107. Temporary vacancies in the office of President of the Republic shall be filled by a Minister of the National Executive Office designated by him. The designee shall act as Minister in Charge of the National Executive Power, after taking the oath of office before the President of the Republic or before the Federal Court, according to the decision of the President of the Republic upon making the designation.

THIRD SECTION

Functions of the President of the Republic

Art. 108. The followng are functions of the President of the Republic:

a) In the Council of Ministers:

(1) To call the National Congress into extraordinary session.

(2) To implement the laws by regulations, without altering their spirit, purpose or intent, and to amend such regulations.

(3) To create new public services, either autonomous or dependent on the national administration, and to eliminate or modify existing ones.

(4) To negotiate treaties, conventions and agreements with other States and to adhere to multilateral treaties of advantage to the Nation.

(5) To decree credits in addition to those provided in the Law on the Budget of Public Revenues and Expenditures.

(6) To order the Public Ministry to initiate proceedings against officials who have given grounds for such action.

b) Through the respective Minister or Ministers:

(7) To administer the Public Finances.

(8) To call meetings of the Superior Councils.

(9) To conduct the foreign relations and diplomatic negotiations of the State.

(10) To appoint and remove Governors of the States, of the Federal District and of the Federal Territories, and those national employees whose designation is not assigned by this Constitution to other public officials or agencies.

(11) To administer the Federal Territories and Dependencies.

(12) To call into convention the Governors of the States, of the Federal District and of the Federal Territories.

(13) To establish standards for the utilization of the revenues of the States, the Federal District and the Federal Territories, and to coordinate the budgets of revenues and expenditures of these divisions with the budget of the Nation.

(14) To negotiate loans decreed by the National Congress.

(15) To enter into contracts according to law.

(16) To grant pardons and amnesties.

c) By himself:

(17) To appoint and remove Ministers of the National Executive Office.

(18) To reserve to himself the conduct of any Ministry.

(19) To entrust the National Executive Power to the Minister he designates.
(20) To add to the Office of the President such public services as he considers advisable.
(21) To declare war or negotiate peace, when the National Congress has authorized it.
(22) To conduct war.
(23) To perform such functions as the States delegate to him in their constitutions.
(24) The other functions granted to him by this Constitution and the laws.

Art. 109. The President of the Republic, personally or through one of the Ministers, shall present to the National Congress each year, within the first ten days of ordinary sessions, a Message in which he shall give account of his administration during the previous year.

In the year in which the constitutional period terminates, the Message shall be presented on April 19. When the Legislative Chambers are not yet in session the outgoing President shall present it the first day on which they meet if on that date he is Acting in Charge of the National Executive Power, or he shall deliver it to the new President for transmittal to the National Congress on the day of installation of the Legislative Chambers.

Art. 110. The President of the Republic is responsible for the acts of his administration, jointly with the Ministers of the Office and individually for treason to the country and for common crimes.

FOURTH SECTION

Ministers of the National Executive Office

Art. 111. The Ministers are legal agents of the President of the Republic.

Ministers must be native-born lay Venezuelans over thirty years of age.

Art. 112. The President of the Republic and the Ministers of the National Executive Office constitute the Council of Ministers. The Ministers of the National Executive Office form the Cabinet.

Art. 113. The functions and duties of the Ministers, the organization of their Ministries and the functioning of the Council of Ministers shall be established by law.

Art. 114. For decisions taken by the Council of Ministers the members thereof shall be responsible, with the exception of Ministers who have stated their reasons for voting against a decision.

Art. 115. The written order of the President of the Republic is not sufficient to absolve the Ministers from personal responsibility for exceeding their powers.

Art. 116. Each Minister shall present to the National Congress, during the first ten days of ordinary sessions of the Legislative Chambers, a Report on the conduct of his respective Office during the previous year, and an Account of the work entrusted to his Office by the Law of the Budget on Public Revenues and Expenditures for the respective fiscal year.

In the year in which the constitutional period terminates, the Ministers

shall present the Report and Accounts on April 19. If the Legislative Chambers are not in session on that date the Reports and Accounts shall be transmitted on the day of installation thereof by the Ministers in charge.

Art. 117. The Ministers have the right to the floor in the Legislative Chambers. They may also take part in the study of bills within the Permanent Committees.

Art. 118. The Ministers may delegate to one or more officials of the Office in their charge, with the previous authorization of the President of the Republic, the power to sign certain documents.

In these cases the responsibility for the acts done falls on the person delegating the power.

FIFTH SECTION

The Public Finances

Art. 119. The direction and administration of the Public Finances is the responsibility of the National Executive Power.

Art. 120. The Public Finances are composed of the property, revenues and debts that constitute the assets and liabilities of the Nation and of the proceeds from the property and revenues the administration of which is reserved to the National Executive Power.

Art. 121. No tax may be collected that is not authorized by law, nor shall any expenditure be made from the National Treasury for which an appropriation has not been made in the Law of the Budget of Public Revenues and Expenditures, unless such expenditure is authorized by a previous Additional Credit.

Art. 122. No tax may be imposed that is payable in personal service, nor may the natural products of agriculture or livestock be taxed before being offered to the consumer.

Art. 123. No tax may be imposed on the navigation of rivers and other interior waters unless special works have been constructed which have facilitated such navigation or made it possible.

Art. 124. No tax or contribution shall enter into force, nor shall any increase or decrease thereof be made, until after the expiration of the period which must be fixed in each case.

The present provision does not limit the extraordinary powers that may be granted to the National Executive Power.

Art. 125. No exemptions, reductions or immunities may be granted that are not permitted by law or that are not provided for in contracts approved by the National Congress.

Art. 126. The President of the Republic, personally or through the respective Minister, within fifteen days after the installation of the Legislative Chambers in ordinary session, shall present to either of them the Draft Law of the General Budget of Public Revenues and Expenditures.

Art. 127. The Law of the General Budget of Public Revenues and Expenditures shall include each year an item for the Constitutional Allotment, the amount of which shall vary between 12.5% and 25% of the total of ordinary revenues estimated by the same Budget. The Constitu-

tional Allotment shall be determined at an annual Convention of Governors and shall be distributed among the States, the Federal District and the Federal Territories as follows: 30% in equal parts and the remaining 70% in proportion to the population of each Entity.

In case of adjustment in the General Budget of Public Revenues and Expenditures, the Constitutional Allotment shall be adjusted proportionally.

Art. 128. Contracts of national interest for works, supplies or services entered into by the National Executive Power may provide for deferred payments during the course of several fiscal periods.

Chapter IV

The Judicial Power

Art. 129. The exercise of the Judicial Power of the Republic is the function of the Federal Court, the Court of Cassation and the other courts and tribunals.

Art. 130. The Federal Court and the Court of Cassation shall be composed of the members determined by law, elected by the National Congress for the respective constitutional period.

Upon the expiration of the corresponding constitutional period, the members of the Federal Court and of the Court of Cassation shall continue to function until their successors take office.

Art. 131. To be a member of the Federal Court or of the Court of Cassation it is necessary to be a native-born lay Venezuelan, a lawyer of the Republic and over thirty years of age.

Art. 132. The National Congress, within fifteen days after the installation of the Legislative Chambers in ordinary session of the year in which the constitutional period begins, shall elect the members of the Federal Court and of the Court of Cassation, together with an equal number of alternates to replace the principals when they are temporarily or permanently disabled.

When there are one or more permanent vacancies in the post of alternate for the Federal Court or the Court of Cassation, the National Congress shall elect the necessary number. These shall occupy the last posts in the respective list.

Art. 133. The following are functions of the Federal Court:

(1) To declare the total or partial invalidity of national or state laws, of regulations and of municipal ordinances or resolutions when they conflict with the Constitution.

(2) To declare which law is to prevail when national laws conflict with each other or when national and state laws conflict, and also to declare which article or articles of a law are to govern, in case of conflict.

(3) To declare invalid acts of the Public Power that violate this Constitution.

(4) To try impeachments of the President of the Republic or his substitute, the Ministers of the National Executive Office, the members of the National Congress, the members of the Federal Court and of the Court of Cassation, the Comptroller and Deputy Comptroller of the Nation, the Attorney General of the Nation, the Governors of the States, of the Federal District and of the Federal Territories, the Secretaries General of the same

and the members of the Superior Courts of the States and of the *Juzgados Superiores* when there is no Court.

(5) To try civil and criminal cases brought against Diplomatic Representatives accredited to the Republic, in cases permitted by Public International Law.

(6) To try penal cases brought against Diplomatic Agents of the Republic for malfeasance.

(7) To settle controversies of any kind that arise between political officials of the different States; between one or more States; between States and the Federal District and the Federal Territories, and between national courts and officials, in matters within the competence of the Federal Court.

(8) To settle jurisdictional disputes that arise between two or more courts of the Republic, provided the law does not indicate some other authority for this purpose.

(9) To try in litigated proceedings all questions that arise between the Nation and individuals arising out of contracts entered into by the National Executive Power, or out of mining concessions, or unoccupied public lands, except as to those points that, by the law in force at the moment of entering into the contract or of granting or denying the concession, are subject to the decision of the National Executive Power without judicial recourse.

(10) To try, in litigated proceedings, actions brought against the Nation for damages, and other actions against the Nation for sums of money.

(11) To try prize actions.

(12) To give force to foreign judgments when proper.

(13) To try other cases the decision of which is assigned to it by law.

(14) Others given to it by this Constitution and the laws, in matters within federal competence.

Art. 134. The following are functions of the Court of Cassation:

(1) To take cognizance of the writ of Cassation and other writs the decision of which is assigned to it by law.

(2) Others assigned to it by the laws.

Art. 135. The organization and functioning of the Federal Court and the Court of Cassation; the organization, powers and functions of the other courts and tribunals of the Republic, and matters relating to judicial offices and the performance thereof, the inspection to be exercised by the National Executive Power and other matters concerning the administration of justice shall be established by law.

Chapter V

The Public Ministry

Art. 136. The Public Ministry shall be under the direction of an official to be called the Attorney General (Procurador) of the Nation, elected by the National Congress for the respective constitutional period.

Art. 137. The Attorney General of the Nation must be a native-born lay Venezuelan, a lawyer of the Republic, and over thirty years of age.

Art. 138. The National Congress, within fifteen days after the installation of the Legislative Chambers in ordinary session of the year in which the constitutional period begins, shall elect the Attorney General of the Nation, together with five alternates to replace him in the event of his temporary or permanent disability.

Art. 139. The functions of the Public Ministry, the organization of

the Legal Department (Procuraduria) of the Nation and the duties of the Attorney General of the Nation shall be established by law.

TITLE VI

Amendments to the Constitution

Art. 140. This Constitution may be amended on the initiative of either Legislative Chamber or of the Legislative Assemblies.

Art. 141. When the initiative originates in one of the Legislative Chambers the amendment must be proposed by at least one fourth of its total membership. If the amendment is found to be duly presented, the Legislative Chambers shall then discuss it according to the procedure established in this Constitution for the enactment of laws. At the conclusion of this procedure the President of the National Congress shall submit the amendment to the Legislative Assemblies for ratification, which shall be considered valid when it is approved by at least two thirds of the Legislative Assemblies by an absolute majority vote of the members of each Legislative Assembly.

When the initiative originates in the Legislative Assemblies the Congress shall declare it duly presented if two thirds of the Assemblies have considered the amendment a desirable one, by means of resolutions approved in each Assembly by an absolute majority of the total membership. When declared duly presented, the amendment will then be considered according to the procedure provided in the first part of this article.

No amendments shall be made except as to points having the aforesaid majority of the Legislative Assemblies.

Art. 142. The definitive vote of the Legislative Assemblies shall be transmitted to the National Congress for final scrutiny, and if it proves that the amendment has been duly ratified by the Legislative Assemblies the amended Constitution shall enter into force on the day of its publication in the Official Gazette of the Republic of Venezuela.

TITLE VII

Transitory Provisions

First. While the name *United States of Venezuela* is being replaced where necessary by *Republic of Venezuela* the former shall be valid.

Second. Within five days after the promulgation of this Constitution the Constituent Assembly shall proceed to organize the Public Power for the constitutional period beginning April 19, 1953. Consequently, the Constituent Assembly shall elect by absolute majority:

(a) The President of the Republic.

(b) The Chamber of Deputies, at the rate of one for each 50,000 inhabitants and one more for each fraction of not less than 25,000, in the States and the Federal District, and one for each Federal Territory. Also an equal number of alternates. In a State whose population is insufficient for the election of two Deputies this number shall be elected in any case.

For the purposes of this provision the population to be taken as a basis shall be that indicated by the preliminary results of the Eighth National Census.

(c) The Senate, at the rate of two Senators for each State and for the Federal District. Also an equal number of alternates.

(d) The Federal Court, composed of five members. Also an equal number of alternates.

(e) The Court of Cassation, composed of ten members. Also an equal number of alternates.

(f) The Comptroller of the Nation, the Deputy Comptroller and the three alternates.

(g) The Attorney General of the Nation and his five alternates.

(h) The Legislative Assemblies of the States, at the rate of two deputies for each District and an equal number of alternates.

(i) The Municipal Councils, at the rate of seven members for each District of the States and for each Federal Territory and an equal number of alternates.

(j) The Municipal Council of the Federal District, at the rate of one member for each Parish and three alternates for each.

Each Legislative Assembly shall be installed on June 1, 1953 in the respective capital, with at least one more than half of its members, to approve the Constitution of the State and to consider the Report and Account of the State Executive Power during the Provisional Government.

The new Municipal Councils shall be installed on April 19, 1953 or on the earliest possible date thereafter, in the District and Territorial capitals, and in Caracas, with at least one more than half of their members.

The Organic Law of the Federal Court and of the Court of Cassation shall govern, insofar as applicable, the Federal Court and the Court of Cassation, until organic laws are adopted. The Federal Court shall assume all the functions formerly pertaining to the Full Court (*Corte Plena*) and the Federal Chamber (*Sala Federal*). The Court of Cassation shall function as two Chambers: Civil, Commercial and Labor; and Criminal. Each Chamber shall be composed of five members and shall hear writs of Cassation on the respective subject. Any doubts that may arise shall be resolved by the Federal Court.

Third. Pending the enactment of legislation to implement the Chapter on Individual Guarantees of this Constitution, the relevant provisions of the Provisional Government shall remain in force, and the President of the Republic is authorized to take such steps as he considers advisable to preserve national security, to conserve social peace and to maintain public order.

Fourth. Municipal police, municipal credit institutes, municipal and state pensions, and lotteries of the States and Federal District shall continue as heretofore until the corresponding national services are organized.

Fifth. The Stamped Paper tax shall continue to be collected in the States until the Stamp Tax Law is amended.

Sixth. The Draft Budget of Public Revenues and Expenditures for the fiscal year 1953–1954 shall be presented to the National Congress during the second half of the month of May 1953.

Seventh. The sum of three hundred million bolívares is fixed as the Constitutional Allotment for the fiscal period 1953–1954.

Eighth. The existing legal order shall remain in force, as long as it is not amended or repealed by the competent agencies of the Public Power or unless it is expressly or implicitly repealed by this Constitution.

FINAL PROVISION

The Constitution of July 5, 1947 is repealed.

Done, signed and sealed in the Federal Legislative Palace, at Caracas, on April 11, 1953. The 143rd anniversary of Independence and the 95th of Federation.

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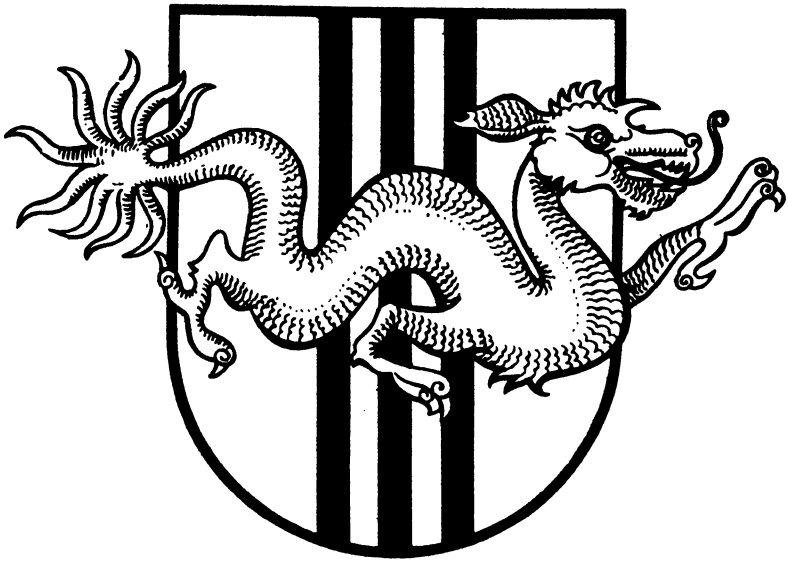

VIET NAM[1]

SUMMARY

International Status

Viet Nam was the subject of military partition by the Armistice agreement initialed at Geneva on July 21, 1954.

Viet Nam's independence within the French Union was granted on March 8, 1949. The Pau Conventions of December 1950 regulate questions concerning common services between the Associate States of Cambodia, Laos and Viet Nam on the one hand, and France. The three states form a

[1]) According to the New York Times of July 24, 1954, the name, which is an abbreviation for a Viet Namese phrase meaning the League for the Independence of Viet Nam, has caused vast confusion outside Indochina.

The similarity of the word Vietminh to the word Viet Nam has led many persons

monetary and customs union. Viet Nam has been recognized by the United Kingdom, the United States and most other members of the United Nations.

Viet Nam is not, as of our time of going to press, a member of the United Nations.[1] It is a member of other international organizations.[2]

Until 1946, Viet Nam comprised three of the five states which made up Indo China. French influence in Indo China dates from 1787. Cochin China became a French colony in 1862, and the French protectorate over Tonking and Annam was established by treaty in 1884. On March 9, 1945 the Japanese evicted the French authorities and proclaimed the independence of the area. Early in 1945 France announced its intention of organizing the area into five states constituting a federal union as a component part of French territory. On March 4, 1946, France officially reassumed control of Indo China. Resumption of fighting by the revolutionary Vietminh movement on December 19, 1946 prevented the carrying out of the French plan for a federation. The Vietminh regime under the name Democratic Republic of Viet Nam, is recognized as the government of Viet Nam by the Soviet Union and the Chinese People's Republic.

At the Geneva Conference (April-July 1954) an Agreement on the Cessation of Hostilities in Viet Nam was drawn up and signed on July 21, 1954 which provided for a cease fire, a demilitarized zone and a provisional military demarcation line, to the north and south of which respectively the forces of the Peoples Army of Viet Nam and of the French Union were to be withdrawn and regrouped. The Agreement provides that "pending the general elections which will bring about the unification of Viet Nam, the conduct of civil administration in each regrouping zone shall be in

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to think the Communist-led Viet Namese rebels gave this name to the part of Viet Nam they controlled. Actually, the word Vietminh was used to describe the coalition that formed an insurgent regime in north Viet Nam in 1945 under the leadership of Ho Chi Minh.

The regime called itself the government of the Democratic Republic of Viet Nam. The League for the Independence of Viet Nam eventually passed out of existence, and although the Ho Chi Minh regime and all its works have continued to be dubbed Vietminh in the outside world, the word has not been used for years in "Vietminh" areas.

Now that under the Geneva peace terms, the Ho Chi Minh regime will come into full possession of the solid block of Viet Nam territory north of the Seventeenth Parallel, including the colonial and dynastic capital of Hanoi, it is believed here the Vietminh label will slowly lose currency. The Ho Chi Minh regime is recognized as the government of all Viet Nam by Communist China, the Soviet Union and the other Communist countries.

The French-sponsored regime centered in Saigon is recognized as the government of all Viet Nam by France, the United States and thirty-two other non-Communist countries. Observers predict the usage soon will take hold in the non-Communist world of referring to the Ho Chi Minh regime as the Government of North Viet Nam and to the Saigon regime as the Government of South Viet Nam. As for the two governments themselves, each appears certain to continue to call itself the government of all Viet Nam.

[1] Applications first made in 1951 and 1952, have not been accepted.

[2] See Table I.

the hands of the party whose forces are to be regrouped there" in virtue of "the present Agreement" and that "reprisals or discrimination against persons or organizations on account of their activities during the hostilities" are prohibited. An International Commission is provided for by the Agreement to ensure the control and supervision of the application of the Agreement, composed of representatives of Canada, India and Poland. It is instructed to act in close cooperation with the International Commissions for Cambodia and Laos. The final Declaration of the Geneva Conference, dated July 21, 1954, provides that, insofar as Viet Nam is concerned, "the settlement of political problems effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the Agreement on the Cessation of Hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 April 1955 onwards."

Form of Government

Viet Nam does not as yet have a definitive form of government, pending general elections when the country is sufficiently pacified to make these possible.[1] It is a republic and an associate state of the French Union. Except as disturbed by military action the state is presently governed in accordance with provisional constitutional texts issued by the Chief of State on July 1, 1949. The national territory is composed of three regions North, Central and South (formerly Tonking, Annam and Cochin China respectively) Viet Nam, each under the authority of a governor.[2]

Source of Sovereign Power

Ordinance 1 of July 1, 1949 states that the will of the people is the source of all national activity.

Rights of the People

The rights of the people are not stated.

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[1] Ordinance I of July 1, 1949, Art. 1. Elections were held through much of the country in January 1945 for provincial assemblies.

[2] Ordinance 2 of July 1, 1949, Art. 2.

Legislative Department

A national consultative assembly is established "to provide as broad an expression as possible in the present circumstances of national opinion."[1] It is composed of forty five regular members and fifteen alternates, appointed by the Chief of State.[2] The opinion of the Assembly must be requested before the adoption of any legislation concerning the budget, the statute of individual liberties or basic reforms relating to the economic and social structure of the country; it must give its opinion on any other questions which the Government may lay before it.[3]

There is provision for a national constituent assembly, to be convoked as soon as general and free elections are possible, which will automatically take the place of the national consultative assembly as soon as it enters upon its functions.[4]

Executive Department

The Chief of State presides over the Council of Ministers whose members are appointed by and responsible to him.[5] The Chief of State is the supreme commander of the armed forces.[6]

Judicial Department

The Provisional Constitutional Texts do not describe the judicial system.

Area, Population, Language

Viet Nam has an area of approximately 95,327 square miles with an estimated population of about 22,340,000. The majority of the population speaks the Annamite language.

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[1] Ordinance 1, Art. 10. [2] Id., Arts. 11, 12. [3] Id., Art. 13.
[4] Id., Arts. 1, 10. [5] Id., 1, Arts. 2, 4. [6] Id., Art. 2.

VIET NAM

Agreement on Cessation of Hostilities in Viet Nam

The following is the text of the agreement on cessation of hostilites in Viet Nam signed in Geneva Wednesday July 21, 1954 by the commander in chief of the French Union forces in Indochina and the commander in chief of the People's Army of Viet Nam (other agreements were signed with Cambodia and Laos):

CHAPTER I

Provisional military demarcation line and demilitarized zone

Art. 1. A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet Nam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached.[1]

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kilometers from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

Art. 2. The period within which the movement of all the forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed, shall not exceed three hundred (300) days from the present agreement's entry into force.

Art. 3. When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank by the other party. The joint commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

Art. 4. The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast.

All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Viet Nam.

Art. 5. To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies and equipment shall be withdrawn from the demilitarized zone within twenty (20) days of the present agreement's entry into force.

Art. 6. No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorized to do so by the Joint Commission.

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[1] Map not reproduced.

Art. 7. No person, military or civillian, shall be permitted to enter the demilitarized zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Joint Commission.

Art. 8. Civil administration and relief in the demilitarized zone on either side of the provisional military demarcation line shall be the responsibility of the commanders in chief of the two parties in their respective zones. The number of persons, military or civilian, from each side who are permitted to enter the demilitarized zone for the conduct of civil administration and relief shall be determined by the respective commanders, but in no case shall the total number authorized by either side exceed at any one time a figure to be determined by the Trunggia Military Commission or the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorized to do so by the Joint Commission.

Art. 9. Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarized zone, of the Joint Commission, its joint organs, the international commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorized to enter the demilitarized zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the military control of either side over any road or waterway which has to be taken between points within the demilitarized zone when such points are not connected by roads or waterways lying completely within the demilitarized zone.

Chapter II

Principles and procedure governing implementation of the present agreement

Art. 10. The commanders of the forces on each side, on the one side the Commander in Chief of the French Union forces in Indochina and on the other side the Commander in Chief of the People's Army of Viet Nam, shall order and enforce the complete cessation of all hostilities in Viet Nam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

Art. 11. In accordance with the principle of a simultaneous cease-fire throughout Indochina, the cessation of hostilities shall be simultaneous throughout all parts of Viet Nam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Viet Nam, at 8:00 A. M. (local time) on 27 July 1954. Central Viet Nam, at 8:00 A. M. (local time) on 1 August 1954. Southern Viet Nam, at 8:00 A. M. (local time) on 11 August 1954.

It is agreed that Peiping mean time shall be taken as local time.

From such time as the cease-fire becomes effective in northern Viet Nam, both parties undertake not to engage in any large-scale offensive action in any part of the Indochinese theatre of operations and not to commit the air forces based on Northern Viet Nam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping area to another within twenty-five days of the present agreement's entry into force.

Art. 12. All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire agreement shall have become effective, the number to be determined on the spot by the Trunggia Military Commission, each party shall be responsible for removing and neutralizing mines (including river and sea mines), booby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralization in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the safe movement of the personnel of the joint Commission and to joint organs, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the commanders of the opposing forces.

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see Article 21), the latter party's forces must provisionally withdraw three kilometers on each side of such route, but in such a manner as to avoid interfering with civilian traffic.

Art. 13. From the time of the cease-fire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trunggia Military Commission.

Art. 14. Political and administrative measures in the two regrouping zones, on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Viet Nam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present agreement.

(b) Any territory controlled by one party which is transferred to the

other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to insure that there is no break in the transfer of responsibilities. For this purpose adequate notice shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trunggia Military Commission. The transfer shall be effected in successive stages for the various territorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Viet Nam shall be completed within the respective time limits laid down in Article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

Art. 15. The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within three hundred (300) days, as laid down in Article 2 of the present agreement.

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly installments proportionate to the number of troops to be transferred.

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible.

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration.

(e) The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer.

(f) The Trunggia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the dis-

engagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below:

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it and the other party's provisional withdrawal from it, shall be completed within a period not exceeding fifteen (15) days after the date when the cease-fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps annexed to the present agreement.

In order to avoid any incidents, no troops shall be stationed less than 1,500 meters from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter:

Meridian of the southern point of Kebao Island

Northern coast of Ile Rousse (excluding the island), extended as far as the meridian of Campha-Mines

Meridian of Campha-Mines.

2. The withdrawals and transfers shall be effected in the following order and within the following periods (from the date of the entry into force of the present agreement):

Forces of the French Union—Hanoi perimeter, 80 days; Haiduong perimeter, 100 days; Haiphong perimeter, 300 days.

Forces of the People's Army of Viet Nam — Ham Tan and Xuyenmoc sector, 80 days; Central Viet Nam (first installment), 80 days; Plaine des Joncs sector, 100 days; Central Viet Nam (2nd installment), 100 days; Point Camau sector, 200 days; Central Viet Nam (last installment), 300 days.

Chapter III

Ban on the introduction of fresh troops, military personnel, arms and munitions, military bases

Art. 16. With effect from the date of entry into force of the present agreement, the introduction into Viet Nam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and groups of personnel, the arrival in Viet Nam of individual personnel on a temporary duty basis and the return to Viet Nam of individual personnel after short periods of leave or temporary duty outside Viet Nam shall be permitted under the conditions laid down below:

(a) Rotation of units (defined in Paragraph (c) of this Article) and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present agreement, during the withdrawal period provided for in Article 2.

However, under the heading of individual personnel not more than fifty (50) men, including officers, shall during one month be permitted to enter

that part of the country north of the provisional military demarcation line on a temporary duty basis or to return there after short periods of leave or temporary duty outside Viet Nam.

(b) Rotation is defined as the replacement of units or groups of personnel by other units of the same echelon or by personnel who are arriving in Viet Nam territory to do their overseas service there.

(c) The units rotated shall never be larger than a battalion—or the corresponding echelon for air and naval forces.

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter no more than fifteen thousand (15,000) members of the armed forces shall be admitted into Viet Nam under the rotation policy.

(e) Rotation units (defined in Paragraph (c) of this Article) and groups of personnel, and the individual personnel mentioned in this Article, shall enter and leave Viet Nam only through the entry points enumerated in Article 20 below.

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units, groups of personnel and individual personnel to or from Viet Nam. Reports on the arrival or departures of units, groups of personnel and individual personnel in or from Viet Nam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of arrival or departure and the number of persons arriving or departing.

(g) The International Commission, through its inspection teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorized above at the points of entry enumerated in Article 20 below.

Art. 17. (a) With effect from the date of entry into force of the present agreement, the introduction into Viet Nam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armored vehicles, is prohibited.

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war material, arms and munitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present agreement, during the withdrawal period provided for in Article 2.

Naval craft may perform transport operations between the re-grouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in Paragraph (b) of this Article, shall be introduced into Viet Nam only through the points of entry enumerated in Article 20 below. War material, arms and munitions to be replaced shall be shipped from

Viet Nam only through the points of entry enumerated in Article 20 below.

(d) Apart from the replacements permitted within the limits laid down in Paragraph (b) of this Article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited.

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Viet Nam of arms, munitions and other war material (as defined in Paragraph (a) of this Article) for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced.

(f) The International Commission, through its inspection teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this article, at the points of entry enumerated in Article 20 below.

Art. 18. With effect from the date of entry into force of the present agreement, the establishment of new military bases is prohibited throughout Viet Nam territory.

Art. 19. With effect from the date of entry into force of the present agreement, no military base under the control of a foreign state may be established in the regrouping zone of either party. The two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

Art. 20. The points of entry into Viet Nam for rotation personnel and replacements of material are fixed as follows:

A zone to the north of the provisional military demarcation line: Laokay Langson, Tienyen, Haiphong, Vinh, Donghoi, Muongsen.

A zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

CHAPTER IV

Prisoners of war and civilian internees

Art. 21. The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Viet Nam, French and other nationalities captured since the beginning of hostilities in Viet Nam during military operations or in any other circumstances of war and in any part of the territory of Viet Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

(b) The term civilian internees is understood to mean all persons who,

having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

CHAPTER V

Miscellaneous

Art. 22. The commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present agreement are suitably punished.

Art. 23. In cases in which the place of burial is known and the existence of graves has been established, the commander of the forces of either party shall, within a specific period after the entry into force of the armistice agreement, permit the graves service personnel of the other party to enter the part of Viet Nam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The commanders of the forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

Art. 24. The present agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarized zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Viet Nam.

For the purposes of the present Article, the word territory includes territorial waters and air space.

Art. 25. The commanders of the forces of the two parties shall afford full protection and all possible assistance and cooperation to the Joint Commission and its joint bodies and to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present agreement.

Art. 26. The costs involved in the operations of the Joint Commission and joint organs and of the International Commission and its inspection teams shall be shared equally between the two parties.

Art. 27. The signatories of the present agreement and their successors in their functions shall be responsible for insuring the observance and enforcement of the terms and provisions thereof. The commanders of the forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to insure full compliance with all the provisions of the present agreement by all elements and military personnel under their command.

The procedures laid down in the present agreement shall, whenever necessary, be studied by the commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

JOINT COMMISSION AND INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIET NAM

Art. 28. Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

Art. 29. An International Commission shall ensure the control and supervision of this execution.

Art. 30. In order to facilitate, under conditions shown below, the execution of provisions concerning joint actions by the two parties a Joint Commission shall be set up in Viet Nam.

Art. 31. The Joint Commission shall be composed of an equal number of representatives of the commanders of the two parties.

Art. 32. The presidents of the delegations to the Joint Commission shall hold the rank of general.

The Joint Commission shall set up joint teams, the number of which shall be determined by mutual agreement between the parties. The joint teams shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the zones of regroupment shall be determined by the parties while taking into account the powers of the Joint Committee.

Art. 33. The Joint Committee shall insure the execution of the following provisions of the agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Viet Nam for all regular and irregular armed forces of the two parties.

(b) A regroupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the zones of regroupment and of the demilitarized sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavour to solve such disputed questions as may arise between the parties in the course of executing these provisions.

Art. 34. An International Commission shall be set up for the control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Viet Nam. It shall be composed of representatives of the following states: Canada, India and Poland.

It shall be presided over by the representative of India.

Art. 35. The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above mentioned states. The fixed teams shall be located at the following points: Laokay, Langson, Tienyen, Haiphong, Vinh, Donghoi, Muongsen, Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau. These points of location may, at later date, be altered at the request of the Joint Commission, or of one of the parties, or of the International Commission itself by agreement between the International

Commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Viet Nam, the demarcation lines between the regrouping zones and the demilitarized zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfillment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the inspection teams, etc.). They shall have at their disposal such modern means of transport, observation and communication as they may require. Beyond the zones of action shown above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

Art. 36. The International Commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfill the tasks of control, observation, inspection and investigation connected with application of the provisions of the agreement on the cessation of hostilities, namely:

It shall

(a) Control the movement of the armed forces of the two parties, effected within the framework of the regroupment plan.

(b) Supervise the demarcation line between the zones of regroupment, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian internees.

(d) Supervise at ports and airfields as well as along all frontiers of Viet Nam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war materials.

Art. 37. The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

Art. 38. The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations; furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the commission.

Art. 39. If any one inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation the International Commission shall be informed. The latter shall study the reports and the conclusions of the inspection teams, shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

Art. 40. When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

Art. 41. The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in Article 42. If the votes are divided the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Viet Nam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

Art. 42. When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely:

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan.

(b) Violation by the armed forces of one of the parties of the regroupment zones, territorial waters, or air space of the other party. The decisions of the International Commission must be unanimous.

Art. 43. If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the commission itself shall inform the members of the Geneva conference. If the International Commission does not reach unanimity in the cases provided for in Article 42, it shall submit a majority report and one or more minority reports to the members of the conference. The International Commission shall inform the members of the conference in all cases where its activity is being hindered.

Art. 44. The International Commission shall be set up at the time of the cessation of hostilities in Indochina in order that it should be able to fulfill the tasks provided for in Artilce 36.

Art. 45. The International Supervisory Commission in Viet Nam shall act in close cooperation with the international supervisory commissions in Cambodia and Laos.

A body comprising an equal number of representatives of all the states members of the international commissions shall be created to coordinate, whenever the execution of the agreements on the cessation of hostilities in Cambodia, Laos and Viet Nam makes this necessary, the activities of the three commissions.

Art. 46. The International Commission may, by agreement with the co-ordinating body, and having regard to the development of the situation in Cambodia, Laos and Viet Nam, formulate recommendations concerning the progessive reduction of its activities. These recommendations shall be adopted unanimously.

Art. 47. All the provisions of the present agreement, save the second sub-paragraph of Article 11, shall enter into force at 2400 hours (Geneva time) on 22 July 1954.

Done in Geneva on the 20th of July, 1954, in French and Viet Namese, both texts being equally authentic.

For the commander in chief of the People's Army of Viet Nam,
TA QUANG-BUU,
Vice Minister of National Defense.

For the commander in chief of the French Union forces in Indochina,
BRIGADIER-GENERAL DELTEIL.

ANNEX TO THE AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIET NAM

1. Delineation of the provisional military demarcation line and the demilitarized zone (Article 1 of the agreement, reference map: Indochina 1/100,000).

(a) The provisional military demarcation line is fixed as follows, reading from east to west:

The mouth of the Song Benhat (Cua Tung River) and the course of that river (known as the Raothanh in the mountains) to the village of Bohosu, then the parallel of Bohosu to the Laos-Viet Nam frontier.

(b) The demilitarized zone shall be delimited by Trunggia Military Commission in accordance with the provisions of Article 1 of the agreement on the cessation of hostilities in Viet Nam.

2. General delineation of the provisional assembly areas (Article 15 of the agreement, reference maps: Indochina 1/400,000).

(a) North Viet Nam:

Delineation of the boundary of the provisional assembly area of the French Union forces:

1. The perimeter of Hanoi is delimited by the arc of a circle with a radius of fifteen kilometers, having as its center the right bank abutment of Doumer Bridge and running westward from the Red River to the Rapids Canal in the northeast. In this particular case no forces of the French Union shall be stationed less than two kilometers from this perimeter, on the inside thereof.

2. The perimeter of Haiphong shall be delimited by the Songvanuc as far as Kimthanh and a line running from the Songvanuc three kilometers northeast of Kimthanh to cut road No. 18 two kilometers east of Maokhe. Thence a line running three kilometers north of road 18 to Chotroi and a straight line from Chotroi to the Mongduong ferry.

3. A corridor contained between: In the south, the Red River from Thanhtri to Bangnho, thence a line joining the latter point to Domy (south-west of Kesat), Gioloc and Tienkieu, in the north, a line running along the Rapids Canal at a distance of 1,500 meters to the north of the canal, passing three kilometers north of Phalai and Seven Pagodas and thence parallel to Road No. 18 to its point of intersection with the perimeter of Haiphong.

Note: Throughout the period of evacuation of the perimeter of Hanoi: the river forces of the French Union shall enjoy complete freedom of movement on the Song Van Uc. And the forces of the People's Army of

Viet Nam shall withdraw three kilometres south of the south bank of the Song Van Uc.

Boundary between the perimeter of Hanoi and the perimeter of Haiduong:

A straight line running from the Rapids Canal three kilometers west of Chine and ending at Domy (eight kilometers south-west of Kesat).

(b) Central Viet Nam

Delineation of the boundary of the provisional assembly-area of the forces of the Viet Nam People's Army south of the Col des Nuages Parallel:

The perimeter of the Central Viet Nam area shall consist of the administrative boundaries of the provinces of Quangngai and Binhdinh as they were defined before the hostilities.

(c) South Viet Nam

Three provisional assembly areas shall be provided for the forces of the People's Army of Viet Nam. The boundaries of these areas are as follows:

1. Xuyenmoc, Hamtan area

Western Boundary: The course of the Songray extended northward as far as road No. 1 to a point thereon eight kilometers east of the intersection of road No. 1 and road No. 3.

Northern Boundary: Road No. 1 from the above mentioned intersection to the intersection with Route Communale No. 9 situated 27 kilometers west-southwest of Phanthiet and from that intersection a straight line to Kimthanh on the coast.

2. Plaine des Joncs Area:

Northern Boundary: The Viet Nam-Cambodia Frontier.

Western Boundary: A straight line from Tongbinh to Binhthanh.

Southern Boundary: Course of the Fleuve Antérieur (Mekong) to ten kilometers southeast of Caolanh. From that point, a straight line as far as Apmydien, and from Apmydien a parallel line three kilometers east thence south of the Docloc Canal, this line reaches Myhanhdong and thence Hungthanhmy.

Eastern Boundary: A straight line from Hungthanhmy running northward to the Cambodian frontier south of Doibaovoi.

Northern Boundary: The Songcailon from its mouth to its junction with the Rachnuoctrong, thence the Rachnuoctrong to the bend five kilometers northeast of Apxeola. Thereafter a line to the Ngandua Canal and following that canal as far as Vinhhung. Finally from Vinhhung a north-south line to the sea.

Ordinance No. 1 of July 1, 1949 for the organization and operation of public institutions [1]

STATEMENT OF MOTIVES

The will of the people is the source of all national activity. In the present circumstances of war, however, it cannot be freely expressed.

In the meantime, it is important to ensure provisionally the safeguard-

[1] Translated from the authentic French text, kindly supplied by the Viet Nam Embassy in Washington.

ing of the national interest, internally as well as externally, to restore without delay to Viet Nam its proper place in the international community, and to achieve as quickly as possible the political, administrative, economic and social reforms desired by the people.

The accomplishment of these tasks requires the establishment of a government. The government must be given sufficient power to exercise sovereignty.

It is proper, however, to proclaim that this government will act in accordance with national opinion and will not permanently take the place of the will of the people. To achieve this purpose a national consultative assembly must be created and a national constituent assembly set up as soon as general and free elections become possible.

In the present situation the national consultative assembly will make it possible to combine the need for quick and efficacious governmental action with the requirements of democratic principles. The present ordinance contains measures which guarantee to the government the maximum liberty of operation and progressively strengthen its representative character. However as soon as peace is reestablished the present government shall give way to a national constituent assembly, which institution will permit to the entire people the free and full expression of their will.

HIS MAJESTY BAO-DAI, CHIEF OF STATE PROCLAIMS:

TITLE I

THE NATIONAL CONSTITUENT ASSEMBLY

Art. 1. The people of Viet Nam shall freely decide upon their future institutions.

For this purpose, a national constituent assembly shall be convoked as soon as circumstances permit proceeding to general and free elections.

During the transitional period the organization and operation of the public institutions shall be regulated by the present ordinance.

TITLE II

THE CHIEF OF STATE

Art. 2. The Chief of State signs and ratifies treaties. He appoints and accredits chiefs of mission and diplomatic envoys of Viet Nam to foreign countries and within the French Union. The chiefs of mission and diplomatic envoys of foreign states and of the French Union are accredited to him.

He presides over the council of ministers, establishes the general policy and issues directives of government action in all spheres.

He has supreme command of the armed forces.

He has the right of grace.

Art. 3. Decisions of the chief of state take the form of ordinances or decrees.

Ordinances shall be required for all questions of a legislative nature

which would normally be the subject of a law. Ordinances shall be considered by the council of ministers, signed by the chief of state, countersigned by the president of the council of ministers, and not directly guaranteed by the chief of state.

Decisions of a regulatory nature issued for the purpose of executing ordinances shall take the form of a decree signed by the chief of state, countersigned by the president of the council of ministers and guaranteed directly by the chief of state and the minister or ministers, or secretaries of state concerned.

Decrees considered by the council of ministers shall be determined by the ministers or secretaries of state concerned. The council of ministers must consider all decrees concerning general policy, the appointment of high officials, general officers or chiefs of mission in foreign countries.

A decree shall fix the date of application of the provisions contained in the present article.

TITLE III

Art. 4. The president of the council of ministers, the ministers and the secretaries of state shall be appointed by decree of the chief of state. They are responsible to him. They may be recalled in the same manner.

Art. 5. Decrees of the chief of state shall determine the powers of the ministers of the government; until these decrees have been promulgated, existing regulations in this sphere, in so far as they are not contrary to the provisions of the present ordinance, shall continue to be applicable.

Members of the government shall issue decisions in the form of orders.

Art. 6. The president of the council of ministers shall direct the action of the government, in accordance with directives of the chief of state, in the event that the latter does not himself take the office of president of the council of ministers. He ensures and maintains coordination among members of the government and ensures and controls the execution of ordinances and decrees.

Art. 7. When the chief of state himself assumes the office of the president of the council of ministers, he may appoint one or more vice-presidents of the council in the manner described in article 4.

The vice-president seconds the chief of state in his capacity as president of the council of ministers.

He presides over the inter-ministerial committee which meets when convoked by him.

He signs decrees by special delegation of this power by the chief of state within the council of ministers.

By a similar delegation of power granted within the council of ministers, the vice-president shall replace the chief of state as president of the council of ministers, when the chief of state is absent or unable to attend.

Art. 8. Members of the government may not be brought before the courts except after an authorization to do so has been granted by the chief of state in council and upon the advice of a council of examiners.

Art. 9. A subsequent decree shall determine the conditions within which draft ordinances and decrees shall be submitted to the deliberations of the council of ministers.

TITLE IV

THE NATIONAL CONSULTATIVE ASSEMBLY

Art. 10. A national consultative assembly shall be established in order to provide as broad an expression as possible, in the present circumstances, of national opinion.

This assembly shall be automatically dissolved when the national constituent assembly begins to function.

Art. 11. The national consultative assembly shall be composed of forty-five members and fifteen alternates.

Alternates shall replace members in cases of absence or inability to attend.

This number may be increased as peace is established in the territory.

Art. 12. Members of the national consultative assembly shall be appointed by decree of the chief of state from among persons representative of national opinion or of national and regional interests, or persons especially qualified.

Within six months from the installation of the assembly, the members described in the first paragraph of article 11 must inform the secretariat of the assembly which territorial division they declare themselves to represent. When elections have taken place in each territorial division, any members of the assembly representing such a division who have not been elected shall lose their office.

The above provisions apply to members of the assembly appointed under paragraph 3 of article 11 within the month following their appointment.

Art. 13. The national consultative assembly shall give its opinion on all questions referred to it by the government.

Opinions of the assembly shall be voted and adopted by a relative majority of the members present.

Except in cases of urgency or of force majeure so declared by the government, the opinion of the assembly must be requested before the adoption of any legislation concerning the budget, the statute of individual liberties or basic reforms relating to the economic and social structure of the country.

Opinions of the assembly advising a reduction of civil expenditures or an increase of fiscal charges oblige the government to reconsider these matters.

Upon the initiative of at least two-thirds of its members the assembly may place upon its agenda any question of national interest.

Art. 14. The assembly shall meet each six months for an ordinary session of two weeks.

It may meet in extraordinary session of no longer than one week upon the convocation of its president, acting on the request of at least two-thirds of its members, or upon the request of the government. There may be no more than one extraordinary session between two ordinary sessions.

The assembly shall be legally in session when at least one-half of its members is present.

Art. 15. Meetings of the Assembly shall be public unless otherwise

decided, either at the initiative of its secretariat or upon the request of the government.

Art. 16. The national consultative assembly shall draw up its own regulations, elect its secretariat and a permanent commission composed of seven members.

The advice of the permanent commission may replace that of the advice of the assembly, except on the questions listed in article 13, paragraph 3.

A decree shall fix the amount of credit granted the assembly. Within the limits of this amount the president of the assembly shall establish and regulate expenses.

Art. 17. No member of the Assembly may be prosecuted or investigated because of opinions expressed or votes cast by him in the exercise of his function.

Members may not be prosecuted or arrested for crimes or misdemeanors without the authorization of the assembly, except in cases of *flagrante delicto.*

The detention or prosecution of a member of the assembly shall be suspended during the session and, if the Assembly so requires, for the entire duration of the Assembly.

Art. 18. This ordinance shall be published in the official Journal of State and shall enter immediately into effect.

Ordinance No. 2 of July 1, 1949 relating to the organisation of the public administration

HIS MAJESTY BAO-DAI, CHIEF OF STATE

Considering Ordinance No. 1 which establishes the organization and operation of public institutions

PROCLAIMS:

Art. 1. The organization of the public administration shall be subject to the rules set forth in the present ordinance.

TITLE I

REGIONAL ADMINISTRATION

Art. 2. For administrative purposes the national territory shall be composed of three regions: North Viet Nam, Central Viet Nam and South Viet Nam.

Each region shall be granted a separate administration and a regional budget for the exercise of the powers conferred by the present ordinance.

Art. 3. Each region shall be placed under the authority of a governor appointed by the chief of state by means of a decree drawn up within the council of ministers. As an exceptional circumstance the first governors shall be appointed directly by the chief of state.

Art. 4. The governor is the representative of the government in his region.

In this capacity he shall insure, within his region, the execution of

ordinances, decrees and orders. He shall supervise the execution of the relevant services of the central administration within his jursidiction. He corresponds directly with the ministers and secretaries of state concerned.

He is the deputy-manager of the national budget.

Art. 5. The governor is the chief of regional administration. In this capacity he shall appoint the personnel of this administration and exercise regulatory power within the framework of general legislation, any regulations issued by him to take the form of orders. He shall control the provincial, municipal and communal administrations.

The governor shall correspond directly with the chief of state through the secretariat of the presidency of the council of ministers, except in the cases provided for in Article 6.

The governor shall administer the regional budget, which must be approved by decree of the chief of state. The administration of the budget shall be supervised by the minister or secretary of state for finance. Exceptional measures of approval and supervision may be established within the competence of the region by decree.

Art. 6. The governor shall be responsible for the maintenance of public order in his region. He shall report to the minister or secretaries of state for the interior regarding measures which have already been or should be taken for this purpose. He may call upon the armed forces.

Art. 7. A subsequent decree shall determine the respective powers of the central and regional administrations. This division of powers may differ according to the regions concerned.

Art. 8. Each region shall have its budget. A subsequent credit shall determine duties and taxes whose revenue will be reserved to each regional budget.

Title II

MUNICIPAL AND PROVINCIAL ADMINISTRATIONS

Art. 9. The cities of Hanoi, Haiphong, Tourane and Saigon-Cholon shall be placed under the authority of a mayor or prefect appointed by decree, upon the proposal of the governor concerned to the minister of the interior.

The heads of each province shall be appointed, upon the nomination of the governor concerned, by order of the minister of the interior. They shall receive their powers by order of the governor.

Prefects, mayors and heads of provinces shall be directly responsible to the governor of the district.

Municipalities and provinces shall be granted a separate administration and a budget.

Mayors and prefects shall be assisted by a municipal commission whose composition and powers shall be determined by a subsequent decree.

Art. 10. Subsequent decrees shall determine the powers of mayors, prefects and chiefs of provinces, as well as the measures necessary for the application of article 9 concerning the organization of municipalities and provinces.

Title III

THE COMMUNAL ADMINISTRATION

Art. 11. The administrative basis of Viet Nam is the commune. A subsequent decree shall determine its organization.

Title IV

THE ÇOUNCIL OF EXAMINERS

Art. 12. There shall be established an organ of administrative control entitled the Council of Examiners.

A subsequent decree shall determine its composition, powers and method of operation.

Title V

MISCELLANEOUS PROVISIONS

Art. 13. Texts presently in force concerning the public administration are and shall remain abrogated, in so far as they are contrary to the provisions of the present ordinance.

Art. 14. The vice-president of the council of ministers, the ministers and the secretaries of state shall be responsible, each within his own sphere of operation, for the execution of the present ordinance.

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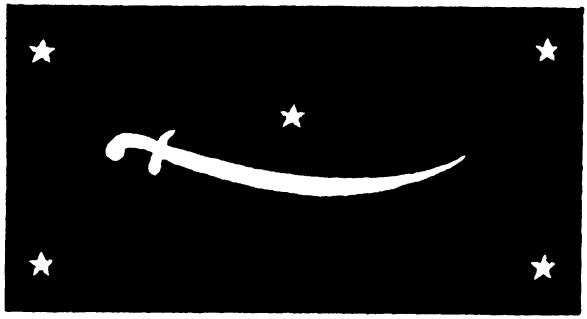

YEMEN

SUMMARY

International Status

Yemen is a member of the United Nations, admitted September 30, 1947. It is a party to the Statute of the International Court of Justice but is not, as of the time of our going to press subject to the compulsory jurisdiction of the Court.[1] It is a member of the Arab League, the Universal Postal Union and the International Telecommunications Union. It was not a member of the League of Nations nor a party to the Statute of the Permanent Court of International Justice of 1921.

By the terms of the Armistice of Mudros, of October 21, 1918, the Turk-

[1] See Yearbook of the Court 1951–52, p. 43.

ish garrisons of Yemen were obliged to surrender to the Allied forces The Turks having evacuated Yemen, the Imam Yahya, a member of the family which had held the primacy among the sheiks of the area since the year 860 A. D., established himself at Sana in November, 1918. In a treaty of friendship and commerce concluded with Italy in 1926 he was designated by the title of King. He concluded treaties of friendship with the USSR in 1928 and 1939, with Iraq in 1931, with the Netherlands in 1933, with Great Britain and Saudi Arabia in 1934, with Ethiopia in 1935, with France and Belgium in 1936, with Czechoslovakia in 1938, with Egypt in 1945, and with the United States in 1946.[1]

Yemen was neutral in World War II.

Form of Government

According to a recent publication by a member of the Yemen Delegation to the United Nations,[2] it is "a democratic Kingdom based on the principles of the Mohammedan religion, which recognizes the divine commandments, and on the Koran." The form of government is stated to be "selective and elective," the sovereign being elected and his consultative assembly being selected. All major decisions of the Ministers and heads of governmental departments are subject to approval by the King, to whom they are submitted by a Prime Minister.

There are at present ministries of foreign affairs, national education, health, highways, national economy and *wakfs*, and departments of interior, finance, army and public domain. The prerogatives of the head of the army are stated to be extensive.[3]

Justice is administered by courts which apply the Sunna (traditions of the Prophet) as well as other traditions and local laws.[3]

Area, Population, Language

The area of Yemen is approximately 75,000 square miles, with a population (official estimate, 1953) of 4,500,000. The language is Arabic.

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[1] See *Yemen* (*Chronologie*) in Revue Egyptienne de Droit International, Vol. 3, 1947, pp. 110-113.

[2] *Yemen*, by Adnan Tarcici, 1947.

[3] See *Yemen*, by Adnan Tarcici.

STATEMENT REGARDING CONSTITUTION

The editor is advised by authoritative government officials that there is no written constitution of Yemen.

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YUGOSLAVIA

SUMMARY

International Status

Yugoslavia is a member of the United Nations. It signed the Charter at San Francisco on June 26, 1945, and deposited its ratification October 19, 1945.

It was a member of the League of Nations. It signed and ratified the Statute of the Permanent Court of International Justice of 1921 and accepted the optional clause (Article 36). As a member of the United Nations it is automatically a party to the Statute of the International Court

of Justice of 1945.[1] It is a member of other international organizations.[2]

Yugoslavia, the State of the Southern Slavs, embraces the former independent States of Serbia and Montenegro and the former Austro-Hungarian provinces of Bosnia, Herzegovina, Croatia, Dalmatia and Slovenia. The efforts of the Austro-Hungarian Government to arrest the movement for the unfication of the Southern Slavs, under Serbian leadership, were among the factors in the precipitation of war in 1914. The Serb-Croat-Slovene State, or Kingdom of the Serbs, Croats and Slovenes, was proclaimed on December 1, 1918, and was a signatory to the Treaties of Versailles and St. Germain of 1919 and the Treaty of Trianon of 1920.

Yugoslavia was invaded and overrun by German forces in 1941. A government in exile was set up in London while a National Liberation Army, under the leadership of Marshal Tito, organized effective resistance to the enemy. A proclamation of the Federal People's Republic of Yugoslavia was made on November 29, 1945.[3]

Form of National Government

The Constitution adopted by the Constituent Assembly of Yugoslavia on January 30, 1946, and proclaimed the next day, declares that "the Federal People's Republic of Yugoslavia is a federal people's state, republican in form, a community of peoples equal in rights who, on the basis of the right to self-determination, including the right of separation, have expressed their will to live together in a federative state." [4] A Fundamental Law pertaining to the Bases of the Social and Political Organization of the Federal People's Republic of Yugoslavia and of the Federal Organs of the State Authority, enacted on January 13, 1953, replaced the provisions of the 1946 Constitution relating to the executive and legislative powers and superseded any other provisions contrary to it. The Fundamental Law declares that "the Federal People's Republic of Yugoslavia is a socialist, democratic, federal State of sovereign peoples equal in rights."[5]

The Federal People's Republic of Yugoslavia is composed of the peoples republics of Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, and Montenegro. Each of the six component republics has its own independent constitution, reflecting the special characteristics of that republic but "in conformity with the Constitution of the FPRY." [6] The Federal People's Republic constitutes a single State, economic and customs territory.[7]

"Social ownership of the means of production, self government by the producers in the economy and self government by the working people in

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[1] It is not as of the time of our going to press, subject to the compulsory jurisdiction of that Court. See Yearbook of the Court, 1951–52, p. 43.

[2] See Table I. [3] See Michael Boro Petrovich, The Central Government of Yugoslavia, in Political Science Quarterly, New York, December 1947, pp. 506-510.

[4] Const. Art. 1. [5] Fund. Law, Art. 1. [6] Const. Art. 2.

[7] Id., Art. 11. [8] Fund. Law, Art. 10.

the municipality, town and district constitute the bases of the social and political organization of the country." [1]

Source of Sovereign Power

"All power in the Federal People's Republic of Yugoslavia belongs to the working people." [2]

Rights of the People

Free association of the working people for the purpose of realizing democratic, political, economic, social, scientific, cultural, artistic, professional, athletic and other common interests; personal freedom and the other basic rights of the man and of the citizen; and the right to work are "guaranteed." [3]

Subject to the general control of the State over "the private economic sector," the Constitution guarantees private property and private initiative in economy.[4] It also "guarantees" equality of all citizens before the law, with equal rights regardless of nationality, race and creed;[5] universal, equal, and direct suffrage by secret ballot;[6] equal rights of men and women in all fields of state, economic and social-political life, with special protection to the interests of mothers and children;[7] freedom of conscience and religion, with separation of Church and State;[8] freedom of the press, of speech, of association, and of assembly;[9] inviolability of person and of the dwelling;[10] privacy of letters and other means of communication except in cases of criminal inquiry, mobilization, or war;[11] the right of asylum for foreigners persecuted on account of their struggle for the principles of democracy or for national liberation, the rights of working people and freedom of scientific and cultural work;[12] a decent living and free occupational training for disabled ex-service men;[13] freedom of scientific and artistic work;[14] freedom of elementary education;[15] and the right of petition.[16] National minorities are accorded "the right to and protection of their own cultural development and the free use of their own language." [17]

Legislative Department

The exclusive power of legislation in all matters within the authority of the Federal People's Republic is vested in the Federal People's Assembly,[18] consisting of the Federal Council and the Council of Producers.[19] The members of the Assembly are elected for terms of four years.[20] The Federal Council is composed of Deputies elected by universal, equal and direct suffrage, and of People's Deputies elected from among their members by the respective Councils of the Assemblies of the several Republics and

[1] Fund. Law, Art. 4. [2] Id., Art. 10. [3] Id., Art. 5. [4] Const. Arts. 15, 18.
[5] Id., Art. 21. [6] Id., Art. 23. [7] Id., Art. 24. [8] Id., Art. 25.
[9] Id., Art. 27. [10] Id., Arts. 28, 29. [11] Id., Art. 30. [12] Id., Art. 31.
[13] Id., Art. 35. [14] Id., Art. 37. [15] Id., Art. 38. [16] Id., Art. 39.
[17] Id., Art. 13. [18] Fund. Law, Arts. 13, 15. [19] Id., Art. 24. [20] Id., Art. 21.

of the Autonomous Province and Region.[1] Deputies to the Council of Producers are elected by the producers engaged in production, transport and commerce in proportion to the participation of the respective economic sectors in the total production of the Republic.[2]

Members of the Federal Council, elected by the representative bodies of the several People's Republics and the Autonomous Province and Region, render decisions separately as the Council of Nationalities regarding proposals concerning constitutional changes or the federal economic plan.[3]

Executive Department

The President of the Republic and the Federal Executive Council are the executive organs of the Federal People's Assembly, entrusted by it with the representation of the Republic as a state, the conduct of law enforcement, supervision over the work of the federal administration and other executive affairs within the sphere of competence of the Federal government.[4] The President is elected from among the members of the Assembly for the same term but may be removed by the Assembly before the expiration of the term.[5] The Federal Executive Council is presided over by the President and is composed of thirty to forty-five People's Deputies from the membership of the Federal Council.[6] The President and Executive Council are responsible to the Assembly.[7]

Judicial Department

The "public prosecution," "an organ of the People's Assembly of the FPRY," supervises the "proper application of the law by all ministries and other administrative organs." [8] The public prosecutor of FPRY appoints and dismisses all public prosecutors of the republics and their deputies, who otherwise are independent in their work." [9]

"The organs of justice in the Federal People's Republic of Yugoslavia are: the Supreme Court of the FPRY, the supreme courts of the republics and autonomous provinces, the departmental and district courts." [10] The courts are "independent in their dispensing of justice" and are "separate from the administration in all instances." [11] Judges of the federal Supreme Court are elected by the Assembly.[12]

Area, Population, Language

Yugoslavia has an area of 95,558 square miles and a population (1951 census) of 16,338,504. The prevailing language is Serb-Croat. Slovene and Macedonian are also used.

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[1] Fund. Law, Art. 25. [2] Id., Art. 25. [3] Id., Arts. 44, 45, 46. [4] Id., Art. 14, and Sec. B. Preamble.
[5] Id., Arts. 74, 77. [6] Id., Arts. 72, 82. [7] Id., Art. 76.
[8] Const. Art. 124. [9] Id., Arts. 125, 126. [10] Id., Art. 115.
[11] Const. Art. 116. [12] Id., Art. 121 & Fund. Law, Art. 15.

CONSTITUTION OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA[1]

January 30, 1946

PART ONE

FUNDAMENTAL PRINCIPLES

CHAPTER I

The Federal People's Republic of Yugoslavia

Art. 1. The Federal People's Republic of Yugoslavia is a federal people's state, republican in form, a community of peoples equal in rights who, on the basis of the right to self-determination, including the right of separation, have expressed their will to live together in a federative state.

Art. 2. The Federal People's Republic of Yugoslavia is composed of the People's Republic of Serbia, the People's Republic of Croatia, the People's Republic of Slovenia, the People's Republic of Bosnia and Herzegovina, the People's Republic of Macedonia and the People's Republic of Montenegro.

The People's Republic of Serbia includes the Autonomous Province of Vojvodina and the Autonomous Kosovo-Metohijan Region.

Art. 3. The state coat of arms of the Federal People's Republic of Yogoslavia represents a field encircled by ears of corn. At the base the ears are tied with a ribbon on which is inscribed the date 29-XI-1943. Between the tops of the ears is a five-pointed star. In the centre of the field five torches are laid obliquely, their several flames merging into one single flame.

Art. 4. The State flag of the Federal People's Republic of Yugoslavia consists of three colors: blue, white and red, with a red five-pointed star in the middle. The ratio of the width to the length of the flag is as one to two. The colors of the flag are placed horizontally in the following order from above: blue, white and red. Each color covers one third of the flag's width. The star has a regular five-pointed shape and a gold (yellow) border. The central point of the star coincides with the intersection point of the diagonals of the flag. The upmost point of the star reaches half way up the blue field of the flag, so that the lower points of the star occupy corresponding positions in the red field of the flag.

Art. 5. The principal town of the Federal People's Republic of Yugoslavia is Belgrade.

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[1] Translation published in 1946 by the Information Office, Embassy of the Federal People's Republic of Yugoslavia, Washington, D.C.

CHAPTER II

The People's Authority

Art. 6. All authority in the Federal People's Republic of Yugoslavia derives from the people and belongs to the people.

The people exercise their authority through freely elected representative organs of state authority, the people's committees, which, from local people's committees up to the assemblies of the people's republics and the People's Assembly of the FPRY, originated and developed during the struggle for national liberation against fascism and reaction, and are the fundamental achievement of that struggle.

Art. 7. All the representative organs of state authority are elected by the citizens on the basis of universal, equal, and direct suffrage by secret ballot.

The people's representatives in all organs of state authority are responsible to their electors. It will be determined by law in which cases, under what conditions and in what way the electors may recall their representatives even before the end of the period for which they were elected.

Art. 8. The organs of state authority exercise their power on the basis of the Constitution of the FPRY, the constitutions of the people's republics, the laws of the FPRY, the laws of the people's republics, and the general regulations issued by the higher organs of state authority.

All acts of the state administration and judiciary organs must be founded on law.

CHAPTER III

Fundamental Rights of the Peoples and the People's Republics

Art. 9. The sovereignty of the people's republics composing the Federal People's Republic of Yugoslavia is limited only by the rights which by this Constitution are given to the Federal People's Republic of Yugoslavia.

The Federal People's Republic of Yugoslavia protects and defends the sovereign rights of the people's republics.

The Federal People's Republic of Yugoslavia protects the security and the social and political order of the people's republics.

Art. 10. Any act directed against the sovereignty, equality, and national freedom of the peoples of the Federal People's Republic of Yugoslavia and their people's republics is contrary to the Constitution.

Art. 11. Each people's republic has its own constitution.

The people's republic makes its constitution independently.

The constitution of the people's republic reflects the special characteristics of the republic and must be in conformity with the Constitution of the FPRY.

Art. 12. The People's Assembly of the FPRY determines the boundaries between the people's republics.

The boundaries of a people's republic cannot be altered without its consent.

Art. 13. National minorities in the Federal People's Republic of Yugoslavia enjoy the right to and protection of their own cultural development and the free use of their own language.

CHAPTER IV

Social-Economic Organizations

Art. 14. Means of production in the Federal People's Republic of Yugoslavia are either the property of the entire people, i.e. property in the hands of the state, or the property of the people's co-operative organizations, or else the property of private persons or legal entities.

All mineral and other wealth under ground, the waters, including mineral and medicinal waters, the sources of natural power, the means of rail and air transport, the posts, telegraphs, telephones, and broadcasting are national property.

The means of production in the hands of the state are exploited by the state itself or given to others for exploitation.

Foreign trade is under control of the state.

Art. 15. In order to protect the vital interests of the people to further the people's prosperity and the right use of all economic potentialities and forces, the state directs the economic life and development of the country in accordance with a general economic plan, relying on the state and co-operative economic sectors, while achieving a general control over the private economic sector.

In carrying out the general economic plan and economic control, the state relies on the co-operation of syndicalist organizations of workmen and employees and other organizations of the working people.

Art. 16. The property of the entire people is the mainstay of the state in the development of the national economy.

The property of the entire people is under the special protection of the state.

The administration and disposal of the property of the entire people are determined by law.

Art. 17. The state devotes special attention to the people's co-operative organizations and offers them assistance and facilities.

Art. 18. Private property and private initiative in economy are guaranteed.

The inheritance of private property is guaranteed. The right of inheritance is regulated by law.

No person is permitted to use the right of private property to the detriment of the people's community.

The existence of private monopolist organizations such as cartels, syndicates, trusts, and similar organizations, created for the purpose of dictating prices, monopolizing the market, and damaging the interests of the national economy, is forbidden.

Private property may be limited or expropriated if the common interest requires it, but only in accordance with the law. It will be determined by law in which cases and to what extent the owner shall be compensated.

Under the same conditions individual branches of national economy or single enterprises may be nationalized by law if the common interest requires it.

Art. 19. The land belongs to those who cultivate it.

The law determines whether and how much land may be owned by an institution or a person who is not a cultivator.

There can be no large land-holdings in private hands on any basis whatsoever.

The maximum size of private land-holdings will be determined by law.

The state particularly protects and assists poor peasants and peasants with medium-sized holdings by its general economic policy, its low rates of credit, and its tax system.

Art. 20. By economic and other measures the state assists the working people to associate and organize themselves for their protection against economic exploitation.

The state protects persons who are engaged as workers or employees especially by assuring them the right of association, by limiting the working day, by ensuring the right to paid annual holidays, by controlling working conditions, by devoting attention to housing conditions and social insurance.

Minors in employment enjoy the special protection of the state.

CHAPTER V

The Rights and Duties of Citizens

Art. 21. All citizens of the Federal People's Republic of Yugoslavia are equal before the law and enjoy equal rights regardless of nationality, race, and creed.

No privileges on account of birth, position, property status, or degree of education are recognized.

Any act granting privileges to citizens or limiting their rights on grounds of difference of nationality, race, and creed, and any propagation of national, racial, and religious hatred and discord are contrary to the Constitution and punishable.

Art. 22. The citizens of the Federal People's Republic of Yugoslavia are bound to comply with the Constitution and laws.

Art. 23. All citizens, regardless of sex, nationality, race, creed, degree of education, or place of residence, who are over eighteen years of age have the right to elect and be elected to all organs of state authority.

Citizens in the ranks of the Yugoslav Army have the same right to elect and be elected as other citizens.

The suffrage is universal, equal, and direct and is carried out by secret ballot.

The suffrage is not enjoyed by persons under guardianship, persons deprived of electoral rights by sentence of a court of law for the duration of the sentence, and persons who have lost their electoral rights in accordance with federal law.

Art. 24. Women have equal rights with men in all fields of state, economic, and social-political life.

Women have the right to the same pay as that received by men for the same work, and as workers or employees they enjoy special protection.

The state especially protects the interests of mothers and children by the establishment of maternity hospitals, children's homes and day-nurseries and by the right of mothers to a leave with pay before and after child-birth.

Art. 25. Freedom of conscience and freedom of religion are guaranteed to citizens.

The church is separate from the state.

Religious communities, whose teaching is not contrary to the Constitution, are free in their religious affairs and in the performance of religious ceremonies. Religious schools for the education of priests are free and are under the general supervision of the state.

The abuse of the church and of religion for political purposes and the existence of political organizations on a religious basis are forbidden.

The state may extend material assistance to religious communities.

Art. 26. Matrimony and the family are under the protection of the state. The state regulates by law the legal relations of marriage and the family.

Marriage is valid only if concluded before the competent state organs. After the marriage, citizens may go through a religious wedding ceremony.

All matrimonial disputes come within the competence of the people's courts.

The registration of births, marriages, and deaths is conducted by the state.

Parents have the same obligations and duties to children born out of wedlock as to those born in wedlock. The position of children born out of wedlock is regulated by law.

Minors are under the special protection of the state.

Art. 27. Citizens are guaranteed the freedom of the press, freedom of speech, freedom of association, freedom of assembly, the freedom to hold public meetings and demonstrations.

Art. 28. Citizens are guaranteed inviolability of person.

No person may be detained under arrest for longer than three days without the written and motivated decision of a court of law or of a public prosecutor. The longest period of arrest is determined by law.

No person may be punished for a criminal act except by sentence of a competent court on the basis of the law establishing the competence of the court and defining the offense.

Punishments may be determined and pronounced only on the basis of the law.

No person, if within the reach of the state authorities, may be tried without being given a lawful hearing and duly invited to defend himself.

Punishments for infringements of legal prescriptions may be pronounced by the organs of the state administration only within the limits set by law.

No citizen of the Federal People's Republic of Yugoslavia may be banished from the country.

Only in cases defined by law, may a citizen be expelled from his place of residence.

Federal law determines in which cases and in what manner citizens of the Federal People's Republic of Yugoslavia may be deprived of their citizenship.

Citizens of the Federal People's Republic of Yugoslavia in foreign countries enjoy the protection of the Federal People's Republic of Yugoslavia.

Art. 29. The dwelling is inviolable.

Nobody may enter another person's dwelling or premises, or search them against the occupant's will, without a legal search-warrant.

A search may only be made in the presence of two witnesses. The occupant of the premises has the right to be present during the search of his dwelling or premises.

Art. 30. The privacy of letters and other means of communication is inviolable except in cases of criminal enquiry, mobilization, or war.

Art. 31. Foreign citizens persecuted on account of their struggle for the principles of democracy, for national liberation, the rights of the working people, or the freedom of scientific and cultural work, enjoy the right of asylum in the Federal People's Republic of Yugoslavia.

Art. 32. It is the duty of every citizen to work according to his abilities; he who does not contribute to the community cannot receive from it.

Art. 33. All public offices are equally accessible to all citizens in accordance with the conditions of the law.

It is the duty of citizens to perform conscientiously the public duties to which they have been elected or which are entrusted to them.

Art. 34. The defense of the fatherland is the supreme duty and honor of every citizen.

High treason is the greatest crime toward the people.

Military service is universal for all citizens.

Art. 35. The state ensures disabled ex-service men a decent living and free occupational training.

The children of fallen soldiers and of war victims are under the special care of the state.

Art. 36. The state promotes the improvement of public health by organizing and controlling health services, hospitals, pharmacies, sanatoria, nursing and convalescent homes, and other health institutions.

The state extends its care to the physical education of the people, especially of young people, in order to increase the health and the working capacity of the people and the power of defense of the state.

Art. 37. The freedom of scientific and artistic work is assured.

The state assists science and art with a view to developing the people's culture and prosperity.

Copyright is protected by law.

Art. 38. In order to raise the general cultural standard of the people, the state ensures the accessibility of schools and other educational and cultural institutions to all classes of the people.

The state pays special attention to the young and protects their education.

Schools are state-owned. The founding of private schools may be permitted only by law, and their work is controlled by the state.

Elementary education is compulsory and free.

The school is separate from the church.

Art. 39. Citizens have the right to address requests and petitions to the organs of the state authorities.

Citizens have the right of appeal against the decisions of the organs of the state administration and the irregular proceedings of official persons. The procedure for lodging an appeal will be prescribed by law.

Art. 40. Every citizen has the right to file a suit against official persons before a competent tribunal on account of criminal acts committed by them in their official work.

Art. 41. Subject to conditions prescribed by law, citizens have the right to seek indemnity from the state and from official persons for damage resulting from the illegal or irregular discharge of official functions.

Art. 42. All citizens shall pay taxes in proportion to their economic capacity.

Public taxes and duties and exemptions from them are established only by law.

Art. 43. With a view to safeguarding the civic liberties and democratic organization of the Federal People's Republic of Yugoslavia, established by this Constitution, it is declared illegal and punishable to make use of civic rights in order to change or undermine the constitutional order for anti-democratic purposes.

PART TWO

Organization of the State

Chapters VI, VII, VIII, IX, X, XI, XII and XV superseded by Fundamental Law of January 13, 1953.

CHAPTER XIII

The People's Courts

Art. 115. The organs of justice in the Federal People's Republic of Yugoslavia are: the Supreme Court of the FPRY, the supreme courts of the republics and autonomous provinces, the departmental and district courts.

The organization and competence of military tribunals are regulated by federal law.

Special courts for specified categories of disputes may be set up by law.

Art. 116. The law-courts are independent in their dispensing of justice and mete out justice according to the law.

The courts are separate from the administration in all instances.

Higher courts have, within the limits of the law, the right of supervision over lower courts.

Art. 117. The law-courts dispense justice in the name of the people.

Art. 118. Proceedings in the law-courts are as a rule public.

The resolutions of a court may only be altered by a competent higher court.

The accused is guaranteed the right of defense before a court.

Art. 119. All courts as a rule judge in council.

The council of district and departmental courts, when judging in the first instance, consist of judges and judges-jurors, who have equal rights in the court's proceedings.

Art. 120. Judicial proceedings in the courts are conducted in the languages of the republics, autonomous provinces, and autonomous regions where the courts are located. Citizens not speaking the language in which the proceedings are conducted, may use their own language. Such citizens are guaranteed the right to acquaint themselves with all the legal material and to follow the proceedings of the court through an interpreter.

Art. 121. Judges of the Supreme Court of the FPRY are elected and released from their functions by the People's Assembly of the FPRY at a joint meeting of both houses.

Judges of the supreme court of a republic or autonomous province are elected and released from their functions by the people's assembly of the republic or by the people's assembly of the autonomous province.

Judges and judges-jurors of a departmental court in a department or town are elected and released from their functions by the people's committee of the department or town.

Judges and judges-jurors of a district court in a district or town are elected and released from their functions by the people's committee of the district or town.

Art. 122. The Supreme Court of the FPRY is the highest organ of justice of the Federal People's Republic of Yugoslavia.

It is determined by federal law in what cases the Supreme Court of the FPRY shall judge in the first and in what cases in the second instance.

Art. 123. The Supreme Court of the FPRY decides on the legality of the judgments of all courts in the Federal People's Republic of Yugoslavia from the point of view of the application of federal laws.

The supreme courts of republics and autonomous provinces ascertain the legality of the judgments of all courts of the republic or autonomous province.

CHAPTER XIV

Public Prosecution

Art. 124. The public prosecution is the organ of the People's Assembly of the FPRY for supervising the proper application of the law by all ministries and other administrative organs and institutions subordinate to them in the Federal People's Republic of Yugoslavia and in the people's republics, by public officials, and by all citizens.

Art. 125. The public prosecutor of the FPRY and his deputies are elected and released from their functions by the People's Assembly of the FPRY at a joint meeting of both houses.

The public prosecutors of the people's republics and their deputies are appointed and released from their functions by the public prosecutor of the FPRY.

The public prosecutors of autonomous provinces, autonomous regions,

regions, departments, and districts are appointed and released from their functions by the public prosecutor of the republic subject to the confirmation of the public prosecutor of the FPRY.

Art. 126. Public prosecutors are indepedendent in their work and are subordinate only to the public prosecutor of the FPRY.

Art. 127. Public prosecutors have the right to enter appeals and suits, the right of legal intervention in the course of judicial and administrative proceedings, the right to institute criminal proceedings, and the right to file a demand for the defense of legality against valid resolutions of law-courts and administrative organs.

Art. 128. The military prosecutor of the Yugoslav army and other military prosecutors are appointed by the commander-in-chief of the Yugoslav army.

The organization and competence of the military prosecution will be determined by federal law.

Chapter XV Superseded by Fundamental Law of January 13, 1953.

CHAPTER XVI

The Yugoslav Army

Art. 134. The Yugoslav army is the armed force of the Federal People's Republic of Yugoslavia. Its duty is to safeguard and defend the independence of the state and the freedom of the people. It is the guardian of the inviolability of the state frontiers and serves the maintenance of peace and security.

Art. 135. The commander-in-chief of the Yugoslav army is appointed by the People's Assembly of the FPRY at a joint meeting of both houses. The commander-in-chief directs the entire military and armed forces of the Federal People's Republic of Yugoslavia.

PART THREE

Transitional and Concluding Provisions

Art. 136. On the day when the Constitution comes into force, all laws and other legal dispositions contrary to the Constitution are abolished.

Resolutions, laws, and regulations confirmed by the decision of the Constituent Assembly of December first, 1945, remain in force until a final resolution with regard to them is made.

The legislative committees of both houses of the People's Assembly of the FPRY are authorized, within a period of six months from the day when the Constitution comes into force, to examine all resolutions, laws, and regulations confirmed by the decision of the Constituent Assembly of December first, 1945, to bring them into conformity with the Constitution and to issue laws deciding which of those resolutions, laws, and regulations shall remain in force without modification or to issue laws for the modification and amplification of those resolutions, laws, and regulations. These laws, issued by the legislative committees of both houses

of the People's Assembly of the FPRY, are promulgated by a decree of the presidium of the People's Assembly of the FPRY and are submitted for confirmation to the People's Assembly of the FPRY at its first subsequent session. The proposals of resolutions, laws, and regulations shall, in order to be brought into conformity with the Constitution, be transmitted by the President of the government of the FPRY to the legislative committees.

Art. 137. All persons under the age of eighteen, who have been entered in the lists of electors for the Constituent Assembly, shall retain the electoral right thus acquired.

Art. 138. Existing ministries which are not provided for by the Constitution in the composition of the government of the FPRY may remain in the composition of the government until a resolution with regard to them is passed in accordance with Article 74, § 15, of the Constitution.

Art. 139. The Constitution comes into force by promulgation at a joint meeting of both houses of the Constituent Assembly.

Given at Belgrade,
the principal town of the Federal People's
Republic of Yugoslavia,
January 31, 1946.

In order to bring the constitutional system into accord with the changes realized in bases of the social and political organization of the country, the People's Assembly of the Federal People's Republic of Yugoslavia enacts herewith the

FUNDAMENTAL LAW [1]

PERTAINING TO THE BASES OF THE SOCIAL AND POLITICAL ORGANIZATION OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND OF THE FEDERAL ORGANS OF STATE AUTHORITY

January 13, 1953

I. FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Art. 1. The Federal People's Republic of Yugoslavia is a socialist democratic federal state of sovereign peoples equal in rights.

Art. 2. All power in the Federal People's Republic of Yugoslavia belongs to the working people.

The working people exercise their power and manage social affairs through their representatives in the People's Committees and People's Assemblies, in Workers' Councils and in other self-governing bodies, as well as directly through election, recall, referendum, meetings of voters,

[1] English text kindly supplied by Yugoslav Embassy, Washington, D.C.

councils of citizens, participation of citizens in administration and justice, and through other forms of self-government.

Art. 3. The People's Committees are the basic organs of state authority of the working people and the highest organs of state authority in the municipality, town and district.

Only those rights which are designated in the Federal Constitution belong to the Federation, and only those rights which are designated in the Republic Constitutions belong to the governments of the respective People's Republics.

Art. 4. Social ownership of the means of production, self-government by the producers in the economy and self-government by the working people in the municipality, town and district constitute the basis of the social and political organization of the country.

Self-government by the working people in the fields of education, culture and social services is guaranteed.

Self-government by the producers and by the working people is exercised in conformity with general social interests which are expressed in law and in other decisions of the representative bodies of the working people—the People's Assemblies and the People's Committees.

Art. 5. The following are guaranteed:

Free association of the working people for the purpose of realizing democratic political, economic, social, scientific, cultural, artistic, professional, athletic and other common interests;

Personal freedom and the other basic rights of the man and of citizen:

The right to work.

Art. 6. Self-government by the producers in the economy consists particularly in:

The right of the working collectives to manage their economic units directly and through Worker's Councils, assemblies of agricultural cooperatives and other representative bodies which they themselves elect and recall;

The right of the producers to be elected to the representative bodies of the economic units:

The right of the economic unit to fix independently its economic plans; the right of the economic unit upon the fulfilling of its obligations to the social community to dispose independently of the income of the unit, and in this the economic unit is guaranteed a minimum provided for by the law; the right of the economic unit to fix within the limits of its income the earnings of its workers, and in this the workers in economic enterprises are guaranteed by law minimum earnings from the resources of the social community;

The right of the producers to determine, through their representatives in the Councils of Producers, the amount of material funds to be set aside for meeting social requirements and to decide on the utilization of these funds.

The producers exercise the rights of self-government on the basis of the Constitution and the laws and within the framework of the economic plans.

The working collectives acquire their self-governing rights by the very act of founding of an economic unit.

Art. 7. Self-government of the working people in the municipality, town and district consists particularly in:

The right of the citizens to elect and recall their representatives in the People's Committee of the municipality, in the district and town councils of the People's Committee of the district and town, as well as the right of the producers to elect and recall their representatives in the Council of Producers of the People's Committee of the district and town;

The right of citizens and producers to be elected to the People's Committees;

The right of citizens to participate directly in the exercise of state authority by means of referendums, meetings of voters, councils of citizens, participation of citizens in administration and justice and other forms of self-government.

The right of the People's Committee to govern independently the affairs of general interest to the community in the field of economic, communal, social and cultural life and development of the municipality, town and district, relying upon the economic units the various institutions and associations and the initiative of citizens.

The right of the People's Committee to dispose freely, in conformity with the Federal and Republic economic plan, of the portion of income of the economic units which the economic units set aside for the municipality, town and district; the right of the People's Committee to a percentage designated by law, of taxes, and the right to introduce local surtaxes and local contribution; the right of the People's Committee to independently draw up and approve its economic plan and budget;

The rights designated by law of the People's Committee with regard to the economic units on its territory; the right of the People's Committee to to supervise the management of social property; as well as the right of the municipality and town to manage all land and buildings which are social property to the extent that this right does not belong to other government organs, to economic units, to various institutions and communities;

The right of the People's Committee to elect and remove from office the judges of the district and circuit courts;

The right of the People's Committee to form and to elect its own organs and to appoint employees of the committee;

The right of the People's Committee to prescribe by statute its own internal organization and conduct of affairs;

The right of the People's Committee to maintain peace and order in the territory of the municipality, town or district.

The People's Committee shall exercise state authority on the basis and within the framework of the Constitution and the laws.

Art. 8. The organs of state authority of the Republics have with respect to the People's Committees rights designated by law.

The state organs of the Republics have the right to supervise the legality of the work of the People's Committees.

In the economic plan of the respective Republics only those law-desig-

nated financial means are set aside for the respective People's Republic which are to be used for the performance of functions within the sphere of competence of the People's Republic, for aid to towns and districts, and for aid to the various institutions and economic units of general interest for the entire republic.

Only by law can the Federal or Republic administrative organs be established in municipality, town, or district to perform functions within the Federal or Republic competence in the municipality, town, or district.

Art. 9. The Federal government has the following rights and duties.

Protects the independence and territorial integrity of the federal state; organizes the armed forces and defense of the country; protects the social and political order;

Protects the unity and equality of rights of the peoples of Yugoslavia·

Maintains and regulates international relations;

Ensures the essential unity of the socialist social order and legal system;

Ensures the essential unity of the economic system and the planned development of the national economy as a whole;

Ensures self-government by the producers in the economy and self-government by the working people in the municipality, town and district and in the various institutions;

Ensures the freedoms and democratic rights of citizens and their equality of rights regardless of nationality, race and religion;

Ensures lawfulness, uniform application of federal laws and the essential unity of the judicial system.

The rights and duties of the Federation are exercised by the federal organs of state authority according to their respective spheres of competence as laid down by the Constitution.

The federal laws are directly executed by the People's Committees or the respective republican organs of state authority.

The federal organs directly execute the federal laws and perform other executive functions only within the framework of the exclusive rights and duties of the Federation as laid down by the Constitution, as well as when executive functions are placed within the sphere of competence of the Federal Government by law in conformity with the rights and duties of the Federation.

Art. 10. The territory of the Federal People's Republic of Yugoslavia is composed of the territories of the several People's Republics and constitutes a single state, economic and customs territory.

The marketing of merchandise is free throughout the country and may not be restricted by any act of the organs of state authority of the Republics or by an act of a People's Committee.

Administrative and judicial acts and documents of the state organs of one People's Republic have equal validity in the remaining Republics.

Art. 11. Federal laws and other acts of federal state organs are applied on the entire territory of the Federal state.

In case of disagreement between a federal law and the law of a People's Republic, the federal law applies directly. The People's Republic, however, may initiate proceedings for determining the conformity of the federal

law and the law of the respective Republic with the Federal Constitution.

Art. 12. For the citizens of the Federal People's Republic of Yugoslavia there exists a uniform Federal citizenship.

Every citizen of a People's Republic is simultaneously a citizen of the Federal People's Republic of Yugoslavia.

The citizen of a People's Republic enjoys in every other People's Republic the same rights enjoyed by the citizens of that Republic.

II. FEDERAL ORGANS OF STATE AUTHORITY

A. Federal People's Assembly

1. RIGHTS OF THE ASSEMBLY

Art. 13. The Federal People's Assembly is the representative of the sovereignty of the people and is the highest organ of authority of the federal government.

The Federal People's Assembly exercises its rights and duties on the basis of and within the framework of the Constitution.

Art. 14. The Federal People's Assembly exercises the rights of the Federation directly and through the President of the Republic and the Federal Executive Council as its executive organs. Designated executive affairs are conducted by federal organs of administration according to the directives of and under the supervision of the Federal Executive Council.

The rights of the Federation in the field of justice are exercised by the Federal Supreme Court and other federal courts on the basis of federal laws.

Art. 15. Within the sphere of exclusive competence of the Federal People's Assembly are:

1. amendment of the Constitution;
2. election and removal from office of the President of the Republic;
3. election and removal from office of the members of the Federal Executive Council;
4. election and removal from office of the judges of the Federal Supreme Court;
5. Federal Legislation:

(a) executive legislation: on personal liberties and other basic rights of the man and citizen; on federal citizenship, on the personal status of citizens; on social security; the civil code; on copyrights; on patents, trade marks, samples and models; on the introduction of social contributions and taxes; on customs; on currency, the credit system, banks, and financial operations; on foreign exchange; on public loans; on bills of exchange, checks and other media of payment; maritime Code; on insurance; on weights and measures; on standards; the penal Code; on judicial and general administrative procedure; on administrative disputes; on the execution of penalties and security measures; on the organization of the courts of arbitration; on public prosecution; on the legal profession; on disabled war veterans; on questions of national defense, foreign relations and other questions within the sphere of exclusive competence of the Federation; on election and recall of People's Deputies for the Federal People's Assembly;

(b) basic legislation: on planned management of the national economy; on economic units; on communications, and roads and properties in public

use; on budgets, social contribution, taxes and other dues; on utilization of natural wealth and power; on labor; on associations, meetings and agreements; on family, marriage and guardianship; on measures of general interest to the entire country for the reduction of contagious diseases and for the protection of public health and the life of the citizen; on employees of the state administration; on the office of the public solicitor; on the infractions of the law.

(c) general legislation: in the field of the organization of authority, education and culture, public health and social policy, as well as in other fields which are of general interest for all the People's Republics;

6) approval of the federal economic plan and the federal budget; approval of the balance sheet on the execution of the federal economic plan and approval of the federal final account;

7) decision on the course of foreign policy, economic policy and on other basic questions and measures of internal policy within the framework of the rights of the Federal Government;

8) proclamation of the state of war and conclusion of peace; ratification of international agreements on political or military cooperation and the ratification of international agreements which require the introduction of new laws or changes in the existing laws;

9) approval of changes of frontier lines between the several People's Republics which the Republics concerned propose by mutual agreement, and decision on disputes in connection with territorial changes;

10) evaluation of the compatibility of Republic Constitutions as well as of Republic and Federal law, with the Federal Constitution;

11) granting of amnesty for criminal acts specified by federal law.

The Assembly issues declarations and resolutions concerning questions from the sphere of competence of the Federal government and concerning other questions of general interest to the Federal state.

The Assembly makes recommendations for the work of state organs, of self-governing institutions and of economic units.

Art. 16. In the field of exclusive federal legislation, the People's Republics may introduce laws only in the case that and to the extent to which they are specifically authorized to do so under the federal law.

In a field in which a basic federal law has been introduced, the People's Republic may introduce its complementary laws.

A general law lays down the principles for the related legislation of the People's Republic and may be directly applied only if there exists no law of the People's Republic in the corresponding field. The People's Republic shall introduce its own laws in conformity with the principles of the general law.

In all other fields the People's Republic introduces its own laws independently.

The People's Republics may independently introduce their own laws in the fields of basic federal and general legislation if corresponding federal law has not been introduced. With the introduction of the corresponding basic federal law those provisions of law of the People's Republic relating to questions regulated by the basic law cease to be valid.

A proposal for evaluation of the conformity of republican and federal laws with the Federal Constitution may be made to the federal People's

Assembly by the Federal Executive Council, by the Federal Supreme Court, by the People's Assembly of the People's Republic and its executive council, by the representative body of the autonomous province and autonomous region, by the People's Committee of the district or town, as well as by the interested economic units and self-governing institutions.

Art. 17. The Federal Social Plan ensures the development of the national economy as a whole and regulates the basic distribution of national revenue of the FPRY.

The Federal Economic Plan sets aside for the Federal Government only those financial means which are specified by law and which serve for the conduct of affairs within the sphere of competence of the Federal Government, for ensuring the normal development of the economy and for the provision of aid to the insufficiently developed regions of the country.

The Federal Budget fixes and provides for the distribution of the financial means for the conduct of affairs within the sphere of competence of the Federal Government and for the work of its organs and institutions.

Art. 18. The Federal People's Assembly may decide that a draft law, before or after its adoption, or any other question from the sphere of competence of the Federal Government be brought before the electoral body for decision (referendum).

A referendum may be proposed by one fifth of the members of one House, the Council of Nationalities, or the Federal Executive Council.

The decision of the electoral body is binding. During a period of two years after the completion of the referendum no law nor other act contrary to the decision of the electorate may be passed.

A special law shall be introduced concerning the referendum.

Art. 19. Federal laws are introduced and published in the languages of all the People's Republics.

The laws are published in the Official Gazette and take effect on the eighth day after publication unless the laws themselves shall otherwise provide.

Art. 20. The laws may not be retroactive unless this is explicitly provided by the law.

A law establishing penalties may be retroactive only in case it provides a milder penalty for the violator, than would otherwise be the case.

Art. 21. The Federal People's Assembly is elected for a term of four years.

The Assembly may, in case of war or other emergencies, prolong its mandate for the duration of the situation concerned.

The Assembly may decide upon its own dissolution before the expiration of the period for which it has been elected.

Art. 22. The elections for the Federal People's Assembly must be called before the expiration of the last day of the period for which the Assembly is elected. If the mandate of the Assembly has been extended, the elections must be called as soon as the circumstances owing to which the mandate has been extended, cease to prevail.

Not less than two and not more than three months may elapse between

the date of dissolution of the Federal People's Assembly and the date of elections.

Art. 23. A proposal to amend the Constitution may be submitted by not less than twenty members of the House, the Council of Nationalities, as well as by the Federal Executive Council.

The Assembly previously decides in each Council by a majority of votes whether a proposal to amend the Constitution will be considered.

An amendment of the Constitution is adopted if three fifths of the members of each Council vote in favor of it.

2. ORGANIZATION OF THE FEDERAL PEOPLE'S ASSEMBLY

a) *Houses of the Assembly*

Art. 24. The Federal People's Assembly is composed of two Houses: The Federal Council and the Council of Producers.

Art. 25. The Federal Council is composed of Deputies elected by the citizens in districts and towns on the basis of universal, equal and direct suffrage, and of People's Deputies elected from among their members by the respective Republic Councils of the Assemblies of the several republics and by the province council and the region council of the respective assemblies of the Autonomous Province and Autonomous Region.

The Council of Producers is composed of People's Deputies elected by the producers engaged in production, transport and commerce in proportion to the participation of the respective economic sectors in the total social product of the Federal People's Republic of Yugoslavia.

Art. 26. The citizens in districts and towns elect deputies to the Federal Council according to the norm: one deputy to every 60,000 inhabitants.

Art. 27. The Republican Council of each People's Republic elects ten deputies, the province council of the Autonomous Province six, and the region council of the Autonomous Region four deputies.

If during the period for which the Federal People's Assembly is elected there takes place a new election of the representative body of a People's Republic or of the Autonomous Province or Autonomous Region, the newly elected representative body shall hold a new election to elect deputies to the Federal Council.

Art. 28. The deputies for the Council of Producers are elected, as representatives of their economic units, by the workers and employees of economic enterprises and by members of agricultural cooperatives, as well as by craftsmen and handicraft workers acting through craftsmen's guilds.

To the Council of Producers is elected that number of deputies which corresponds to the norm: one deputy to every 70,000 of producers population.

Art. 29. The deputies to the Council of Producers are elected by industrial, agricultural and handicraft producers in such a manner that each deputy is elected in his own producer group.

The industrial group includes workers and office employees engaged in industry, mining, forestry, construction, transport, commerce, hotels and restaurants industry and communal activities.

The agricultural group includes members of agricultural cooperatives and workers and office employees of agricultural enterprises.

The handicraft group includes working men and women employed in trades.

The producers enjoying general suffrage have the right of electing deputies to the Council of Producers.

In every producer group that number of deputies is elected to the Council of Producers which is in proportion to the participation of the group concerned in the total social product of the Federal People's Republic of Yugoslavia as specified by the current Federal Economic Plan.

Within the framework of each producing population the deputies shall be elected according to the norm: one deputy to constant number of producing population.

Art. 30. In districts and towns every citizen enjoying the right of general suffrage may be elected to the Federal Council.

Every producer enjoying general suffrage and belonging to a producer group from which deputies are elected may be elected to the Council of Producers. The right to be elected to the Council of Producers belongs also to those producers who are elected to the organs of trade union organizations.

A deputy who ceases to be a producer or leaves the producer group in which he has been elected loses his mandate.

Art. 31. The People's Deputies elected in the district and town are entitled to the rights of committeemen of the district or city council of the People's Committee of the district or city in whose territory they are elected.

The People's Deputies elected to the Council of Producers are entitled to the rights of committeemen of the Councils of Producers of the People's Committee of the district or town in whose territory they are elected.

Art. 32. The voters have the right to recall their People's Deputy.

Art. 33. Election and recall of the People's Deputies is effected by secret ballot.

Art. 34. The Federal Council and the Council of Producers participate with equal rights:

1. In the amendment of the Constitution;

2. In the approval of the federal economic plan and the federal budget; in the approval of the final balance sheet of the execution of the federal economic plan and in the approval of the final account of the execution of the federal budget;

3. In the introduction of exclusively federal legislation on currency, the credit system, banks and financial operations; on social security; the civil code; on patents, trade marks, samples and models; on the introduction of social contributions and taxes; on customs; on foreign exchange; on bills of exchange, checks and other media of payment; on insurance; on standards; on election and recall of People's Deputies;

4. In the introduction of basic laws: on planned management of national economy; on economic units; on communications; on budgets; on social contributions, taxes and other dues; on exploitation of natural wealth and power; on labour.

5. In the ratification of international treaties pertaining to economy, labour and social security;

6. In the rendering of decisions pertaining to conformity of the Constitutions of the People's Republics with the Federal Constitution, as well as to conformity of republican and federal laws with the Federal Constitution, if both Houses have participated in the passing of the federal laws in question;

7. In the calling of referendums pertaining to questions from the sectors of economy and social security;

8. In the deciding on prolongation of the mandate of the Assembly in the determination as to whether the circumstances due to which the mandate had been extended have ceased, as well as in the deciding on the dissolution of the Assembly;

9. In the fixing of the remuneration of People's Deputies, of the president, vice-presidents and secretary of the Federal People's Assembly and of the President of the Republic and members of the Federal Executive Council;

10. In issuing declarations and resolutions pertaining to questions from the fields of economy, work and social security.

Art. 35. The Federal Council and the Council of Producers hold separate sessions.

A bill may be submitted to either House if both Houses are entitled to participate with equal rights in passing a corresponding law.

The two Houses may decide to debate in a joint session particular bills or other questions in the solution of which both Houses participate. The voting on bills, however, shall be effected at separate sessions of the two Houses.

Art. 36. The Federal People's Assembly performs the following functions in joint sessions of both Houses:

(1) Elects and removes from office the President of the Republic;
(2) Elects and removes from office members of the Federal Executive Council;
(3) Elects and removes from office the President, Vice-Presidents and Secretary of the Federal People's Assembly;
(4) Elects and removes from office the judges of the Federal Supreme Court;
(5) Elects and removes from office the members of committees and commissions of the Assembly;
(6) Proclaims amendments of the Constitution.

Art. 37. All the matters of business from the sphere of competence of the Federal People's Assembly in the deciding of which both Houses do not participate with equal rights or jointly, or on which the Council of Producers does not decide alone, are conducted by the Federal Council alone.

The members of the Council of Producers have the right to propose amendments to laws on which the Federal Council alone decides, as well as to submit proposals for amending the existing laws which the Federal Council alone has introduced.

Art. 38. A bill or another act in the enactment of which both Houses

participate with equal rights is regarded as adopted if the same text is adopted by both Houses.

Each House has the right to propose amendments to a bill or another act which has already been passed by the other House. The draft thus amended is returned for approval to the House in which it originated.

Should the two Houses disagree on the text of the bill, they shall appoint a joint commission composed of an equal number of members of both Houses for the purpose of reaching agreement.

Should the commission fail to reach an agreement by the majority of representatives of each House, or should the Houses not approve the text proposed by the commission, the discussion of the question in dispute shall be postponed for seven days.

After the expiration of this period, the question on which agreement has not been reached shall be discussed again in the sessions of the Houses and if after two consecutive debates agreement is not reached, the Federal People's Assembly shall be dissolved and elections called for a new Assembly.

Art. 39. Disputes between the two Houses with respect to spheres of competence shall be settled by the Federal People's Assembly at a joint session of both Houses.

Art. 40. The Council of Producers may make recommendations to economic units for their work and to government organs and self-governing institutions in problems for the fields of economy, work and social insurance.

The Council of Producers may, within the framework of rights fixed by law, render decisions with respect to the work of economic units, government organs and self-governing institutions.

Art. 41. Each House determines itself on the verification of the mandates of its members.

Art. 42. Either of the two Houses may decide on its dissolution before the expiration of the period for which the Assembly has been elected. A House so deciding, however, must remain on duty until a new House is elected. The newly elected House is dissolved when the period for which the Assembly has been elected expires.

Art. 43. Each House determines its own procedure and both Houses jointly determine the procedure for joint sessions.

b) *Special Rights of People's Deputies elected by the representative bodies of the several People's Republics, the Autonomous Province and the Autonomous Region.*

Art. 44. The Federal Council operates as a single House, but its members elected by the representative bodies of the several People's Republics, the Autonomous Province and Region have special rights fixed by this Law.

Art. 45. The members of the Federal Councils elected by the representative bodies of the several People's Republics, the Autonomous Province and Region render decisions separately, as the Council of Nationalities, when on the agenda of the Federal Council are included proposals concerning constitutional changes or the federal economic plan.

Art. 46. The Council of Nationalities also renders decisions separately when on the agenda of the Federal Council is included a bill or other proposed act which concerns the Constitution designating relations between the several People's Republics and the Federation, if this separate consideration is proposed by a majority of the Deputies elected by the representative body of one People's Republic.

The Council of Nationalities preliminarily deliberates and determines whether it will render a separate decision.

Art. 47. If the text of a bill or other act adopted by the Federal Council does not agree with the text adopted in the Council of Nationalities, the Deputies constituting the Council of Nationalities shall meet separately and again discuss the questions in dispute, after which the questions shall also be discussed in session of the Federal Council. If agreement is not then reached with respect to the texts, a commission shall be formed consisting of an equal number of People's Deputies whom the Federal Council elects from deputies who are not members of the Council of Nationalities, and of People's Deputies by the Council of Nationalities from among its own members.

In case the Council of Nationalities, adheres to the text which differs from the text adopted in the Federal Council further discussion of the bill or other proposed act shall be set aside and the question in dispute may not be placed on the agenda of the Assembly before the expiration of one year from the time of the setting aside of discussion.

In case the Council of Nationalities does not agree with the Federal Council on the terms of the federal economic plan, discussion of the plan shall be postponed for two months. In case agreement is not reached during this period the Federal Council shall be dissolved.

Until the Federal Council is elected, the economic plan adopted by the Council of Producers shall be applied.

Art. 48. The Council of Nationalities meets separately in order to render an opinion on the need for passing a general federal law before a bill for the federal law is placed on the agenda of the Federal People's Assembly.

In case the Council of Nationalities does not agree that there exists a need for introducing a particular general federal law, the corresponding bill may not be placed on the agenda of the Assembly.

Art. 49. The rules of procedure of the Federal Council contain also provisions pertaining to the work of the Council of Nationalities. These provisions become valid when adopted by the Council of Nationalities at a separate session.

c) *The President of the Assembly and Presidents of Councils*

Art. 50. The Federal People's Assembly elects from its membership the President of the Assembly, two or more Vice-Presidents and one Secretary.

The President, Vice-Presidents and the Secretary are elected for the period for which the Assembly is elected, but they remain on duty after

the dissolution of the Assembly until the new President, Vice-Presidents, and the Secretary are elected.

The President of the Assembly represents the Assembly, signs with the President of the Republic decrees pertaining to the promulgation of laws, presides over joint sessions of both Houses, sees to the application of the rules of procedure and the execution of the decisions of the Assembly and its Councils.

The Vice-Presidents of the Assembly act as deputies of the President when the latter is prevented from exercising his presidential duties.

The President or the Vice-Presidents of the Assembly when presiding over a session may not participate in the discussion nor vote.

The Secretary of the Assembly is concerned with the administrative service of the Assembly.

From their respective memberships, the Federal Council and Council of Producers each elect for the period of one year a President, Vice-President and three recording Secretaries.

From its members the Council of Nationalities elects for each of its sessions a President, his deputy and a recording Secretary.

The President of the Council presides over the sessions of the Council and sees to the application of the rules of procedure.

The President or the Vice-President of the Council, when presiding over a session may not participate on the discussion nor vote.

3. RIGHTS AND DUTIES OF PEOPLE'S DEPUTIES

Art. 52. Each Deputy has the right to submit to the House of which he is a member bills and proposals for decisions, recommendations, declararations, and resolutions. The Deputies have the right at a joint session of both Houses to submit proposals for decisions, recommendations, declarations, and resolutions for the passing of which the Federal People's Assembly is competent.

Deputies who are not members of committees have the right to participate without the right of decision in the work of every committee of the House of which they are members.

Art. 53. Each Deputy has the right to put questions to the Federal Executive Council, to which questions the Federal Executive Council replies in the sessions of the House or at joint sessions of both Houses, or in writing.

The Deputy who has put the question has the right to propose to the House or to the Assembly the opening of discussion on the question he has raised.

Every Deputy has the right to request, through the House of which he is a member, information from a State Secretary. The State Secretary is obliged to give the requested information in writing, unless the House or the Assembly decides that the State Secretary should reply in person at the session of the House or Assembly.

Art. 54. Members of the Federal Council elected in the district or town are obliged to inform the voters concerning their work and the work of the Federal Council and Assembly, either directly or through the district

or town council of the People's Committee, in which they have the rights of committeemen.

Members of the Federal Council elected by the representative bodies of the several People's Republics the Autonomous Province and the Autonomous Region are obliged to report on their work and the work of the Federal Council and Assembly to the representative body which has elected them.

The district or town council of the People's Committee in which the People's Deputy has the rights of a committeeman, has the right to request the People's Deputy to inform the Federal Council or the Assembly concerning its proposal or opinion if the proposal or opinion questions if it is within the sphere of competence of the Federal Council or Assembly. The People's Deputy is duty-bound to present such a proposal or opinion.

Art. 55. Members of the Federal Council of Producers are obliged to report to their constitutents on their work and the work of the Council of Producers and the Federal Assembly directly or through the Local Council of Producers in which they have the rights of committeemen.

The Council of Producers in which the People's Deputy has the rights of a committeeman may request the Deputy to inform the Federal Council of Producers or the Federal Assembly concerning its proposal or opinion if the proposal or opinion concerns questions within the sphere of competence of the Federal Council of Producers or Assembly. The People's Deputy is duty-bound to present such a proposal or opinion.

Art. 56. The members of the Federal Council are entitled to a permanent monthly salary.

The members of the Council of Producers perform their duties gratuitously and are entitled to compensation for expenses incurred in the performance of their duties as Deputies, as well as to compensation for losses of earnings incurred while performing these duties.

Art. 57. A People's Deputy may not be made responsible, arrested nor punished because of his opinions expressed or vote cast in the Assembly. A Deputy may not be arrested nor can criminal proceedings be initiated against him without the approval of the House of which he is a member except in case of involvement in a criminal act for the perpetration of which is provided a penalty of imprisonment for a period over five years or a heavier sentence. In such a case, the state organ which arrested the Deputy or initiated criminal proceedings against him is obliged to inform at once the President of the Federal People's Assembly who then places the question to the corresponding House for the purpose of decision as to whether the proceedings will be continued or whether the arrest will remain in force.

When the House is not in session, approval for arrest and for initiation or continuation of criminal proceedings against a Deputy is given by the mandate-immunity committee of the corresponding House subject to the subsequent approval by the House.

Art. 58. The People's Deputy may not be at the same time either an employee in the state administration or a judge.

4. SESSIONS

Art. 59. The Federal People's Assembly is in permanent session during the period for which it has been elected (term of office) and performs its work in separate sessions of the Councils in joint sessions of both Houses, in permanent and other committees and commissions.

The newly elected Assembly meets at the latest on the thirtieth day after the elections.

Art. 60. The sessions of individual Councils are convoked by the President of the Federal People's Assembly on the basis of a decision of the Council itself, or on the proposal of the President of the Council, of a committee, of one fifth of the members of the Council, of the Federal Executive Council, or on his personal initiative or when provided for by this Law.

A joint session of both Houses is convoked by the President of the Federal People's Assembly on the basis of a decision of the Assembly, or on the proposal of one House, of a committee, of the Federal Executive Council, or on his personal initiative, or when provided for by this Law.

If the President of the Assembly does not convoke the session or does not convoke it when convocation is provided for or proposed, the Assembly or its Council will meet at the request of twenty Deputies or at the request of the Federal Executive Council.

Art. 61. The Councils of the Assembly render valid decisions by a majority of votes in sessions at which the respective majorities of their memberships are present.

The Federal People's Assembly at joint sessions of both Houses render valid decisions by a majority of votes. For the rendering of decisions it is necessary that the respective majorities of members of the two Houses be present.

A decision pertaining to conformity of the Constitution of a People's Republic, as well as of republic and federal laws with the Federal Constitution is adopted if the majority of all members of the Federal Council or, in the appropriate case, of both Houses, have voted for it.

5. COMMITTEES AND COMMISSIONS

Art. 62. The Federal Council and the Council of Producers have respectively, as permanent committees, a legislative committee and mandate-immunity committee.

Each House may also form permanent committees for other questions from its sphere of competence, as well as committees of inquiry and other committees and commissions for the performance of special tasks.

The Federal People's Assembly has a permanent commission for the interpretation of laws.

According to need, committees and commissions of the Federal People's Assembly may be formed.

The Council of Nationalities may form committees for the questions which it discusses.

Art. 63. The members of the Federal Executive Council may not be

members of committees or commissions nor may they be elected to other positions of permanent duty in the House or Assembly.

The President of the Assembly may not be a member of a committee or commission.

Art. 64. The committees study bills, discuss questions raised by committee members and all other questions from the sphere of competence of the House, and submit their reports and proposals to the House.

Every bill before being submitted to the House for discussion must be discussed in the corresponding committees of the House, unless the House decides that the bill should be discussed according to urgent procedure.

Every member of a committee has the right to propose that there shall be placed on the agenda of the committee, or to raise during the discussion in the committee, within the framework of the sphere of competence of the committee, all questions relating to the application of the law, to the work of state organs, self-governing institutions and economic units, or to propose for discussion and to raise other questions of general interest or of interest to the electoral unit in which the particular committee member has been elected.

A Deputy who is not a member of a committee has the right to raise before a committee of the House of which he a is member questions from the sphere of competence of the committee. The committee decides whether the questions should be placed on its agenda.

Art. 65. The committee may adopt resolutions and make, within the framework of their respective sphere of competence, recommendations concerning the work of state organs, self-governing institutions and economic units.

Art. 66. The committees may request the Federal Executive Council to reply to questions and to give them information concerning its work.

Members of the Federal Executive Council may attend sessions of the committees and participate in discussion, but without the right of decision.

The Federal Executive Council may propose that individual questions be placed on the agenda of committee sessions and that committee sessions be called in order to present the position of the Federal Executive Council on the questions concerned. The committee may discuss these questions, pass resolutions and make recommendations.

The committees may invite State Secretaries, undersecretaries, directors, and other officials and experts to answer questions and to offer information and explanations orally or in writing.

The committees may invite a People's Deputy to inform them about the situation in electoral unit or in the economic units which have elected him.

Art. 67. The committees may conduct inquiries and interrogation, and for this purpose request that all state organs, self-governing institutions and economic units submit necessary data and documents.

Art. 68. Every committee works according to the rules of procedure adopted by the committee and confirmed by the Council or in the appropriate case by the Federal People's Assembly.

Every committee has a chairman and secretary, who are elected by the committee.

The committees of one House and the committees of both Houses may, according to need, hold joint sessions.

Art. 69. The commission for the interpreting of laws has the right to issue binding interpretations of federal laws.

A request for interpretation of a law may be submitted: by a People's Deputy, by a committee of a House, by the Federal Executive Council, by the Federal Supreme Court and by the executive council of a People's Republic.

The commission submits binding interpretations to the competent House for subsequent confirmation.

The commission studies the proposals submitted to the Assembly for determining the conformity of Federal and Republic laws with the Federal Constitution, and gives its opinion in a report to the Houses.

The commission for the interpreting of laws has nine members elected from the People's Deputies by Assembly at a joint session of both Houses.

The commission for interpreting laws remains on duty after the dissolution of the Assembly, until a new commission is elected.

B. EXECUTIVE ORGANS OF THE FEDERAL PEOPLE'S ASSEMBLY

The Federal People's Assembly entrusts the President of the Republic and the Federal Executive Council with the representation of Federal People's Republic of Yugoslavia as a State, the conduct of law enforcement, supervision over the work of the federal administration and other executive affairs within the sphere of competence of the Federal government.

1. THE PRESIDENT OF THE REPUBLIC

Art. 71. The President of the Republic:

1) Represents the Federal People's Republic of Yugoslavia within the country and in international relations;

2) Proclaims laws by decree;

3) Issues documents pertaining to the ratification of international treaties and other agreements;

4) Appoints and recalls by decree Ambassadors and Ministers plenipotentiary of the Federal People's Republic of Yugoslavia;

5) Receives credentials and letters of recall of foreign diplomatic representatives accredited to him;

6) Awards by decree distinctions and honorary titles.

Art. 72. The President of the Republic is the President of the Federal Executive Council.

The President of the Republic has the right to withhold the execution of an act of the Federal Executive Council with which he does not agree, with the obligation to bring the question in dispute before the Federal People's Assembly at once for decision. In this case the President of the Assembly is obliged to convoke a session of the Assembly at once.

Art. 73. The President of the Republic is the Supreme Commander of the armed forces.

The President of the Republic appoints, promotes and dismisses generals and admirals, as well as other officers, and military chiefs designated by law.

The President of the Republic presides over the Council for National Defence.

The Council for National Defence concerns itself with the organization and mobilization of the resources and strength of the country for the needs of national defense.

The members of the Council for National Defence are appointed by the Federal Executive Council at the proposal of the President of the Republic.

The Federal Executive Council prescribes by regulation the organization and powers of the Council for National Defense.

Art. 74. The President of the Republic is elected from among the members of the Federal People's Assembly.

The newly elected Assembly elects the President of the Republic at the first joint session of both Houses.

A Candidate for President of the Republic may be nominated by twenty People's Deputies.

The President of the Republic is elected by secret ballot.

The candidate receiving the majority of votes of the total number of all People's Deputies is regarded as the elected President of the Republic.

Immediately after his election, the President of the Republic takes the oath of office before the Federal People's Assembly at a joint session of both Houses.

Art. 75. The President of the Republic exercises his duties on the basis and within the framework of the Constitution and laws.

Art. 76. The President of the Republic is responsible for his work to the Federal People's Assembly.

The President of the Republic submits a report on the work of the Federal Executive Council to the Federal People's Assembly and is responsible together with the other members of the Federal Executive Council for the work of that Council.

Art. 77. The President of the Republic is elected for the period for which the Federal People's Assembly is elected, but the Assembly may remove him from office before the expiration of this term.

The President of the Republic remains on duty after the dissolution of the Federal People's Assembly, until the election of a new President of the Republic.

Art. 78. The President of the Republic does not participate in voting in the Federal People's Assembly.

In case of absence or prolonged illness of the President of the Republic his duties shall be assumed by one of the Vice-Presidents of the Federal Executive Council whom the Council designates.

2. THE FEDERAL EXECUTIVE COUNCIL

Art. 79. The Federal Executive Council:

1) Concerns itself with the execution of federal laws, of the federal economic plan, of the federal budget, and of other acts of the Federal

People's Assembly, and issues acts and undertakes measures for their execution; undertakes measures for the conduct of affairs within the sphere of exclusive competence of the Federal government; exercises general supervision over the application of the Federal laws;

2) Approves the proposed federal economic plan and federal budget and submits them to the Assembly; drafts and submits bills;

3) Issues directives for the work of the federal organs of administration;

4) Proclaims general mobilization and state of war in case of an armed attack against the Federal People's Republic of Yugoslavia or in case of need for immediate fulfillment of international obligations; proclaims a general state of emergency in case of danger of war; issues regulations having the power of law on measures necessary during a state of emergency, mobilization or war;

5) Ratifies international treaties and other international agreements whose ratification is not effected by the Assembly;

6) Prescribes the organization of federal organs of administration and takes measures for the improvement of their administrative work; invalidates and annuls the acts of Federal organs of administration if they are contrary to the law and regulations of the Federal Executive Council;

7) Establishes enterprises and self-governing institutions of interest to the entire country, prescribes the sphere of activity and basic organizational structure of the self-governing institutions which it establishes; establishes, within the sphere of competence of the Federal Government general principles for the organization and conduct of affairs of state organs of administration and self-governing institutions;

8) Disposes of the resources funds;

9) Appoints and dismisses State Secretaries and Under-Secretaries, the Governor of the National Bank of FPRY, the Federal Prosecuting Attorney, the Federal Solicitor and other higher officers designated by law;

10) Proclaims the dissolution of the Assembly and Federal Council in cases of disagreement between the Houses or Councils; calls elections for the Federal People's Assembly; concerns itself with the publication of federal laws and other regulations;

11) Grants pardon in accordance with a separate law;

12) Concerns itself with the essential uniformity of judicial administration, and with the fulfillment of functions in connection with international legal assistance;

13) Performs other functions designated by federal laws.

The Federal Executive Council may present any question from its sphere of competence to the Federal People's Assembly and propose that it be discussed and decided upon.

Art. 80. The Federal Executive Council performs its functions on the basis of and within the framework of the Federal Constitution and laws.

Art. 81. For the execution of laws the Federal Executive Council may issue regulations, and for the performance of other functions from its sphere of its competence it may issue decisions and instructions.

The Federal Executive Council may issue regulations for the execution of a general law only if authorized by the law concerned to do so.

The Federal Executive Council issues a regulation to its organization and operation which it submits to the Assembly for approval.

Regulations are signed by the President of the Republic.

Art. 82. To the Federal Executive Council are elected from 30 to 45 People's Deputies from the membership of the Federal Council.

The newly elected Federal People's Assembly elects the Federal Executive Council at the first joint session of both Houses.

Candidates for members of the Federal Executive Council may be nominated by twenty People's Deputies.

Each of the People's Republics must be represented in the Federal Executive Council.

The Presidents of the Executive Council of the People's Republics are ex officio members of the Federal Executive Council.

Art. 83. The Federal Executive Council has two or more Vice-Presidents.

The Federal Executive Council elects the Vice-Presidents from its members and also removes them from office.

Art. 84. The Federal Executive Council is responsible for its work to the Federal People's Assembly.

The Federal Executive Council is elected for the period for which the Federal People's Assembly is elected, but the Assembly may remove from office the whole Council or individual Council members before the expiration of this term.

The Federal Executive Council remains on duty after the dissolution of the Federal People's Assembly until the election of a new Council.

Art. 85. The Federal Executive Council is obliged to report to the Federal People's Assembly about its work.

The Assembly may at any time request that the Federal Executive Council submit a report on its work or on individual questions within its sphere of competence.

The Assembly discusses the report of the Federal Executive Council and on the basis of this discussion may pass resolutions and make recommendations.

If, during the discussion, the Assembly establishes that some act of the Federal Executive Council is not in conformity with the law, it may invalidate the said act.

The Assembly may exercise these rights in a joint session of both Houses or in the session of only one House if the problems in question fall within the exclusive sphere of competence of that House.

Art. 86. The Federal Council decides all matters from its sphere of competence at its sessions.

The Federal Executive Council reaches decisions by a majority of votes.

Art. 87. The Federal Executive Council may, from the ranks of its members, form committees and commissions for the purpose of studying individual questions and drafting bills, regulations and other acts of the Federal Executive Council, as well as for the purpose of making decisions in particular matters within its sphere of competence.

Art. 88. The Federal Executive Council elects a Secretary from its members.

The Secretary is concerned with the administration of the Federal Executive Council and performs other functions as authorized by the Council.

Art. 89. The Federal Executive Council may withhold from execution regulations or other acts of the Executive Council of a People's Republic if they are contradictory to federal law or regulations.

The Executive Council of a People's Republic may bring the question in dispute before the Federal People's Assembly for decision in case it does not agree with the decision of the Federal Executive Council.

The Federal Executive Council may request the Executive Council of a People's Republic to invalidate or annul an act of the state organs of a Republic administration if the act is contrary to federal regulation.

C. FEDERAL ADMINISTRATION

Art. 90. State Secretariats, independent administrations, administrative institutions and other independent organs of administration are formed for the direct performance of designated executive functions within the sphere of competence of the Federal government.

Federal organs of administration execute directly the laws and other acts of the Federal People's Assembly, and the regulations and other acts of the Federal Executive Council when their execution is placed within the sphere of competence of the Federal Government.

Direct execution may be placed within the sphere of competence of federal organs of administration, by a general federal law only when this is of general interest to all People's Republics.

In direct execution of laws the Federal organs of administration issue administrative acts, undertake administrative operations and issue acts for which they are authorized.

Art. 91. The Federal organs of administration perform functions within their respective spheres of competence on the basis of and within the framework of laws and the regulations of the Federal Executive Council and in conformity with the directives of the Federal Executive Council.

The Federal organs of administration conduct these affairs independently within the framework of the respective authorizations granted to them.

Art. 92. The State Secretariats are established for the conduct of affairs of one or more branches of administration from the sphere of competence of the Federal Government.

The Federal State Secretariats are: the State Secretariat for Foreign Affairs, the State Secretariat for National Defense, the State Secretariat for Internal Affairs, the State Secretariat for the National Economy, and the State Secretariat for the Budget and State Administration.

The State Secretariat shall be established, merged and abolished by law.

Art. 93. Independent administrations, administrative institutions and other independent organs of state administration are established for the performance of designated administrative functions from the sphere of competence of the Federal Government.

Indepedent administrations, administrative institutions and other

independent Federal organs of administration are established by regulation of the Federal Executive Council.

Art. 94. State Secretariats are headed by State Secretaries who independently exercise the authority granted to State Secretariats by the law and by the act of the Federal Executive Council.

The State Secretary for Foreign Affairs and the State Secretary for National Defence are appointed by the Federal Executive Council from among their members.

The State Secretaries are responsible for their work to the Federal Executive Council.

The State Secretaries take the oath of office before the President of the Republic. The text of the oath is fixed by the Federal Executive Council.

Art. 95. A State Secretary is authorized to issue rules, orders and instructions for the implementation of regulations and other acts of the Federal Executive Council. The State Secretary may issue rules, orders and instructions for the execution of laws only on the basis of special legal authorization.

The State Secretaries may by law or regulation be obliged to submit determinative rules and orders to the Federal Executive Council for preliminary approval.

It is the right and duty of the State Secretary within the frame work of the sphere of competence of the State Secretariat, to call the attention of the Federal Executive Council to acts of republic organs of administration which are contrary to federal law and other acts and to recommend that the Federal Executive Council take appropriate measures for which the Council is authorized.

The State Secretary has the right, within the framework of his sphere of competence, to annul or invalidate unlawful acts of the corresponding republic organs of administration issued in the execution of functions from the sphere of competence of the Federal Government which execution has been transferred to republic organs by federal law or regulation.

Art. 96. Directors and other officials may be appointed to head the various independent administrations, administrative institutions and other federal organs of administration. These officers independently exercise the authority granted to the respective organs of administration.

The Federal Executive Council may transfer to these higher officers special authorizations granted to State Secretaries only if it is authorized to do so by law.

One or more Under-Secretaries may be appointed in a State Secretariat. The State Secretary may transfer some of his authorization to the Under-Secretary with the consent of the Federal Executive Council .

The higher officers in State Secretariats and in other state organs may be authorized by law and by acts of the Federal Executive Council to render decisions on designated matters.

Art. 97. The Federal Executive Council is obliged to submit for approval to the competent committees of the Houses the drafts of its acts on the establishment of organizational changes in the organs of state admin-

istration which involve expenditures not provided for by the federal budget or which must be covered from budget reserves.

Art. 98. According to the provisions of a special law a suit can be filed with the courts against acts of State Secretariats and other independent organs of state administration.

A complaint may be lodged with the Federal Executive Council against acts of State Secretariats and other independent federal organs of administration when these acts are completed on the primary administrative level in matters in which an administrative dispute is excluded, unless it is provided by law or by regulation that the complaint be lodged with some other government organ.

Art. 99. The employees of federal organs of administration are responsible for any damage caused to the State by their unlawful work.

The State is responsible for any damage caused to citizens or legal persons by the unlawful work of government employees. The State has the right to compensation from those government employees who have caused such damage by their unlawful work.

The provisions of the preceding paragraphs are valid also with respect to the responsibility of the President of the Republic and the members of the Federal Executive Council.

III. PRINCIPLES PERTAINING TO THE ORGANS OF STATE AUTHORITY OF THE REPUBLICS

Art. 100. The People's Assemblies of the Republics are the representatives of the people's sovereignty and the highest organs of state authority of the People's Republics.

Art. 101. The rights of a People's Republic are exercised by the Republic People's Assembly directly and through the Executive Council as its executive organ. Designated executive affairs are conducted by the republic organs of administration according to the directives and under the supervision of the Executive Council.

Art. 102. The Republic People's Assembly exercises its rights and duties on the basis and within the framework of the Federal Constitution, the Republic Constitution and federal laws.

Art. 103. The Republic People's Assembly is elected for a period of four years.

Art. 104. The Republic People's Assembly is composed of two Houses: the Republic Council and the Council of Producers.

The Republic Council is composed of Deputies elected by the citizens in districts and towns on the basis of universal, equal and direct suffrage by secret ballot.

The Council of Producers is composed of Deputies elected by the producers engaged in production, transport and commerce in proportion to the participation of the respective economic sectors in the total social product of the People's Republic.

Art. 105. The Republic Council and the Council of Producers participate with equal rights in the amending of the Republican Constitution, in the approving of the republic economic plan and budget, as well as in

passing laws and other acts in the fields of economy, labor and social security.

The elections of the Executive Council and of the other state organs are conducted at a joint session of both Houses.

Art. 106. The representation of the People's Republic, the conduct of law enforcement, the supervision of the work of the republic administration, the supervision of the People's Committee from the standpoint of legality of work, and other executive affairs from the sphere of competence of the People's Republic are entrusted by the People's Assembly to the Executive Council.

Art. 107. The Executive Council performs the functions from its sphere of competence on the basis and within the framework of the Federal and Republican Constitutions, Federal and Republic laws and Federal regulations.

The Executive Council is composed of 15 to 30 People's Deputies elected by the People's Assembly from the members of the Republic Council.

Art. 108. The Executive Council is headed by the President of the Council.

The President of the Executive Council represents the Council, presides over its sessions, and signs the Council's regulations.

The President of the Executive Council has the right to withhold from execution acts of the Executive Council with which he does not agree, with the obligation to bring the question in dispute before the Assembly of the People's Republic at once for decision.

Art. 109. The Executive Council is responsible for its work to the People's Assembly of the Republic.

The Executive Council is authorized to issue regulations for the execution of Republic laws, as well as decisions and instructions for the performance of other functions designated by the Republican Constitution and Federal and Republic laws. The Executive Council may issue acts for the execution of Federal laws and Federal regulations only if authorized to do so by a Federal law or regulation.

Art. 110. For the direct conduct of designated executive affairs from the sphere of competence of the People's Republic, Republic State Secretariats and other Republican organs of administration are organized, as well as Councils in which representatives of self-governing institutions, social organizations, and citizens participate.

The Republic organs of administration are responsible for their work to the Executive Council.

Art. 111. The Republic organs of administration conduct the affairs from their sphere of competence on the basis and within the framework of Federal and Republic laws, acts of the Federal Executive Council and Executive Council of the People's Republic, as well as acts of Federal organs of administration issued within the sphere of competence of the Federation.

The Republic organs of administration execute directly the Republic laws and acts of the Executive Council of the People's Republic when their execution is placed by the Republic Constitution or law within the

competency of Republic organs of administration. The Republic organs of administration execute directly the Federal laws and acts of the Federal Executive Council and Federal organs of administration when their execution is placed by Federal law or regulation within the sphere of competence of the Republic organs of administration.

The People's Committees execute directly Federal and Republic laws and other acts with the exception of those acts the execution of which is placed within the sphere of competence of Federal and Republican organs of administration.

Art. 112. The People's Republic independently enacts its Fundamental Law in conformity with the principles of this Law.

IV. PRINCIPLES PERTAINING TO ORGANS OF STATE AUTHORITY OF THE AUTONOMOUS PROVINCE AND AUTONOMOUS REGION

Art. 113. The Autonomous Province of Vojvodina and the Autonomous Region of Kosovo-Metohija are ensured the rights of autonomy.

The rights of autonomy of the Autonomous Province and the Autonomous Region are laid down by the Constitution of the People's Republic of Serbia.

The Province People's Assembly is the highest organ of state authority of the Autonomous Province.

The Region People's Committee is the highest organ of state authority of the Autonomous Region.

The Province People's Assembly is composed of the Province Council and the Council of Producers, while the Region People's Committee is composed of the Region Council and the Council of Producers.

Art. 114. The basic principles of the organization and sphere of competence of the organs of state authority of the Autonomous Province of Vojvodina and the Autonomous Region of Kosovo-Metohija are laid down by the Fundamental Law of the People's Republic of Serbia in conformity with the principles of this Law.

The Autonomous Province and the Autonomous Region enact independently their Statutes by which, in conformity with the Constitution of the People's Republic of Serbia, they lay down the organization and sphere of competence of their respective organs of state authority.

Concluding Provisions

Art. 115. On the day this Law becomes effective the following shall cease to be valid: Chapters VI, VII, VIII, IX, X, XI, XII and XV of the Constitution of the Federal People's Republic of Yugoslavia of January 31, 1946, as well as the provisions of the Constitution, laws and other acts which are contrary to the provisions of this Law.

This Law shall enter into force on the day of its proclamation in joint session of both Houses of the People's Assembly of FPRY. Its implementation shall be conducted according to the provisions of a separate law.

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COMPARATIVE TABLES

TABLE I—NATIONS—

PARTICIPATION IN INTER

	Approximate date of Acquiring present National Status	*Political and Judicial*				*Economic and Financial*				
		United Nations		*Organization of American States*	*Council of Europe*	*International Bank for Reconstruction and Development*	*International Monetary Fund*	*General Agreement on Tariffs and Trade*	*International Union for Protection of Industrial Property*	*Organization for European Economic Cooperation*
		Member	*Subject to compulsory jurisdiction of International Court under Article 36*[1]							
Afghanistan	1747	Yes	No	No	No	No	No	No	No	No
Albania	1912	Yes	No	No	No	No	No	No	No	No
Andorra	1278	No	No	No	No	No	No	No	No	No
Argentina	1811	Yes	No	Yes	No	No	No	No	No	No
Australia	1919	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Austria	1918	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes
Belgium	1830	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Bhutan	895	No	No	No	No	No	No	No	No	No
Bolivia	1825	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Brazil	1822	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Bulgaria	1908	Yes	No	No	No	No	No	No	Yes	No
Burma	1947	Yes	No	No	No	Yes	Yes	Yes	No	No
Byelorussian SSR	1944	No	No	No	No	No	No	No	No	No
Cambodia	1948	Yes	No	No	No	No	No	No	No	No
Canada	1919	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Ceylon	1948	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Chile	1810	Yes	No	Yes	No	Yes	Yes	Yes	No	No
China	1122 B.C.	Yes	Yes	No	No	Yes	Yes	No	No	No
Colombia	1819	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Costa Rica	1829	Yes	No	Yes	No	Yes	Yes	No	No	No
Cuba	1899	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No
Czechoslovakia	1918	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Denmark	925	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
Dominican Republic	1821	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Ecuador	1830	Yes	No	Yes	No	Yes	Yes	No	No	No
Egypt	1922	Yes	No	No	No	Yes	Yes	No	No	No
El Salvador	1839	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
Ethiopia	1000 B.C.	Yes	No	No	No	Yes	Yes	No	No	No
Finland	1917	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes
France	Eighth Century	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Germany	1871	No	No	No	No	No	No	Yes	Yes	Yes
Greece	1821	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Guatemala	1839	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Haiti	1804	Yes	Yes	Yes	No	No	No	Yes	No	No
Honduras	1838	Yes	No	Yes	No	Yes	Yes	No	No	No
Hungary	1918	Yes	No	No	No	No	No	No	Yes	No

INTERNATIONAL STATUS

NATIONAL ORGANIZATIONS[1]

Transport and Communications			*Social and Health*			*Educational, Scientific and Cultural*		
International Telecommunication Union	*Universal Postal Union*	*International Civil Aviation Organization*	*International Labor Organization*	*Food and Agriculture Organization*	*World Health Organization*	*United Nations Educational Scientific and Cultural Organization*	*World Meteorological Organization*	
Yes	Yes	Yes	Yes	No	Yes	Yes	No	Afghanistan
Yes	Yes	No	Yes	No	Yes	No	No	Albania
No	No	No	No	No	No	No	No	Andorra
Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Argentina
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Australia
Yes	Yes	No	Yes	Yes	Yes	Yes	No	Austria
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Belgium
No	No	No	No	No	No	No	No	Bhutan
Yes	Yes	Yes	Yes	Yes	No	Yes	No	Bolivia
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Brazil
Yes	Yes	No	Yes	No	Yes	No	Yes	Bulgaria
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Burma
Yes	Yes	No	No	No	No	No	Yes	Byelorussian SSR
No	Yes	No	No	Yes	Yes	Yes	No	Cambodia
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Canada
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Ceylon
Yes	Yes	Yes	Yes	Yes	Yes	No	No	Chile
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	China
Yes	Yes	Yes	Yes	Yes	No	Yes	No	Colombia
Yes	Yes	No	Yes	Yes	No	No	No	Costa Rica
Yes	Yes	No	Yes	Yes	No	Yes	Yes	Cuba
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Czechoslovakia
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Denmark
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Dominican Republic
Yes	Yes	No	Yes	Yes	No	Yes	Yes	Ecuador
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Egypt
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	El Salvador
Yes	Yes	Yes	Yes	Yes	Yes	No	No	Ethiopia
Yes	Yes	No	Yes	Yes	Yes	No	Yes	Finland
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	France
Yes	Yes	No	Yes	Yes	Yes	Yes	No	Germany
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Greece
Yes	Yes	Yes	Yes	Yes	No	No	Yes	Guatemala
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Haiti
Yes	Yes	No	Yes	Yes	No	Yes	No	Honduras
Yes	Yes	No	Yes	No	Yes	Yes	Yes	Hungary

TABLE I—NATIONS—

PARTICIPATION IN INTER

	Approximate date of Acquiring present National Status	*Political and Judicial*				*Economic and Financial*				
		United Nations		*Organization of American States*	*Council of Europe*	*International Bank for Reconstruction and Development*	*International Monetary Fund*	*General Agreement on Tariffs and Trade*	*International Union for Protection of Industrial Property*	*Organization for European Economic Cooperation*
		Member	*Subject to compulsory jurisdiction of International Court under Article 36*[2]							
Iceland	1918	Yes	No	No	Yes	Yes	Yes	No	No	No
India	1920	Yes	Yes	No	No	Yes	Yes	Yes	No	No
Indonesia	1949	Yes	No	No	No	No	No	Yes	No	No
Iran	Ninth Century B.C.	Yes	No	No	No	Yes	Yes	No	No	No
Iraq	1921	Yes	No	No	No	Yes	Yes	No	No	No
Ireland	1921	Yes	No	No	Yes	No	No	No	Yes	Yes
Israel	1948	Yes	Yes	No	No	No	No	No	Yes	No
Italy	1861	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Japan	Seventh Century B.C.	No	No	No	No	No	No	No	Yes	No
Jordan	1946	Yes	No	No	No	Yes	Yes	No	No	No
Korea	1945	No	No	No	No	No	No	No	No	No
Laos	1949	Yes	No	No	No	No	No	No	No	No
Lebanon	1943	Yes	No	No	No	Yes	Yes	No	Yes	No
Liberia	1846	Yes	Yes	No	No	No	No	No	No	No
Libya	1951	Yes	No	No	No	No	No	No	No	No
Liechtenstein	1866	No	Yes	No	No	No	No	No	Yes	No
Luxembourg	1841	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Mexico	1810	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No
Monaco	1860	No	No	No	No	No	No	No	No	No
Mongolian People's Republic	1945	No	No	No	No	No	No	No	No	No
Muscat and Oman		No	No	No	No	No	No	No	No	No
Nepal	1769	Yes	No	No	No	No	No	Yes	No	No
Netherlands	1813	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes
New Zealand	1919	Yes	Yes	No	No	No	No	Yes	Yes	No
Nicaragua	1838	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
Norway	1814	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Pakistan	1947	Yes	Yes	No	No	Yes	Yes	Yes	No	No
Panama	1903	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Paraguay	1811	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Peru	1821	Yes	No	Yes	No	Yes	Yes	No	No	No
Philippines	1946	Yes	Yes	No	No	Yes	Yes	Yes	No	No
Poland	1918	Yes	No	No	No	Yes	Yes	No	Yes	Yes
Portugal	1147	Yes	No	No	No	No	No	No	Yes	No
Rumania	1878	Yes	No	No	No	No	No	No	Yes	No

INTERNATIONAL STATUS — *Continued*

NATIONAL ORGANIZATIONS [1]

Transport and Communications			*Social and Health*			*Educational, Scientific and Cultural*		
International Telecommunication Union	*Universal Postal Union*	*International Civil Aviation Organization*	*International Labor Organization*	*Food and Agriculture Organization*	*World Health Organization*	*United Nations Educational Scientific and Cultural Organization*	*World Meteorological Organization*	
Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Iceland
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	India
No	No	Yes	Yes	Yes	Yes	Yes	Yes	Indonesia
Yes	Yes	No	Yes	No	Yes	Yes	No	Iran
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Iraq
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Ireland
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Israel
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Italy
Yes	Yes	No	Yes	Yes	Yes	Yes	No	Japan
Yes	Yes	Yes	No	Yes	Yes	Yes	No	Jordan
Yes	Yes	No	No	Yes	Yes	Yes	No	Korea
Yes	No	No	No	Yes	Yes	Yes	No	Laos
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Lebanon
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Liberia
Yes	Yes	No	Yes	No	Yes	Yes	No	Libya
No	No	No	No	No	No	No	No	Liechtenstein
Yes	Yes	No	Yes	Yes	No	Yes	No	Luxembourg
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Mexico
Yes	No	No	No	No	Yes	Yes	No	Monaco
No	No	No	No	No	No	No	No	Mongolian People's Republic
No	No	No	No	No	No	No	No	Muscat and Oman
No	No	No	No	Yes	No	Yes	No	Nepal
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Netherlands
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New Zealand
Yes	Yes	Yes	No	Yes	No	No	No	Nicaragua
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Norway
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Pakistan
Yes	Yes	No	Yes	Yes	No	No	No	Panama
Yes	Yes	Yes	No	Yes	Yes	No	Yes	Paraguay
Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Peru
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Philippines
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Poland
Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Portugal
Yes	Yes	No	No	No	Yes	No	Yes	Rumania

TABLE I—NATIONS—

PARTICIPATION IN INTE

	Approximate date of Acquiring present National Status	*Political and Judicial*				*Economic and Financial*				
		United Nations		*Organization of American States*	*Council of Europe*	*International Bank for Reconstruction and Development*	*International Monetary Fund*	*General Agreement on Tariffs and Trade*	*International Union for Protection of Industrial Property*	*Organization for European Economic Cooperation*
		Member	*Subject to compulsory jurisdiction of International Court under Article 36*[2]							
San Marino	Fourth Century	No	No	No	No	No	No	No	No	No
Saudi Arabia	1927	Yes	No	No	No	No	No	No	No	No
Spain	1492	Yes	No	No	No	No	No	No	Yes	No
Sweden	Fourteenth Century	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes
Switzerland	1291	No	Yes	No	No	No	No	No	Yes	Yes
Syria	1943	Yes	No	No	No	Yes	Yes	No	Yes	No
Thailand	Fourteenth Century	Yes	Yes	No	No	Yes	Yes	No	No	No
Turkey	Fourteenth Century	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Ukrainian SSR	1944	Yes	No	No	No	No	No	No	No	No
Union of South Africa	1919	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Union of Soviet Socialist Republics	1922	Yes	No	No	No	No	No	No	No	No
United Kingdom of Great Britain and Northern Ireland	Ninth Century	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
United States of America [2]	1776	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Uruguay	1825	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
Vatican City	1929	No	No	No	No	No	No	No	No	No
Venezuela	1830	Yes	No	Yes	No	Yes	Yes	No	No	No
Viet Nam	1949	No	No	No	No	No	No	No	No	No
Yemen	1918	Yes	No	No	No	No	No	No	No	No
Yugoslavia	1918	Yes	No	No	No	Yes	Yes	No	Yes	No

[1] This list of International Organizations in which various nations participate is not all inclusive. Actually there a over one hundred of them. See Peaslee—"International Governmental Organizations—their Constitutional Documents' and the list of Intergovernmental Organizations issued by the Economic and Social Council of the United Nations.

[2] In many cases the acceptance of "compulsory jurisdiction" under Article 36 is for limited periods and with vario reservations and conditions. In addition to the "compulsory jurisdiction" provided in Art. 36 of the Court's Statute, the are provisions in a number of multipartite treaties and other international documents accepting jurisdiction of the Cou with respect to disputes arising under those documents; as for example the constitutions of certain of the Specialize Agencies of the United Nations and various trusteeship agreements. See Yearbook of the International Court of Justic 1951-52, pp. 35—43.

INTERNATIONAL STATUS — *Continued*

NATIONAL ORGANIZATIONS [1]

Transport and Communications			*Social and Health*			*Educational, Scientific and Cultural*		
International Telecommunication Union	*Universal Postal Union*	*International Civil Aviation Organization*	*International Labor Organization*	*Food and Agriculture Organization*	*World Health Organization*	*United Nations Educational Scientific and Cultural Organization*	*World Meteorological Organization*	
No	Yes	No	No	No	No	No	No	San Marino
Yes	Yes	No	No	Yes	Yes	Yes	No	Saudi Arabia
Yes	Yes	Yes	No	No	No	No	Yes	Spain
Yes	Yes	Yes	Yes	No	Yes	No	Yes	Sweden
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Switzerland
Yes	Yes	No	Yes	Yes	Yes	Yes	No	Syria
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Thailand
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Turkey
Yes	Yes	No	No	No	No	No	Yes	Ukrainian SSR
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Union of South Africa
Yes	Yes	No	Yes	No	No	Yes	Yes	Union of Soviet Socialist Republics
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	United Kingdom of Great Britain and Northern Ireland
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	United States of America
Yes	Yes	No	Yes	Yes	No	Yes	Yes	Uruguay
Yes	Yes	No	No	No	No	No	No	Vatican City
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Venezuela
Yes	Yes	No	Yes	Yes	Yes	Yes	No	Viet Nam
Yes	Yes	No	No	No	No	No	No	Yemen
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yugoslavia

TABLE II

FORM OF GOVERNMENT

	Whether Written Constitution	*Federal or Unitary*	*Type*
Afghanistan	Yes, Oct. 31, 1931	Unitary (See Art. 2)	Kingdom (Art. 2)
Albania	Yes, July 4, 1950	Unitary	People's Republic (Art. 1)
Andorra	Yes, May 31, 1866	Unitary	Republic
Argentina	Yes, March 16, 1949	Federal (Art. 1)	Republic (Art. 1)
Australia	Yes, Act of British Parliament, July 9, 1900, with Amendments	Federal (Arts. 1, 62-64, 71, 79)	Commonwealth (Art. 1)
Austria	Yes, 1929	Federal (Art. 2)	Republic (Art. 1)
Belgium	Yes, Feb. 7, 1831	Unitary	Kingdom
Bhutan	No	Unitary	Kingdom
Bolivia	Yes, Nov. 23, 1945	Unitary	Republic (Art. 1)
Brazil	Yes, Sept. 24, 1946	Federal (Art. 1)	Republic (Art. 1)
Bulgaria	Yes, Dec. 4, 1947	Unitary	People's Republic (Art. 1)
Burma	Yes, Sept. 24, 1947	Federal (Art. 2)	Republic (Art. 1)
Byelorussian SSR	Yes, Feb. 19, 1937	Unitary	Soviet Socialist Republic (Art. 1)
Canada	Yes, British North America Act of 1867 and amendments	Federal (B.N.A. Act, Preamble)	Dominion (Preamble B.N.A. Act, also Sec.
Cambodia	Yes, May 6, 1947	Unitary	Monarchy (Art. 1)
Ceylon	Yes[1], Dec. 10, 1947	Unitary	Dominion (Ceylon (Const.) Order in Council 1946, Preamble)
Chile	Yes, Sept. 18, 1925	Unitary (Art. 1)	Republic (Art. 1)
China	Yes, Dec. 25, 1947 and Sept., 1949	Unitary	Democratic Republic People's Democratic Dictatorsl (Art. 1)
Colombia	Yes, Aug. 4, 1886	Unitary (Art. 1)	Republic (Art. 1)

TABLE II—Continued

FORM OF GOVERNMENT

	Whether Written Constitution	*Federal or Unitary*	*Type*
Costa Rica	Yes, Nov. 7, 1949	Unitary	Republic (Art. 1)
Cuba	Yes, July 5, 1940 and Interim Constitutional Law, April 4, 1952	Unitary (Art. 1)	Democratic Republic (Art. 1)
Czechoslovakia	Yes, May 9, 1948	"Unitary State of Two Slav Nations" (Art. II)	People's Democratic Republic (Art. 1)
Denmark	Yes, June 5, 1953	Unitary	Constitutional Monarchy (Art. 2)
Dominican Republic	Yes, Jan. 10, 1942	Unitary	Republic (Art. 2)
Ecuador	Yes, Dec. 31, 1946	Unitary (Art. 2)	Republic (Art. 2)
Egypt	Principles of Feb. 10, 1953, pending drafting constitution	Unitary	Republic
El Salvador	Yes, Sept. 8, 1950	Unitary	Republican, Democratic and Representative (Art. 3)
Ethiopia	Yes, July 16, 1931	Unitary (Arts. 2, 6)	Empire (Art. 6)
Finland	Yes, Form of Government Act, July 17, 1919, also Parliament Act, January 13, 1928 and certain other Acts	Unitary	Republic (Art. 1 of 1928 Act)
France	Yes, Sept. 28, 1946	Unitary (Art. 1)	Republic (Art. 1)
Germany	Yes, May 25, 1949 and Aug. 3, 1950	Federal Unitary (Art. 20) (Art. 1)	Democratic and Social Federal State (Art. 20) Indivisible Democratic Republic (Art. 1)
Greece	Yes, Jan. 1, 1952	Unitary	Crowned democracy (Art. 21)
Guatemala	Yes, March 11, 1945	Unitary	"Democratic-Representative" Republic (Art. 1)
Haiti	Yes, Nov. 25, 1950	Unitary (Art. 1)	"One, Indivisible, Free, Sovereign Independent, Democratic, and Social" Republic (Art. 1)
Honduras	Yes, March 28, 1936, as amended	Unitary	A "Republican, Democratic, and Representative" Government (Art. 86)
Hungary	Yes, August, 1949	Unitary	People's Republic (Art. 1)

TABLE II—Continued

FORM OF GOVERNMENT

	Whether Written Constitution	*Federal or Unitary*	*Type*
Iceland	Yes, June 17, 1944	Unitary	Republic (Art. 1)
India	Yes, Nov. 26, 1949	Federal (Art. 1)	Democratic Republic (Preamble)
Indonesia	Provisional, Aug. 14, 1950	Unitary	Republic
Iran	Yes, Constitution of Dec. 30, 1906 Constitutional Law of Oct. 8, 1907	Unitary	Constitutional Monarchy (Const. Law Art. 36)
Iraq	Yes, March 21, 1925, as amended	Unitary	"Hereditary Monarchy and Its Form is Representative" (Art. 2)
Ireland	Yes, Dec. 29, 1937	Unitary	"Democratic State" (Republic) (Art. 5)
Israel	No, Constitution by evolution	Unitary	Republic
Italy	Yes, January 1, 1948	Unitary (Art. 5)	"Democratic Republic Based on Labor" (Art. 1)
Japan	Yes, Nov. 3, 1946	Unitary	Empire (Art. 1)
Jordan	Yes, Jan. 1, 1952	Unitary	Kingdom (Art. 1)
Korea	Yes, July 12, 1948	Unitary	"Democratic Republic" (Art. 1)
Laos	Yes, May 11, 1947	Unitary (Art. 1)	Kingdom (Art. 1)
Lebanon	Yes, May 23, 1926, as amended	Unitary (Art. 1)	Republic (Art. 4)
Liberia	Yes, July 26, 1847	Unitary	Republic (Preamble)
Libya	Yes, Oct. 7, 1951	Federal (Art. 2)	Hereditary Monarchy (Art. 2)
Liechtenstein	Yes, Oct. 5, 1921	Unitary	"A Constitutional, Hereditary Monarchy upon Democratic and Parliamentary Basis" (Art. 3)
Luxembourg	Yes, Oct. 17, 1868, as amended	Unitary	Grand Duchy (Art. 1)
Mexico	Yes, Jan. 31, 1917, as amended	Federal (Art. 40)	Republic (Art. 40)

TABLE II—Continued

FORM OF GOVERNMENT

	Whether Written Constitution	*Federal or Unitary*	*Type*
Monaco	Yes, Jan. 5, 1911, as amended	Unitary	Principality (Art. 1)
Mongolian People's Republic	Yes, June 30, 1940	Unitary	People's Republic (Art. 1)
Muscat and Oman	No		Sultanate
Nepal	Yes, Interim Government of Nepal Act 1951	Unitary	Kingdom
Netherlands	Yes, Aug. 24, 1815, as amended, reissued January 22, 1947 with amdts. 1952	Unitary	Kingdom (Art. 1)
New Zealand	Yes[1], June 30, 1852	Unitary	Dominion (Statute of Westminster—Preamble)
Nicaragua	Yes, Nov. 1, 1933	Unitary (Art. 1)	Republic (Art. 10)
Norway	Yes, May 17, 1814	Unitary	"Limited and Hereditary Monarchy" (Art. 1)
Pakistan	No (under consideration)	Unitary	Dominion
Panama	Yes, March 1, 1946	Unitary (Art. 1)	Republic (Art. 1)
Paraguay	Yes, July 10, 1940	Unitary	Republic (Art. 1)
Peru	Yes, April 9, 1933, as amended	Unitary (Art. 2)	Republic (Arts. 1, 2)
Philippines	Yes, Feb. 8, 1935, as amended	Unitary	Republican State (Art. II, Sec. 1)
Poland	Yes, July 22, 1952	Unitary	People's Republic
Portugal	Yes, April 11, 1933	Unitary (Art. 5)	Corporative Republic (Art. 5)
Rumania	Yes, Sept. 24, 1952	Unitary	People's Republic
San Marino	Yes, Electoral Law of Nov. 18, 1926	Unitary	Republic (Art. 1)
Saudi Arabia	Yes, Constitutional Documents of 1926, 1927, 1931, 1932	Unitary (Art. 1)	"Monarchical, Constitutional and Moslem" (Art. 2)
Spain	Yes, Charter of 1945 and Acts of 1942, 1945, June 7, 1947, and July 6, 1947	Unitary	"Catholic, Social, Representative State . . . a Kingdom" (Act of June 7, 1947, Art. 1)

TABLE II—Continued

FORM OF GOVERNMEMT

	Whether Written Constitution	*Federal or Unitary*	*Type*
Sweden	Yes, June 6, 1809 as amended, and Riksdag Law June 22, 1886	Unitary	Hereditary Monarchy (Art. 1)
Switzerland	Yes, May 29, 1874, as amended	Federal (Art. 1)	Confederation (Preamble, Art. 1, etc.)
Syria	Yes, September 5, 1950	Unitary (Art. 2)	Parliamentary Republic (Art. 3)
Thailand	Yes, March 8, 1952	Unitary (Sec. 1)	Kingdom (Sec. 1)
Turkey	Yes, January 10, 1945	Unitary	"A Republic ... Republican, Nationalist, Populist, Etatist, Secular and Revolutionary" (Art. 1, 2)
Ukrainian SSR	Yes, January 30, 1937, as amended	Unitary	Soviet Socialist Republic (Art. 1)
Union of South Africa	Yes, South Africa Act, Sept. 20, 1909, British Parliament	Federal (Art. 4)	Dominion (Art. 4)
Union of Soviet Socialist Republics	Yes, Dec. 5, 1936	Federal (Art. 13)	Soviet Socialist Republic (Art. 1)
United Kingdom of Great Britain and Northern Ireland	No	Unitary	Kingdom
United States of America	Yes, Sept. 17, 1787, as amended	Federal	Republic
Uruguay	Yes, Oct. 26, 1951	Unitary	Democratic Republican (Art. 82)
Vatican City	Yes, Constitutional Laws of June 7, 1929	Unitary	Monarchical-Sacerdotal State
Venezuela	Yes, April 11, 1953	Federal (Art. 1)	Republic (Art. 1)
Viet Nam	Provisional Constitutional texts, 1949	Federal	Republic
Yemen	No	Unitary	Kingdom
Yugoslavia	Yes, January 13, 1953	Federal (Art. 1)	People's Republic (Art. 1)

[1] Several constitutional documents.

TABLE III

SOURCE OF SOVEREING POWE

Afghanistan	The king and the people (Art. 5)
Albania	The people (Art. 1)
Andorra	The people
Argentina	The people (Preamble)
Australia	The crown and the people
Austria	The people (Art. 1)
Belgium	The people (Art. 25)
Bhutan	The king
Bolivia	The people (Art. 2)
Brazil	The people (Art. 1)
Bulgaria	The people (Art. 2)
Burma	The people (Art. 3)
Byelorussian SSR	"Workers in cities and villages" (Art. 3)
Cambodia	The king subject to the constitution (Art. 21)
Canada	The crown and the people
Ceylon	The crown and the people
Chile	The nation (Art. 2)
China	"The whole body of citizens" (Art. 2)
Colombia	The nation (Art. 2)
Costa Rica	The nation (Art. 2)
Cuba	The people (Art. 2)
Czechoslovakia	The people (Art. 1)
Denmark	The king, subject to the constitution (Art. 12)
Dominican Republic	The people (Art. 12)
Ecuador	The people (Preamble)
Egypt	The people (Art. 1 of "Principles")
El Salvador	The people (Art. 6)
Ethiopia	The emperor (Art. 1)
Finland	The people (Art. 2)
France	The people (Art. 3)
Germany	The people (Bonn Const. Art. 20, 1950 Const. Art. 3)
Greece	The nation (Art. 21)
Guatemala	The people (Art. 2)
Haiti	"The whole body of citizens" (Art. 32)
Honduras	The people (Art. 2)
Hungary	The working people (Art. 2)
Iceland	Impliedly in the people
India	The people (Preamble)
Indonesia	The people Art. 1

TABLE III—Continued

SOURCE OF SOVEREIGN POWER

Iran	Conferred on the sovereign by the people (Const. Law of 1907, arts. 26, 35)
Iraq	Confided to the king by the people (Art. 19)
Ireland	Under God from the people (Art. 6)
Israel	Unstated
Italy	The people (Art. 1)
Japan	The people (Preamble)
Jordan	The people (Art. 24)
Korea	The people (Art. 2)
Laos	The people (Art. 3)
Lebanon	Impliedly in the people
Liberia	The people (Art. 1)
Libya	The nation (Art. 40)
Liechtenstein	The prince by the grace of God (Preamble)
Luxembourg	The nation (Art. 32)
Mexico	The people (Art. 39)
Monaco	The prince has "high authority" (Art. 15)
Mongolian People's Republic	"Urban and rural workers" (Arts. 2, 3)
Muscat and Oman	The Sultan
Nepal	Not stated
Netherlands	Impliedly in the crown and people
New Zealand	The crown and the people
Nicaragua	The people (Art. 2)
Norway	Impliedly in the crown and people
Pakistan	Note 1
Panama	The people (Art. 2)
Paraguay	The people (Art. 2)
Peru	The people (Art. 1)
Philippines	The people (Art. II)
Poland	The working people of town and country (Art. 1)
Portugal	The nation (Art. 71)
Rumania	The working people of town an country (Art. 4)
San Marino	Impliedly in the people
Saudi Arabia	Impliedly in the king subject t religious law
Spain	The people [2]
Sweden	Promulgated by signatory "estate counts, barons, bishops, noble clergy, burghers and commo peasants" (Preamble)
Switzerland	The cantons and peoples (Arts. 1, 3)
Syria	The people (Art. 2)
Thailand	The people (Sec. 2)
Turkey	The nation (Art. 3)

TABLE III—Continued

SOURCE OF SOVEREIGN POWER

Ukrainian SSR	"Workers in cities and villages" (Art. 3)	Uruguay	The nation (Arts. 4, 77)
Union of South Africa	"Almighty God" (Art. 1)	Vatican City	Sovereign pontiff (Constitutional Law 1, Art. 1)
Union of Soviet Socialist Republics	"The working people of town and country" (Art. 3)	Venezuela	The people (Art. 38)
United Kingdom of Great Britain and Northern Ireland	The crown and the people	Viet Nam	The people (Ordinance 1)
		Yemen	The king
United States of America	The people (Preamble)	Yugoslavia	The working people (Fund. Law, Art. 10)

[1] Constitution not yet adopted at time of going to press.
[2] See Summary, Vol. III.

TABLE IV—RIGHTS OF THE PEOPLE—

	Assembly and Association	*Conscience and Religion*	*Correspondence and Domicile—Inviolability*	*Education*	*Equality*	*Health, Motherhood*	*Individual Liberty and Fair Legal Processes*
Afghanistan		Arts. 1, 9, 10	Arts. 16, 109	Arts. 20, 22	Arts. 3, 13		Arts. 11, 12, 19
Albania	Art. 18	Art. 16	Arts. 20, 21	Arts. 26, 28	Arts. 12, 13, 15	Art. 15	Arts. 19, 31
Andorra [1]	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Argentina	Art. 26	Art. 26	Art. 29	Arts. 26, 137	Arts. 27, 28	Art. 37	Arts. 26, 29
Australia [2]	See Note 2	Sec. 116	See Note 2	See Note 2	Sec. 117	See Note 2	See Note 2
Austria [1]	See Note 1	See Note 2	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Belgium	Arts. 19, 20	Arts. 14, 15	Arts. 10, 22	Art. 17	Art. 6		Arts. 7, 8, 9
Bhutan [3]	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Bolivia	Art. 6	Art. 3	Arts. 15, 16	Arts. 6, 154-164		Arts. 103, 123, 125, 131	Arts. 5, 7-14, 25, 35
Brazil	Art. 141	Art. 141	Art. 141	Arts. 166, 167-168, 174	Art. 141	Arts. 157, 164	Art. 141
Bulgaria	Arts. 87, 88	Art. 78	Arts. 85, 86	Arts. 77, 79	Art. 71	Arts. 72, 81	Art. 82
Burma	Art. 17	Art. 20	Art. 16		Art. 13		Arts. 16, 19, 25, 27
Byelorussian SSR	Arts. 100, 101	Art. 99	Art. 103	Art. 96	Arts. 97, 98	Arts. 95, 97	Arts. 86, 87, 102
Cambodia	Art. 10	Art. 8	Arts. 11, 12		Art. 13		Art. 4
Canada [1]	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Ceylon [2]	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Chile	Art. 10 (4) (5)	Art. 10 (2)	Art. 10 (12) (13)	Art. 10 (7)	Art. 10 (1)	Art. 10 (14)	Arts. 10-20
China	Art. 14 Common Prog.	Art. 13 Common Prog.	Arts. 10, 12 Common Prog.	Arts. 11, 158-167	Arts. 5, 7 Common Prog.	Arts. 156, 157	Arts. 8, 9, 22-24
Colombia	Arts. 44, 64	Art. 53	Arts. 23, 38	Art. 41			Arts. 23-28
Costa Rica	Arts. 25, 26	Art. 76	Arts. 23, 24	Arts. 77, 78	Art. 33	Art. 55	Arts. 20, 48
Cuba	Arts. 37, 69	Art. 35	Arts. 32, 34	Arts. 48-51, 53, 54	Art. 20	Arts. 43, 68	Arts. 21-30
Czechoslovakia	Secs. 24, 25	Secs. 15-17	Secs. 4, 5, 6	Secs. 12-14	Sec. 1	Secs. 10, 26, 29	Secs. 2, 3
Denmark	Arts. 78, 79	Art. 67	Art. 72	Art. 76	Art. 74		Art. 71

Constitutional Guarantees of Individual Rights

Labor	*Movement Within and To and From the Nation*	*Non-Retroactivity of Law*	*Petition*	*Property*	*Social Security*	*Speech and Press*	
				Arts. 15, 17		Art. 23	Afghanistan
Arts. 6, 11, 22			Arts. 29, 30	Arts. 9, 10	Arts. 6, 11, 24	Art. 18	Albania
See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	Andorra [1]
Art. 37	Art. 26	Art. 29	Art. 26	Art. 38	Art. 37	Art. 26	Argentina
See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	Australia [2]
See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	Austria [1]
			Art. 21	Arts. 11, 12		Arts. 14, 18	Belgium
See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	Bhutan [3]
Arts. 6, 122-129	Art. 6	Art. 31	Art. 6	Arts. 15, 17	Arts. 107, 122, 123, 125, 130	Arts. 6, 35	Bolivia
Arts. 145, 148, 157, 159		Art. 141		Arts. 141, 147	Arts. 145, 157, 164	Art. 141	Brazil
Arts. 72-74			Art. 89		Arts. 72, 75	Art. 88	Bulgaria
	Art. 17	Art. 24		Arts. 16, 23		Art. 17	Burma
Arts. 93, 94, 101				Arts. 7, 9, 10	Arts. 93-95	Art. 100	Byelorussian SSR
			Art. 14	Art. 7		Art. 9	Cambodia
See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	Canada [2]
See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	Ceylon [1]
Art. 10 (14)	Art. 10 (15)	Art. 11	Art. 10 (6)	Art. 10 (10)	Art. 10 (14)	Art. 10 (3)	Chile
Arts. 153, 154	Art. 10 Common Prog.		Art. 16	Arts. 15, 143, 145	Arts. 152-157	Common Program	China
Arts. 17, 39		Arts. 26, 28	Art. 45	Art. 30	Art. 19	Art. 42	Colombia
Arts. 50-75	Art. 22	Art. 34	Art. 27	Arts. 40, 45	Arts. 50-75	Art. 29	Costa Rica
Arts. 60-64, 66, 67, 69, 71, 72, 84	Art. 30	Arts. 21, 22	Art. 36	Arts. 24, 87	Arts. 45, 60, 65, 79	Art. 33	Cuba
Secs. 25-28	Sec. 7		Sec. 23	Secs. 8, 9	Secs. 27, 29	Secs. 18, 21	Czechoslovakia
				Art. 73	Art. 75	Art. 77	Denmark

TABLE IV—Continued—RIGHTS OF THE PEOPLE—

	Assembly and Association	*Conscience and Religion*	*Correspondence and Domicile—Inviolability*	*Education*	*Equality*	*Health, Motherhood*	*Individual Liberty and Fair Legal Processes*
Dominican Republic	Arts. 6, 103	Art. 6	Art. 6	Art. 6		Art. 6	Art. 6
Ecuador	Art. 187	Arts. 168, 187	Art. 187	Arts. 171, 173	Arts. 168, 169	Arts. 185, 162	Arts. 187, 188
Egypt		Art. 3	Art. 3		Art. 2		Art. 3
El Salvador	Arts. 160, 23	Art. 157	Arts. 159, 165	Arts. 197–205	Art. 150	Arts. 180, 181, 206–210	Arts. 151, 164
Ethiopia			Arts. 25, 26				Arts. 23, 24
Finland	Art. 10	Arts. 8, 9	Arts. 11, 12	Arts. 77–81	Arts. 5, 9		Arts. 6, 13
France		Preamble; Decl.[4] 10		Preamble	Preamble; Decl.[4] 1, 4, 6	Preamble	Decl. 2, 7
Germany [5]	B. Arts. 8, 9 GDR Arts. 9,12	B. 4 GDR 41–48	B. 10, 13 GDR 8	B. 7 GDR 34–40	B. 3 GDR 6	B. 6 GDR 30–33	B. 21 GDR 8
Greece	Arts. 10, 11	Art. 1	Arts. 12, 20	Art. 16	Art. 3		Arts. 4-8, 13, 1
Guatemala	Arts. 31, 32	Art. 29	Arts. 35, 37	Arts. 15, 80, 81, 84	Arts. 21, 23	Arts. 53, 72	Arts. 23, 40-5
Haiti	Arts. 24, 25	Art. 20	Art. 27	Art. 22	Art. 9		Arts. 10–14
Honduras	Art. 61	Art. 57	Arts. 48, 50, 51, 52	Art. 60	Arts. 30, 69	Arts. 195, 197	Arts. 30-45, 4
Hungary	Arts. 55, 56	Art. 54	Art. 57	Art. 48	Arts. 49, 50	Arts. 47, 50, 51	Art. 57
Iceland	Arts. 73, 74	Arts. 63, 64	Art. 66	Art. 71			Art. 65
India	Art. 19	Art. 25		Art. 45	Art. 14		Arts. 21, 22
Indonesia	Art. 20	Arts 18, 43	Arts. 16, 17	Art. 30	Art. 7	Art. 42	Art. 12
Iran	Const. Law Art. 21		Const. Law Arts. 13, 22, 23	Const. Law Arts. 18, 19	Const. Law Art. 8		Const. Law Arts.6, 9–12, 1
Iraq [6]	Art. 12	Art. 13, Decl.[6] II, 15	Arts. 8, 15	Art. 16, Decl.[6] I, 8	Arts. 6, 18, Decl.[6] 1, 2		Arts. 7, 9 Decl.[6] I, 2, 4
Ireland	Art. 40	Arts. 40, 44	Art. 40	Art. 42	Art. 40	Arts. 41, 45	Art. 40
Israel [1]	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Italy	Arts. 17, 18, 39, 49	Arts. 19, 20	Arts. 14, 15	Art. 34	Art 3	Art. 31	Arts. 13, 23, 24 25, 26, 27, 28

Constitutional Guarantees of Individual Rights

Labor	*Movement Within and To and From the Nation*	*Non-Retroactivity of Law*	*Petition*	*Property*	*Social Security*	*Speech and Press*	
Art. 6	Art. 6			Art. 6	Art. 6	Art. 6	Dominican Republic
Arts. 170, 185, 186, 187	Art. 187		Arts. 187, 188	Art. 183	Arts. 174, 185, 188	Art. 187	Ecuador
				Art. 3		Art. 3	Egypt
Arts. 182–196	Art. 154	Art. 169	Art. 162	Art. 163	Art. 187	Art. 158	El Salvador
	Art. 22		Art. 28	Art. 27			Ethiopia
Art. 6	Art. 7			Art. 6		Art. 10	Finland
Preamble		Decl.[4] 8		Decl.[4] 2, 17	Preamble	Decl.[4] 11	France
GDR 14, 15	B. 11 GDR 8	B. 103 GDR 135		B. 14 GDR 22	GDR 16	B. 5 GDR 9	Germany [5]
		Art. 7	Art. 9	Arts. 17, 18		Art. 14	Greece
Arts. 55, 56, 57, 58, 59, 61, 64, 65, 97	Art. 25	Art. 49	Art. 30	Arts. 23, 92	Arts. 22, 57, 58, 63, 65, 67, 70, 82, 88	Art. 36	Guatemala
Arts. 16, 17		Art. 13	Art. 26	Arts. 8, 15	Art. 17	Art. 19	Haiti
Arts. 191, 193, 194	Art. 67	Art. 54	Art. 66	Arts. 30, 64, 73–77		Arts. 46, 59	Honduras
Art. 45				Art. 8	Art. 47	Art. 55	Hungary
Art. 69				Art. 67	Art. 70	Art. 72	Iceland
Arts. 19, 23, 41	Art. 19	Art. 20	Art. 32	Arts. 19, 31	Art. 41	Art. 19	India
Arts. 21, 28	Art. 9		Art. 22	Art. 26		Art. 19	Indonesia
	Const. Law Art. 14		Art. 32	Const. Law Arts. 6, 9, 15, 16, 17		Const. Law Art. 20	Iran
	Art. 7		Art. 14	Art. 10		Art. 12	Iraq [6]
Art. 40				Art. 43	Art. 45	Art. 40	Ireland
See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	Israel [1]
Arts. 35–40	Art. 16	Art. 25	Art. 50	Art. 42	Arts. 31, 38	Art. 21	Italy

TABLE IV—Continued—RIGHTS OF THE PEOPLE—

	Assembly and Association	*Conscience and Religion*	*Correspondence and Domicile—Inviolability*	*Education*	*Equality*	*Health, Motherhood*	*Individual Liberty and Fair Legal Processes*
Japan	Art. 21	Arts. 19, 20	Arts. 21, 35	Arts. 23, 26	Art. 14	Art. 25	Arts. 13, 18, 31–40
Jordan	Art. 16	Art. 14	Arts. 10, 18	Art. 20	Art. 6		Arts. 7–9, 13
Korea	Art. 13	Art. 12	Art. 11	Art. 16	Art. 8		Arts. 9, 24
Laos	Preamble	Preamble			Preamble		Preamble
Lebanon	Art. 13	Art. 9	Art. 14	Art. 10	Art. 7		Art. 8
Liberia	Art. I, 5	Art. I, 3		Art. V, 15	Art. I, 1		Art. I, 1, 4, 6–10, 20
Libya	Arts. 25, 26	Art. 21	Arts. 19, 20	Art. 28	Art. 11		Arts. 12–17
Liechtenstein	Art. 41	Art. 37	Art. 32	Arts. 15, 16, 17	Arts. 31, 39	Art. 18	Arts. 32, 33
Luxembourg	Arts. 25, 26	Art. 19	Arts. 15, 28	Art. 23	Art. 11		Arts. 12–14, 18
Mexico	Art. 9	Arts. 3, 24, 130	Arts. 16, 25	Art. 3		Art. 123	Arts. 2, 5, 16–23
Monaco	Art. 12	Art. 10	Art. 8	Art. 77	Art. 5		Arts. 6, 7
Mongolian People's Republic	Arts. 82, 85	Art. 81	Art. 87		Arts. 79, 80	Art. 80	Art. 86
Muscat, Oman	No statement	of rights, no	constitution				
Nepal	Art. 16	Art. 14			Art. 13	Art. 7	Arts. 17, 18
Netherlands	Art. 9	Art. 174	Arts. 165, 166	Art. 200	Arts. 4, 176		Arts. 163, 164
New Zealand [8]	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Nicaragua	Arts. 9, 115	Art. 110	Arts. 58, 125	Art. 98	Art. 36	Art. 76	Arts. 38–52
Norway			Art. 102				Arts. 96, 99
Pakistan [9]	See Note 7	See Note 7	See Note 7	See Note 7	See Note 7	See Note 7	See Note 7
Panama	Arts. 39, 40	Arts. 35, 36, 37	Arts. 26, 29	Arts. 61, 78–81, 89, 91	Arts. 21, 80	Arts. 54, 71, 92, 93	Arts. 22–25, 30–34
Paraguay	Art. 19	Arts. 3, 19	Art. 27	Arts. 10, 19	Art. 33	Art. 11	Arts. 19, 25–29, 33
Peru	Arts. 62, 27	Art. 59	Arts. 61, 66	Arts. 72, 75, 80		Arts. 50, 51	Arts. 55–58, 68, 69

Constitutional Guarantees of Individual Rights

Labor	*Movement Within and To and From the Nation*	*Non-Retroactivity of Law*	*Petition*	*Property*	*Social Security*	*Speech and Press*	
Arts. 22, 27, 28	Art. 22	Art. 39	Art. 16	Art. 29	Art. 25	Art. 21	Japan
Art. 23			Art. 17	Arts. 11, 12	Art. 23	Art. 15	Jordan
Arts. 17, 18	Art. 10	Art. 23	Arts. 21, 27	Art. 15	Art. 19	Art. 13	Korea
						Preamble	Laos
				Art. 15		Art. 13	Lebanon
		Art. I, 10	Art. I, 5	Art. I, 8, 13		Art. I, 15	Liberia
Art. 34	Art 18	Art. 17	Art. 27	Art. 31		Arts. 22, 23	Libya
Art. 19	Art. 28		Art. 42	Arts. 28, 34, 35	Arts. 20, 25, 26	Art. 40	Liechtenstein
			Art. 27	Arts. 16, 17		Art. 24	Luxembourg
Arts. 4, 5, 21, 28, 123	Art. 11	Art. 14	Art. 8	Arts. 14, 27	Art. 123	Arts. 6, 7, 130	Mexico
			Art. 13	Art. 9		Art. 10	Monaco
Arts. 76, 82	Art. 84		Art. 83	Art. 6	Art. 78	Art. 85	Mongolian People's Republic
							Muscat and Oman
Arts. 4, 8	Art. 16	Art. 17		Art. 16	Arts. 4, 6	Art. 16	Nepal
			Art. 8	Arts. 4, 158, 159, 160, 161	Art. 201	Art. 7	Netherlands
See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	New Zealand [8]
Art. 92	Art. 59	Art. 123	Art. 117	Arts. 63–68	Arts. 69, 78	Art. 113	Nicaragua
		Art. 97		Arts. 104, 105		Art. 100	Norway
See Note 7	See Note 7	See Note 7	See Note 7	See Note 7	See Note 7	See Note 7	Pakistan [7]
Arts. 63–76	Art. 27	Arts. 31, 44	Art. 42	Arts. 30, 45–47, 49	Art. 93	Art. 38	Panama
Arts. 14, 19		Art. 26	Art. 19	Arts. 21, 25	Art. 14	Arts. 19, 31	Paraguay
Arts. 42–46	Art. 67	Arts. 25, 57	Art. 60	Arts. 29, 30, 38, 47, 49, 57	Art. 48	Arts. 63, 65	Peru

TABLE IV—Continued—RIGHTS OF THE PEOPLE—

	Assembly and Association	*Conscience and Religion*	*Correspondence and Domicile—Inviolability*	*Education*	*Equality*	*Health, Motherhood*	*Individual Liberty and Fair Legal Processes*
Philippines	Art. III, Secs. 6, 8	Art. III, Sec. 7	Art. III, Secs. 3, 5	Art. XIV, Sec. 5			Art. III, Secs. 1, 12, 14–21
Poland	Arts. 71, 72	Art. 70	Art. 74	Art. 61	Art. 69	Arts. 60, 66	
Portugal	Art. 8	Arts. 8, 45	Art. 8	Arts. 8, 42, 43, 44	Art. 5	Arts. 14, 40	Art. 8
Rumania	Arts. 85, 86	Art. 84	Art. 88	Art. 80	Art. 81	Art. 83	
San Marino [1]	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Saudi Arabia				Art. 25			
Spain	Charter Art. 16	Charter Art. 6	Charter Arts. 13, 15	Charter Art. 5	Charter Art. 3		Charter Arts. 17, 18
Sweden		Art. 16	Art. 16				Art. 16
Switzerland	Art. 56	Arts. 27, 49–52	Art. 36	Art. 27	Art. 4	Arts. 34, 69	Arts. 58–61, 65, 69
Syria	Arts. 16, 17, 18	Art. 3	Arts. 12, 13	Art. 28	Art. 7	Arts. 27, 32	Arts. 8, 10
Thailand	Sec. 26	Sec. 25	Sec. 30	Sec. 26	Sec. 24		Sec. 27
Turkey	Arts. 70, 79	Arts. 70, 75, 88	Arts. 71, 76, 87	Arts. 80, 87	Art. 69		Arts. 68, 70, 72, 73, 83
Ukrainian SSR	Arts. 105, 106	Art 104	Art. 108	Art. 101	Arts. 102, 103	Arts. 99, 100	Art. 107
Union of South Africa [2]	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Union of Soviet Socialist Republics	Arts. 125, 126	Art. 124	Art. 128	Art. 121	Art. 123	Arts. 120, 122	Arts. 110, 111, 127
United Kingdom of Great Britain and Northern Ireland [2]	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	Great Charter of 1297
United States of America	Amend. Art. I	Art. VI Amend. Art. I	Amend. Art. IV [1]		Amend. Art. XIV, XV, XIX		Arts. I 9; III 2, 3; Amendments Arts. I V V, VI, VII, VIII, XIII, XIV
Uruguay	Arts. 38, 39	Art. 5	Arts. 11, 28	Arts. 68, 70	Art. 8	Arts. 40–49	Arts. 7, 12, 15–26, 31
Vatican City				Const. Law, Part 2, Art. 21		Const. Law, Part 2, Art. 20	

Constitutional Guarantees of Individual Rights

Labor	*Movement Within and To and From the Nation*	*Non-Retroactivity of Law*	*Petition*	*Property*	*Social Security*	*Speech and Press*	
Art. XIV, Sec. 6	Art. III, Sec. 4	Art. III, Sec. 11	Art. III, Sec. 8	Art. III, Sec. 2 Art. XIII Secs. 1–3		Art. III, Sec. 8	Philippines
Art. 58			Art. 73			Art. 71	Poland
Arts. 8, 31, 38			Art. 8	Art. 8	Art. 14	Art. 8	Portugal
Art. 77					Art. 79	Art. 85	Rumania
See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	San Marino [1]
							Saudi Arabia
Charter Arts. 24–27	Charter Art. 14	Charter Art. 19	Charter Art. 21	Charter Arts. 30, 32	Charter Arts. 9, 28	Charter Art. 12	Spain
	Art. 16			Art. 16		Arts.85, 86, 108	Sweden
Art. 34	Art. 45		Art. 57		Arts. 34-34D, 48	Art. 55	Switzerland
Art. 26			Art. 9	Art. 21	Art. 27	Arts. 14, 15	Syria
	Sec. 31		Sec. 32	Sec. 29		Sec. 26	Thailand
Arts. 70, 79	Arts. 70, 78		Art. 82	Arts. 70, 71, 74		Arts. 70, 77	Turkey
Arts. 98, 99, 100, 106				Arts. 9, 10	Arts. 98, 100, 102	Art. 105	Ukrainian SSR
See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	Union of South Africa [2]
Arts. 118, 119, 126				Arts. 7, 10	Arts. 118, 119, 120	Art. 125	Union of Soviet Socialist Republics
See Note 2	Magna Charta, 1215	See Note 2	Bill of Rights of 1689	Magna Charta, 1215	See Note 2	See Note 2	United Kingdom of Great Britain and Northern Ireland [2]
	See Art. IV 2 and Amend. XIV, 1	Art. I, 9, 10	Amend. Art. I	Amend. Art. V		Amend. Art. I	United States of America
Arts. 7, 36 53–59	Art. 37		Art. 30	Arts. 7, 32, 33	Arts. 46, 54	Art. 29	Uruguay
	Const. Law, Part 3, Arts. 11, 12						Vatican City

TABLE IV—Continued—RIGHTS OF THE PEOPLE—

	Assembly and Association	*Conscience and Religion*	*Correspondence and Domicile—Inviolability*	*Education*	*Equality*	*Health, Motherhood*	*Individual Liberty and Fair Legal Processes*
Venezuela	Art. 35	Art. 35	Art. 35	Art. 35	Art. 35		Arts. 29, 30, 35
Viet Nam [1]	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Yemen [3]	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Yugoslavia	Art. 5				Art. 1		Art. 5

[1] No detailed enumeration of human rights in any written constitution.
[2] Individual rights in most of the members of the British Commonwealth of Nations trace their origin to the English Bill of Rights of 1689 and other legislative enactments, and to court decisions. There is no effort to enumerate them in any other single constitutional document.
[3] Information not available.

Constitutional Guarantees of Individual Rights

Labor	*Movement Within and To and From the Nation*	*Non-Retro-activity of Law*	*Petition*	*Property*	*Social Security*	*Speech and Press*	
Art. 35	Art. 35	Art. 30		Art. 35		Art. 35	Venezuela
See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	Viet Nam [1]
See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	Yemen [2]
Art. 5		Art. 20					Yugoslavia

[4] References to "Decl." under France, are to the "Declaration of the Rights of Man and of the Citizen of 26 August 1789".
[5] The initials "B" and "GDR" before the article number under Germany, refer to the Bonn Constitution and German Democratic Republic Constitution respectively.
[6] References to "Decl." under Iraq are to the "Declaration of 30 May 1932" when mandatory regime terminated.
[7] Constitution in process of preparation. Not fully effective at time of our going to press. See Summary.

TABLE V

LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Afghanistan	House of Nobles (Art. 67)	Appointed by King (Art. 67)	Not stated	National Council (Shura-i-Milli) (Art. 27)	Elected from provinces and districts, "representatives of all the people" (Arts. 29, 31)	3 years (Art. 31)			
Albania							The People's Convention (Art. 37)	Elected by all citizens, one for every 20,000 people (Art. 40)	4 years (Art. 41)
Andorra							General Council	Elected by heads of families (Art. 1)	4 years (Art. 8)
Argentina	Senate (Art. 47)	Two for each province and two for the Capital elected directly by the people (Art. 47)	6 years (Art. 49)	House of Deputies (Art. 42)	Elected directly by the people, one for each 100,000 inhabitants (Art. 42)	6 years (Art. 44)			
Australia	Senate (Sec. 7)	Ten from each state (total 36) elected directly by the people (Sec. 7)	6 years (Sec. 7)	House of Representatives (Sec. 24)	Minimum of five from each state, proportionate to population, by universal suffrage (Secs. 24, 41)	3 years unless sooner dissolved (Sec. 28)			
Austria	Federal Council (Art. 34)	In proportion to the population of the Land, chosen by Land Diets (Arts. 34, 35)	Duration of Land Diet (Art. 35)	National Council (Art. 24)	Elected by proportional voting. Universal suffrage over 20 years (Art. 26)	4 years unless sooner dissolved (Arts. 27, 29)			
Belgium	Senate (Art. 26)	Elected in proportion to population of each province, plus some chosen by provincial councils and by Senate itself (Art. 53–56 B)	4 years (Art. 55)	House of Representatives (Art. 26)	Elected by direct universal suffrage over 21 years (Art. 47)	4 years (Art. 51) May be dissolved by King (Art. 71)			

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Bhutan [1]									
Bolivia	Senate (Art. 47)	Elected, 3 for each department (Art. 69)	6 years (Art. 71)	Chamber of Deputies (Art. 47)	Elected directly by the people (Art. 65)	4 years (Art. 65)			
Brazil	Federal Senate (Art. 60)	Three from each state, elected on majority principle (Art. 60)	8 years (Art. 60)	Chamber of Deputies (Art. 56)	Elected by proportional representation (Art. 56)	4 years (Art. 57)			
Bulgaria							National Assembly (Art. 16)	Elected by people, one deputy for every 30,000 inhabitants (Art. 18)	4 years (Art. 18)
Burma	Chamber of Nationalities (Sec. 65)	Chosen from various states (Sec. 87, Schedule 2)	4 years or earlier dissolution by President (Sec. 85)	Chamber of Deputies (Art. 65)	1 for each 30,000 to 100,000 population—elected (Sec. 83)	4 years or earlier- dissolution by President (Sec. 85)			
Byelorussian SSR							Supreme Soviet (Art. 20)	Elected by all citizens by general, equal, direct and secret suffrage, one deputy for each 20,000 population (Arts. 21, 109)	4 years (Art. 21)
Cambodia	Council of the kingdom (Art. 78)	24 members representing various interests, 2 appointed by king, 2 elected by National Assembly, remainder by restricted suffrage (Arts. 70–74)	4 years (Art. 76)	National Assembly (Art. 50)	Elected by universal direct suffrage to represent entire nation (Arts. 50, 53)	4 years (Art. 50) Subject to dissolution (Art. 69)			
Canada	Senate (Art. 17)	Appointed by Governor General (Art. 24)	Life (Art. 29)	House of Commons (Art. 17)	Elected from Provinces (Art. 37)	5 years subject to dissolution by Governor General (Art. 50)			

TABLE V—*Continued*—LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Ceylon	Senate (Sec. 7)	15 elected by House 15 appointed by Governor General (Sec. 8)	6 years (Sec. 8)	House of Representatives (Sec. 7)	95 elected in the provinces 6 appointed by Governor General (Sec. 74)	5 years, unless sooner dissolved (Sec. 11)			
Chile	Senate (Art. 24)	5 for each of 9 provincial groups elected by direct ballot (Art. 40)	8 years (Art. 41)	Chamber of Deputies (Art. 24)	Direct vote—one for every 30,000 inhabitants (Art. 37)	4 years (Art. 38)			
China							Legislative Yuan (Art. 62) See also National Assembly, Art. 25 Central Peoples Govt. Council (Organic Law)	Elected from provinces, leagues, racial groups, nationals residing abroad and occupational groups (Art. 64) Elected by Chinese People's Political Consultative Conference pending convocation of All Chinese People's Congress by universal suffrage	3 years (Art. 65)
Colombia	Senate (Art. 93)	Elected by direct vote of all male citizens in respective departments (Art.s 171, 176)	4 years (Art. 95)	House of Representatives (Art. 99)	Elected by direct vote of all male citizens in respective departments (Arts. 99, 171, 177)	2 years (Art. 101)			
Costa Rica							Legislative Assembly (Art. 105)	Elected by the people (Art. 105)	4 years (Art. 107)
Cuba [a]	Senate (Art. 120)	Elected by universal, equal, direct, secret suffrage; nine for each of six provinces (Art. 120)	4 years (Art. 120)	House of Representatives (Art. 123)	Elected by universal, equal, direct, secret suffrage; one for each 35,000 inhabitants (Art. 123)	4 years (Art. 123)			

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Czechoslovakia							National Assembly (Art. V)	300 elected members (Art. V)	6 years (Art. V) Subject to dissolution by President (Sec. 50)
Denmark							Folketing (Art. 3)	179 members elected by general direct universal suffrage (Arts. 28, 29)	4 years Subject to dissolution (Art. 32)
Dominican Republic	Senate (Art. 13)	Universal suffrage—one for each province and district (Art. 10)	5 years (Art. 17)	Chamber of Deputies (Art. 13)	1 for every 60,000 inhabitants (Art. 20)	5 years (Art. 20)			
Ecuador	Senate (Art. 42)	Elected by direct popular vote—2 for each province, also functional ones (Art. 42)	4 years (Art. 42)	House of Deputies (Art. 47)	Elected, one for each 50,000 inhabitants, by provinces (Art. 47)	2 years (Art. 49)			
Egypt							Council of Ministers (Art. 9)	Appointed by the Leader of the Revolution in conjunction with the Revolution Command Council (Art. 8)	
El Salvador							Legislative Assembly of Deputies (Art. 35)	Elected by universal suffrage (Arts. 28, 30)	2 years (Art. 39)
Ethiopia	Senate (Art. 30)	Appointed by Emperor (Art. 31)	No Constitutional Provision	Chamber of Deputies (Art. 30)	Chosen by dignitaries and local chiefs until people are capable of electing them (Art. 32)	Emperor may dissolve (Art. 40)			

TABLE V—Continued—LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Finland							Diet (Art. 2)	Elected by direct and proportional suffrage (Art. 4)	3 years (Art. 3)
France	Council of the Republic (Art. 6)	Elected by communal and departmental bodies by universal indirect suffrage (Art. 6)	See Art. 6	National Assembly (Art. 6)	Elected by universal direct suffrage (Art. 6)	See Art. 6			
Germany (German Federal Republic and German Democratic Republic)	Bundesrat (Bonn, Art. 51) Leander Chamber (GDR, Art. 71)	Appointed and recalled by the States from among members of their governments (Bonn, Art. 51) Elected by Land Legislatures in proportion to party strength (GDR, Art. 72)	At pleasure of the respective States which appoint them (Bonn, Art. 51) Duration of respective Landtag (Art. 72)	Bundestag (Bonn, Art. 38) Volkskamme (GDR, Art. 40)	"Universal, equal, direct and secret elections" (Bonn, Art. 38) Elected by universal direct secret suffrage (GDR, Art. 51)	4 years unless sooner dissolved (Bonn, Art. 39) 4 years (GDR, Art. 51)			
Greece							The King and Parliament (Art. 22)	Elected by direct, universal, secret suffrage (Arts. 66, 68)	4 years (Art. 69) Subject to dissolution (Art. 37)
Guatemala							Congress (Art. 111)	Elected by popular direct suffrage, one deputy for each 50,000 inhabitants (Arts. 111–114)	4 years (Art. 114)
Haiti	Senate (Art. 35)	21 members elected by primary assemblies in the several departments (Art. 40)	6 years (Art. 40)	Chamber of Deputies (Art. 35)	Elected by primary assemblies in the several departments (Art. 36)	4 years (Art. 38)			
Honduras							Congress of Deputies	Elected, one (and an alternate) for each 25,000 inhabitants (Art. 100)	6 years (Art. 96)

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Hungary							Parliament (Art. 10)	Elected by the people on basis of universal, equal, direct and secret suffrage (Art. 62)	4 years Subject to dissolution (Arts. 11, 18)
Iceland	Upper House (Art. 32)	Elected by people by secret ballot (Art. 31)	4 years (Art. 31)	Lower House (Art. 32)	Elected by people by secret ballot (Art. 31)	4 years (Art. 31)			
India	Council of States (Art. 79)	250 members, chosen as representatives of states except 12 nominated by president (Art. 80)	6 years (Art. 83)	House of the People (Art. 79)	Not more than 500 elected on basis of adult suffrage (Art. 81)	5 years, unless sooner dissolved (Art. 83)			
Indonesia							House of Representatives	Elected on basis one for each 30,000 citizens (Art. 56)	4 years Subject to dissolution (Arts. 59, 84)
Iran	Senate (Const. Art. 43)	Half chosen by Shah Half elected Half of each class from Teheran and half from provinces (Const. Arts. 43, 45)		National Assembly (Const. Art. 2)	Elected (Const. Art. 1–4)	2 years (Const. Art. 5)			
Iraq	Senate (Art. 28)	Appointed by King (Art. 31)	8 years (Art. 32)	Chamber of Deputies (Art. 28)	Elected by secret ballot, one deputy for every 20,000 males (Art. 36)	4 years (Art. 38)			
Ireland	Senate (Art. 15)	Chosen in various ways (See Art. 18)	Same as House of Representatives (Arts. 8, 18)	House of Representatives (Art. 15)	Elected from constituencies by universal suffrage (Art. 16)	Not over 7 years (Art. 16)			

TABLE V—Continued—LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Israel							Knesseth (Trans. Law 5709–1949, Art. 1)	Not stated	Not stated
Italy	Senate (Art. 55)	Universal direct ballots by voters over 25 years of age, on a regional basis (Arts. 57, 58)	6 years (Art. 60)	Chamber of Deputies (Art. 55)	Universal direct suffrage, one deputy for every 80,000 inhabitants (Art. 56)	5 years (Art. 60) Subject to dissolution (Art. 88)			
Japan	House of Councillors (Art. 42)	To be elected in a manner to be prescribed by law (Arts. 43, 47)	6 years (Art. 6)	House of Representatives (Art. 42)	To be elected in a manner to be prescribed by law (Arts. 43, 47)	4 years subject to dissolution (Art. 45)			
Jordan	Senate (Art. 62)	Appointed by King (Art. 36)	8 years (Art. 65)	House of Representatives (Art. 62)	Elected under Electoral Law (Art. 67)	4 years, subject to dissolution (Arts. 68, 73)			
Korea							National Assembly (Art. 31)	Elected by universal, direct, equal, secret suffrage (Arts. 31, 32)	4 years (Art. 33)
Laos	Council of the King (Art. 37)	Appointed by King (Art. 37)	Same term as Assembly (Art. 37)	National Assembly (Art. 24)	Elected by universal suffrage (Art. 24)	4 years subject to dissolution (Arts. 24, 33)			
Lebanon							Chamber of Deputies (Art. 16)	Elected as determined by law (Art. 24). May be dissolved by President (Art. 55)	See Art. 24
Liberia	Senate (Art. II)	Elected by property owners, by counties (Art. II, Sec. 2)	6 years (Art. II)	House of Representatives (Art. II)	Elected by property owners (Art. II, Sec. 2)	4 years (Art. II)			

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Libya	Senate (Art. 93)	Half appointed by King, half by legislative Councils of Provinces (Art. 95)	8 years (Art. 98)	House of Representatives (Art. 93)	Elected in accordance with electoral law (Art. 100)	4 years Subject to dissolution (Art. 104)			
Liechtenstein							Diet (Art. 45)	Elected by the people through general, equal, secret, and direct vote according to proportional elective system (Art. 46)	4 years (Art. 47)
Luxembourg							Chamber of Deputies (Art. 50)	Elected directly by universal suffrage of all citizens over 21 years of age (Arts. 50, 51, 56)	6 years Grand Duke may dissolve (Art. 74)
Mexico	Senate (Art. 50)	2 for each state and federal district, elected directly (Art. 56)	6 years (Art. 56)	Chamber of Deputies (Art. 50)	One for every 150,000 direct elections (Art. 52)	3 years (Art. 51)			
Monaco							National Council (and the Prince) (Art. 21)	Elected by universal direct suffrage (Art. 22)	4 years (Art. 22)
Mongolian People's Republic	Little Khural (Art. 18)	1 for every 10,000 population (Art. 18)	3 years (Art. 18)	Great Peoples' Khural (Art. 13)	1 for every 1500 population (Art. 24)	3 years (Art. 15)			
Muscat and Oman	No elected body of representatives								
Nepal [a]	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Netherlands	First Chamber (Art. 80)	Chosen by provincial states by proportional representation (Art. 83)	6 years (Art. 92)	Second Chamber (Art. 90)	Elected by direct universal suffrage, proportional representation (Arts. 81, 82)	4 years (Art. 86) Subject to dissolution (Art. 75)			

TABLE V—*Continued*—LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
New Zealand							House of Representatives (Sec. 32)	80 members. 76 Europeans, 4 Maoris (Electoral Act, Sec. 3)	3 years (Sec. 3)
Nicaragua	Senate (Art. 127)	16 members elected by people, plus ex-presidents and defeated presidental candidate (Art. 127)	6 years for Senators, life terms for ex-presidents (Arts. 127, 155)	Chamber of Deputies (Art. 127)	42 members elected by direct popular vote (Art. 127)	6 years (Art. 152)			
Norway	Lagthing (Art. 49)	Elected directly by universal suffrage (Arts. 49, 50, 57)	4 years (Art. 54)	Odelsthing (Art. 49)	Nominated by Storthing from its own members who have been elected directly by people (Art. 73)	4 years (Art. 54)			
Pakistan [4]	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4
Panama							National Assembly (Arts. 106, 108)	Elected by direct popular vote (Art. 106)	4 years (Art. 108)
Paraguay							Chamber of Representatives (Art. 67)	Elected directly by universal, secret obligatory suffrage (Arts. 44, 67)	5 years (Art. 70)
Peru	Senate (Art. 89)	Elected by direct suffrage (Arts. 90, 94, 84–88)	6 years (Art. 94)	Chamber of Deputies (Art. 89)	Elected by direct suffrage (Arts. 90, 93, 84–88)	6 years (Art. 93)			
Philippines	Senate (Art. VI)	Elected, at large (Arts. 6, Sec. 2, 3)	6 years (Art. VI)	House of Representatives (Art. VI)	Elected, apportioned among provinces (Art. VI, Sec. 5, 6)	4 years (Art. VI)			

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
Poland							Seym (Art. 2)	Elected by the citizens on the basis of one deputy to 60,000 inhabitants (Art. 16)	4 years (Art. 23)
Portugal	Corporative Chamber (Art. 85)	Chosen by local autonomous bodies and social interests (Art. 102)	Depends on qualifying positions (Art. 102)	National Assembly (Art. 85)	Elected by "citizen electors" (Art. 85)	4 years (Art. 85) Subject to dissolution (Art. 81)			
Rumania							Great National Assembly (Art. 23)	Elected by the working people on the basis of one deputy for 40,000 inhabitants (Art. 25)	4 years (Art. 25)
San Marino							Great and General Council (Art. 1)	Elected by the Arringo (heads of families) (Electoral Law Art. 1)	
Saudi Arabia							Advisory Council (Art. 28)	Designated by King (Art. 28)	Not stated
Spain							Cortes (Act of July 17, 1942)	Some elected, some appointed, some representative of organizations (Act of July 17, 1942)	(See Act of July 17, 1942)
Sweden	Rigsdag Upper Chamber (Art. 49)	Elected by Provincial Councils (Rigsdag Law Art. 6)	8 years (Art. 6 Rigsdag Law)	Rigsdag Lower Chamber (Art. 49)	Elected by direct universal suffrage (Rigsdag Law Arts. 13, 16)	4 years subject to dissolution (Art. 13 Rigsdag Law and Const. Art. 109)			

TABLE V—*Continued*—LEGISLATIVE DEPARTMENT

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
witzerland	Council of States (Art. 72)	Appointed by Cantons (Art. 80)		National Council (Art. 72)	Elected by direct and universal suffrage (Arts. 72–76)	4 years (Art. 76)			
yria							Chamber of Deputies (Art. 35)	Elected by direct, universal, secret suffrage (Art. 35)	4 years (Art. 36) unless earlier dissolved (Art. 41)
hailand							Assembly of the People's Representatives (Sec. 45)	Elected by people according to a separate electoral law (Sec. 45)	5 years (Sec. 47)
urkey							Grand National Assembly (Art. 9)	Elected by universal suffrage (Art. 9)	4 years (Art. 13)
krainian SSR							Supreme Soviet (Art. 23)	Elected by general, equal, direct, secret suffrage (Art. 114)	4 years (Art. 21)
nion of South Africa	Senate (Art. 19)	Eight selected by Governor-General in Council; eight from each province, elected by its assemblymen and provincial councillors (Art. 25)	10 years or earlier dissolution of Parliament (Art. 25)	House of Assembly (Art. 19)	Elected directly by qualified voters (Arts. 32, 35)	5 years or dissolution by Governor-General (Art. 45)			
hion of Soviet Socialist Republics	Soviet of Nationalities (Art. 33)	Elected from each republic, region and national area, by universal, equal, direct, secret suffrage (Art. 35)	4 years (Art. 36)	Soviet of the Union (Art. 33)	Elected by universal, equal, direct, secret suffrage (Art. 34)	4 years (Art. 36)			
nited Kingdom of Great Britain and Northern Ireland	House of Lords	Partly hereditary Partly appointed	Life	House of Commons	Direct popular elections universal adult suffrage	5 years unless sooner dissolved			

	Bicameral Legislature						*Unicameral Legislature*		
	Upper House			*Lower House*					
	Name	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*	*Name*	*Method of Selection*	*Tenure*
United States of America	Senate (Art. 1)	Elected by popular vote, two Senators from each state (Amendment XVII)	6 years (Amendment XVII)	House of Representatives (Art. 1)	Chosen by the people (Art. I, Sec. 2)	2 years (Art. I, Sec. 1)			
Uruguay	Senate (Art. 84)	Elected directly by people (Art. 94)	4 years (Art. 97)	House of Representatives (Art. 84)	Elected directly by people (Art. 88)	4 years (Art. 89)			
Vatican City							Legislative power is vested in the Pope or, during a vacancy in the Pontifical See, in the Holy College (Const. Law, Art. 1)		
Venezuela	Chamber of Senators (Art. 62)	Elected by respective legislative assembly of the states (Art. 70)	5 years (Art. 140)	Chamber of Deputies (Art. 62)	Elected by universal, direct, secret ballot (Art. 69)	5 years (Art. 140)			
Viet Nam							National Consultative Assembly (Ord. 1, Art. 10)	Appointed by Chief of State (Ord. 1, Art. 11, 12)	
Yemen							Consultative Assembly	Elective	
Yugoslavia	Council of Producers (Art. 24)	Elected by the producers in proportion to importance of respective economic sectors (Art. 25)	4 years Subject to dissolution (Art. 21)	Federal Council (Art. 24)	Deputies elected by universal, equal, direct suffrage and People's Deputies elected by the respective Republic Councils of the Assemblies of the various republics (Art. 25)	4 years subject to dissolution (Art. 21)			

[1] Authentic information not available. Believed to be unicameral.
[2] These bodies presently suspended by Interim Constitutional Law of 1952 which provides for the legislative power to be exercised by the Council of Ministers.
[3] No legislative body pending adoption of a definitive constitution (Art. 29).
[4] Not determined at time of our going to press.

TABLE VI

EXECUTIVE DEPARTMENT

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Afghanistan	The King (Art. 9)	"Succession to the throne will be in accordance with the selection of His Majesty and the people of Afghanistan" (Art. 5)	King – See Art. 5 Ministers responsible to National Council (Art. 76)	See Art. 5
Albania	"The Government" (Prime Minister, Ministers, and Chairmen of Committees of Economic Planning and of Control) (Arts. 57, 60, 65)	By the People's Convention (Art. 57)	Not fixed – appointed and dismissed by People's Convention (Art. 57)	No limitation
Andorra	Two Vicars	Selected by Bishop of Urgel and French Government	Not provided	No limitation
Argentina	President (Art. 74)	Direct popular election (Art. 82)	6 Years (Art. 77)	No limitation
Australia	Governor General and Federal Executive Council (Sec. 61) Ministers of State (Sec. 64)	Governor General by the British Crown (Sec. 61) Council and Ministers, by the Governor General (Secs. 62, 64)	Council serves during pleasure of Governor General (Sec. 68) Ministers responsible to Parliament	No limitation
Austria	Federal President (Art. 60) Ministers (Art. 69)	Popular election (Art. 60) Ministers appointed by President (Art. 70)	6 Years (Art. 60) Ministers responsible to National Council (Art. 76)	Immediately only once (Art. 60)
Belgium	The King (Art. 60)	Hereditary (Arts. 60, 61)	Life. If incapacitated, Houses select a Regent (Arts. 82-84) Ministers responsible to King (Art. 65)	Not applicable
Bhutan	King	Information not available	Information not available	Information not available
Bolivia	President and his Ministers of State (Art. 83)	President is elected by direct vote (Art. 84) Ministers are appointed by President (Art. 97)	President: 4 years (Art. 84) Ministers: at pleasure of President (Art. 97)	President: after lapse of 4years (Art. 85)

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Brazil	President (Art. 78)	Elected (Art. 81) By universal direct suffrage (Art. 134)	5 Years (Art. 82)	May not succeed himself (Art. 139)
Bulgaria	"The Government" (certain Ministers, and Presidents of Commissions for State Planning, for State Control and for Science, etc.) (Arts. 38, 39)	Elected by National Assembly (Art. 40)	Until relieved by National Assembly, to which it is responsible (Arts. 34, 40)	No limitation
Burma	President (Secs. 45, 59) and Ministers (Secs. 56, 114, 122)	President: elected by both Chambers of Parliament in joint session (Sec. 46) Ministers: selected by Chamber of Deputies (Sec. 56)	President, 5 years (Sec. 48(1)) Ministers: responsible to Chamber of Deputies (Sec. 56)	President: not for more than two terms in all (Sec. 48(2))
Byelorussian SSR	Presidium of Supreme Soviet (Arts. 29, 30)	Elected by Supreme Soviet, to which it is responsible (Arts. 29, 30)	Until a newly-elected Supreme Soviet elects a new Presidium (Arts. 30, 36)	No limitation
Cambodia	King (Art. 35) Council of Ministers (Art. 79)	Hereditary (Art. 25) King appoints the President of Council of Ministers, who appoints Ministers (Art. 80)	Life. Ministers responsible to Parliament (Art. 81)	Not applicable
Canada	The King, by the Governor General and his Privy Council (Arts. 9, 10, 11)	King appoints Governor General, who appoints Privy Council (Arts. 10, 11)	Pleasure of appointing authority (Art. 11)	No limitation
Ceylon	His Britannic Majesty through the Governor General (Art. 45) and a Prime Minister and his Cabinet (Art. 46)	Crown appoints Governor General, who appoints Prime Minister and Cabinet from the Parliament (Art. 46)	Ministers responsible to Parliament (Art. 46)	No limitation
Chile	President (Art. 60)	Direct popular vote (Art. 63)	6 Years (Art. 62)	Not eligible for the ensuing term (Art. 62)

TABLE VI—Continued—EXECUTIVE DEPARTMENT

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
China	President (Art. 35) See also Executive Yuan (Art. 53) State Administrative Council (Organic Law)	As "prescribed by law" (Art. 46) Appointed by People's Govt. Council (Organic Law)	6 Years (Art. 47) Executive Yuan responsible to Legislative Yuan (Art. 57)	"May be elected for a second term" (Art. 47)
Colombia	President (Art. 114)	Elected by direct vote of the citizens (Art. 114)	4 Years (Art. 114)	May not succeed himself (Art. 129)
Costa Rica	President and Ministers of Government (Art. 130)	Elected by direct vote of citizens (Art. 132) Ministers appointed by President (Art. 139)	4 Years (Art. 132)	May not succeed himself (Art. 134)
Cuba [1]	President (Art. 138)	President is elected by universal, equal, direct, suffrage in each Province (Arts. 140, 142)	4 Years (Art. 140)	After lapse of 8 years (Art. 140)
Czechoslovakia	President (Art. 67)	Elected by National Assembly (Art. 68)	7 Years (Art. 69)	May succeed himself once and thereafter only after lapse of 7 years (Art. 70)
Denmark	King (Art. 3)	Hereditary (Art. 2) King appoints and dismisses Ministers (Art. 14)	Life (Art. 1) Ministers responsible to Folketing (Arts. 13, 15)	Not applicable
Dominican Republic	President (Art. 44)	By direct vote (Art. 44)	5 Years (Art. 44)	No limitation
Ecuador	President (Art. 81)	Elected by universal direct suffrage (Art. 84)	4 Years (Art. 84)	After lapse of 4 years (Art. 83)
Egypt	Council of Ministers (Art. 10)	Appointed by leaders of the Revolution in conjunction with Revolution Command Council (Art. 8)		

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
El Salvador	President and Ministers and Under Secretaries of State (Art. 61)	Elected by universal direct suffrage (Arts. 23, 28, 30) Ministers and Under Secretaries of State are appointed by the President (Art. 72)	6 Years (Art. 62)	May never be reelected (Art. 62)
Ethiopia	Emperor (Art. 6)	Hereditary (Art. 3)	Life	Not applicable
Finland	President (Art. 2)	Elected by people (Art. 23)	6 Years (Art. 23)	No limitation
France	President and President of Council of Ministers (Arts. 29, 47)	President elected by Parliament (Art. 29) President of Council of Ministers is appointed by President of the Republic after vote of confidence by National Assembly (Arts. 45, 46)	President, 7 years (Art. 29) President of Council of Ministers, dependent on votes of confidence or censure (Arts. 49, 50)	President eligible for re-election only once (Art. 29)
Germany (German Federal Republic and German Democratic Republic)	Federal President (Art. 54) and Federal Chancellor (Art. 63) President (GDR Art. 101) Minister President and Ministers (GDR, Art. 9)	President by a Federal Convention (Art. 54) Chancellor by Bundestag on proposal of the President (Art. 63) Elected by Peoples Chamber and Laender Chamber in joint session (GDR, Atr. 101) Minister President appointed by largest party of People's Chamber. Other parties represented by Ministers proportionally (GDR, Art. 101)	President – 5 Years (Art. 54) Chancellor at pleasure of Bundestag (Art. 67) President, 4 years (GDR Art. 101) Ministers responsible to Peoples Chamber (GDR, Art. 95)	Immediate reelection of President only once (Art. 54) No limitation
Greece	King and his Ministers (Art. 27)	King is Hereditary (Art. 45) Ministers are appointed by King (Art. 27)	King for life (Art. 45) Ministers are responsible to parliament (Art. 78)	Not applicable
Guatemala	President and his Ministers (Art. 129)	President is elected by people (Art. 130) President appoints Ministers (Art. 137(10))	6 Years (Art. 132)	After lapse of 12 years (Art. 132)
Haiti	President (Art. 76)	Elected by universal direct secret suffrage (Art. 88)	6 Years (Art. 77)	Not immediately- reeligible (Art. 77)

TABLE VI—Continued—EXECUTIVE DEPARTMENT

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Honduras	President (Art. 114)	Elected by popular direct suffrage (Art. 116)	6 Years [3] (Art. 117)	Not for following term [3] (Art. 118)
Hungary	Presidential Council (Art. 19) Council of Ministers (Art. 22)	Elected by National Assembly (Arts. 10, 19)	Responsible to Parliament (Arts. 21, 27)	Inapplicable
Iceland	President of the Republic and other Governmental authorities (Cabinet) (Arts. 2, 13)	President is elected by direct secret ballot (Art. 5)	4 Years (Art. 6) Can be recalled by Plebiscite (Art. 11)	No limitation
India	President (Art. 53)	By an electoral college (Art. 54)	5 Years (Art. 56)	No limitation (Art. 57)
Indonesia	President and Ministers (Arts. 45, 51)	Elected in accordance with separate law President appoints Ministers (Arts. 45, 51)	Not specified	
Iran	Shah, and Ministers appointed by Shah responsible to National Assembly (Const. Law, Arts. 36, 58–60)	Hereditary as to Shah (Const. Law, Art. 36)	Life (Const. Law, Art. 36)	Not applicable
Iraq	King through Ministers appointed by him (Arts. 26, 64)	Hereditary as to King (Art. 20)	Life (Art. 20)	Not applicable
Ireland	President (Art. 12) and Ministers responsible to House of Representatives (Art. 13)	President elected by direct universal suffrage (Art. 12) Ministers appointed by President on nomination of Dail (Art. 13)	President, 7 years (Art. 12(3)) Ministers responsible to House of Representatives (Art. 13)	President, re-eligible for one term only (Art. 12(3))
Israel	President and Government (Trans. Law, 5709–1949, Art.s 6, 10)	President, by Knesseth (State President Tenure Law, 5712–1951, Art. 1) Prime Minister by President (Trans. Law, 5709, Art. 9)	President, 5 years (State President Tenure Law 5712, Art. 2) Government responsible to Chamber of Deputies (Trans. Law, 5709, Art. 11)	No limitation

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Italy	President (Art. 83) and Council of Ministers (Art. 92)	President elected by two thirds majority of Parliament in joint session (Art. 83) Council of Ministers appointed by President of Republic (Art. 92)	President, 7 years (Art. 85) Council of Ministers, during confidence of both Chambers (Art. 94)	No limitation
Japan	Cabinet (Art. 65)	Chosen by the Diet (Art. 67)	Indeterminate; responsible to Diet (Art. 69)	No limitation
Jordan	The King and Ministers (Arts. 30, 41, 45)	King, Hereditary (Art. 28) Ministers, appointed by King (Art. 27)	King, life (Art. 22) Ministers, responsible to parliament (Art. 53)	Not applicable
Korea	President (Art. 51) and State Council (Art. 68)	President elected by National Assembly (Art. 53) Ministers appointed by President (Art. 69)	President, 4 years (Art. 55)	President eligible for consecutive re-election once only (Art. 55)
Laos	King and Ministers (Arts. 8, 19)	King appoints heir (Art. 9) President of Council of Ministers appointed by King (Art. 19)	King life Ministers responsible to Parliament (Art. 21)	Not applicable
Lebanon	President (Art. 49) and Ministers (Art. 53)	President, elected by two thirds majority of votes by Chamber of Deputies (Art. 49) Ministers are appointed and removed by President (Arts. 53, 54)	President, 6 years (Art. 49)	President, only after interval of 6 years (Art. 49)
Liberia	President (Art. III, Sec. 1)	Elected by the people (Art. III, Sec. 1)	8 Years (Art. III, Sec. 1)	Can not succeed himself (Art. III, Sec. 1)
Libya	King and Ministers (Arts. 44, 60)	King hereditary (Art. 45) Ministers appointed by King (Art. 78)	King life Ministers responsible to House of Representatives (Art. 86)	Not applicable

TABLE VI—Continued—EXECUTIVE DEPARTMENT

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Liechtenstein	"Government in Council" consisting of Head of Government and two Administration Councillors (Arts. 78, 79)	Head of Government appointed by Prince (Art. 79)	Head of Government 6 years; Administration Councillors same as Diet (Art. 79)	Yes (Art. 79)
Luxembourg	Grand Duke (Art. 33)	Hereditary (Art. 3)	Life (Art. 3)	Not applicable
Mexico	President (Art. 80)	Direct vote (Art. 81)	6 Years (Art. 83)	Not re-eligible (Art. 83)
Monaco	The Prince, who appoints a Minister of State and three Councillors (Arts. 15–17)	Not stated as to Prince; Ministers, appointed by Prince (Art. 17)	Not stated	Not applicable
Mongolian People's Republic	Council of Ministers (Art. 27)	Appointed by the Little Khural (Art. 32)	Indeterminate (Art. 28)	No limitation
Muscat and Oman	Sultan			
Nepal	King and Ministers (Art. 21)	Ministers responsible to King (Art. 24)		Not applicable
Netherlands	King (Art. 54)	Hereditary (Arts. 10, 11, 12)	Life	Not applicable
New Zealand	Governor General and Ministers	Governor General, by British Crown	Governor General at pleasure, of Crown; Ministers, responsible to Parliament (Const. Art. 1852, Art. 44)	No limitations
Nicaragua	President (Art. 180)	Direct popular vote (Art. 181)	6 Years (Art. 184)	Not eligible for next succeeding term (Art. 186)

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Norway	King (Art. 3)	Hereditary (Art. 6)	Life (Art. 6)	Not applicable
Pakistan	Note 3	Note 3	Note 3	Note 3
Panama	President and Ministers appointed and dismissed by him (Arts. 136, 143)	Elected by direct popular vote (Art. 138)	4 Years (Art. 138)	May not be re-elected for either of the two terms immediately following (Art. 139)
Paraguay	President (Art. 45)	Elected directly by universal, secret, obligatory suffrage (Arts. 44, 49)	5 Years (Art. 47)	Once (Art. 47)
Peru	President (Art. 134)	Elected by direct suffrage (Art. 135)	6 Years (Art. 139)	Not until expiration of one term (Art. 143)
Philippines	President of the Philippines (Art. VII, Sec. 1)	By direct vote of the people (Art. VII, Sec. 2)	4 Years (Art. VII, Sec. 2)	May not serve for more than 8 consecutive years (Art. VII, Sec. 5)
Poland	Council of Ministers (Art. 30)	Appointed by Seym (Art. 29)	Responsible to Seym (Art. 30)	Not applicable
Portugal	President (Art. 72)	Elected by direct suffrage of the citizen electors (Art. 72)	7 Years (Art. 72)	No limitation
Rumania	Council of Ministers (Art. 42)	Appointed by the Great National Assembly (Art. 43)	Responsible to Great National Assembly (Art. 44)	Not applicable
San Marino	Two members of the Great Council (No express constitutional provision)	Chosen by Great Council (No express constitutional provision)	6 Months (No express constitutional provision)	No express constitutional provision
Saudi Arabia	The King, who appoints a Viceroy (Lieutenant General), Directors, and Chiefs (Arts. 5–8)	Not stated	Not stated	No limitation

TABLE VI—Continued—EXECUTIVE DEPARTMENT

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Spain	"Chief of State" (Charter of Spanish People, Art. 2)	By Cortes on proposal of Chief of State or Government and Council of Kingdom (Law of Succession, Arts. 3-9)	Not stated	No limitation
Sweden	King (Art. 1) and Council of State (Arts. 1, 6)	King, hereditary (Art. 1) Council of State, by King and Riksdag (Art. 6)	King, hereditary (Art. 1)	Not applicable
Switzerland	Federal Council (Art. 95)	Appointed by Councils in joint session (Art. 96) Its President and Vice President are chosen from it by Federal Assembly (Art. 98)	4 Years (Art. 96) President and Vice President serve a one year term	No limitation on Councillors, but President and Vice President cannot succeed themselves (Art. 98)
Syria	The President and Cabinet (Art. 69)	President is elected by Chamber (Art. 70) Ministers are appointed by President (Art. 90)	President, 5 years (Art. 73) Cabinet responsible to the Chamber (Art. 98)	Not until the expiration of one term (Art. 73)
Thailand	The King through a Council of Ministers (Sec. 81)	King according to a Law of Succession; Ministers are appointed by King (Secs. 21, 81)	Ministers are responsible to Parliament (Sec. 84)	No limitation
Turkey	Grand National Assembly through President of Republic and Council of Ministers (Art. 7)	Assembly: elected by people (Art. 9) President: elected by Assembly from own members (Art. 31) Ministers: chosen by President (Art. 44)	Assembly: 4 years (Art. 9) President: 1 year (Art. 31) Ministers are subject to dismissal by Assembly (Art. 7)	President is re-eligible (Art. 31)
Ukrainian SSR	Council of Ministers (Arts. 39, 41)	Chosen by Supreme Soviet (Arts. 38, 45)	Responsible to Supreme Soviet or to its Presidium (Art. 40)	No limitation
Union of South Africa	The King, through Ministers, or optionally through a Governor-General (Act. No. 69 of 1934, sec. 4)	Governor-General: appointed by King (Art. 9) Ministers: appointed by Governor-General (Art. 14)	Governor-General: during the King's pleasure (Art. 9) Ministers: during pleasure of King or Governor-General (Art. 4)	No limitation

	Title of Chief Executive	*Method of Selection*	*Tenure of Office*	*Re-eligibility*
Union of Soviet Socialist Republics	Council of Ministers (Art. 64)	Appointed by Supreme Soviet (Art. 70)	Responsible to Supreme Soviet; or when not in session, to its Presidium (Art. 65)	No limitation
United Kingdom of Great Britain and Northern Ireland	The King and Ministers	Throne is hereditary; Ministers are appointed by King	Five years, as to Ministers, unless sooner recalled (See Parliament Act of 1911; I and II Geo. V, Ch. 13)	No limitation
United States of America	President (Art. II, Sec. 1)	Elected by electors from each State, who are elected by popular vote (Art. II, Sec. 1 and Amendment XII)	4 Years (Art. II, Sec. 1)	Two terms only (Amendment XXII)
Uruguay	National Council of Government (Art. 149)	Elected by universal suffrage (Art. 150)	4 Years (Art. 150)	National Councillors may only be re-elected after interval of one term (Art. 153)
Vatican City	The Pope (Art. 1) he may delegate executive power to the Governor (Constit. Law, Art. 6)	Pope Governor is appointed by Pope (Constit. Law, Art. 7)	Pope is appointed for life Governor: at the pleasure of the Pope (Constit. Law, Art. 7)	No limitation
Venezuela	President of the Republic (Art. 100)	Elected by universal, direct, secret ballot (Art. 104)	5 Years (Arts. 42, 104)	No limitation
Viet Nam	Chief of State and Council of Ministers (Ord. 1, Art. 2)	Ministers appointed by Chief of State (Ord. 1, Art. 4)	Ministers responsible to Chief of State (Ord. 1, Art. 4)	
Yemen	King	Elected	Information not available	Information not available
Yugoslavia	The President and Federal Executive Council (Art. 71)	Elected by People's Assembly in joint session (Arts. 74, 82)	Responsible to People's Assembly (Arts. 77, 84)	No limitation

[1] Provisions in suspense during operation of Constitutional Law of 1952.
[2] Extended as to President Andino by Congress and constitutional amendment from February 1, 1933 to January 1, 1949.
[3] Not determined at time of our going to press.

TABLE VII

JUDICIAL DEPARTMENT

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Afghanistan	Appeals from courts may be taken to Ministers, then to Prime Minister, then to King (Art. 24); also a temporary Supreme Court (Diwan-i-ali) for trial of Ministers (Art. 95)	No provision respecting ordinary courts; "Supreme Court" selected according to a "Special Code" (Art. 96)	"Supreme Court" is temporary *ad hoc* body (Art. 95)	No constitutional provision	Are contained in "Fundamental Regulations" (Art. 94)
Albania	Supreme Court (Art. 75)	By People's Convention (Art. 81)	4 Years (Art. 81)	This function is lodged in the Presidium of the People's Convention (Art. 54)	Members of Prefectural and Sub-Prefectural Courts are elected for three years by the Lower People's Councils (Art. 81)
Andorra	See Note 1	Appointed in equal numbers by the Bishop of Urgel and French Government	See Note 1	See Note 1	See Note 1
Argentina	Supreme Court of Justice (Art. 89)	Appointed by President, with consent of Senate (Art. 83)	During good behavior (Art. 91)	Yes (Art. 95)	Arts. 83, 89, 91
Australia	High Court of Australia [2] (Sec. 71)	By Governor General in Council (Sec. 72)	Removable only for misbehavior or incapacity (Sec. 72)	See Sec. 76	Secs. 71–80
Austria	Supreme Court (Art. 92)	See Note 3	See Note 3	Separate Constitutional Court (Arts. 137–147)	Arts. 82–94
Belgium	Court of Cassation (Art. 95)	Appointed by King (Art. 99)	Life (Art. 100)	No (Art. 28)	Arts. 99–105
Bhutan	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Bolivia	Supreme Court (Art. 135)	By Chamber of Deputies (Art. 145A)	10 Years (Art. 145)	Yes (Art. 143(5))	Art. 135

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Brazil	Federal Supreme Court (Art. 98)	By President, after approval by Federal Senate (Art. 99)	Life (Art. 95)	Yes (Art. 101 (III))	Art. 94
Bulgaria	Supreme Court (Art. 61)	By National Assembly (Art. 61)	5 Years (Art. 61)	Function of Presidium (Art. 35(13))	Art. 60
Burma	Supreme Court (Art. 136)	Appointed by President with approval of Joint Session of Parliament (Sec. 140)	Life (Sec. 143(2))	Yes (Art. 135(2))	Secs. 133–149
Byelorussian SSR	Supreme Court (Art. 80)	By Supreme Soviet (Art. 83)	5 Years (Art. 83)	See Art. 30	Arts. 80–92
Cambodia	High Council of Magistrates (Art. 96)	Two members appointed by King, 2 elected by Assembly, 2 elected by magistrates and Minister of Justice as president (Art. 96)	Not stated	No constitutional provision	A special law (Art. 95)
Canada	Supreme Court of Canada (See Art. 101)	Appointed by Governor General (See Art. 101)	Life (See Art. 101)	So construed	Art. 96
Ceylon	Supreme Court [a]. (Art. 52, Order in Council, May 15, 1946)	Appointed by Governor General (Art. 52)	Good behavior, retired at age of 62 (Art. 52)	No provision	Art. 52, Ceylon (Constitutions) Order in Council, May 15, 1946
Chile	Supreme Court (Art. 86)	Chosen by President from list prepared by Court (Art. 83)	Good behavior (Art. 85)	Yes (Art. 86)	Arts. 83–87
China	The Judicial Yuan (Art. 77) Supreme People's Court (Organic Law)	Appointed by President of the Republic with consent of the Control Yuan (Art. 79)	Life (Art. 81)	Yes (Art. 78)	(Art. 82

TABLE VII—Continued—JUDICIAL DEPARTMENT

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Colombia	Supreme Court of Justice (Art. 147)	Elected by the Legislative Houses from lists of three nominated by President of the Republic (Art. 149)	5 Years May be re-elected indefinitely (Art. 148)	Yes (Art. 214)	Art. 152
Costa Rica	Supreme Court of Justice (Art. 152)	Elected by Legislative Assembly (Arts. 157, 158)	8 Years Can be re-elected indefinitely (Art. 158)	Yes (Art. 10)	Art. 152
Cuba [4]	Supreme Court (Art. 171)	Appointed by President with approval of Senate (Arts. 142, 180)	Life (Art. 200)	Yes (Arts. 172, 182)	Art. 171
Czechoslovakia	Supreme Court (Sec. 137)	To be prescribed by law (Sec. 137)	Life (See Sec. 141)	Power given to Presidium of National Assembly (Sec. 65)	Sec. 137
Denmark	High Court of the Realm (Art. 59)	High Court composed of equal number of members of highest Court of Justice and judges elected by Folketing (Art. 59)	6 Years (Art. 59)	Courts may decide questions bearing upon the scope of the authority of the executive power (Art. 63)	Arts. 3, 61
Dominican Republic	Supreme Court of Justice (Art. 57)	Selected by Senate (Art. 19)	Not stated	No constitutional provision	Art. 57
Ecuador	Supreme Court (Art. 113)	Elected by Congress (Art. 55)	6 Years (Art. 116)	Exclusive power of Congress, Art. 189; (see also Arts. 145, 146)	Art. 113
Egypt [5]	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
El Salvador	Supreme Court of Justice (Art. 81)	Elected by Legislative Assembly (Art. 46)	3 Years (Art. 91)	Yes (Art. 95)	Arts. 83, 84
Ethiopia	Supreme Imperial Court [6]	See Note 5	See Note 5	No constitutional provision	Art. 50

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Finland	Supreme Court and Supreme Administrative Court (Art. 2)	Appointed by President upon recommendation of members of the respective courts (Art. 87)	Good behavior subject to retirement requirements by law (Art. 91)	Supreme Court may request legislation interpreting or modifying laws (Art. 58)	Art. 2
France	Court of Cassation [3]; also Superior Council of the Judiciary (Art. 83)	No provision as to Court of Cassation. See Art. 83 for composition of Council of Judiciary	No provision as to Court of Cassation. 6 years as to Council (Art. 83)	No constitutional provision	Art. 84
Germany (German Federal Republic and German Democratic Republic)	Federal Constitutional Court, and Supreme Federal Court (Bonn, Art. 92) Supreme Court of the Republic (GDR, Art. 126)	Federal Constitutional Court—half by Bundestag; half by Bundesrat (Bonn, Art. 94) Federal Supreme Court (See Bonn, Art. 95) Elected by Peoples Chamber on nomination of Ministers (GDR, Art. 131)	Good behavior (Bonn, Art. 97) (GDR, Art. 132)	Yes (Bonn, Art. 93) No provision in GDR Const.	Bonn, Art. 92 GDR, Art. 126, 131, 132
Greece	Supreme Court (Art. 88)	Appointed by King (Art. 87)	Retired between 65 and 75 as fixed by law (Art. 88)	No; but see Art. 82	Art. 87
Guatemala	Supreme Court (Art. 164)	Elected by Congress (Art. 164)	4 Years (Art. 163)	Yes (Art. 170)	Art. 164
Haiti	Court of Cassation (Art. 100)	Appointed by President of the Republic (Art. 100)	10 Years (Art. 100)	Yes (Art. 111)	Arts. 97–109
Honduras	Supreme Court of Justice (Art. 129)	Elected by Congress (Art. 131)	6 Years (Art. 136)	Yes (Arts. 141, 145)	Art. 129
Hungary	Supreme Court (Art. 36)	Elected by Parliament (Art. 39)	5 Years (Art. 39)	No	Arts. 36–41
Iceland	Supreme Court [3]	Not stated	Good behavior—retirement at 65 (Art. 61)	No constitutional provision	Art. 59

TABLE VII—Continued—JUDICIAL DEPARTMENT

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
India	Supreme Court (Art. 124)	Appointed by President (Art. 124)	Good behavior—retirement at 65 (Art. 124)	Yes (Art. 132)	See Art. 124, *et seq*
Indonesia	Supreme Court (Art. 79)	Regulated by separate law	Life (Art. 79)	Regulated by separate law	Regulated by separate law
Iran	Supreme Court (Art. 71); also High Court of Appeal (Art. 75)	Chosen in the manner decreed by the judicial Laws (See Art. 80)	Good behavior (Art. 81)	High court of appeal may judge disputes relating to government departments and offices (Art. 88)	Const. Law Art. 71
Iraq	Court of Cassation [4]; also High Court (Art. 81)	Court of Cassation—not stated; High Court composed of 4 chosen by Senate and 4 judges of Court of Cassation (Art. 82)	Not stated	See Arts. 81, 83, 84, 121	Arts. 68–80, 88, 89
Ireland	Supreme Court (Arts. 26, 34)	Appointed by President (Art. 35)	Life (Art. 35)	Yes (Arts. 26, 34)	Art. 34
Israel [3]	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Italy	Constitutional Court (Art. 135)	One third appointed by President of Republic One third elected by Parliament One third appointed by judges of the highest ordinary and administrative courts (Art. 135)	12 years. Not immediately re-eligible (Art. 135)	Yes (Arts. 134, 137)	Arts. 102, 108
Japan	Supreme Court (Art. 76)	Chief Judge appointed by Emperor upon designation of Cabinet (Art. 6) Other Judges appointed by Cabinet (Art. 79)	Subject to review by the people at first general election of House of Representatives, and at intervals of ten years thereafter (Art. 79)	Yes (Art. 81)	Arts. 76–82
Jordan	See Art. 99	Appointed by Irada (Art. 98)	See Art. 98	See Arts. 57, 122	Arts. 100–110

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Korea	Supreme Court (Art. 76)	Chief Justice appointed by President (Art. 78) Others as determined by law (Art. 76)	10 Years (Art. 79)	Five Supreme Court judges and five members of National Assembly and the Vice President comprise a Constitution Committee for this purpose (Art. 81)	Art. 76
Laos	See Art. 42	See Art. 42	See Art. 42	See Art. 42	See Art. 42
Lebanon	See Article 20 for General Court. There is a High Court for Impeachments (Art. 80)	High Court consists of seven deputies elected by Chamber and the eight highest Magistrates (Art. 80)	High Court convenes for special trials (See Arts. 60, 71)	No constitutional provision	Art. 20
Liberia	Supreme Court (Art. IV, Sec. 1)	Appointed by President with advice and consent of Senate (Art. III, Sec. 1)	During good behavior (Art. IV, Sec. 1)	No constitutional provision	Art. IV, Sec. 1
Libya	Supreme Court (Art. 143)	Appointed by King (Art. 143)	Until 65 years of age (Art. 146)	To give an opinion (Art. 152)	Art. 141
Liechtenstein	Supreme Court (Art. 101); also a High Tribunal of the State (Art. 104)	Supreme Court appointed by Prince upon nominations by Diet (Art. 102); High Tribunal of the State chosen by Diet (Art. 105)	No constitutional provision; organization to de betermined by law (Art. 101)	Yes, in High Tribunal of the State (Arts. 104, 112)	Arts. 99–103
Luxembourg	Superior Court of Justice (Art. 87)	Named by Grand Duke (Art. 90)	Life (Art. 91)	No constitutional provision	Arts. 84–95
Mexico	Supreme Court (Art. 94)	Nominated by President and approved by Senate (Art. 96)	During good behavior (Art. 94)	Yes (Arts. 103, 105)	Arts. 94, 97, 103, 104
Monaco	Court of Appeal provided for by ordinance (Arts. 57, 58); also Supreme Tribunal for constitutional guarantees (Art. 14)	Court of Appeals as provided by ordinance (Art. 57); Supreme Tribunal appointed by Prince upon nominations by Council of State, National Council, Court of Appeal, and Civil Tribunal of first instance (Art. 58)	No constitutional provision (See Arts. 57, 58)	Yes (Art. 14)	Art. 57

TABLE VII—Continued—JUDICIAL DEPARTMENT

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Mongolian People's Republic	Supreme Court of the Republic (Art. 49)	Elected by Little Khural (Art. 52)	4 Years (Art. 52)	Yes (Art. 14)	Art. 49
Muscat and Oman	No constitutional provision	No constitutional provision	No constitutional provision	No constitutional provision	No constitutional provision
Nepal	Pradhan Nyayalaya (Art. 30)	Appointed by King (Art. 30)	Until 65 years of age (Art. 30)	No constitutional provision	
Netherlands	High Court of the Netherlands (Art. 169)	Appointed by King on nomination of Second Chamber (Arts. 169, 173)	Life (Art. 167)	No constitutional provision	Arts. 156, 167
New Zealand	Supreme Court (Judicature Act 1908, Part 1)	Appointed by Governor-General (1908 Act. Art, 11)	Good behavior—optional retirement at 60 (1908 Act, Arts. 8-12)	See Art. 16	Judicature Act 1908 as amended
Nicaragua	Supreme Court (Art. 209)	Elected by Congress (Art. 160)	6 Years (Art. 223)	Yes (Art. 229)	Art. 209, *et seq.*
Norway	Supreme Court (Art. 88); also a High Court of Impeachment (Art. 86)	Appointed (Art. 91)	Not stated	No constitutional provision	Art. 87, *et seq.*
Pakistan	See Note 6	See Note 6	See Note 6	See Note 6	See Note 6
Panama	Supreme Court of Justice (Art. 164)	Appointed by President with approval of Cabinet Council and National Assembly (Arts. 144, 165)	10 Years (Art. 165)	Yes (Art. 167)	Art. 164
Paraguay	Supreme Court (Art. 80)	President in agreement with Council of State (Art. 84)	5 Years (Art. 82)	See Art. 89	Art. 80

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Peru	Supreme Court of Justice (Art. 222)	Elected by Congress from a list presented by the Executive Power (Arts. 221, 222)	See Art. 229	No constitutional provision	Art. 221
Philippines	Supreme Court (Art. VIII, Sec. 1)	Appointed by President with consent of Commission on Appointments (Art. VIII, Sec. 5)	During good behavior until 70 years of age (Art. VIII, Sec. 9)	Yes (Art. VIII, Secs. 2, 10)	Art. VIII, Sec. 1
Poland	Supreme Court (Art. 51)	Elected by Council of State (Art. 51)	5 Years (Art. 51)	No (Art. 25)	Art. 46
Portugal	Supreme Court (Art. 116)	Appointed (Art. 119)	Life (Art. 119)	Only the National Assembly has this power (Art. 123)	Arts. 116–123
Rumania	Supreme Court (Art. 64)	Elected by Grand National Assembly (Art. 67)	5 Years (Art. 67)	No constitutional provision	Arts. 64, 65, 66
San Marino	No constitutional provision	No constitutional provision	No constitutional provision	No constitutional provision	No constitutional provision
Saudi Arabia	No provision except that President of Council is President of the Judiciary (Decree of Dec. 29, 1931, Art. 16(7)	No constitutional provision	No constitutional provision	No constitutional provision	Decree of Dec. 29, 1931 (Art. 17(6)
Spain	See Labor Charter, Art. VII	No constitutional provision	No constitutional provision	No constitutional provision	Labor Charter, Art. VII
Sweden	Supreme Court (Art. 17; see also 20, 21)	Appointed by King, in whom Judicial Power is vested (Art. 17)	Not removable except upon enquiry and sentence (Art. 36)	See Art. 19	See Arts. 20, 21
Switzerland	Federal Tribunal (Art. 106)	Selected by Federal Assembly (Art. 107)	No constitutional provision	Yes (Art. 113)	No constitutional provision
Syria	Supreme Court (Art. 108)	Elected by Chamber of Deputies (Art. 116)	5 Years (Art. 118)	Yes (Art. 122)	Arts. 108–115

TABLE VII—Continued—JUDICIAL DEPARTMENT

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Thailand	Constitutional Tribunal (Sec. 106)	3 persons appointed by Assembly and President of Dika Court, Chief Justice of Court of Appeal and Director General of Public Prosecution Dept. (Sec. 106)	As established by law (Sec. 107)	Yes (Sec. 114)	Sec. 99 *et seq.*
Turkey	Supreme Court (Art. 61)	Eleven members elected from and by the Court of Cassation; ten members elected from and by Council of State (Art. 62)	Not stated	No constitutional provision	Art. 53
Ukrainian SSR	Supreme Court (Arts. 84, 86)	Elected by Supreme Soviet (Art. 87)	5 Years (Art. 87)	This function belongs to the Presidium (Art. 30)	Art. 84
Union of South Africa	Supreme Court of South Africa (Art. 95)	Appointed by Governor-General in Council (Arts. 13, 100)	Life (Art. 101)	No constitutional provision	Arts. 98–116
Union of Soviet Socialist Republics	Supreme Court of the U.S.S.R. (Arts. 102, 104)	Elected by Supreme Soviet (Art. 105)	5 Years (Art. 105)	No constitutional provision	Arts. 102–117
United Kingdom of Great Britain and Northern Ireland	House of Lords	Lord High Chancellor and 7 Lords of Appeal in Ordinary appointed by the Crown, together with peers who have held high judicial office.	Life	No. See Maitland, p. 201	By Statute and Custom
United States of America	Supreme Court (Art. III)	Appointed by the President with advice and consent of Senate (Art. II, Sec. 2)	During good behavior (Art. III, Sec. 1)	So interpreted ' and practised, though no express constitutional power	Art. III, Sec. 1
Uruguay	Supreme Court (Art. 233)	Selected by General Assembly (Art. 236)	10 Years (Art. 237)	Yes (Art. 256)	Art. 233
Vatican City	Supreme Tribunal of the Signature (Const. Law, Art. 10)	Appointed by the Pope (Art. 10)	No constitutional provision	No constitutional provision	Const. Law Art. 10

	Highest Court				*Provisions Regarding Lower Courts*
	Name	*Method of Selecting*	*Tenure of Office*	*Power to Determine Constitutionality of Legislation*	
Venezuela	Federal Court (Art. 129)	Elected by Congress (Art. 130)	5 Years (Art. 130)	Yes (Art. 133)	Art. 129 *et seq*
Viet Nam	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Yemen	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1
Yugoslavia	Supreme Court of the FPRY (1946 Const. Art. 115)	Elected by the People's Assembly (1946 Const. Art. 121)	Judges may be "released from their functions by the People's Assembly" (1946 Const. Art. 121)	No constitutional provision	Art. 115 (1946 Const.)

[1] Information not available.
[2] With appeals in some instances to the Judicial Committee of the Privy Council of the House of Lords.
[3] No express constitutional provision for it.
[4] Some of provisions in suspense during operation of Constitutional Law of 1952.
[5] Constitution merely says that the organization of the courts shall be regulated by law (Art. 50).
[6] Not determined at time of our going to press.
[7] *Marbury vs. Madison*, 3 Cranch. 137 (1803).

TABLE VIII

AREA AND POPULATION[1]

	Area (In Square Miles)	*Population*
Afghanistan	250,000	12,000,000
Albania	10,629	1,210,000
Andorra	191	5,000
Argentina	1,079,965	17,884,926
Australia	2,974,581	8,538,734
Austria	32,369	6,933,905
Belgium	11,775	8,703,119
Bhutan	18,000	300,000
Bolivia	416,040	3,019,031
Brazil	3,286,170	52,645,479
Bulgaria	42,808	7,000,000
Burma	261,610	18,674,000
Byelorussian SSR	89,000	10,386,000
Cambodia	70,590	4,100,000
Canada	3,690,410	14,009,429
Ceylon	25,332	8,103,648
Chile	296,717	6,009,870
China	4,300,000	483,870,000
Colombia	447,536	11,768,430
Costa Rica	23,000	800,875
Cuba	44,164	5,469,000
Czechoslovakia	49,358	12,513,000
Denmark	16,575	4,281,275
Dominican Republic	19,332	2,121,083
Ecuador	175,330	3,400,000
Egypt	383,000	20,729,000
El Salvador	13,176	1,855,917
Ethiopia	350,000	10,000,000
Finland	130,837	4,032,698
France	212,659	42,369,000
Germany	181,590	68,345,881
Greece	51,843	7,603,599
Guatemala	45,452	2,787,030
Haiti	10,204	3,112,000
Honduras	45,000	1,533,625
Hungary	35,875	9,313,000
Iceland	30,709	144,263
India	1,246,880	356,891,624
Indonesia	218,365	76,500,000
Iran	628,000	16,550,000
Iraq	143,000	4,800,000
Ireland	27,137	2,958,878
Israel	8,048	1,607,000
Italy	119,764	46,737,704
Japan	141,529	83,199,637
Jordan	37,700	1,250,000
Korea	85,246	27,000,000
Laos	91,405	1,500,00
Lebanon	3,600	1,160,00
Liberia	43,000	2,500,00
Libya	679,358	888,40
Liechtenstein	65	13,57
Luxembourg	999	298,57
Mexico	763,944	26,922,21
Monaco	0.607	20,20
Mongolian People's Republic	25,000	900,00
Muscat and Oman	82,000	550,00
Nepal	54,000	7,000,00
Netherlands	13,396	10,328,34
New Zealand	103,934	1,984,73
Nicaragua	57,145	1,057,02
Norway	124,556	3,278,54
Pakistan	364,737	75,842,16
Panama	28,575	805,28
Paraguay	150,515	1,406,62
Peru	482,258	8,492,87
Philippines	114,830	19,000,00
Poland	120,818	24,976,92
Portugal	35,466	8,441,31
Rumania	91,671	15,872,62
San Marino	38	12,78
Saudi Arabia	350,000	6,000,00
Spain	194,232	27,976,75
Sweden	173,347	7,099,20
Switzerland	15,737	4,714,99
Syria	72,234	3,252,68
Thailand	225,000	18,147,00
Turkey	296,185	20,936,52
Ukrainian SSR	215,000	40,000,00
Union of South Africa	472,550	12,646,37
Union of Soviet Socialist Republics	8,473,444	193,200,00
United Kingdom of Great Britain and Northern Ireland	94,300	48,998,87
United States of America	3,022,387	150,697,36
Uruguay	72,153	2,650,00
Vatican City	0.16 (108.7 acres)	94
Viet Nam	95,327	22,340,00
Venezuela	352,150	4,985,71
Yemen	80,000	4,500,00
Yugoslavia	95,558	15,772,09
Total	39,508,410	2,290,238,39
Average	about 445,000	about 25,700,00

[1] Figures are from the 1950 edition and are only approximate. They do not include all colonial possessions.

APPENDIX

DATA REGARDING THE BALTIC STATES—ESTONIA, LATVIA AND LITHUANIA

ESTONIA

International Status

At the time of our going to press Estonia is not in fact exercising functions of an independent sovereign nation. It is not a member of the United Nations, and it is not included in the list of non-member nations to which the United Nations distributes information.

Estonia was occupied by the USSR and proclaimed a Soviet Republic in August, 1940. This action has not been recognized by the United States of America. The following is from a letter to the editor from the Department of State, dated January 27, 1947:

> "1. The United States does not recognize the incorporation of Lithuania, Latvia, and Estonia into the Soviet Union and continues to recognize the representatives of the Baltic States accredited to this Government.
>
> "2. The United States diplomatic and consular establishments in Lithuania, Latvia, and Estonia were closed as of September 5, 1940.
>
> "3. Elections were held in Lithuania, Latvia, and Estonia in July, 1940, under Soviet auspices. The parliaments elected as a result of these elections later voted that their countries should become Soviet republics."

Estonia was a member of the League of Nations and signed the Statute of the Permanent Court of International Justice October 18, 1921, and deposited its ratification on May 2, 1923. It adhered to the optional clause (Article 36) relating to compulsory jurisdiction, on certain conditions.

The Estonians are of the Finno-Ugric family. Invaded first by the Danes, in 1219, Estonia became a domain of the Teutonic Order in the middle of the 14th century. For a short period it was divided under Polish and Swedish rules, and from 1625 to 1710 united under the Swedish sceptre. The Swedish-Russian peace treaty of 1721 ceded Estonia to Russia. After the Russian Revolution of March 1917, the Russian Provisional Government of Prince Lvov passed a "special law" granting autonomy to the Estonian people. The advent of the Bolshevik régime in Russia moved the Estonian National Council to proclaim, in November 1917, the political independence of Estonia. This was recognized *de facto* by France and Great Britain early in 1918. There followed the German occupation and, from November 1918 until February 1920, the fighting against the invading Russian Red Army and the

remnants of the German occupation forces. On February 2, 1920, the Tartu (Dorpat) Peace Treaty was signed. By virtue of this treaty, Russia surrendered all her claims to sovereignty over the territory and population of Estonia. Recognized *de jure* by the great European Powers, Estonia was admitted to the League of Nations in September, 1921. The United States accorded its recognition *de jure* to the Estonian Republic on July 27, 1922.

Estonia was again occupied by the USSR in 1940, occupied by Germany in 1941–1944, and reoccupied by the USSR in 1944.

Area, Population

Estonia has an area of 18,353 square miles and an estimated population of 1,134,000.

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LATVIA

International Status

At the time of our going to press Latvia is not in fact exercising functions of an independent sovereign nation. It is not a member of the United Nations, and it is not included in the list of non-member nations to which the United Nations distributes information.

Latvia was occupied by the USSR and proclaimed a Soviet Republic in August, 1940. This action was not recognized by the United States. The following is from a letter to the editor from the Department of State dated January 27, 1947:

> "1. The United States does not recognize the incorporation of Lithuania, Latvia, and Estonia into the Soviet Union and continues to recognize the representatives of the Baltic States accredited to this Government.
>
> "2. The United States Diplomatic and Consular establishments in Lithuania, Latvia, and Estonia were closed as of September 5, 1940.
>
> "3. Elections were held in Lithuania, Latvia, and Estonia in July 1940, under Soviet auspices. The parliaments elected as a result of these elections later voted that their countries should become Soviet republics."

The Latvian Minister in Washington has sent to the editor photostatic copies of certificates by Secretary of State Marshall, under date of May 28, 1947, that Dr. Alfred Bilmanis is duly accredited to the United States as Envoy Extraordinary and Minister Plenipotentiary and Consul General of Latvia; that the legal existence of the Treaty of Friendship, Commerce and Consular Rights, as well as of all other treaties between the United States and the Republic of Latvia, has not been affected by any of the acts of the Soviet régime which assumed power in Latvia in 1940, or of any subsequent régime in that country; that the incorporation of Latvia by the Union of Soviet Socialist Republics is not recognized by the Government of the United States; and that the legality of the so-called "nationalization" laws and decrees, or of any of the acts of the Soviet régime which assumed power in Latvia in 1940, or of any subsequent régime in that country, has not been recognized by the Government of the United States.

Latvia was a member of the League of Nations and signed the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court

of International Justice and also accepted the optional clause (Article 36) relating to compulsory jurisdiction.

It was at one time dominated by Poland, then by Sweden, and in 1795 annexed by Peter the Great to Russia. There were attempted uprisings during the nineteenth century and the idea of an independent Latvia grew strong, resulting in reforms and the promise of autonomy to the Baltic provinces in 1905. That grant, however, was not put into effect. During World War I, Latvia fought strongly against the Germans, but was turned over to Germany by the treaty of Brest-Litovsk. After the fall of Germany it became independent *de facto*, and in 1920 was cleared of all foreign troops and recognized as independent by the USSR. During World War II, Latvia was invaded and occupied for three years by the Germans.

Area, Population

Latvia has an area of 25,402 square miles and a population of about 1,950,000.

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LITHUANIA

International Status

At the time of our going to press Lithuania is not in fact exercising functions of an independent sovereign nation. It is not a member of the United Nations, and is not included in the list of non-member nations to which the United Nations distributes information.

Lithuania was occupied by the USSR and proclaimed a Soviet Republic in August, 1940. This action was not recognized by the United States. The following is from a letter to the editor from the Department of State dated January 27, 1947:

> "1. The United States does not recognize the incorporation of Lithuania, Latvia, and Estonia into the Soviet Union and continues to recognize the representatives of the Baltic States accredited to this Government.
>
> "2. The United States Diplomatic and Consular establishments in Lithuania, Latvia, and Estonia were closed as of September 5, 1940.
>
> "3. Elections were held in Lithuania, Latvia, and Estonia in July, 1940, under Soviet auspices. The parliaments elected as a result of these elections later voted that their countries should become Soviet republics."

Lithuania was a member of the League of Nations and signed the Paris Pact of 1928. It signed and ratified the Statute of the Permanent Court of International Justice and also accepted the optional clause relating to compulsory jurisdiction (Article 36).

As a result of attacks from all sides, the Lithuanian chiefs formed a unified national state as early as 1248. During the late thirteenth and early fourteenth centuries, Lithuania became one of the most powerful states in Europe, with territory extending as far east as the Dnieper and as far south as Odessa on the Black Sea. However, in 1413 a "personal union" between Lithuania and Poland was recognized and, in 1569, a single Polish-Lithuanian state was organized with one ruler and a single legislative body, although Lithuania retained complete autonomy. This lasted until the partitions of Poland, and Lithuania was annexed to Russia in 1795. Lithuanian rights and privileges were suppressed resulting in revolts in 1812, 1831, and 1863 and strong agitation for autonomy from 1880 onward.

Lithuania was a battleground in World War I and suffered from both the Russian and the German occupation. In 1918 it declared its inde-

pendence. A state of war existed between it and Poland from 1920 to 1927, as a result of the latter's seizure of Vilna, and diplomatic relations between the two countries were interrupted until 1938. Memel was also a controversial spot and in 1923 was internationalized and administered by representatives of Lithuania and the League of Nations.

During World War II, Lithuania was invaded and occupied for three years by Germany.

Area, Population

Lithuania has an area of about 24,000 square miles and an estimated population of about 3,000,000.

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