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force by a *Hatt-i-humayoun* of 2 August 1908, under the influence of the Young Turk party, and within a year afterwards was revised, 19 articles being modified.¹

CONSTITUTION OF 23 DECEMBER 1876, AS AMENDED IN 1909.²

THE OTTOMAN EMPIRE.

ARTICLE 1. The Ottoman Empire comprises the existing territories and divisions and the privileged provinces. It forms an indivisible whole, and can never allow any part to be detached for any reason whatever.

ART. 2. Constantinople shall be the capital of the Ottoman Empire. That city shall possess no privilege or immunity not enjoyed by other Ottoman towns.

ART. 3.³ The imperial Ottoman sovereignty, which carries with it the Supreme Caliphate of Islam, falls to the eldest prince of the House of Osman, according to the rule established *ab antiquo*. On his accession the Sultan shall swear before Parliament, or, if Parliament is not sitting, at its first meeting, to respect the provisions of the Sheri⁴ and the Constitution, and to be loyal to the country and the nation.⁵

ART. 4. As Caliph, His Imperial Majesty the Sultan is the protector of the Mussulman faith; and he is the ruler and padishah of all Ottoman subjects.

ART. 5. The person of His Imperial Majesty the Sultan is sacred and irresponsible.

ART. 6. Liberty of the members of the dynasty of Osman, their property, both real and personal, and the civil list granted them for life by the law *ad hoc* are under the guarantee of all.

ART. 7.³ Among the sacred prerogatives of the Sultan are the following: The mention of his name in prayers; the minting of money; the granting of high public offices and titles, according to the law *ad hoc*; the conferring of orders; the selection and appoint-

¹ These introductory paragraphs are based upon F. R. DARESTE ET P. DARESTE, *Les Constitutions modernes* (3d edition, Paris, 1910), vol. II, pp. 319-321.

² Translation based upon that in the *British and Foreign State Papers*, 102: pp. 819-833. French translation in DARESTE, *op. cit.*, pp. 323-343. English translation of the original Constitution appears in the *British and Foreign State Paper*, 67: pp. 683-698. German translation in PAUL POSENER, *Die Staatsverfassungen des Erdballs* (Charlottenburg, 1909), pp. 892-904. The above is a translation of the Constitution as it stood on 1 May 1912, according to the "Official Almanac" (*Sai Name*) and the "Official Gazette" (*Takvim-i-Vekai*).

³ As amended in 1909.

⁴ The ecclesiastical or canon law.

⁵ The sentence concerning the oath was added in 1909.

ment of the Grand Vizier and the Sheik-ul-Islam; the confirmation in their offices of the members of the Cabinet formed and proposed by the Grand Vizier, and, if need arise, the dismissal and replacement of ministers according to established practice; the approval and putting into force of general laws; the drawing up of regulations concerning the working of government departments and the method of administering the laws; the initiative in all kinds of legislation; the maintenance and execution of the canon and civil laws; the appointment of persons to the privileged provinces according to the terms of their privileges; the command of the military and naval forces; the declaration of war and the making of peace; the reduction and remission of sentences passed by penal courts; the granting of a general amnesty with the approval of Parliament; the opening and closing of the parliamentary sessions; the summoning of Parliament before its time in extraordinary circumstances; the dissolution of the Chamber of Deputies if necessary, with the consent of the Senate, on condition that the elections take place and the Chamber assembles within three months; and the conclusion of treaties in general.

Only, the consent of Parliament is required for the conclusion of treaties which concern peace, commerce, the abandonment or annexation of territory, or the fundamental or personal rights of Ottoman subjects, or which involve expenditure on the part of the State. In case of a change of Cabinet while Parliament is not sitting, the responsibility arising out of the change rests upon the new Cabinet.

THE PUBLIC RIGHTS OF OTTOMANS.

ART. 8. All subjects of the Ottoman Empire, without exception, are styled Ottoman, whatever may be their faith or creed. The character of Ottoman subjects can be obtained or lost in the cases specified by law.

ART. 9. All Ottomans enjoy personal liberty, and they are bound not to interfere with the liberty of others.

ART. 10.¹ Personal liberty shall be absolutely inviolable. Except for the reasons and in the manner prescribed by the canon and the civil law, no one shall be arrested or punished on any pretext whatsoever.

ART. 11. The religion of the Ottoman State shall be the Mussulman religion; but, while maintaining this principle, the State shall protect the free exercise of all the religions recognized in the Ottoman dominions, and shall maintain as hitherto the religious privileges granted to the various communities, provided that they do not disturb public order and are not harmful to public morals.

¹ As amended in 1909.

ART. 12.¹ The press shall be free within the limits prescribed by law. It can not be subjected to inspection or examination of any kind before printing.

ART. 13. Ottoman subjects shall be at liberty to form companies of all kinds for commerce, industry or agriculture, within the limits prescribed by the laws and regulations.

ART. 14. One or more persons of Ottoman nationality shall have the right to present petitions to the proper authority with regard to breaches of the laws and regulations, whether their personal interests or those of the public be prejudiced; they shall also have the right to present signed petitions to Parliament complaining of the conduct of State officials.

ART. 15. There shall be freedom of education. Every Ottoman shall be at liberty to attend any course of instruction, whether public or private, so long as he conforms to the law.

ART. 16. All schools shall be under the supervision of the State. The necessary steps shall be taken, whereby the education of Ottoman subjects may be unified and organized; but there shall be no interference with the religious education of the various communities.

ART. 17. All Ottomans shall be equal before the law, and shall have equal rights in, and equal duties towards, their country, without prejudice to their religious affairs.

ART. 18. A knowledge of Turkish, which is the official language of the State, is essential to the employment of an Ottoman subject in the service of the State.

ART. 19. The government service shall be open to all Ottoman subjects, according to their capacity and ability.

ART. 20. Taxes which it has been decided to levy shall be distributed among all Ottoman subjects in accordance with the regulations *ad hoc* and in proportion to the taxable capacity of each person.

ART. 21. To everyone shall be assured the ownership of the real and personal property to which he has a regular title. The real property possessed by any person can not be taken unless the expropriation is proved to be necessary in the public interest and the value of the property is paid in advance according to the law.

ART. 22. The dwelling-place and residence of every person in the Ottoman dominions shall be inviolable. The government may not make a forcible entry into any one's dwelling-place or residence for any reason whatsoever, except in the cases laid down by law.

ART. 23. No one shall be bound to appear before a court not being the competent court under the law on judicial procedure which is to be drawn up.

¹ As amended in 1909.

ART. 24. The confiscation of property, forced labor and exactions of money are forbidden; but there are exceptions in the case of taxes regularly levied and measures regularly adopted in time of war.

ART. 25. Except in virtue of a law, no sum of money shall be levied as tax or impost, or under any other name.

ART. 26. Torture of every kind whatsoever is categorically and absolutely forbidden.

THE CABINET.

ART. 27.¹ Just as His Imperial Majesty the Sultan entrusts the posts of Grand Vizier and Sheik-ul-Islam to men in whom he has confidence, so the other ministers, who are approved and proposed by the Grand Vizier entrusted with the formation of the Cabinet, are confirmed in their offices by imperial irade.

ART. 28. The Council of Ministers shall meet under the presidency of the Grand Vizier. It shall deal with affairs of importance, both home and foreign. Such of its decisions as need the imperial assent shall be put into force by imperial irade.

ART. 29. Each minister shall deal, according to practice and within the limits of his attributions, with affairs concerning his department, and those matters with which he is not competent to deal he shall refer to the Grand Vizier. In the case of matters which need the imperial sanction, those which do not need discussion shall be submitted directly to the Sultan by the Grand Vizier; those which need discussion shall be submitted when they have been discussed in the Cabinet. The Grand Vizier shall also communicate the decision of the Council of Ministers in cases where the imperial sanction is not necessary. The various classes and categories of business shall be determined by a special law.

The Sheik-ul-Islam shall communicate directly to the Sultan those matters which do not need discussion.²

ART. 30.¹ Ministers shall be responsible to the Chamber of Deputies collectively for the general policy of the government and personally for the affairs of their respective departments. Decisions which need the imperial sanction shall only become valid if signed by the Grand Vizier and the minister concerned, who thus accept the responsibility, and countersigned by the Sultan. Decisions arrived at by the Council of Ministers shall bear the signatures of all the ministers, and, in cases where the imperial assent is necessary, these signatures shall be headed by that of His Imperial Majesty the Sultan.

¹ As amended in 1909.

² This sentence was added in 1909.

ART. 31. If one or more members of the Chamber of Deputies wish to bring a complaint against a minister with regard to a matter affecting his responsibility and coming within the powers of the Chamber, a note containing the complaint shall be handed to the president of the Chamber of Deputies to be examined by the committee appointed, according to the rules of the Chamber, to decide whether such matters shall be referred to the Chamber or not. This note shall be sent to the committee by the president within three days, and the committee shall make the necessary investigations and obtain sufficient explanations from the person against whom the complaint is made. If the committee decides by a majority that the complaint is a matter for discussion, its decision to this effect shall be read in the Chamber of Deputies. If necessary, the person complained of shall be summoned to appear, and his explanations, given either by himself or by his deputy, shall be heard. If the decision is adopted by an absolute majority of two thirds of the membership of the Chamber, a report asking for the trial of the person concerned shall be presented to the Grand Vizier, who will submit it for the Sultan's sanction and will transmit it to the High Court in virtue of an imperial irade.

ART. 32. The method of trying ministers who have been indicted shall be determined by a law *ad hoc*.

ART. 33. There shall be no difference between ministers and other Ottoman subjects with regard to actions which only concern them personally and do not arise out of their public functions. Such matters shall be dealt with by the ordinary courts which have jurisdiction in such cases.

ART. 34. A minister who has been indicted by the Charges Chamber of the High Court shall be suspended until his innocence is established.

ART. 35.¹ If a divergence of views arises between the Cabinet and the Chamber of Deputies, and the Cabinet persists in its view while the Chamber categorically and repeatedly rejects it, the Cabinet shall either accept the Chamber's decision or resign. In case of resignation, if the new Cabinet persists in the view held by its predecessor and the Chamber again rejects it, giving its reasons for so doing, His Imperial Majesty the Sultan may dissolve the Chamber on condition that the elections are begun according to Article 7; but if the new Chamber maintains and persists in the view held by its predecessors, the view and decision of the Chamber must be accepted.²

ART. 36.¹ If, while Parliament is not sitting, there appears an urgent necessity to guard the State from harm or the public safety from danger, and the time does not permit the summoning and as-

¹ As amended in 1909.

² The clause giving the Chamber the final decision was added in 1909.

sembly of Parliament for the discussion of the necessary law on the subject, decisions of the Council of Ministers, provided they are not contrary to the provisions of the Constitution and are sanctioned by imperial irade, shall have the force of temporary laws until Parliament meets and gives a decision; but they must be submitted to the Chamber of Deputies at its first sitting.

ART. 37. Every minister has the right to be present at a sitting of either house whenever he wishes, or to send one of the chiefs of his department to represent him. He also has the precedence of private members in making speeches.

ART. 38. If the Chamber of Deputies decides by a majority to summon a minister in order to ask for an explanation of some matter, he shall either appear in person or send one of the chiefs of his department and make answer to the questions asked; or if he thinks it necessary, he has the right to ask, on his own responsibility, that his reply may be postponed.

If, as the result of an interpellation, the Chamber of Deputies passes a vote of no confidence by a majority, the minister falls. If a vote of no confidence is passed on the Premier, the whole Cabinet falls.¹

PUBLIC OFFICIALS.

ART. 39. All public officials shall be selected for posts for which they are qualified by capacity and merit, according to conditions to be laid down by law. Officials thus selected can only be dismissed or changed, if it is proved that their conduct gives legal justification for their dismissal, if they resign, or if the government thinks such a course necessary. Officials of good conduct and probity and those whom the government is compelled for some reason to put *en disponibilité* shall obtain promotion or pensions or an allowance as *en disponibilité* on conditions to be laid down by law.

ART. 40. The attributions of every post shall be laid down by special regulation, and every official shall be responsible within the limits of his attributions.

ART. 41. Every official must respect his superior; but his obedience is confined within the limits laid down by law. In matters which are contrary to the law, obedience to a superior does not absolve from responsibility.

PARLIAMENT.

ART. 42. Parliament shall consist of two distinct bodies: the Senate and the Chamber of Deputies.

ART. 43.² Both houses of Parliament shall meet without being summoned on 1 November [old style] of every year. They shall be

¹ This paragraph was added in 1909.

² As amended in 1909.

opened by imperial irade. and closed again by irade on 1 May [old style]. Neither of the houses can meet while the other is not sitting.

ART. 44.¹ If need arises, His Imperial Majesty the Sultan may open Parliament before the specified time, either on his own initiative or on application from an absolute majority of the members. He may also prolong the session, either in virtue of a decision of Parliament or on his own initiative.

ART. 45. On the day of the opening of Parliament the opening ceremony shall take place before His Imperial Majesty the Sultan or the Grand Vizier as his representative, and in the presence of the Cabinet and of the members of both houses. An imperial speech shall be read concerning home affairs and foreign relations during the past year, and the measures it is considered necessary to adopt during the coming year.

ART. 46. Persons elected or nominated members of one of the houses of Parliament shall swear to be loyal to His Imperial Majesty the Sultan and their country, to be faithful to the provisions of the Constitution and to the mandate given them, and to refrain from any act incompatible with their duties.

The oath shall be taken on the day of opening in the presence of the Grand Vizier. Those who are absent on that day shall take the oath in the presence of their respective presidents when the house to which they belong meets.

ART. 47. Members of Parliament shall be free in the recording of their votes and the expression of their views. No member shall be bound by any kind of promise, threat or instructions, and no charge shall be brought against a member for any vote he may have given or any opinion he may have expressed during a debate in the house, unless he has acted in violation of the rules of the house; in which case he shall be dealt with according to the provisions of the said rules.

ART. 48. If a member of Parliament is accused, by an absolute majority of two thirds of the members of the house to which he belongs, of treason, of attempting to abolish or overthrow the Constitution, or of corruption, or is sentenced by law to a penalty which entails imprisonment or exile, he shall lose his seat as member of Parliament, and the case shall be heard and the penalty inflicted by the competent court.

ART. 49. Every member of Parliament shall record his vote in person. Every member has the right to abstain from recording his vote for the rejection or acceptance of any matter which comes up for discussion.

ART. 50. No person shall be a member of both houses of Parliament at the same time.

¹ As amended in 1909.

ART. 51. No debate shall be begun in either house, unless half the members plus one are present. All resolutions shall be passed by an absolute majority of the members present, except in cases for which a two thirds majority is required. When the votes are equally divided, the president shall have a casting vote.

ART. 52. If anyone presents to either house or to both houses of Parliament a petition concerning his personal affairs, and it is established that the petitioner did not first apply to the competent State officials or to the authority to which those officials are subordinate, the petition shall be rejected.

ART. 53.¹ Every minister, senator or deputy has the right to propose that a new law be drawn up or an existing law amended. Each house sends to the other the bills it has drawn up or amended, and, after acceptance, they are submitted for the imperial sanction.

ART. 54.¹ Bills become law after being examined and accepted by the Chamber of Deputies and the Senate, and sanctioned by imperial irade. Bills submitted for the imperial sanction must either receive that sanction within two months or be returned for reexamination. If a bill sent back to be discussed again is to be accepted, it must be voted by a two-thirds majority. Bills which are voted urgent must either be sanctioned or be returned within ten days.

ART. 55. A bill can not be accepted, unless it has been read and voted by a majority, clause by clause, and afterwards again voted as a whole, successively by the Chamber of Deputies and the Senate.

ART. 56. Neither house can admit, or hear the explanations of anyone who is not a minister, or a representative sent by the Cabinet, or one of their own members, or a public functionary summoned officially, whether he come to make a communication in his own name or as the representative of a group of individuals.

ART. 57. Debates in both houses shall be conducted in Turkish. Copies of the bills to be discussed shall be printed and distributed to members before the day fixed for the debate.

ART. 58. In both houses the votes shall be recorded by calling the roll, by making some particular sign, or by secret ballot. For the voting to be by secret ballot, a decision in that sense by a majority of the members present is required.

ART. 59. The internal discipline of each house shall be under the control of the president of that house.

THE SENATE.

ART. 60. The president and the members of the Senate shall be directly nominated by the Sultan. The number of senators shall not

¹ As amended in 1909.

exceed one third of the number of the members of the Chamber of Deputies.

ART. 61. To be nominated senator, it is necessary to be not less than 40 years of age, and to have shown oneself, by one's acts and deeds, worthy of the trust and confidence of the public, and to be renowned for laudable service in State affairs.

ART. 62. Membership of the Senate is for life. This dignity may be conferred on persons *en disponibilité* who have filled the post of Cabinet minister, governor-general (*vali*), commander of an army corps (*ordu mushiri*), superior judge (*kazi asker*), ambassador or minister plenipotentiary, patriarch or chief rabbi; on generals of division and vice-admirals; and in general on any suitable persons possessing the necessary qualifications. A senator shall lose his seat in the Senate on being appointed to another post by the State at his own request.

ART. 63. The salary of a senator is fixed at 10,000 piastres a month. If a senator is in receipt of a salary or an allowance from the Treasury under some other head, if that salary or allowance is less than 10,000 piastres, it shall be increased to 10,000; while if it equal to or more than 10,000, the senator retains it.

ART. 64. The Senate examines the budgets¹ sent up by the Chamber of Deputies, and if they be found to contain anything fundamentally opposed to religion, to the imperial rights of His Imperial Majesty the Sultan, to liberty, to the provisions of the Constitution, to the territorial integrity of the Ottoman Empire, to the internal security of the country, to the means of national defense and protection, or to public morals, the Senate either rejects them altogether, giving its reasons for so doing, or returns them to the Chamber of Deputies, with observations, to be modified or amended. The bills it accepts it shall confirm and submit to the Grand Vizierate. The Senate shall examine the petitions presented to it, and, if it thinks necessary, shall transmit them to the Grand Vizierate, with observations.

THE CHAMBER OF DEPUTIES.

ART. 65. The number of deputies is fixed at 1 for every 50,000 male Ottoman subjects.

ART. 66. The elections shall take place by secret ballot. The method of election shall be laid down by a law *ad hoc*.

ART. 67. The mandate of deputy is incompatible with public functions, except those of minister. If any other public official is elected deputy, his acceptance or rejection of the office depends on himself; but, if he accepts, he must resign his position as a public official.

¹ *Sic*, but evidently refers to all bills.

ART. 68. The following may not be elected to the Chamber of Deputies:

1. Those who are not Ottoman subjects.
2. Those who, in virtue of the special law on the subject, enjoy privileges as being temporarily in foreign service.
3. Those who do not know Turkish.
4. Those under the age of 35.
5. Those who are in the service of a private person at the time of the election.
6. Those who have been declared bankrupt and have not been rehabilitated.
7. Those who are notorious for their evil ways.
8. Those who have been placed under a judicial injunction, unless the injunction has been removed.
9. Those who have lost their civil rights.
10. Those who lay claim to a foreign nationality.

In the elections which take place 4 years later, a knowledge of how to read Turkish, and, as far as possible, to write it, shall also be a condition of eligibility for election.

ART. 69. The general election for the Chamber of Deputies shall take place once every 4 years. The mandate of every deputy is for 4 years only; but he may be reelected.

ART. 70. The general election shall begin at least four months before the date fixed for the first sitting of the Chamber, that is, 1 November.

ART. 71. Every member of the Chamber of Deputies is the representative, not exclusively of the constituency which has elected him, but of all the Ottomans.

ART. 72. Electors are bound to choose their deputies from among the population of the province to which they belong.

ART. 73. If the Chamber of Deputies is dissolved by imperial irade, the general election shall be begun so as to allow of the meeting of the Chamber within six months at most from the date of the dissolution.

ART. 74. If a member of the Chamber of Deputies dies, or suffers from some lawful impediment, or absents himself from the Chamber for a long period, or resigns, or loses his seat by reason of the sentence of a court of law or of an appointment to a government post, another shall be elected in his place according to practice, so that he may sit at the latest in the next session.

ART. 75. The mandate of a deputy elected to fill a vacant seat only remains in force until the next general election.

ART. 76.¹ Every deputy shall receive 30,000 piastres from the Treasury for each session, and traveling expenses both ways ac-

¹ As amended in 1909.

ording to the law on civil servants, and calculated on a salary of 5,000 piastres a month. If the session is prolonged beyond the date specified by law, they shall receive a supplementary allowance of 5,000 piastres a month.

ART. 77. Every session the Chamber of Deputies shall elect a president and two vice-presidents by a majority, and their election shall be submitted to His Imperial Majesty the Sultan.

ART. 78. The debates of the Chamber of Deputies shall be public; but if the Cabinet or 15 deputies propose that the debate on some important matter shall be secret, the place in which the Chamber is sitting shall be cleared of all persons except the deputies, and the question of accepting or rejecting the proposal shall be submitted to a majority vote.

ART. 79. While the Chamber is sitting, no deputy shall be arrested or tried, except when taken *in flagrante delicto*, unless the Chamber decides by a majority that there is good ground for the charge.

ART. 80.¹ The general expenditure of the State shall be examined in detail in the Chamber of Deputies, in accordance with the budget law, and the total shall be voted by the Chamber in the presence of the Cabinet. The nature and the amount of the revenues by which the expenditure is to be met, and the distribution of and method of levying the same, shall likewise be decided upon in the presence of the Cabinet.

COURTS OF LAW.

ART. 81. Judges appointed by the State in accordance with the law *ad hoc* and furnished with commissions (*berat*) are irremovable; but they may resign. The promotion of judges, their career, replacement, retirement on a pension, and dismissal in consequence of a condemnation for a criminal offense are also subject to the provisions of the law *ad hoc*. This law also specifies the qualifications necessary in the case of judges and other judicial officials.

ART. 82. The hearings of cases of all kinds in the courts are public, and the sentences may be published. But a court may hold a secret sitting for any one of the reasons clearly laid down by law.

ART. 83. Every person may use any lawful means he thinks necessary in defending his rights in court.

ART. 84. A court may not refuse, on any pretext whatsoever, to hear a case which comes under its jurisdiction; and when once the hearing, or the preliminary investigations necessary for the hearing, have begun, the case may not be postponed or hindered, unless the plaintiff withdraws his action: and even then, if the case is penal,

¹ As amended in 1909.

the government shall continue to exercise its rights according to the law.

ART. 85. Every action shall be heard by the court to whose jurisdiction it belongs. Actions between private persons and the government shall also be within the jurisdiction of the ordinary courts.

ART. 86. The courts shall be free from interference of any kind.

ART. 87. Matters concerning the Sheri shall be heard in the Sheri courts; those concerning the Nizam¹ in the civil courts.

ART. 88. The various classes of courts, their duties, jurisdiction and divisions, and the emoluments of the judges are laid down by law.

ART. 89. Apart from the courts sanctioned by law, no extraordinary court may be formed, nor any commission having a right to pass sentence, under any name whatsoever, with the object of hearing certain special matters and giving judgment. But where the law appoints, the nomination of a judge-delegate (*muvelle*) or an arbitrator is lawful.

ART. 90. No judge may occupy any other paid government post simultaneously with his judgeship.

ART. 91. In penal affairs the rights of the public shall be protected by public prosecutors. The duties and grades of these public prosecutors shall be laid down by law.

THE HIGH COURT.

ART. 92. The High Court shall consist of 30 members, of whom 10 each shall be chosen and appointed by lot from the Senate, the Council of State, and the presidents and members of the Court of Cassation and the Court of Appeal.

The High Court shall be summoned by imperial irade when necessity arises, and shall sit in the Senate. Its attributions shall be to try ministers, presidents or members of the Court of Cassation or the Court of Appeal, and any persons who commit treason against the sovereign or endanger the State.

ART. 93. The High Court shall be divided into two parts: the Charges Chamber and the Chamber of Judgment. The former shall consist of 9 members, 3 each being chosen by lot from those appointed to the High Court from the Senate, the Council of State, and the Court of Cassation and Court of Appeal, respectively.

ART. 94. The Charges Chamber shall decide by a two-thirds majority whether the persons against whom complaint is made, shall be put on their trial or not. Members of the Charges Chamber shall not form part of the Chamber of Judgment.

¹ The civil law.

ART. 95. The Chamber of Judgment shall be composed of 21 members of the High Court, 7 being chosen from the Senate, 7 from the Court of Cassation and the Court of Appeal, and 7 from the Council of State. It shall pass judgment, by a majority of two thirds of its membership, and in accordance with the laws in force, on cases which the Charges Chamber agree should be tried. Its decisions are subject neither to appeal nor to cassation.

FINANCIAL AFFAIRS.

ART. 96. No government tax may be imposed, distributed or collected, except by virtue of a law.

ART. 97. The State budget is a law setting forth the approximate revenue and expenditure. It is on this law that the imposition, distribution and collection of the State taxes depend.

ART. 98. The budget, that is, the public balance-sheet, shall be examined and voted by Parliament clause by clause. The accompanying tables, showing in detail the estimated revenue and expenditure, shall be divided into sections, chapters and articles, in accordance with the model laid down by law; and these also shall be discussed chapter by chapter.

ART. 99. The budget shall be submitted to the Chamber of Deputies immediately after the opening of the Chamber, in order that it may come into force at the beginning of the year to which it applies.

ART. 100. No expenditure from public funds may be incurred, apart from the budget, except in cases specified by a special law.

ART. 101. If, while Parliament is not sitting, it appears urgently necessary to incur supplementary expenditure on pressing and extraordinary grounds, the sums required to meet that expenditure may be obtained and spent in virtue of an imperial irade, on condition that the Cabinet accepts the responsibility, and that a bill on the subject is submitted to Parliament as soon as it meets.

ART. 102. The budget shall remain in force for one year: it shall have no effect apart from that year. But if, owing to extraordinary circumstances, the Chamber of Deputies is dissolved without having passed the budget, the Cabinet, in virtue of an imperial irade, shall prolong the application of the budget of the past year until the next parliamentary session, provided that the extension shall not exceed one year.

ART. 103. The final account law shall show the actual amount of the sums obtained in revenue for the year to which it applies, and of the expenditure for that year. In form and in divisions it shall be in complete accordance with the budget law.

ART. 104. The bill of the final account law shall be submitted to Parliament within 4 years at most from the end of the year to which it applies.

ART. 105. A Board of Accounts shall be formed to examine the accounts of those who are appointed to collect and expend public money, and to inspect the annual accounts drawn up by the various public departments. Every year it shall communicate the result of its inspection with its conclusions to the Chamber of Deputies in a special report. This Board shall also submit a report on the financial situation to His Imperial Majesty the Sultan every three months through the intermediary of the Grand Vizier.

ART. 106. The Board of Accounts shall consist of 12 members appointed by imperial irade. They shall hold office for life, unless their dismissal is approved by a majority of the Chamber of Deputies.

ART. 107. The qualifications required by members of the Board of Accounts, the details of their attributions, the rules governing their resignation, replacement, advancement and retirement on a pension, and the organization of the offices of the Board, shall be defined by a law *ad hoc*.

THE PROVINCES.

ART. 108. The administration of the provinces shall be founded on the principles of decentralization and division of duties. The details shall be settled by a law *ad hoc*.

ART. 109. The method of election of members of the administrative councils of provinces (*vilayets*), *sanjaks* and *kazas*, and of the general assemblies, which meet once a year in the chief town of each province, shall be laid down on wider lines by a law *ad hoc*.

ART. 110. The attributions of the provincial general assemblies shall be defined in the law that is to be drawn up *ad hoc*. They shall include the right to discuss matters concerning public works, such as the making of roads and bridges, the organization of credit banks, the promotion of industries, commerce and agriculture, and the dissemination of public education; the right to complain to the proper authority in order to demand redress with regard to anything contrary to the laws and regulations in force which occurs in the distribution or collection of taxes or in any other connection.

ART. 111. In every kaza a council shall be formed in connection with each community. The duty of this council shall be to superintend:

1. The administration of the income derived from *vakf*¹ real property and money, according to the terms of the *vakf*, or to ancient usage.

2. The allotment of money or personal property left by will for works of charity or philanthropy, according to the terms of the will.

3. The administration of the money and personal property of orphans, in accordance with the regulations *ad hoc*.

¹ Pious foundations.

These councils shall be composed of members elected by each community, in accordance with the regulations to be drawn up *ad hoc*.

The said councils shall be under the local government and the provincial general councils.

ART. 112. Municipal affairs shall be administered, at Constantinople and in the provinces, by elected municipal councils. The organization of these councils, their attributions and the method of electing their members shall be defined in a law *ad hoc*.

MISCELLANEOUS PROVISIONS.

ART. 113. If there appear strong indications and signs that a disturbance will break out in some parts of the Empire, the imperial government has the right to proclaim martial law temporarily in that place.

Martial law consists in a temporary suspension of the civil laws and regulations, and the form of administration of the district under martial law shall be determined by special regulation.

His Imperial Majesty the Sultan has the exclusive power to expel from the territory of the Empire those who, as a result of credible information gathered by the police administration, are recognized as a danger to the State.

ART. 114. Elementary education shall be compulsory for all Ottomans. The details shall be settled by a law *ad hoc*.

ART. 115. No article of the Constitution shall be suspended or suppressed for any reason or any pretext whatsoever.

ART. 116. If it is seen to be absolutely necessary that certain provisions of the Constitution should be changed or amended in accordance with circumstances or the needs of the time, the amendments may be made on the following conditions:

Any amendment proposed by the Cabinet, the Senate or the Chamber of Deputies shall first of all be voted by a two-thirds majority of the members composing the Chamber of Deputies; and if this vote is confirmed by a two-thirds majority of the Senate and sanctioned by imperial irade, the amendment becomes law.

Any article of the Constitution which it is proposed to amend shall remain in full force until the above-mentioned debates have taken place and the imperial irade has been issued.

ART. 117. The interpretation of laws belongs:

To the Court of Cassation, in the case of civil and penal laws.

To the Council of State, in the case of civil administration.

And to the Senate, when it is a question of the Constitution.

ART. 118.¹ The existing laws, regulations, usages and customs shall remain in force unless modified or abolished by new laws or regula-

¹ As amended in 1909.

tions. In drawing up laws and regulations care shall be taken to base them upon the provisions of the canon and civil laws and upon public morals and customs, in accordance with the dictates of humanity and the needs of the time.

ART. 119.¹ Documents and letters entrusted to the post shall not be opened without a decision of a *mustantik* (*juge d'instruction*) or of a court of law.

ART. 120.¹ Ottomans enjoy the right of assembly, on the condition that they obey the law on the subject.

Those societies are forbidden which aim at injuring the territorial integrity of the Ottoman Empire, changing the form of the Constitution or of the government, acting contrary to the provisions of the Constitution, or bringing about a separation between the various Ottoman elements, or which are contrary to public morals.

The formation of secret societies in general is also forbidden.

ART. 121.¹ The debates in the Senate shall be public; but if the Cabinet or 5 Senators propose that the debate on some important matter shall be secret, the place in which the Senate is sitting shall be cleared of all persons except the senators, and the question of accepting or rejecting the proposal shall be submitted to a majority vote.

¹These three articles, added to the Constitution in 1909, shall eventually be placed in the special division to which they belong.

UNITED STATES OF AMERICA.

Before 1776 the 13 British colonies of North America, namely, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, had obtained an important share in their own government. Rhode Island and Connecticut under their charters were practically independent. The other colonies were governed by a governor and council,¹ appointed by the English Crown, and an assembly chosen by the people. These colonies had what we call representative government in the present British colonial system, but through the increasing powers of the assemblies after 1700 they were rapidly approaching the system of responsible government. The development of self-government was suspended by the reactionary British policy after 1763 and on 4 July 1776 the colonies took the decisive step of declaring themselves independent.

Some union of the colonies was necessary for the conduct of the war with Great Britain, and united action was obtained by means of congresses to which the several colonies sent delegates. The Articles of Confederation, adopted in 1781, for the first time embodied in a written instrument an agreement of union between the previously independent States. The Articles of Confederation were unsatisfactory in that they did not give sufficient power to the central government, and efforts to amend them failed because of the requirement that all States agree upon an amendment.

In pursuance of a recommendation of a convention of 5 States which met at Annapolis, 11 September 1786, delegates of 12 States met in convention at Philadelphia in May, 1787. This convention drafted a Constitution, which was finally ratified by all of the 13 States. Government under this Constitution was organized in April, 1789. Since its adoption the Constitution has received 18 amendments; the text of the amendments is given after that of the original Constitution.²

¹The council was both a legislative and an executive body, except in Pennsylvania, where it was denied legislative power; in Pennsylvania and Maryland appointments were made by proprietors rather than by the Crown; in Massachusetts the members of the council were elected by the general court of the colony.

²These introductory paragraphs are based upon W. F. Dodd, *Modern Constitutions* (Chicago, 1909), vol. II, p. 291.