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The Ottoman Constitution, Promulgated the 7th Zilbridje, 1293 (11/23 December, 1876)

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THE OTTOMAN CONSTITUTION, PROMULGATED THE 7TH ZILBRIDGE, 1293  
(11/23 DECEMBER, 1876).<sup>1</sup>

*The Ottoman Empire.*

ARTICLE 1.

The Ottoman Empire comprises the actual Countries and possessions and privileged provinces.

It forms an indivisible whole from which no part can ever be detached for any motive whatever.

ART. 2.

Constantinople is the capital of the Ottoman Empire.

This city does not possess to the exclusion of other cities of the Empire any privilege or immunity peculiar to itself.

ART. 3.

The Ottoman sovereignty which is united in the person of the sovereign of the supreme Kalifat of Islam belongs to the eldest of the princes of the dynasty of Osman conformably to the rules established *ab antiquo*.

ART. 4.

His majesty the Sultan is by the title of the Kalif the protector of the Mussulman religion.

He is the sovereign and the Padishar of all the Ottomans.

ART. 5.

His majesty the Sultan is irresponsible: His person is sacred.

ART. 6.

The liberty of the members of the Imperial Ottoman dynasty, their property both real and personal and their civil list during their whole life are under the guarantee of everybody.

ART. 7.

His majesty the Sultan counts among the number of his sovereign rights the following prerogatives: He names and revokes the Ministers; he confers grades functions and the insignia of his orders; gives investiture to the chiefs of the privileged provinces in the forms determined by

<sup>1</sup> Translation inclosed in dispatch No. 113, dated December 26, 1876, MS. Records, Department of State.

the privileges granted to them; he coins money; his name is pronounced in the mosques during the public prayers; he concludes treaties with the powers; he declares war; he makes peace; he commands the armies by sea and land; he orders military movements; he causes to be executed the dispositions of the Sheri (sacred law) and the laws; he makes the regulations for public administration; he remits or commutes penalties imposed by the criminal tribunals; he convokes or prorogues the general assembly and he dissolves, if he deem necessary, the chamber of deputies on condition of proceeding to the reëlection of the deputies.

*The Public Law of the Ottomans.*

ART. 8.

All the subjects of the Empire are without distinction called Ottomans no matter what religion they profess.

The quality of Ottoman is acquired or lost according to the causes specified in the law.

ART. 9.

All the Ottomans enjoy individual liberty on condition of not attacking the liberty of other people.

ART. 10.

Individual liberty is absolutely inviolable.

Nobody can under any pretence suffer any penalty whatever except in the cases determined by law and according to the forms prescribed by it.

ART. 11.

Islamism is the religion of the State.

While maintaining this principle the state protects the free exercise of all the religions recognized in the Empire and accords the religious privileges granted to the different communities on condition that no offence is committed against public order or good morals.

ART. 12.

The Press is free; within the limits traced by the law.

ART. 13.

The Ottomans have the privilege of forming commercial, industrial or agricultural associations within the limits determined by the laws and regulations.

## ART. 14.

One or several persons belonging to the Ottoman nationality have the right of presenting petitions to the competent authority on the subject of infractions of the laws or regulations committed either to their personal prejudice or the prejudice of the public welfare and may in the same way address in the form of a complaint signed petitions to the Ottoman General Assembly to complain of the conduct of the State functionaries or employees.

## ART. 15.

Instruction is free.

Each Ottoman can give public or private courses of instruction on condition of conforming to the laws.

## ART. 16.

All schools are placed under the supervision of the State.

Proper measures shall be taken for unifying and regularizing the instruction given to all Ottomans but no interference shall be made with the religious instruction of the various communities.

## ART. 17.

All Ottomans are equal before the law.

They have the same rights and the same duties towards the country, without prejudice to religion.

## ART. 18.

Admission to public office has a condition — the knowledge of Turkish which is the official language of the State.

## ART. 19.

All Ottomans are admitted to public office according to their aptitudes, their merit and capacity.

## ART. 20.

The assessment and distribution of taxes shall be established conformably with special laws and regulations in proportion to the fortune of each tax-payer.

## ART. 21.

Real and personal property regularly proved is guaranteed.

No expropriation can take place except for reasons of public utility duly proved and without previous payment conformably with the law and the value of the property to be expropriated.

## ART. 22.

The domicile is inviolable.

The authorities cannot forcibly enter the domicile of any person whatever except in cases determined by the law.

## ART. 23.

No one can be forced to appear before any tribunal except the competent tribunal according to the law of procedure which shall be promulgated.

## ART. 24.

The confiscation of property, the *corvee* and the *djerimi* (exaction under the form of fining) are prohibited.

Contributions legally levied in time of war and measures necessitated by the state of war are of course excepted from this disposition.

## ART. 25.

No sum of money can be levied as an impost or tax or under any other denomination except by virtue of the law.

## ART. 26.

Torture in all its forms is completely and absolutely prohibited.

*The Ministers.*

## ART. 27.

His majesty the Sultan invests with the charge of Grand Vizier and that of Sheik-ul-Islam the persons whom his high confidence thinks proper to be called.

The nomination of the other Ministers takes place by imperial Irade (order).

## ART. 28.

The Council of Ministers is assembled under the presidency of the Grand Vizier.

The powers of the Council of Ministers comprise all important affairs of the State whether internal or external.

Those of its deliberations which have to be submitted to the sanction of His Majesty the Sultan are rendered executory by an Imperial Irade.

## ART. 29.

Each chief of the Ministerial Department administers within the limit of his powers the affairs which belong to his department.

Those which are beyond this limit he refers to the Grand Vizier.

The Grand Vizier attends to the reports which are addressed to him by the chiefs of the different departments either by referring them if necessary to the Council of Ministers and then presenting them for Imperial sanction, or in the contrary case in judging himself or submitting them to the decision of His Majesty the Sultan.

A special regulation shall determine these different categories of affairs for each ministerial department.

## ART. 30.

The Ministers are responsible for the facts or acts of their ministry.

## ART. 31.

If one or more members of the Chamber of Deputies wish to complain against a minister on account of his responsibility and for facts which the Chamber has right of taking cognizance of, the demand containing the complaint is remitted to the president, who sends it in three days to the bureau charged by virtue of the internal regulation with examining the complaint and deciding if there be any reason for submitting it to the deliberations of the Chamber.

The decision of the bureau is taken by majority of votes, after the necessary information has been obtained and explanation furnished by the minister accused.

If the bureau be of opinion that it should submit the complaint to the Chamber the report stating this decision is read in a public session, and the Chamber, after having heard the explanation of the accused Minister who is called to assist at the session, or of his delegate, votes by an absolute majority of two-thirds on the conclusions of the report.

In case of the adoption of these conclusions an address demanding the trial of the accused Minister is transmitted to the Grand Vizier, who submits it to the sanction of His Majesty the Sultan and remits it to the High Court by virtue of an Imperial Irade.

## ART. 32.

A special law shall determine the procedure to be followed for the trial of Ministers.

## ART. 33.

There shall be no difference between Ministers and private persons with regard to their private suits or those which are outside of their duties.

Suits of this nature are referred to the ordinary jurisdiction.

## ART. 34.

The Minister whose trial has been decreed by the Chamber on accusation of the High Court is suspended from his functions until he has been acquitted of the accusation brought against him.

## ART. 35.

In case of rejection, by a vote coming from the Chamber of Deputies, a project of law on the adoption of which the Minister thinks he should insist, His Majesty the Sultan orders in the exercise of His Sovereignty either a change of Ministry or the dissolution of the Chamber on condition of the réélection of deputies within the term fixed by the law.

## ART. 36.

In case of urgent necessity if the general assembly be not convened the Ministers make dispositions towards defending the State against danger or guarding the public security.

These dispositions, sanctioned by Imperial Irade, have provisionally the force of law if they be not contrary to the Constitution.

They should be submitted to the General Assembly as soon as this may be convened.

## ART. 37.

Each Minister has the right of assisting at the sittings of the Senate and of the Chamber of Deputies or being represented there by a superior functionary of his department.

He has equally the right of being heard before any member of the Chamber who may have demanded the floor.

## ART. 38.

When in consequence of the decision of a majority of votes a Minister is invited to the Chamber of Deputies to give explanations he is obliged to respond to the questions which may be put to him either by presenting himself personally or by delegating the duties to a superior functionary of his department.

Nevertheless he has the right of putting off his reply if he judges necessary by assuming the responsibility of the adjournment.

*Public Functionaries.*

## ART. 39.

All the nominations of the different public offices shall take place conformably with the regulations which shall determine the conditions of merit and capacity demanded for admission to office under the State.

Every official appointed under these conditions cannot be dismissed or changed.

Unless it is proved that his conduct legally justifies his dismissal.

Unless he has given his resignation, or unless his dismissal be judged indispensable by the Government.

The officials who shall have given proof of good conduct and honesty, as well as those whose suspension shall be deemed indispensable by the Government, shall have the right either to advancement or to a retiring pension or to the salary of officers on the waiting lists according to the dispositions which shall be determined by a special regulation.

## ART. 40.

The powers of the different offices shall be fixed by special regulations. Each official is responsible within the limit of his powers.

## ART. 41.

Each official is bound to respect his superior but obedience is due only to orders given within the limits traced by the law.

For acts contrary to the law the fact of having obeyed a superior cannot relieve from responsibility the official who has executed them.

*The General Assembly.*

## ART. 42.

The General Assembly is composed of two chambers, the Chamber of Lords or the Senate, and the Chamber of Deputies.

## ART. 43.

The two Chambers meet on the 1st of November in each year. The opening takes place by Imperial Irade.

The closing is fixed for the first of March following and this takes place also by virtue of an Imperial Irade.

Neither of the two chambers may meet except when the other chamber is in Session.



## ART. 44.

His Majesty the Sultan may according to the necessities of circumstances anticipate the opening and shorten or prolong the session.

## ART. 45.

The ceremony of opening takes place in the presence of His Majesty the Sultan either in person or represented by the Grand Vizier and in the presence of the Ministers and the members of the two chambers.

There shall be read an Imperial speech setting forth the internal situation of the Empire and the state of its external relations in the course of the past year and indicating the measures the adoption of which is judged necessary for the ensuing year.

## ART. 46.

All the members of the general assembly shall take an oath of fidelity to His Majesty the Sultan and to the country to observe the Constitution, to perform the duty intrusted to them and to abstain from every act contrary to duty.

The administration of the oath shall take place for the new members on the opening of the session in the presence of the Grand Vizier and after the opening in the presence of their respective presidents and in the public session of the chamber to which they belong.

## ART. 47.

Members of the General Assembly are free in giving their opinion and their votes.

None of them can be bound by instructions or promises, influence or menaces.

They cannot be attacked for opinions or votes given in the course of deliberations in the chamber to which they belong unless they have contravened the internal regulation of that Chamber, in which case the dispositions of the proper regulations shall be applied to them.

## ART. 48.

Every member of the General Assembly who by an absolute majority of two-thirds of the chamber to which he belongs, is accused of treason, of an attempt of violating the Constitution or of bribery or who has been legally condemned to imprisonment or exile ceases thereby to be a Senator or Deputy.

The judgment and the application of the penalty belong to a competent tribunal.

## ART. 49.

Every member of the general assembly gives his vote in person.  
He has the right of abstaining from voting.

## ART. 50.

No one can be at the same time a member of both chambers.

## ART. 51.

No deliberation can be held in either chamber unless a majority of members is present.

Except in cases where a majority of two-thirds is requisite every resolution may be taken by an absolute majority of the members present.

In case of a tie the president has a casting vote.

## ART. 52.

Every petition relating to private interests presented to either chamber is rejected if the enquiries which it causes prove that the petitioner has not first addressed the public officials with the petition concerned or the authority on whom these officials depend.

## ART. 53.

The initiative of the proposition of a law or of the modification of an existing law belongs to the ministry.

The Senate and the Chamber of Deputies may also demand a new law or the modification of an existing law on matters comprised within their duties.

In this latter case the demand is submitted by the Grand Vizier to His Majesty the Sultan and if there be any reason for it the Council of State is charged by virtue of an Imperial Irade to prepare the draft of a law which meets the object of the proposition on information and experience furnished by the competent departments.

## ART. 54.

The drafts of laws elaborated by the Council of State are submitted in the first place to the Chamber of Deputies and in the second place to the Senate.

These projects have the force of law only after having been adopted by the two Chambers and are sanctioned by an Imperial Irade.

Every draft of a law definitively rejected by one of the two Chambers cannot be submitted to a new deliberation in the course of the same session.

ART. 55.

A draft of a law is not considered as adopted unless voted successively by the Chamber of Deputies and the Senate by the majority of votes article by article and unless the whole of the project has obtained a majority of votes in each of the two chambers.

ART. 56.

With the exception of the Ministers their delegates and officials convoked by a special invitation no one can be introduced in one or the other chamber and admitted to make any communication whatever whether in his own name or as the representative of a group of individuals.

ART. 57.

The debates of the Chambers shall be in Turkish.

The projects shall be printed and distributed before the day fixed for the discussion.

ART. 58.

The votes are given — by ayes and nays; by external signs, or by secret ballot.

The vote of secret ballot is subordinated to a decision of the Chamber taken by the majority of the members present.

ART. 59.

The internal police of each Chamber is exercised by its President.

*The Senate.*

ART. 60.

The President and the members of the Senate are named directly by His Majesty the Sultan.

The number of the Senators cannot exceed one-third of the number of the members of the Chamber of Deputies.

ART. 61.

To be named Senator it is necessary:

For a man to have rendered himself by his acts worthy of public confidence or to have rendered signal service to the State.

To be at least 40 years of age.

## ART. 62.

The Senators are named for life.

The dignity of Senators can be conferred upon personages *en disponibilité* who may have filled the office of Minister, Governor General (Vali) Commander of an army corps, Cazasker (grand judge) Ambassador or Minister plenipotentiary, Patriarch, Khakham-bashi (Grand Rabbi) to the generals of division of the armies by land and sea and generally to persons who unite the requisite conditions.

The members of the Senate called at their request to other functions lose their quality of Senator.

## ART. 63.

The pay of a Senator is fixed at the monthly sum of 10,000 piastres.

The Senator who receives from the Treasury a salary or pay by any other title has a right only to the complement if the sum total of such pay is less than 10,000 piastres.

If this amount be equal or superior to the salary of Senator he continues to receive the whole of it.

## ART. 64.

The Senate shall examine the drafts of laws or of the Budget which shall be transmitted to it by the Chamber of Deputies.

If in the course of the examination of the draft of a law the Senate finds a clause contrary to the sovereign rights of His Majesty the Sultan, to the liberty, to the constitution, to the territorial integrity of the Empire, to the internal safety of the country, to the interest of the defence of the country or to good morals it shall reject it definitively by a vote stating the reasons thereof or it shall send it back accompanied by its observations to the Chamber of Deputies demanding that it be amended or modified in the sense of these observations.

The drafts of law adopted by the Senate shall receive its approbation and shall be transmitted to the Grand Vizier.

The Senate shall examine the petitions presented to it. It shall transmit to the Grand Vizier those petitions which it believes deserve it accompanying them with its observations.

*The Chamber of Deputies.*

## ART. 65.

The number of Deputies is fixed at one deputy for 50,000 male inhabitants belonging to the Ottoman nationality.

## ART. 66.

The elections shall be by ballot. The mode of election shall be determined by special law.

## ART. 67.

The mandate of Deputy is incompatible with public functions with the exception of those of Ministers.

Every other public functionary elected deputy is free to accept or refuse but in case of acceptance he must resign his other office.

## ART. 68.

There cannot be elected as deputies:

- (1) Those who do not belong to the Ottoman nationality.
- (2) Those who by virtue of a special regulation in force enjoy the immunities attached to a foreign service which they exercise.
- (3) Those who do not know Turkish.
- (4) Those who are not 30 years of age.
- (5) People in the service of a private man.
- (6) Bankrupts.
- (7) Those of notoriously bad character.
- (8) Individuals who have been judicially condemned so long as they are not pardoned.
- (9) Those who do not enjoy their civil rights.
- (10) Those who claim to belong to a foreign nation.

After the expiration of the first period of four years one of the conditions of eligibility of a delegate is that he shall know how to read Turkish and as far as possible write that language.

## ART. 69.

The general elections of deputies take place every four years.

The mandate of each deputy lasts only four years but he is reëligible.

## ART. 70.

The general elections begin at latest four months before the 1st of November which is the date fixed for the meeting of the Chamber.

## ART. 71.

Every member of the Chamber of Deputies represents the whole of the Ottoman nation and not exclusively the district which has elected him.

## ART. 72.

The electors are obliged to choose their delegates among the inhabitants of the province to which they belong.

## ART. 73.

In case of the dissolution of the Chamber by an Imperial Irade the general elections must commence in time necessary for the Chamber to meet again at latest six months after the date of the dissolution.

## ART. 74.

In case of death, judiciary condemnation, prolonged absence, or loss of quality of deputy resulting from condemnation or the acceptance of a public office a new election shall be held conformably to the prescriptions of the electoral law within such a time that the new deputy may enter upon his duties at latest in the following session.

## ART. 75.

The mandate of Deputies elected to fill a vacancy shall only last till the next general election.

## ART. 76.

There shall be allowed by the Treasury to each Deputy 20,000 piastres per session and his travelling expenses for going and returning.

The sum of this expense shall be established conformably to the dispositions of the regulation which governs the travelling indemnities paid to the civil officials of the State and calculated on the basis of the monthly pay of 5,000 piastres.

## ART. 77.

The president and the two vice presidents of the chamber of deputies shall be chosen by His Majesty the Sultan from a list of nine candidates elected by the chamber by a majority of votes, three for the president, three for the first vice president and three for the second vice president.

The nomination of the president and the vice presidents shall take place by Imperial Irade.

## ART. 78.

The sessions of the Chamber of Deputies shall be public.

The Chamber however may meet in secret session when the proposition shall be made by the Ministers, or by the President, or by 15 members, and this proposition be voted upon in secret session.

## ART. 79.

No deputy can during the duration of the session be arrested or sued save in case of *flagrante delicto* except upon a decision taken by a majority of the chamber which shall authorize the suit.

## ART. 80.

The Chamber of Deputies shall discuss the drafts of law which shall be submitted to it.

It shall adopt, amend or reject the dispositions concerning finances or the Constitution.

It shall examine in detail the general expenses of the State comprised in the Budget and may in conjunction with the Ministers fix the total thereof.

It shall determine equally by agreement with the Ministers, the nature, the total and the method of the assessment and realization of the receipts destined to cover the expenses.

*The Power of the Judiciary.*

## ART. 81.

The Judges appointed conformably to the special law on this subject and furnished with their brevet of investiture (*berat*) are irremovable but they may resign.

The advancement of Judges in the hierarchal order, their change, their being placed on the retired list, or their dismissal in case of judicial condemnation shall be submitted to the dispositions of the same law.

This law shall determine the conditions and qualities requisite for exercising the functions of a judge or the other functions of a judicial nature.

## ART. 82.

The audience of all the tribunals shall be public.

The publication of the judgments is authorized.

However in cases specified by the law the tribunal can hold a secret session.

## ART. 83.

Every individual in the interest of his defence may make use before the tribunal of the means permitted by the law.

## ART. 84.

No tribunal can refuse under any pretence whatever to judge an affair within its competence.

It can neither arrest nor adjourn the judgment after it has begun the examination or investigation unless the plaintiff withdraws his suit.

However, in criminal cases the public action continues to go on conformably to the law even in the case where the complainant withdraws.

## ART. 85.

Every affair shall be judged by the tribunal to which this affair shall belong.

Suits between private persons of the State are within the competence of the ordinary tribunals.

## ART. 86.

No interference can be exercised with the tribunals.

## ART. 87.

Affairs concerning the *Sheri* shall be judged by the tribunals of the *Sheri*. The judgment of civil affairs belongs to the civil tribunals.

## ART. 88.

The different categories of the tribunals, their competency, their powers, and the emoluments of the judges shall be fixed by the laws.

## ART. 89.

Besides the ordinary tribunals there cannot be instituted under any denomination whatever extraordinary tribunals or commissions for judging certain special affairs.

However arbitration (*takkin*) and the nomination of *muvela* (deputy judge) shall be permitted within the forms permitted by the law.

## ART. 90.

No judge can hold at the same time any other office paid by the state.

## ART. 91.

There shall be instituted Imperial procurors charged with carrying on public suits.

Their powers and their hierarchy shall be fixed by law.



*The High Court.*

## ART. 92.

The High Court is formed of thirty members, of which ten are Senators, ten Councillors of State, and ten members chosen among the presidents and members of the court of cassation and the court of appeals.

All the members shall be designated by lot.

The High Court is convoked when there is reason for it by an Imperial Trade and meets at the Senate House.

Its powers consist in judging:—

The Ministers.

The president and members of the court of cassation.

And all other persons accused of high treason or an attempt against the safety of the State.

## ART. 93.

The High Court is composed of two Chambers: the Chamber of accusation, and the Chamber of judgment.

The Chamber of accusation is formed of nine members designated by lot among the members of the High Court, of whom three are Senators, three Councillors of State and three members of the Court of cassation or the Court of appeal.

## ART. 94.

The reference to the Chamber of judgment is pronounced by the Chamber of accusation by a two-thirds majority of its members.

The members belonging to the Chamber of accusation cannot take part in the deliberations of the Chamber of judgment.

## ART. 95.

The Chamber of Judgment is formed of 21 members seven of whom are Senators seven Councillors of State and seven members of the Court of cassation or the court of appeal.

It judges by a two thirds majority conformably to the laws in force the cases which are sent in to it by the Chamber of accusation.

The judgments are susceptible neither of appeal nor of cassation.

*Finances.*

## ART. 96.

No tax for the profit of the state can be either established, assessed or levied except by virtue of law.

## ART. 97.

The Budget is the law which contains the estimates of the receipts and expenses of the State.

The taxes for the profit of the State are regulated by this law, as to their assessment, their allotment or their collection.

## ART. 98.

The examination and the vote by the General Assembly of the Budget takes place article by article.

The tables annexed to it comprising the totals of the receipts and of the expenses are divided into sections, chapters and articles conformably to the model settled by the regulations.

These tables are voted by chapters.

## ART. 99.

The draft of the Budget is submitted to the Chamber of Deputies immediately after the opening of the Session in order to render possible its being put into execution at the beginning of the fiscal year to which it relates.

## ART. 100.

No expenses beyond the budget can be covered from the funds of the State except by virtue of the law.

## ART. 101.

In case of urgency caused by extraordinary circumstances the Ministers can during the absence of the General Assembly create by Imperial Irade the necessary resources and make an expense unforeseen by the Budget on condition of presenting to the General Assembly a draft of the law at the beginning of the next session.

## ART. 102.

The Budget is voted for one year and has the force of law only for the year to which it relates.

However if in consequence of exceptional circumstances the Chamber of Deputies is dissolved before the vote on the Budget the Ministers can by a resolution taken by virtue of an Imperial Irade apply the Budget of the preceding year until the next session provided that the provisional application of this Budget does not exceed the period of one year.

## ART. 103.

The complete and definitive statement of the Budget indicates all receipts realized and payments made out of the revenues and for the expenses of the year to which this statement relates.

Its form and its divisions must be the same as those of the Budget.

## ART. 104.

This completed statement is submitted to the Chamber of Deputies at latest four years after the end of the year to which it relates.

## ART. 105.

There shall be instituted a court of accounts charged with the examination of the operations of the financial officers as well as of the annual accounts drawn up by the different municipal departments.

It shall address each year to the Chamber of Deputies a special report containing the result of its labours accompanied by its observations.

At the end of each three months it shall present to His Majesty the Sultan through the Grand Vizier a report containing a statement of the financial situation.

## ART. 106.

The Court of accounts shall be composed of 12 irremovable members named by Imperial Trade.

None of them can be dismissed unless a proposition with reasons annexed for his removal be approved by a decision of the majority of the Chamber of Deputies.

## ART. 107.

The conditions and qualities required of the members of the Court of accounts, the details of their powers, the rules applicable in cases of resignation, replacement, advancement or retiring, as well as of the organization of the bureaus, shall be determined by a special law.

*The Provincial Administration.*

## ART. 108.

The administration of the Provinces shall have as its base the principle of decentralization.

The details of this organization shall be fixed by a law.

## ART. 109.

A special law shall regulate on wider bases the election of administrative Councils of the province (Vilayet) of the district (Sandjak) and of the canton (Kaza) as well as that of the general council which meets annually in the capital of each province.

## ART. 110.

The powers of the provincial General Council shall be fixed by the same special law and shall include:

The right of debating on objects of public utility as well as the establishment of ways of communication, the organization of agricultural credit funds, the development of industry as well as of commerce, of agriculture and the propagation of public instruction.

The right of complaining to the competent authorities for obtaining the redress of acts or deeds committed in contravention of the laws and regulations whether in the assessment and collection of taxes or in any other manner.

## ART. 111.

There shall be in each Kaza a council belonging to each of the different communities. This council will be charged with the control of:—

(1) The administration of the revenues of real property or of *Vakouf* funds (pious foundations) the special destination of which has been fixed by the expressed dispositions of the founders or by usage.

(2) The employment of funds or property affected by testamentary disposition, of acts of charity or of beneficence.

(3) The administration of funds of orphans conformably with the special regulation which governs this matter.

Each council shall be composed of members elected by the community it represents conformably to special regulations to be established.

These councils shall depend on the local authorities and on the General Councils of the province.

## ART. 112.

Municipal affairs shall be administered in Constantinople and in the provinces by elective municipal Councils.

The regulation of the municipal councils, their powers and the method of electing their members shall be determined by a special law.

*Divers Dispositions.*

## ART. 113.

In case of proof of facts or of signs of a nature to apprehend trouble on any of the territory of the Empire the Imperial Government has the right of proclaiming there a state of siege.

The effects of the state of siege consist in the temporary suspension of the civil laws.

The mode of administering localities submitted to a state of siege shall be regulated by a special law.

His Majesty the Sultan has the exclusive power of expelling from the territory of the Empire those who in consequence of information worthy of confidence collected by the administration of police are recognized as being injurious to the safety of the State.

## ART. 114.

Primary instruction shall be obligatory for all Mussulmans.

The details of the application shall be determined by a special law.

## ART. 115.

No disposition of the Constitution can under any pretext whatever be suspended or ignored.

## ART. 116.

In case of necessity duly proved the Constitution may be modified in some of its dispositions. This modification is subordinated to the following conditions.

Every proposition of modification presented, whether by the Ministry or by one or the other chamber must be submitted in the first place to the deliberations of the Chamber of deputies.

If the proposition be approved by a two thirds majority of the members of this Chamber, it shall be transmitted to the Senate.

In case the Senate shall equally adopt the proposed modification by two thirds of the Senators it shall be submitted to the sanction of His Majesty the Sultan.

If it be sanctioned by Imperial Irade it shall have the force of law.

Every disposition of the Constitution which is the object of a proposed modification remains in force up to the moment that the proposition, after having been submitted to the approval of the deliberations of the Chambers, has been sanctioned by Imperial Irade.

## ART. 117.

The interpretation of the laws belongs:—  
To the Court of cassation for civil and penal laws;  
To the Council of State for administrative laws;  
And to the Senate for the dispositions of the Constitution.

## ART. 118.

All the dispositions of the laws, regulations, usages, and customs actually in force shall continue to be applied until they shall have been modified or abrogated by laws or regulations.

## ART. 119.

The provisional instruction of the 10th of *Chival* 1293 (16/28 October 1876) concerning the general assembly shall cease to have its effect after the closing of the first session.

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DOCUMENTS CONCERNING THE BALKAN SITUATION.PRELIMINARY TREATY OF PEACE BETWEEN RUSSIA AND TURKEY.<sup>1</sup>

*Signed at San Stefano, February 9/ March 3, 1878.*

His Majesty the Emperor of Russia and His Majesty the Emperor of the Ottomans, inspired with the wish of restoring and securing the blessings of peace to their countries and people, as well as of preventing any fresh complication which might imperil the same, have named as their Plenipotentiaries, with a view to draw up, conclude, and sign the Preliminaries of Peace:

His Majesty the Emperor of Russia on the one side, the Count Nicolas Ignatiev, Aide-de-camp General of His Imperial Majesty, Lieutenant-General, Member of the Council of the Empire, decorated with the Order of St. Alexander Newsky in diamonds, and with various other Russian and foreign Orders, and Sieur Alexander Nelidow, Chamberlain of the Imperial Court, Conseiller d'Etat actuel, decorated with the Order of St. Anne of the first class, with swords, and with various other Russian and foreign Orders;

And His Majesty the Emperor of the Ottomans on the other side,

<sup>1</sup> Clauses in brackets were superseded by the treaty of Berlin.