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*Mexico Constitution*

# Mexican Review



A • JOURNAL • DEVOTED • TO  
THE • ENLIGHTENMENT • OF • THE  
AMERICAN • PEOPLE • IN • RESPECT  
TO • THE • HOPES • AMBITIONS  
BENEFICENT • INTENTIONS • AND  
ACCOMPLISHMENTS • OF • THE  
CONSTITUTIONALIST • GOVERNMENT  
• OF • THE •  
REPUBLIC • OF • MEXICO



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NO. 6

## MEXICAN CONSTITUTION OF 1917



**EQUAL RIGHTS FOR ALL!  
SPECIAL PRIVILEGES FOR NONE!**

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# Political Constitution of the United States of Mexico

Signed January 31, 1917, and Promulgated February 5, 1917

(Translated for *The Mexican Review* by H. N. Branch)

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## TITLE I

### CHAPTER I

#### OF THE RIGHTS OF MAN

Article 1—Every person in the United States of Mexico shall enjoy all rights prescribed by this Constitution; these rights shall neither be abridged nor suspended except in such cases and under such conditions as herein provided.

Art. 2—Slavery is forbidden in the United States of Mexico. Slaves who set foot upon the national territory shall by this very act recover their freedom and enjoy the protection of the law.

Art. 3—Instruction is free; that given in public institutions of learning shall be non-sectarian. Primary instruction, whether higher or lower, given in private institutions shall likewise be non-sectarian.

No religious corporation nor minister of any religious creed shall be permitted to establish or direct schools of primary instruction.

Private primary schools may be established only subject to official supervision.

Primary instruction in public institutions shall be free.

Art. 4—No person shall be prevented from engaging in any profession, industrial or commercial pursuit or occupation which he may deem fit, provided it be lawful. The exercise of this liberty may only be forbidden by judicial order when the rights of third persons are infringed, or by executive order, issued under the conditions prescribed by law, when the rights of society are affected. No one shall be deprived of the fruit of his labor except by judicial decree.

Each State shall determine by law what professions shall require licenses, the requisites to be complied with in obtaining the same, and the authorities empowered to issue them.

Art. 5—No one shall be compelled to render personal services without just compensation and without his full consent, excepting labor imposed as a punishment by judicial decree, which shall conform to the provisions of subdivisions I and II of Article 123.

Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military service, jury service, service in municipal and other public elective office, whether this election be direct or indirect, and service in connection with elections which shall be obligatory and without compensation.

The State shall not permit any contract, covenant or agreement to be carried out having for its object the abridgment, loss or irrevocable sacrifice of the liberty of man, whether by reason of labor, education or religious vows. The law, therefore, does not recognize the establishment of monastic orders, of whatever denomination, or for whatever purpose contemplated.

Nor shall any person legally agree to his own proscription or exile, or to the temporary or permanent renunciation of the exercise of any profession or industrial or commercial pursuit.

A contract for labor shall only be binding to render the services agreed upon for the time fixed by law and shall not exceed one year to the prejudice of the party rendering the service; nor shall it in any case whatsoever embrace the waiver, loss or abridgment of any political or civil right.

In the event of a breach of such contract on the part of the party pledging himself to render the service, the said party shall only be liable civilly for damages arising from such breach, and in no event shall coercion against his person be employed.

Art. 6—The expression of ideas shall not be the subject of any judicial or executive investigation, unless it offend good morals, impair the rights of third parties, incite to crime or cause a breach of the peace.

Art. 7—Freedom of writing and publishing writings on any subject is inviolable. No law or authority shall have the right to establish censorship, require bond from authors or printers, or restrict the liberty of the press, which shall be limited only by the respect due to private life, morals and public peace. Under no circumstances shall a printing press be sequestered as the *corpus delicti*.

The organic laws shall prescribe whatever provisions may be necessary to prevent the imprisonment, under pretext of a denunciation of offenses of the press, of the vendors, newsboys, distributors, workmen and other employees of the establishment publishing the writing denounced, unless their responsibility be previously established.

Art. 8—Public officials and employees shall respect the exercise of the right of petition, provided it be in writing and in a peaceful and respectful manner; but this right may be exercised in political matters solely by citizens.

To every petition there shall be given an answer in writing by the official to whom it may be addressed, and said official shall be bound to inform the petitioner of the decision taken within a brief period.

Art. 9—The right peaceably to assemble or to come together for any lawful purpose shall not be abridged; but only citizens shall be permitted to do so in order to take part in the political affairs of the country. No armed assembly shall have the right to deliberate.

No meeting or assembly shall be deemed unlawful, nor may it be dissolved, which shall have for its purpose the petitioning of any authority or the presentation of any protest against any act, provided no insults are proffered against the said authority, nor

violence resorted to, nor threats used to intimidate or to compel the said authority to render a favorable decision.

Art. 10—The inhabitants of the United States of Mexico are entitled to have arms of any kind in their possession for their protection and legitimate defense, excepting such as are expressly prohibited by law and such as the nation may reserve for the exclusive use of the army, navy and national guard; but they shall not bear such arms within inhabited places except subject to the police regulations thereof.

Art. 11—Every man has the right to enter and leave the Republic, to travel through its territory and change his residence without necessity of a letter of security, passport, safe conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in the event of civil or criminal responsibility, and to those of the executive insofar as relates to the limitation imposed by law in regard to emigration, immigration, and the public health of the country, or in regard to undesirable foreigners resident in the country.

Art. 12—No titles of nobility, prerogatives or hereditary honors shall be granted in the United States of Mexico, nor shall any effect be given to those granted by other countries.

Art. 13—No one shall be tried according to special laws or by special tribunals. No person or corporation shall have privileges or enjoy emoluments which are not in compensation for public services and established by law. Military jurisdiction shall be recognized for the trial of criminal cases having direct connection with military discipline; but the military tribunals shall in no case and for no reason extend their jurisdiction over persons not belonging to the army. Whenever a civilian shall be implicated in any military crime or offense, the cause shall be heard by the corresponding civil authorities.

Art. 14—No law shall be given retroactive effect to the injury of any person whatsoever.

No person shall be deprived of life, liberty, property, possessions or rights without due process of law instituted before a duly created court, in which the essential elements of procedure are observed and in accordance with previously existing laws.

In criminal cases no penalty shall be imposed by mere analogy or even by *a priori* evidence, but the penalty shall be decreed by a law in every respect applicable to the crime in question.

In civil suits the final judgment shall be according to the letter or the juridical interpretation of the law; in the absence of the



latter the general legal principles shall govern.

Art. 15—No treaty shall be made for the extradition of political offenders, or of offenders of the common class, who have been slaves in the country where the offense was committed. Nor shall any agreement or treaty be entered into which abridges or modifies the guarantees and rights which this Constitution grants to the individual and to the citizen.

Art. 16—No one shall be molested in his person, family, domicile, papers or possessions except by virtue of an order in writing of the competent authority setting forth the legal ground and justification for the action taken. No order of arrest or detention shall be issued against any person other than by competent judicial authority, nor unless preceded by a charge, accusation or complaint for a specific offense punishable by imprisonment, supported by an affidavit of a credible party or by such other evidence as shall make the guilt of the accused probable; in cases *in flagrante delicto* any person may arrest the offender and his accomplices, placing them without delay at the disposition of the nearest authorities. Only in urgent cases instituted by the public attorney without previous complaint or indictment and when there is no judicial authority available may the administrative authorities, on their strictest accountability, order the detention of the accused, placing him at the disposition of the judicial authorities. Every search warrant, which may only be issued by the judicial authority and which must be in writing shall specify the place to be searched, the person or persons to be arrested and the objects sought to which the proceeding shall be strictly limited; at the conclusion of which a detailed written statement shall be drawn up in the presence of two witnesses proposed by the occupant of the place to be searched or in his absence or refusal by the official making the search.

Administrative officials may enter private houses solely for the purpose of determining that the sanitary and police regulations have been complied with; they may likewise demand the exhibition of books and documents necessary to prove that the fiscal regulations have been obeyed, subject to the respective laws and to the formalities prescribed for cases of search.

Art. 17—No one shall be imprisoned for debts of a purely civil character. No one shall take the law into his own hands, nor resort to violence in the enforcement of his rights. The courts shall be open for the administration of justice at such times and under such conditions as the law may establish; their services shall be gratuitous and all judicial costs are accordingly prohibited.

Art. 18—Detention shall be inflicted only for offenses meriting corporal punishment. The place of detention shall be different and completely separated from that set apart for the serving of sentences.

The Federal and State Governments shall organize in their respective territories the

penal system—penal colonies or prisons—on the basis of labor as a means of regeneration.

Art. 19—No detention shall exceed three days except for reasons specified by the formal order of commitment, which shall set forth the offense charged, the substance thereof, the time, place and circumstances of its commission, and the facts disclosed in the preliminary examination. The said facts must always be sufficient to establish the *corpus delicti* and the probable guilt of the accused. All authorities ordering any detention or consenting thereto, as well as all agents, subordinates, wardens or jailers, executing the same, shall be liable for any breach of this provision.

The trial shall take place only for the offense or offenses set forth in the formal order of commitment. If it shall develop in the course of trial that another offense different from that charged has been committed, a separate accusation must be brought. This, however, shall not prevent the joinder of both causes of action, if deemed advisable.

Any maltreatment during apprehension or confinement; any molestation inflicted without legal justification; any exaction or contribution levied in prison are abuses which the law shall correct and the authorities punish.

Art. 20—In every criminal trial the accused shall enjoy the following guarantees:

I—He shall be set at liberty on demand and upon giving a bond up to ten thousand pesos, according to his status and the gravity of the offense charged, provided, however, that the said offense shall not be punishable with more than five years' imprisonment; he shall be set at liberty without any further requisite than the placing of the stipulated sum at the disposal of the proper authorities or the giving of an adequate mortgage bond or personal security.

II—He may not be forced to be a witness against himself; wherefore denial of access or other means looking towards this end is hereby strictly prohibited.

III—He shall be publicly notified within forty-eight hours after being turned over to the judicial authorities of the name of his accuser and of the nature of and cause for the accusation, so that he may be familiar with the offense with which he is charged, may reply thereto and make his preliminary statement.

IV—He shall be confronted with the witnesses against him, who shall testify in his presence if they are to be found in the place where the trial is being held, so that he may cross-examine them in his defense.

V—All witnesses which he shall offer shall be heard in his defense, as well as all evidence received, for which he shall be given such time as the law may prescribe; he shall furthermore be assisted in securing the presence of any person or persons whose testimony he may desire, provided they are to be found at the place of trial.

VI—He shall be entitled to a public trial by a judge or jury of citizens who can read

and write and are also citizens of the place and district where the offense shall have been committed, provided the penalty for such offense be greater than one year's imprisonment. The accused shall always be entitled to trial by jury for all offenses committed by means of the press against the public peace or against the safety, domestic or foreign, of the Republic.

VII—He shall be furnished with all information of record needed for his defense.

VIII—He shall be tried within four months if charged with an offense the maximum penalty for which does not exceed two years' imprisonment, and within one year if the maximum penalty be greater.

IX—He shall be heard in his own defense, either personally or by counsel, or by both, as he may desire. In case he shall have no one to defend him, a list of official counsel shall be submitted to him in order that he may choose one or more to act in his defense. If the accused shall not desire to name any counsel for his defense, after having been called upon to do so at the time of his preliminary examination, the court shall appoint counsel to defend him. The accused may name his counsel immediately on arrest and shall be entitled to have him present at every stage of the trial; but he will be bound to make him appear as often as required by the Court.

X—In no event may imprisonment or detention be extended through failure to pay counsel fees or through any other pecuniary charge, by virtue of any civil liability or other similar cause. Nor shall detention be extended beyond the time set by law as the maximum for the offense charged.

The period of detention shall be reckoned as a part of the final sentence.

Art. 21—The imposition of all penalties is an exclusive attribute of the judiciary. The prosecution of offenses belongs to the public prosecutor and to the judicial police, who shall be under the immediate command and authority of the public prosecutor. The punishment of violations of municipal and police regulations belongs to the administrative authorities, and shall consist only of a fine or of imprisonment not exceeding thirty-six hours. Should the offender fail to pay the fine this shall be substituted by the corresponding period of arrest, which shall in no case exceed fifteen days.

Should the offender be a workman or unskilled laborer, he shall not be punished with a fine greater than the amount of his week's wages or salary.

Art. 22—Punishments by mutilation and infamy, by branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other unusual and excessive penalties, are prohibited.

Attachment proceedings of the whole or part of the property of any person made under judicial authority to cover any civil liability arising out of the commission of any offense, or by reason of the imposition of any tax or fine, shall not be deemed a confiscation of property.

Capital punishment is likewise forbidden for all political offenses; in the case



of offenses other than political it shall only be imposed for high treason committed during a foreign war, parricide, murder with malice aforethought, arson, abduction, highway robbery, piracy, and grave military offenses.

Art. 23—No criminal case shall have more than three instances. No one, whether acquitted or condemned, shall be tried twice for the same offense. Verdicts of "not proven" are abolished.

Art. 24—Every man is free to embrace the religion of his choice and to practice such ceremony, devotions or observances of the respective creed, either in places of public worship or at home, provided they do not constitute an offense punishable by law.

Every religious act of public worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision.

Art. 25—Correspondence sent through the mails is inviolable and shall be free from search. The violation of this provision shall be punishable by law.

Art. 26—No member of the army shall in time of peace be quartered in private dwellings, without the consent of the owner; nor shall any other exaction be demanded. In time of war the military may demand lodging, equipment, provisions and other assistance, in the manner provided by the corresponding martial law.

Art. 27—The ownership of lands and waters within the limits of the national territory is vested originally in the Nation, which has had and has the right to transmit title thereof to private persons, thereby constituting private property.

Private property shall not be expropriated except for cause of public utility\* and by means of indemnification.

The Nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction of natural resources and to protect property from damage detrimental to society. Settlements, hamlets situated on private property and communes which lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them from the adjoining properties, always having due regard for small landed holdings. Wherefore, all grants of lands made up to the present time under the decree of January 6, 1915, are confirmed. Private property acquired for the said purposes shall be considered as taken for public use. In the Nation is vested direct ownership of all minerals or substances which in veins, masses, or beds constitute deposits whose nature is different from the components of the land, such as minerals from which metals and metaloids used for industrial purposes are extracted; beds of precious stones, rock salt and salt lakes formed directly by marine waters, products derived from the decomposition of rocks, when their exploitation requires underground work; phosphates which may be used for fertilizers; solid mineral fuels; petroleum and all hydrocarbons—solid, liquid or gaseous.

In the Nation is likewise vested the ownership of the waters of territorial seas to the extent and in the terms fixed by the law of nations; those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of principal rivers or tributaries from the points at which their courses become permanently identifiable to their mouths, whether they flow to the sea or cross two or more States; those of intermittent streams which traverse two or more States in their main body; the waters of rivers, streams, or ravines, when they bound the national territory or that of the States; waters extracted from

mines; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised within the foregoing enumeration shall be considered as an integral part of the private property through which it flows; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

In the cases to which the two foregoing paragraphs refer, the ownership of the Nation is inalienable and may not be lost by prescription; concessions shall be granted by the Federal Government to private parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed, and on the further condition that the legal provisions be observed.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

I—Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The Nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the Nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and of 50 kilometers from the sea coast no foreigner shall under any conditions acquire direct ownership of lands and waters.

II—The religious associations known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property; all such real property or loans as may be at present held by the said religious associations either on their own behalf, or through third parties, shall vest in the Nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishments of religious associations, convents or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious sect shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation.

III—Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies, or organizations formed for any other purpose shall in no case acquire, hold and administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the patronage, direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious sect or of their dependents, even though either the former or the latter shall not be in service.

IV—Commercial stock companies may not acquire, hold, or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the State in each case shall determine.

V—The banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own or administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be

judicially adjudicated to them in execution proceedings.

VI—Properties held in common by co-owners, hamlets situated on private property, pueblos, tribal congregations and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them, or which may have been or shall be restored to them according to the law of January 6, 1915, until such time as the manner of making the division exclusively of the lands shall be determined by law.

VII—Excepting the corporations to which Clauses III, IV, V and VI hereof refer, no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal District and the Territories as well as the Municipalities throughout the Republic shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

The Federal and State laws shall determine within their respective jurisdictions those cases in which the occupation of private property is to be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The amount fixed as compensation for the expropriated property shall be based on the sum at which the said property shall be valued for fiscal purposes in the catastral or revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which basis there shall be added ten per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

All proceedings, dispositions, decisions and all operations of demarcation, concession, composition, judgment, compromise, alienation, or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing since the law of June 25, 1856, of the whole or a part of their lands, woods and waters, are declared null and void; all dispositions, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be restored to them according to the decree of January 6, 1915, which shall remain in force as a constitutional law. In case the adjudication of lands, by way of restitution be not legal in the terms of the said decree which adjudication should have been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands, title to which may have been acquired in the divisions made by virtue of the said law of June 25, 1856, or such as may be held in undisputed ownership for more than ten years are excepted from the provision of nullity, provided their area does not exceed fifty hectares. Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided and the rights to these lands shall be inalienable so long as they remain undivided; the same provision shall govern the right of ownership after the division has been made. The exercise of the rights pertaining to the Nation by virtue of this article shall be made by judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction, or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down.

\*While the term "public utility" may be somewhat misleading, it is felt that that of "public use" may be even more so. The same expression ("*por causa de utilidad pública*") is to be found in the 1857 Constitution, and has always been interpreted by the courts of Mexico in the sense of public interest, as in the case of land expropriated for the surface work of a mine, etc. H. N. B.



During the next constitutional term, the Congress and the State Legislatures shall enact laws within their respective jurisdictions for the purpose of carrying out the division of large landed estates subject to the following conditions:

(a)—In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b)—The excess of the area fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local government, by means of expropriation proceedings.

(d)—The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than twenty years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed five per cent per annum.

(e)—The owner shall be bound to receive special bonds to guarantee the payment of the property expropriated. With this end in view the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.

(f)—The local laws will govern the extent of family estate, determining what property will constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge.

All contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the Nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest.

Art. 28—There shall be no private nor governmental monopolies of any kind whatsoever in the United States of Mexico; nor exemption from taxation; nor any prohibition even under cover of protection to industry, excepting only those relating to the coinage of money, to the postal, telegraphic, and radiotelegraphic services, to the issuance of bills by a single banking institution to be controlled by the Federal Government, and to the privileges which for a limited period the law may concede to authors and artists for the reproduction of their work; and lastly to those granted inventors or improvers of inventions for the exclusive use of their inventions.

The law will accordingly severely punish and the authorities diligently prosecute any accumulating or cornering by one or more persons of necessities for the purpose of bringing about a rise in price; any act or measure which shall stifle or endeavor to stifle free competition in any production, industry, trade or public service; any agreement or combination of any kind entered into by producers, manufacturers, merchants, common carriers or other public or quasi-public service, to stifle competition and to compel the consumer to pay exorbitant prices; and in general whatever constitutes an unfair and exclusive advantage in favor of one or more specified person or persons to the detriment of the public in general or of any special class of society.

Associations of labor organized to protect their own interests shall not be deemed a monopoly. Nor shall cooperative associations or unions of producers be deemed monopolies when, in defense of their own interests or of the general public, they sell directly in foreign markets national or industrial products which are the principal source of wealth of the region in which they are produced, provided they be not necessities, and provided further that such associations be under the supervision or protection of the Federal Government or of that of the States, and provided further that authorization be in each case obtained from the respective legislative bodies. These legislative bodies may, either on their own initiative or on the recommendation of the executive, revoke, whenever the public interest shall so demand, the authorization granted for the establishment of the associations in question.

Art. 29—In cases of invasion, grave disturbance of the public peace, or any other emergency which may place society in grave danger or conflict, the President of the Republic of Mexico, and no one else, with the concurrence of the Council of Ministers, and with the approval of the Congress, or if the latter

shall be in recess, of the Permanent Committee, shall

No foreigner shall meddle in any way whatsoever have power to suspend throughout the whole Republic or in any portion thereof, such rights as shall be a hindrance in meeting the situation promptly and readily, but such suspension shall in no case be confined to a particular individual, but shall be made by means of a general decree and only for a limited period. If the suspension should occur while the Congress is in session, this body shall grant such powers as in its judgment the executive may need to meet the situation; if the suspension occur while the Congress is in recess, the Congress shall be convoked forthwith for the granting of such powers.

## CHAPTER II

### OF MEXICANS

Article 30—A Mexican shall be such either by birth or by naturalization.

I—Mexicans by birth are those born of Mexican parents, within or without the Republic, provided in the latter case the parents be also Mexicans by birth. Those born within the Republic of foreign parentage shall likewise be considered Mexicans by birth, who within one year after they come of age shall declare to the Department of Foreign Affairs that they elect Mexican citizenship, and who shall furthermore prove to the said Department that they have resided within the country during the last six years immediately prior to the said declaration.

II—Mexicans by naturalization are:

(a)—The children of foreign parentage born in the country, who shall elect Mexican citizenship in the manner prescribed in the foregoing clause, and in whom the residence qualification required in the said section does not concur.

(b)—Those persons who shall have resided in the country for five consecutive years, have an honest means of livelihood and shall have obtained their naturalization from the said Department of Foreign Affairs.

(c)—Those of mixed Indian and Latin descent who may have established residence in the Republic, who shall have manifested their intention to acquire Mexican citizenship.

In the cases stipulated in these sections, the law shall determine the manner of proving the requisites therein demanded.

Art. 31—It shall be the duty of every Mexican:

I—To compel the attendance at either private or public schools of their children or wards, when under fifteen years of age, in order that they may receive primary instruction and military training for such periods as the law of public instruction in each State shall determine.

II—To attend on such days and at such hours as the town council shall in each case prescribe, to receive such civic instruction and military training as shall fit them to exercise their civic rights, shall make them skillful in the handling of arms and familiar with military discipline.

III—To enlist and serve in the national guard, pursuant to the respective organic law for the purpose of preserving and defending the independence, territory, honor, rights and interests of the Fatherland, as well as domestic peace and order.

IV—To contribute in the proportional and equitable manner provided by law toward the public expenses of the federation, the State and the municipality in which he resides.

Art. 32—Mexicans shall be preferred under equal circumstances to foreigners for all kinds of concessions and for all public employments, offices or commissions, when citizenship is not indispensable. No foreigner shall serve in the army nor in the police corps nor in any other department of public safety during times of peace.

Only Mexicans by birth may belong to the national navy, or fill any office or commission therein. The same requisite shall be required for captains, pilots, masters and chief engineers of Mexican merchant ships, as well as for two-thirds of the members of the crew.

## CHAPTER III

### OF FOREIGNERS

Article 33—Foreigners are those who do not possess the qualifications prescribed by Article 30. They shall be entitled to the rights granted by Chapter I, Title I, of the present Constitution; but the Executive shall have the exclusive right to expel from the

Republic forthwith and without judicial process, any foreigner whose presence he may deem inexpedient in the political affairs of the country.

## CHAPTER IV

### OF MEXICAN CITIZENS

Article 34—Mexican citizenship shall be enjoyed only by those Mexicans who have the following qualifications:

I—Are over 21 years of age, if unmarried, and over 18, if married.

II—Have an honest means of livelihood.

Art. 35—The prerogatives of citizens are:

I—To vote at popular elections.

II—To be eligible for any elective office and be qualified for any other office or commission provided they have the other qualifications required by law.

III—To assemble to discuss the political affairs of the country.

IV—To serve in the army or national guard for the defense of the Republic and its institutions as by law determined.

V—To exercise the right of petition in any matter whatever.

Art. 36—It shall be the duty of every Mexican citizen:

I—To register in the polls of the municipality, setting forth any property he may own and his professional or industrial pursuit, or occupation; and also to register in the electoral registration lists, as by law determined.

II—To enlist in the national guard:

III—To vote at popular elections in the electoral district to which he belongs.

IV—To fill the elective Federal or State offices to which he may be chosen which shall in no case be gratuitous.

V—To serve on the town council of the municipality wherein he resides and to perform all electoral and jury service.

Art. 37—Citizenship shall be lost:

I—By naturalization in a foreign country.

II—By officially serving the government of another country, or accepting its decorations, titles or employment without previous permission of the Federal Congress, excepting literary, scientific and humanitarian titles which may be accepted freely.

III—By compromising themselves in any way before ministers of any religious creed or before any other person not to observe the present Constitution, or the laws arising thereunder.

Art. 38—The rights or prerogatives of citizenship shall be suspended for the following reasons:

I—Through failure to comply without sufficient cause with any of the obligations imposed by Article 36. This suspension shall last for one year and shall be in addition to any other penalties prescribed by law for the same offense.

II—Through being subjected to criminal prosecution for an offense punishable with imprisonment, such suspension to be reckoned from the date of the formal order of commitment.

III—Throughout the term of imprisonment.

IV—Through vagrancy or habitual drunkenness, declared in the manner provided by law.

V—Through being a fugitive from justice, the suspension to be reckoned from the date of the order of arrest until the prescription of the criminal action.

VI—Through any final sentence which shall decree as a penalty such suspension.

The law shall determine the cases in which civic rights may be lost or suspended and the manner in which they may be regained.

## TITLE II

### CHAPTER I

#### OF THE NATIONAL SOVEREIGNTY AND FORM OF GOVERNMENT.

Article 39—The national sovereignty is vested essentially and originally in the people. All public power emanates from the people and is instituted for their benefit. The people have at all times the inalienable right to alter or modify their form of government.

Art. 40—It is the will of the Mexican people to constitute themselves into a democratic, federal, representative republic, consisting of States free and sovereign in all that concerns their internal affairs,



but united in a federation according to the principles of this fundamental law.

Art. 41—The people exercise their sovereignty through the federal powers in the matters belonging to the Union, and through those of the States in the matters relating to the internal administration of the latter. This power shall be exercised in the manner respectively established by the Constitutions, both Federal and State. The constitutions of the States shall in no case contravene the stipulations of the Federal constitution.

## CHAPTER II

### OF THE INTEGRAL PARTS OF THE FEDERATION AND THE NATIONAL TERRITORY

Article 42—The National Territory comprises the integral parts of the Federation and the adjacent islands in both oceans. It likewise comprises the Island of Guadalupe, those of Revillagigedo, and that of "La Pasion," situated in the Pacific Ocean.

Art. 43—The integral parts of the Federation are: The States of Aguascalientes, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Nuevo Leon, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tlaxcala, Tamaulipas, Veracruz, Yucatán, Zacatecas, the Federal District, the Territory of Lower California, and the Territory of Quintana Roo.

Art. 44—The Federal District shall embrace its present territory; in the event of the removal of the Federal Powers to some other place it shall be created into the State of the Valley of Mexico, with such boundaries and area as the Federal Congress shall assign to it.

Art. 45—The States and Territories of the Federation shall conserve their present boundaries and areas, provided no boundary question shall exist between them.

Art. 46—The States having pending boundary questions shall settle them as provided by this Constitution.

Art. 47—The State of Nayarit shall have the territorial area and boundaries at present comprising the territory of Tepic.

Art. 48—The islands in both oceans embraced within the national territory shall depend directly on the Federal Government, excepting those over which the States have up to the present time exercised jurisdiction.

## TITLE III

### CHAPTER I

#### OF THE DIVISION OF POWERS

Article 49—The supreme power of the Federation is divided for its exercise into legislative, executive and judicial.

Two or more of these powers shall never be united in one person or corporation, nor shall the executive power be vested in one individual except in the case of extraordinary powers granted to the executive, in accordance with the provisions of Article 29.

### CHAPTER II

#### OF THE LEGISLATIVE POWER

Article 50—The legislative power of the United States of Mexico is vested in a general Congress which shall consist of a House of Representatives and a Senate.

### SECTION I

#### OF THE ELECTION AND INSTALLATION OF THE CONGRESS

Article 51—The House of Representatives shall consist of representatives of the Nation, all of whom shall be elected every two years by the citizens of Mexico.

Art. 52—One representative shall be chosen for each 60,000 inhabitants or for any fraction thereof exceeding 20,000, on the basis of the general census of the Federal District and of each State and Territory. Any State or Territory in which the population shall be less than that fixed by this Article shall, nevertheless, elect one representative.

Art. 53—There shall be elected an alternate for each Representative.

Art. 54—The election of Representatives shall be direct, in accordance with the provisions of the electoral law.

Art 55—Representatives shall have the following qualifications:

I—They shall be Mexican citizens by birth and in the enjoyment of their rights.

II—They shall be over twenty-five years of age on the day of election.

III—They shall be natives of the States or Territories respectively electing them, or domiciled and actually resident therein for six months immediately prior to the election. The domicile shall not be lost through absence in the discharge of any elective office.

IV—They shall not be in active service in the Federal army, nor have any command in the Police corps or rural constabulary in the districts where the elections respectively take place, for at least ninety days immediately prior to the election.

V—They shall not hold the office of secretary nor assistant secretary of any Executive Department or of Justice of the Supreme Court, unless they shall have resigned therefrom ninety days immediately prior to the election.

No State Governor, Secretary of State of the several States, or State Judge shall be eligible in the Districts within their several jurisdictions, unless they shall have resigned from their respective offices ninety days immediately prior to the day of election.

VI—They shall not be ministers of any religious creed.

Art. 56—The Senate shall consist of two Senators from each State and two from the Federal District, chosen in direct election.

Each State Legislature shall certify to the election of the candidate who shall have obtained a majority of the total number of votes cast.

Art. 57—There shall be elected an alternate for each Senator.

Art. 58—Each Senator shall serve four years. The Senate shall be renewed by half every two years.

Art. 59—The qualifications necessary to be a Senator shall be the same as those necessary to be a Representative, excepting that of age, which shall be over thirty-five on the day of election.

Art. 60—Each House shall be the judge of the election of its members and shall decide all questions arising therefrom.

Its decisions shall be final.

Art. 61—Representatives and Senators are inviolable for opinions expressed by them in the discharge of their duties, and shall never be called to account for them.

Art. 62—Representatives and Senators shall be disqualified during the terms for which they have been elected from holding any Federal or State commission or office for which any emolument is received without previous permission of the respective House; in the event of their accepting such commission or office they shall forthwith lose their representative character for such time as they shall hold such appointive office. The same provision shall apply to alternate Representatives and Senators, when in active service. The violation of this provision shall be punished by forfeiture of the office of Representative or Senator.

Art. 63—The Houses shall not open their sessions nor exercise their functions without a quorum, in the Senate, of two-thirds, and in the House of Representatives of a majority of the total membership; but the members present of either House shall meet on the day appointed by law and compel the attendance of the absentees within the next thirty days, and they shall warn them that failure to comply with this provision shall be taken to be a refusal of office, and the corresponding alternates shall be summoned forthwith; the latter shall have a similar period within which to present themselves, and on their failure to do so the seats shall be declared vacant and new elections called.

Representatives or Senators who shall be absent during ten consecutive days without proper cause or without leave of the President of the respective House, notice of which shall be duly communicated to the House, shall be understood as waiving their right to attend until the next session, and their alternates shall be summoned without delay.

If there shall be no quorum to organize either of the Houses or to continue their labors, once organized, the alternates shall be ordered to present themselves as soon as possible for the purpose of taking office until the expiration of the thirty days hereinbefore mentioned.

Art. 64—No Representative or Senator who shall

fail to attend any daily session without proper cause or without previous permission of the respective House, shall be entitled to the compensation corresponding to the day on which he shall have been absent.

Art. 65—The Congress shall meet on the first day of September of each year in regular session for the consideration of the following matters:

I—To audit the accounts of the previous year which shall be submitted to the House of Representatives not later than ten days after the opening of the session. The audit shall not be confined to determining whether the expenditures do or do not conform with the respective items in the Budget, but shall comprise an examination of the exactness of and authorization for payments made thereunder and of any liability arising from such payments.

No other secret items shall be permitted than those which the Budget may consider as such; these amounts shall be paid out by the secretaries of Executive Departments under written orders of the President.

II—To examine, discuss and approve the Budget for the next fiscal year and to lay such taxes as may be needed to meet the expenditures.

III—To study, discuss and vote on all bills presented and to discuss all other matters incumbent upon the Congress by virtue of this Constitution.

Art. 66—The regular session of the Congress shall last the period necessary to deal with all of the matters mentioned in the foregoing article, but it may not be extended beyond the thirty-first day of December of the same year. Should both Houses fail to agree as to adjournment prior to the above date, the matter shall be decided by the executive.

Art. 67—The Congress shall meet in extraordinary session whenever so summoned by the President, but in such event it shall consider only the matter or matters submitted to it by the President, who shall enumerate it or them in the respective call. The President shall have power to convene in extraordinary session only one of the Houses when the matter to be referred to it pertains to its exclusive jurisdiction.

Art. 68—Both Houses shall hold their meetings in the same place and shall not move to another without having first agreed upon the moving and the time and manner of accomplishing it, as well as upon the place of meeting, which shall be the same for both Houses. If both Houses agree to change their meeting place but disagree as to the time, manner and place the President shall settle the question by choosing one of the two proposals. Neither House may suspend its sessions for more than three days without the consent of the other.

Art. 69—The President of the Republic shall attend at the opening of the sessions of the Congress, whether regular or extraordinary, and shall submit a report in writing; this report shall in the former case, relate to the general state of the Union; and in the latter, it shall explain to the Congress or to the House addressed the reasons or causes which rendered the call necessary and the matters requiring immediate attention.

Art. 70—Every measure of the Congress shall be in the form of a law or decree. The laws or decrees shall be communicated to the Executive after having been signed by the Presidents of both Houses and by one of the secretaries of each. When promulgated, the enacting clause shall read as follows:

"The Congress of the United States of Mexico decrees (text of the law or decree)."

### SECTION II

#### OF THE ORIGIN AND FORMATION OF THE LAWS.

Art. 71—The right to originate legislation pertains:

I—To the President of the Republic;

II—To the Representatives and Senators of the Congress;

III—To the State Legislatures.

Bills submitted by the President of the Republic, by State Legislatures or by delegations of the States shall be at once referred to committee. Those introduced by Representatives or Senators shall be subject to the rules of procedure.

Art. 72—All bills, action on which shall not pertain exclusively to one of the Houses, shall be discussed first by one and then by the other, according to the rules of procedure as to the form,



## SECTION III

## OF THE POWERS OF CONGRESS.

Article 73.—The Congress shall have power:

I—To admit new States or Territories into the Federal Union.

II—To grant statehood to Territories having a population of 80,000 inhabitants and the elements necessary to provide for their political existence.

III—To form new States within the boundaries of existing ones provided the following requisites are complied with:

1—That the section or sections aspiring to statehood have a population of 120,000 inhabitants at least;

2—That proof be given to the Congress that it has sufficient means to provide for its political existence;

3—That the legislatures of the States affected be heard as to the advisability or inadvisability of granting such statehood, which opinion shall be given within six months after the date of the communication addressed to them on the subject;

4—That the opinion of the Executive of the Federal Government be also heard on the subject; said opinion to be given within seven days after the date on which it was requested.

5—That the creation of the new State be voted upon favorably by two-thirds of the Representatives and Senators present in their respective Houses.

6—That the resolution of the Congress be ratified by a majority of the State Legislatures, upon examination of the copy of the record of the case, provided that the Legislatures of the States to which the section belongs shall have given their consent.

7—If the Legislatures of the States to which the Section belongs have not given their consent, the ratification referred to in the foregoing Clause shall be made by two-thirds of the Legislatures of the other States.

IV—To settle finally the limits of the States, terminating the differences which may arise between them relative to the demarcation of their respective territories, except when the differences be of a litigious nature.

V—To change the residence of the supreme powers of the Federation.

VI—To legislate in all matters relating to the Federal District and the Territories, as hereinafter provided:

1—The Federal District and the Territories shall be divided into municipalities, each of which shall have the area and population sufficient for its own support and for its contribution toward the common expenses.

2—Each municipality shall be governed by a town council elected by direct vote of the people.

3—The Federal District and each of the Territories shall be administered by Governors under the direct orders of the President of the Republic. The Governor of the Federal District shall despatch with the President, and the Governor of each Territory shall despatch with the President through the duly constituted channels. The Governor of the Federal District and the Governor of each territory shall be appointed by the President and may be removed by him at will.

4—The Superior Judges and those of First Instance of the Federal District and those of the Territories shall be named by the Congress, acting in each case as an electoral college. In the temporary or permanent absences of the said Superior Judges these shall be replaced by appointment of the Congress, and in recess by temporary appointments of the Permanent Committee. The organic law shall determine the manner of filling temporary vacancies in the case of judges, and shall designate the authority before whom they shall be called to account for any dereliction, excepting the provisions of this Constitution with regard to the responsibility of officials. From and after the year 1923 the Superior Judges and those of First Instance to which this clause refers may only be removed from office for bad conduct and after impeachment, unless they shall have been promoted to the next higher grade. From and after the said date the compensation enjoyed by said officials shall not be diminished during their term of office.

5—The office of the Public Attorney (Ministerio Publico) of the Federal District and of the Territories, shall be in charge of an Attorney General, who

time of presentation and other details relative to discussions and votes.

(a) After a bill has been approved in the House where it originated it shall be sent to the other House for consideration. If passed by the latter it shall be transmitted to the President who, if he has no objection thereto, shall immediately promulgate it.

(b) All bills not returned by the Executive within ten working days with his observations to the House in which they originated, shall be considered approved unless during the said ten days the Congress shall have adjourned or suspended its sessions, in which event they shall be returned on the first working day after the Congress shall have reconvened.

(c) Bills rejected in whole or in part by the Executive shall be returned with his observations to the House where they originated. They shall be discussed anew by this House and if confirmed by a two-thirds majority vote of the total membership shall be sent to the other House for reconsideration. If approved by it, also by the same majority vote, the bill shall become law and shall be returned to the Executive for promulgation.

The voting in both Houses shall be by yeas and nays.

(d) Bills totally rejected by the House not originating them shall be returned with the proper observations to the House of origin. If examined anew and approved by a majority of the members present, they shall be returned to the House rejecting them, which shall once again take them under consideration, and if approved by it, likewise by the same majority vote they shall be sent to the Executive for the purposes of Clause A; but if the said House fail to approve them, they shall not be reintroduced in the same session.

(e) Bills rejected in part or modified or amended by the House of revision shall be discussed anew in the House of origin, but the discussion shall be confined to the portion rejected or to the amendments or additions, without the approved articles being altered in any respect. If the additions or amendments made by the House of revision be approved by a majority vote of the members present in the House of origin, the bill shall be transmitted to the Executive for the purposes of Clause A; but if the amendments or additions by the House of revision be rejected by a majority vote of the House of origin they shall be returned to the former House in order that the reasons set forth by the latter may be taken into consideration. If in this second revision the said additions or amendments be rejected by a majority vote of the members present the portion of the bill which has been approved by both Houses shall be sent to the Executive for the purposes of Clause A. If the House of revision insist by a majority vote of the members present upon the additions or amendments, no action shall be taken on the whole bill until the next session, unless both Houses agree by a majority vote of the members present to the promulgation of the law without the articles objected to, which shall be left till the next session, when they shall be then discussed and voted upon.

(f) The same formalities as are required for the enactment of laws shall be observed for their interpretation, amendment or repeal.

(g) No bill rejected in the House of origin before passing to the other House shall be reintroduced during the session of that year.

(h) Legislative measures may be originated in either House, excepting bills dealing with loans, taxes or imposts, or with the raising of troops which must have their origin in the House of Representatives.

(i) Whenever a bill shall be presented to one House it shall be first discussed there unless one month shall have elapsed since it was referred to committee and not reported, in which event an identical bill may be presented and discussed in the other House.

(j) The President shall not make any observations touching the decisions of the Congress or of either House when acting as an electoral body or as a grand jury, nor when the House of Representatives shall declare that there are grounds to impeach any high federal authority for official offenses.

Nor shall he make any observations touching the order for a call issued by the Permanent Committee as provided in Article 84.

shall reside in the City of Mexico and of such Public Attorney or Attorneys as the law may determine; the said Attorney General shall be under the direct orders of the President of the Republic, who shall appoint and may remove him at will.

VII—To lay the taxes necessary to meet the expenditures of the Budget.

VIII—To establish the conditions upon which the Executive may make loans on the credit of the nation; to approve the said loans and to recognize and order the payment of the public debt.

IX—To enact tariff laws on foreign commerce and to prevent restrictions from being imposed on interstate commerce.

X—To legislate for the entire Republic in all matters relating to mining, commerce, and credit institutions, and to establish the sole bank of issue as provided in Article 28 of this Constitution.

XI—To create and abolish Federal offices and to fix, increase or decrease the compensations assigned thereto.

XII—To declare war upon examination of the facts submitted by the Executive.

XIII—To regulate the manner in which letters of marque may be issued; to enact laws according to which prizes on land and sea shall be adjudged valid or invalid, and to frame the admiralty law for times of peace and war.

XIV—To raise and maintain the army and navy of the Union and to regulate their organization and service.

XV—To make rules for the organization and discipline of the National Guard, reserving for the citizens who compose it the right of appointing their respective commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by the said regulations.

XVI—To enact laws on citizenship, naturalization, colonization, emigration, immigration and public health of the Republic.

1—The Public Health service shall depend directly upon the President of the Republic, without the intervention of any Executive Department, and its general provisions shall be binding throughout the Republic.

2—In the event of epidemics of a grave or dangerous nature, of the invasion of diseases from abroad, the Public Health Service shall be called upon to put into force without delay the necessary preventive measures, subject to their subsequent sanction by the President of the Republic.

3—The sanitary authorities shall have executive faculties and their determinations shall be obeyed by the administrative authorities of the country.

4—All measures which the Public Health Service shall have put into effect in its campaign against alcoholism and the sale of substances injurious to man and to the race shall be subsequently revised by the Congress in such cases as fall within the jurisdiction of the latter.

XVII—To enact laws on general means of communication, postroads and post offices and to enact laws as to the use and development of the waters subject to the Federal jurisdiction.

XVIII—To establish mints, regulate the value and kinds of the national currency, fix the value of foreign moneys and adopt a general system of weights and measures.

XIX—To make rules for the occupation and sale of public lands and the prices therefor.

XX—To enact laws as to the organization of the diplomatic and consular services.

XXI—To define the crimes and offenses against the Nation and to fix the penalties therefor.

XXII—To grant a amnesty for offenses subject to the jurisdiction of the Federal Courts.

XXIII—To make rules for its internal government and to enact the necessary provisions to compel the attendance of absent Representatives and Senators and to punish the acts of commission or omission of those present.

XXIV—To issue the organic law of the Auditor General's office.

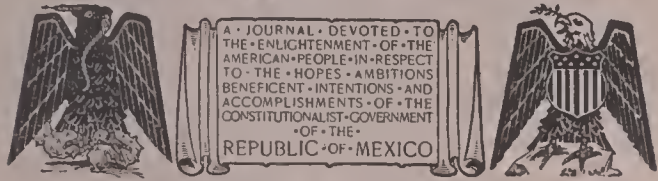
XXV—To sit as an electoral college and to name the Justices of the Supreme Court, and the Superior and Inferior Judges of the Federal District and Territories.

XXVI—To accept the resignation of the Justices of the Supreme Court and of the Superior and Inferior Judges of the Federal District and

(Continued on page 9)



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## THE NEW CONSTITUTION

THE REVIEW gives herewith the complete text of the new Constitution of Mexico, which was adopted at Queretaro, on January 31st, after a session of over two months spent in its discussion by the Constituent Congress.

The translation has been carefully made by a competent linguist who has in the past performed similar tasks with fidelity and success, and THE REVIEW believes that as given here it is a correct reflex in the English language of the meaning of the authors of this notable document.

It had been hoped to present the old Constitution side by side with the new, in order that readers might the more readily compare the two and determine for themselves the changes that have been made. Lack of space, however, prevents this, but in future issues THE REVIEW will from time to time give the more notable differences between the old and the new Constitutions.

Notable features are the addition of new sections such as the agrarian law, the labor law, etc., which had no place in the former organic code. These and many other features as well will well repay study by all interested in Mexico, as also those concerned in the uplift of the human race.

The new Constitution of Mexico is one of the most progressive and in many respects radical codes that the world has yet seen.

The work of translation was undertaken by Mr. H. N. Branch, who is a graduate of the George Washington University Law School and has had broad experience with Mexican legal terminology; he is thus particularly well-fitted to undertake work involving an analytical study of the common law and the civil law. The character of the work is sufficient testimony to the ability of the translator in this direction.

## PRESIDENT WILSON AND MEXICO

In the February issue of *Everybody's Magazine* is a lengthy interview with President Wilson, in which occurs the following pungent and interesting statement:

"With respect to Mexico *no change in policy may be expected*. In speaking of this matter the whole manner of the President betrayed a fixed and indomitable resolution:

"No peace will be imposed upon Mexico that will suppress permanently a people's struggle to freedom and self-government," said the President. "No aid will be given to the restoration of a dictatorship. The safety of the border must be secured, and no activity will be spared to protect Ameri-

can lives and property, but this course is in no wise incompatible with the firm conviction that Mexico can never become a peaceful, law-abiding neighbor until she has been permitted to achieve a permanent and basic settlement of her troubles *without outside interference*. Lack of appreciation of the patience and forbearance of the United States may irritate and anger, but in no wise does it change the fundamental issues."

It is worth while at this juncture to quote the memorable utterance of the President made at Indianapolis in 1914, and which was received with such warm approval in Mexico. He said:

"There is one thing I have a great enthusiasm about—I might almost say a reckless enthusiasm—and that is human liberty. I hold it as a fundamental principle that every people has the right to determine its own form of government; and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people of Mexico never had a "look in" in determining who should be their governor or what their government should be. Now I am for the 80 per cent. It is none of my business and it is none of your business how long they take in determining it. The country is theirs. The Government is theirs. The liberty if they can get it—and God speed them in getting it—is theirs. And so far as my influence goes, while I am President nobody shall interfere with them. That is what I mean by a great emotion, the great emotion of sympathy. Do you suppose that the American people are ever going to count a small amount of material benefit and advantage to people doing business in Mexico against the liberties and the permanent happiness of the Mexican people? Have not European nations taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak? No, I say!"

## NOTE AND COMMENT

First Chief Carranza has issued a decree under the provisions of the new Constitution, calling for elections for President, Senators and Congressional Deputies, to be held on the second Sunday in March (the 11th). The officials thus elected will be installed in office on the 1st of May. A preliminary session of Congress will be held on April 2d, continuing for twelve days thereafter, for the purpose of examining the credentials of the members and subsequently computing the votes cast for President and declaring the result.

The cordial relations that exist between labor and capital in some directions at least in Mexico, are shown by the recent holding of a Congress of Railway Employees in Mexico City for the purpose of discussing and arranging many matters of importance, including wages, hours of labor, etc. This Congress was called at the direct request of the managers of the lines, and the proceedings are said to have been harmonious and satisfactory to both sides. It is probably the first instance of the kind in the world's history, and is an apt illustration of the changed conditions for the better that have attended the triumph of the Revolution.

The rapid restoration of normal conditions in Mexico is clearly and indisputably evidenced by the statistics of commerce between that country and the United States.

For the eleven months ending November, 1916, the total trade between the two countries was over \$143,000,000 or for the twelve months approximately \$156,000,000, there being a constant and steady increase from month to month. The revival of mining is shown in the most marked manner by the fact that in the eleven months noted the shipments of copper from Mexico to the United States totaled nearly twenty million dollars, while for the same period of the previous year they amounted to only nine millions. Shipments of sisal fibre increased over four and a half million dollars and shipments of oil were nearly twenty-five per cent greater than during the previous year. Altogether the detailed figures afford much food for thought—notably as to the accuracy of the widespread allegations that conditions of turmoil and anarchy are the rule and not the exception in the southern Republic.

It having been reported in Mexico and in Queretaro, on the arrival of Secretary Cabrera, of the Treasury Department, from his long stay in the United States as a member of the Mexican-American Commission, that he had engaged in negotiations regarding a loan to the Government of the Republic, a most positive official denial has been issued. It is declared that several prominent American banking houses made tenders of loans, but that all were declined on the ground that the time has not yet arrived for such negotiations. As THE REVIEW has already announced, no bond issue to secure a loan can be made until such issue is authorized by the chief legislative body of the Republic, and there has been no such body in existence since the commencement of the usurpation of Huerta. The Congress that is to be chosen on the 11th of March will have that power and can exercise it if it shall be deemed proper.

## EDUCATIONAL QUESTION EXPLAINED

In answer to a question asked by a "Universal" reporter, caused by a recently published statement as to the activities of a group of educators in the United States concerning educational matters in Mexico, Secretary Andres Osuna, of the Department of Education and Fine Arts, said that it was a mistake to suppose that he belonged to any organization having interventionist views on national education. While it is true that he has given some data relative to instruction in the schools to institutes and educational groups in the United States, he had done so in the character of Director-General of Education and at the solicitation of those interested. He added that he was in receipt daily of letters from institutions interested in acquiring information regarding the schools of Mexico, but inspired solely by student interest.

Because of publishing the new Constitution the Spanish page is omitted in this issue. However, a specially prepared sheet of Spanish will be sent to those who have become members of the Spanish Forum by subscription to the magazine.



## POLITICAL CONSTITUTION

*(Continued from page 7)*

Territories, and to name substitutes in their absence and to appoint their successors.

XXVII—To establish professional schools of scientific research and fine arts, vocational, agricultural and trade schools, museums, libraries, observatories and other institutes of higher learning, until such time as these establishments can be supported by private funds. These powers shall not pertain exclusively to the Federal Government.

All degrees conferred by any of the above institutions shall be valid throughout the Republic.

XXVIII—To sit as an electoral college and to choose the person to assume the office of President of the Republic, either as a substitute President or as a President ad interim in the terms established by Articles 84 and 85 of this Constitution.

XXIX—To accept the resignation of the President of the Republic.

XXX—To audit the accounts which shall be submitted annually by the Executive; this audit shall comprise not only the checking of the items disbursed under the Budget but the exactness of and authorization for the expenditures in each case.

XXXI—To make all laws necessary for carrying into execution the foregoing powers and all other powers vested by this Constitution in the several branches of the Government.

Art. 74—The House of Representatives shall have the following exclusive powers:

I—To sit as an electoral college to exercise the powers conferred by law as to the election of the President.

II—To watch by means of a special committee appointed from among its own members over the faithful performance by the Auditor General of the nation in the discharge of his duties.

III—To appoint all the higher officers and other employees of the Auditor General's office.

IV—To approve the annual Budget, after a discussion as to what taxes must in its judgment be laid to meet the necessary expenditures.

V—To take cognizance of all charges brought against public officials, as herein provided, for official offenses, and should the circumstances so warrant to impeach them before the Senate; and further to act as a grand jury to decide whether there is or is not good ground for proceeding against any official enjoying constitutional privileges, whenever accused of offenses of the common order.

VI—To exercise such other powers as may be expressly vested in it by this Constitution.

Art. 75—The House of Representatives, in passing the budget, shall assign a definite compensation to every office created by law, and if for any reason such compensation shall not be assigned, the amount fixed in the preceding Budget or in the law creating the office shall be presumed to be assigned.

Art. 76—The Senate shall have the following exclusive powers:

I—To approve the treaties and diplomatic conventions concluded by the Executive with foreign powers.

II—To ratify the nominations made by the President of diplomatic ministers or agents, consuls general, higher officials of the treasury, colonels and other superior officers of the army and navy as by law provided.

III—To authorize the Executive to allow the national troops to go beyond the limits of the Republic or to permit foreign troops to pass through the national territory and to consent to the presence of foreign fleets for more than one month in Mexican waters.

IV—To give its consent to the use, by the President, of the national guard beyond the limits of the respective States or Territories and to fix the amount of the force to be used.

V—To declare when the constitutional powers of any State have disappeared, that the occasion has arisen to give to the said State a provisional Governor, who shall call for elections to be held according to the constitution and laws of the said State. The appointment of such a Governor shall be made by the Senate with the approval of two-thirds of its members present or during recess by the Permanent Committee by the same two-thirds majority from among three names proposed by the President. The official thus selected shall not be chosen constitutional governor in the elec-

tions to be held under the call which he shall issue. This provision shall govern whenever the State Constitutions do not provide for the contingency.

VI—To sit as a Grand Jury to take cognizance of such official offenses of functionaries as are expressly prescribed by this Constitution.

VII—To exercise such other powers as may be expressly vested in it by this Constitution.

VIII—To adjust all political questions arising between the powers of a State whenever one of them shall appeal to the Senate or whenever by virtue of such differences a clash of arms has arisen to interrupt the constitutional order. In this event the Senate shall decide in accordance with the Federal Constitution and the Constitution of the State involved.

The exercise of this power and of the foregoing shall be regulated by law.

Art. 77—Each House may, without the intervention of the other:

I—Pass resolutions for matters exclusively relating to its own interior government.

II—Communicate with the other House, and with the Executive through the intermediary of committees appointed from among its members.

III—Appoint the employees in the office of the secretary and to make all rules and regulations for the said office.

IV—Issue a call for extraordinary elections to fill any vacancies which may have occurred in its membership.

## SECTION IV

## OF THE PERMANENT COMMITTEE.

Article 78—During the recesses of the Congress there shall be a Permanent Committee consisting of 29 members, 15 of whom shall be Representatives and 14 Senators, appointed by the respective Houses on the eve of the day of adjournment.

Art. 79—In addition to the powers expressly vested in it by this Constitution, the Permanent Committee shall have the following powers:

I—To give its consent to the use of the national guard as provided in Article 76, Clause IV.

II—To administer the oath of office should the occasion arise, to the President, to the Members of the Supreme Court, to the Superior Judges of the Federal District and Territories, on such occasions as the latter officials may happen to be in the City of Mexico.

III—To report on all pending matters, so that they may be considered in the ensuing session.

IV—To call extraordinary sessions in the case of official offenses or offenses of the common order committed by secretaries of Executive Departments or Justices of the Supreme Court, and official offenses committed by State Governors provided the case shall have been already instituted by the Committee of the Grand Jury, in which event no other business of the Congress shall be considered, nor shall the sessions be prolonged beyond the time necessary for a decision.

## CHAPTER III

## OF THE EXECUTIVE POWER.

Article 80—The exercise of the Supreme Executive power of the nation is vested in a single individual who shall be called "President of the United States of Mexico."

Art. 81—The election of the President shall be direct in accordance with the provisions of the electoral law.

Art. 82—The President of the Republic shall have the following qualifications:

I—He shall be a Mexican citizen by birth, in the full enjoyment of his rights and he must be the son of Mexican parents by birth.

II—He shall be over thirty-five years of age at the time of election.

III—He shall have resided in the country during the entire year prior to the election.

IV—He shall not belong to any ecclesiastical order nor be a minister of any religious creed.

V—In the event of belonging to the army he shall have retired from active service 90 days immediately prior to the election.

VI—He shall not be a secretary or assistant secretary of any Executive Department unless he shall have resigned from office 90 days prior to the election.

VII—He shall not have taken part, directly or indirectly, in any uprising, riot or military coup.

Art. 83—The President shall enter upon the duties of his office on the first day of December, shall serve four years and shall never be reelected.

The citizen who shall replace the constitutional President in the event of his permanent disability shall not be elected President for the ensuing term.

Nor shall the person designated as Acting President during the temporary disabilities of the constitutional President be re-elected President for the ensuing term.

Art. 84—In the event of the permanent disability of the President of the Republic, if this shall occur within the first two years of the respective term, the Congress, if in session, shall forthwith act as an electoral college and with the attendance of at least two-thirds of its total membership shall choose a President by secret ballot and by a majority vote; and the same Congress shall issue the call for Presidential elections and shall endeavor to have the date set for this event as far as possible coincide with the date of the next election of Representatives and Senators to Congress.

Should the disability of the President occur while Congress is in recess, the Permanent Committee shall forthwith designate a President ad interim who shall call Congress together in extraordinary session, in order that it may in turn issue the call for Presidential elections in the manner provided in the foregoing article.

Should the disability of the President occur in the last two years of the respective term, the Congress, if in session, shall choose the substitute to conclude the period of the Presidential term; if Congress shall not be in session the Permanent Committee shall choose a President ad interim and shall summon Congress in extraordinary session in order that it may act as an electoral college and proceed to the election of the substitute President.

The President ad interim may be chosen by Congress as substitute President.

The citizen designated as President ad interim for the purpose of calling elections, in the event of the disability of the President within the two first years of the respective term, shall not be chosen in the elections held to fill such vacancy and for which he was designated.

Art. 85—If the President-Elect shall fail to present himself at the beginning of any constitutional term, or the election not have been held and the result made known by the first of December, the outgoing President shall nevertheless vacate office and the President ad interim chosen by the Congress, or in its recess by the Permanent Committee, shall forthwith assume the executive power. All action taken hereunder shall be governed by the provisions of the foregoing article.

In case of a temporary disability of the President, the Congress, or the Permanent Committee if the Congress shall not be in session, shall designate an Acting President during such disability. If a temporary disability shall become permanent the action prescribed in the preceding article shall be taken.

In the event of a leave of absence granted to the President of the Republic the person acting in his stead shall not be disqualified from being elected in the ensuing period, provided he shall not have been in office during the holding of elections.

Art. 86—The President may not resign office except for grave cause, upon which the Congress shall pass, to which body the resignation shall be tendered.

Art. 87—The President before entering upon the discharge of the duties of his office, shall make the following affirmation before the Congress, or in its recess before the Permanent Committee:

"I do solemnly affirm that I will defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder and that I will faithfully and conscientiously perform the duties of President of the United States of Mexico, to which I have been chosen by the people, having ever in mind the welfare and prosperity of the Nation; if I shall fail to do so, may the Nation call me to account."

Art. 88—The President may not absent himself from the national territory without the permission of the Congress.

Art. 89—The President shall have the following powers and duties:

I—To promulgate and execute the laws enacted by the Congress, providing in the administrative sphere for their faithful observance.



II—To appoint and remove at will the Secretaries of Executive Departments, the Attorney General of the Republic, the Governor of the Federal District, the Governors of Territories, the Attorney General of the Federal District and Territories; and to appoint and remove at will all other Federal employees whose appointment or removal is not otherwise provided for by law or in this Constitution.

III—To appoint by and with the approval and consent of the Senate all ministers, diplomatic agents and consuls general.

IV—To appoint by and with the approval of the Senate the colonels and other superior officers of the army and navy and the superior officials of the Treasury.

V—To appoint all other officers of the army and navy as by law provided.

VI—To dispose of the permanent land and sea forces for the domestic safety and defense of the Union.

VII—To dispose of the national guard for the same purposes, as provided by Article 76, Clause IV.

VIII—To declare war in the name of the United States of Mexico, after the passage of the corresponding resolution by the Congress.

IX—To grant letters of marque, upon the terms and conditions fixed by the Congress.

X—To conduct diplomatic negotiations and to enter into treaties with foreign powers, submitting them for ratification to the Congress.

XI—To call Congress or either of the Houses in extraordinary session, whenever in his judgment it may be advisable.

XII—To afford the judiciary all the assistance necessary for the expeditious exercise of its functions.

XIII—To open all kinds of ports, establish maritime and frontier customs houses and designate their location.

XIV—To grant, according to law, pardons to criminals sentenced for offenses within the jurisdiction of the Federal tribunals, and to all persons sentenced for offenses of the common order in the Federal District and Territories.

XV—To grant exclusive privileges for a limited time, and according to the respective laws, to discoverers, inventors or improvers in any branch of industry.

XVI—Whenever the Senate shall not be in session the President may temporarily make the appointments enumerated in Clauses III and IV hereof, but these appointments shall be submitted to the Senate so soon as it reconvenes.

XVII—To exercise such other rights and duties as are expressly conferred upon him by this Constitution.

Art. 90—For the transaction of administrative matters of the Federal Government there shall be the number of Secretaries of Executive Departments which the Congress may by law establish, which law shall likewise assign among the several Departments the several matters with which each shall be charged.

Art. 91—No person shall be appointed Secretary of an Executive Department who is not a Mexican citizen by birth and in the enjoyment of his rights and who has not attained the age of thirty years.

Art. 92—All rules, regulations, decrees and orders of the President shall be signed by the Secretary of the Executive Department to which the matter pertains. They shall not be binding without this requisite. All rules, regulations and orders of the President touching the government of the Federal District and of the Administrative Departments shall be transmitted directly by the President to the Governor of the District and to the Chief of the respective Department.

Art. 93—The Secretaries of Executive Departments shall on the opening of each regular session report to the Congress as to the state of their respective Departments. Either House may summon a Secretary of an Executive Department to inform it, whenever a bill or other matter pertaining to his department is under discussion.

#### CHAPTER IV.

##### OF THE JUDICIAL POWER.

Art. 94—The judicial power of the Federation is vested in a Supreme Court and in Circuit and District Courts, whose number and powers shall be fixed by law. The Supreme Court of Justice shall consist of eleven members; its sittings shall be in

banco and open to the public, except in the cases where public interest or morality shall otherwise require. It shall meet at such times and under such conditions as by law prescribed. No sittings of the Court shall be held without the attendance of at least two-thirds of its total membership, and all decisions rendered shall be by a majority vote.

The Justices of the Supreme Court chosen to this office in the forthcoming elections shall serve two years; those elected at the conclusion of this first term shall serve four years, and from and after the year 1923 the Justices of the Supreme Court, the Circuit and District judges may only be removed for malfeasance and after impeachment proceedings, unless the Circuit and District Judges be promoted to the next higher grade.

The same provision shall govern insofar as it be applicable to the terms of two and four years, respectively, to which this article refers.

Art. 95—The Justices of the Supreme Court shall have the following qualifications:

I—They shall be Mexican citizens by birth, in the full enjoyment of their civil and political rights.

II—They shall be over thirty-five years of age at the time of election.

III—They shall be graduates in law, of some institution or corporation authorized by law to confer such degrees.

IV—They shall be of good repute and not have been convicted of any offense punishable with more than one year's imprisonment; but conviction of larceny, deceit, forgery, embezzlement or any other offense seriously impairing their good name in the public mind shall disqualify them for office whatever may have been the penalty imposed.

V—They shall have resided in the country for the last five years, except in the case of absence due to public service abroad for a period not exceeding six months.

Art. 96—The members of the Supreme Court of Justice shall be chosen by the Congress, acting as an electoral college; the presence of at least two-thirds of the total number of Representatives and Senators shall be necessary for such action. The election shall be by secret ballot and by a majority vote, and shall be held as among the candidates previously proposed, one being nominated by each State legislature as provided in the respective State laws.

Should no candidate receive a majority on the first ballot, the balloting shall be repeated between the two candidates receiving the highest number of votes.

Art. 97—All Circuit and District Judges shall be appointed by the Supreme Court of Justice; they shall have such qualifications as by law required, shall serve four years and shall not be removed except by impeachment proceedings or for incapacity to discharge their duties, in accordance with the law.

The Supreme Court of Justice may remove the District Judges from one District to another, or it may fix their seats in another locality as it may deem most advantageous to the public business. A similar procedure shall be observed in the case of Circuit Judges.

The Supreme Court of Justice may likewise appoint auxiliary Circuit and District Judges to assist in the labors of such Courts as have an excessive amount of business in order that the administration of justice may be speedy; it shall also name one or more of its members or some District or Circuit Judge or shall designate one or more special commissioners whenever it shall deem it advisable or on the request of the President or of either House or of any State Governor, solely for the purpose of inquiring into the behavior of any Judge or Federal Justice or into any fact or facts which amount to a violation of any individual rights or to the subversion of the popular will or any other offense punishable by Federal Statute.

The Circuit and District Courts shall be assigned among the several Justices of the Supreme Court who shall visit them periodically, shall observe the conduct of their Judges, listen to any complaint presented against them and perform all such other acts as the law may require. The Supreme Court shall appoint and remove at will its Clerk of the Court and other employees on the roster established by law. The Circuit and District Judges shall likewise appoint and remove at will their respective clerks and employees.

The Supreme Court shall choose each year one of its members to act as Chief Justice, with the right of re-election.

Each Justice of the Supreme Court on assuming office shall make an affirmation before Congress, or if this is in recess, before the Permanent Committee, as follows:

The Presiding Officer shall say: "Do you promise to perform faithfully and conscientiously the duties of Justice of the Supreme Court with which you have been charged, and to defend and enforce the Constitution of the United States of Mexico and the laws arising thereunder, having ever in mind the welfare and prosperity of the Nation?" To which the Justice shall reply, "I do." On which the Presiding Officer shall answer: "If you fail to do so, may the Nation call you to account."

The Circuit and District Judges shall make the affirmation of office before the Supreme Court or before such other authority as the law may determine.

Art. 98—No temporary disability of a Justice of the Supreme Court not exceeding one month shall be filled, provided there be otherwise a quorum. In the absence of a quorum the Congress, or in its recess the Permanent Committee, shall name a substitute selected from among the candidates submitted by the States for the election of the Justice in question and not chosen, to serve during such disability. If the disability do not exceed two months, the Congress, or during its recess the Permanent Committee shall choose at will a temporary Justice.

In the event of the death, resignation or disqualification of any Justice of the Supreme Court a new election shall be held by the Congress to fill this vacancy as provided in Article 96.

If the Congress shall not be in session, the Permanent Committee shall make a temporary appointment until such time as the Congress shall convene and proceed to the corresponding election.

Art. 99—The resignation of a Justice of the Supreme Court shall be only accepted for grave cause to be passed upon by the Congress, to whom the resignation shall be tendered. If the Congress is in recess the power to act in this matter shall pertain to the Permanent Committee.

Art. 100—The Supreme Court shall grant all leaves of absence of its members when they do not exceed one month; such as do exceed this period shall be granted by the House of Representatives or during its recess by the Permanent Committee.

Art. 101—No Justice of the Supreme Court, Circuit or District Judge, nor Clerk of any of these Courts shall under any circumstances accept any State, Federal or private commission or office, excepting honorary titles from scientific, literary or charitable associations. The violation of this provision shall work a forfeiture of office.

Art. 102—The office of the Public Attorney shall be organized in accordance with the law, and the Public Attorneys shall be appointed and removed at will by the Executive. They shall be under the direction of an Attorney General who shall possess the same qualifications as are required for the office of Justice of the Supreme Court.

The Public Attorneys shall be charged with the judicial prosecution of all Federal offenses; they shall accordingly sue out all orders of arrest, assemble and offer all evidence as to the responsibility of the accused, see that the trials are conducted in due order so that the administration of justice may be speedy, pray the imposition of sentence, and in general take part in all matters required by law.

The Attorney General of the Republic shall personally intervene in matters to which the Federal Government is a party, in cases affecting ministers, diplomatic agents and consuls general, and in all controversies between two or more States of the Union, between the Federal Government and a State or between the several powers of a State. The Attorney General may either personally or through one of the Public Attorneys take part in all other cases in which the Public Attorneys are called upon to act.

The Attorney General shall be the legal advisor of the Government, and both he and the Public Attorneys under his orders shall faithfully obey the law and shall be liable for all breaches or for any violations in which they may incur in the discharge of their duties.

Art. 103—The Federal Tribunals shall take cognizance of:

I—All controversies arising out of laws or acts of the authorities when the latter infringe any individual rights.



II—All controversies arising out of laws or acts of the Federal authorities which limit or encroach upon the sovereignty of the States.

III—All controversies arising out of laws or acts of the State authorities which invade the sphere of the Federal authorities.

Art. 104—The Federal Tribunals shall have jurisdiction over:

I—All controversies of a civil or criminal nature arising out of the application and enforcement of the Federal laws, or out of treaties concluded with foreign powers. Whenever such controversies affect only private rights, the regular local courts of the States, the Federal District and Territories shall, at the election of the plaintiff, assume jurisdiction. Appeal may be had from all judgments of first instance to the next higher tribunal of the same Court in which the case was first heard. Appeal may be taken from sentences of second instance to the Supreme Court of Justice, which appeal shall be prepared, submitted and prosecuted, in accordance with the procedure provided by law.

II—All cases pertaining to admiralty law.

III—All cases to which the Federal Government may be a party.

IV—All cases arising between two or more States, or between any State and the Federal Government, as well those arising between the courts of the Federal District and those of the Federal Government or of a State.

V—All cases arising between a State and one or more citizens of another State.

VI—All cases concerning diplomatic agents and consular officers.

Art. 105—The Supreme Court of Justice shall have exclusive jurisdiction in all controversies arising between two or more States, between the powers of government of any State as to the constitutionality of their acts, or between one or more States and the Federal Government, and in all cases to which the Federal Government may be a party.

Art. 106—The Supreme Court of Justice shall likewise have exclusive jurisdiction to determine all questions of jurisdiction between the Federal Tribunals, between these and those of the States, or between those of one State and those of another.

Art. 107—All controversies mentioned in Article 103 shall be prosecuted by the injured party in accordance with the judicial forms and procedure which the law shall establish, subject to the following conditions:

I—The judgment shall always be so drawn as to affect exclusively private individuals, and shall confine itself to affording them protection in the special case to which the complaint refers; but it shall make no general statement as to the law or the act that may have formed the basis for the complaint.

II—In civil or penal suits, excepting those mentioned in Clause IX hereof, the writ of "amparo"\* shall issue only against final judgments when no other ordinary recourse is available by which these judgments may be modified or amended, if the violation of the law shall have occurred in the judgment, or if, although committed during the course of the trial, objection was duly noted and protest entered against the denial of reparation, and provided further that if committed in first instance it shall have been invoked in second instance as a violation of the law.

When the writ of "amparo" is sought against mesne judgments, in accordance with the provisions of the foregoing clause, these rules shall be observed, as far as applicable.

Notwithstanding the foregoing provision, the Supreme Court may in penal cases waive any defects in the petition when there has been a manifest violation of the law which has left the petitioner without recourse, or when he has been tried by a law not strictly applicable to the case, provided

failure to take advantage of this violation has been merely an oversight.

III—In civil or penal suits the writ of "amparo" shall issue only if substantial portions of the rules of procedure have been violated, and provided further that the said violation shall deprive the petitioner of means of defense.

IV—In addition to the case mentioned in the foregoing paragraph, the writ of "amparo" shall issue only on a final judgment in a civil suit,—provided the requirements set forth in Clause II hereof have been complied with,—when the said judgment shall be contrary to the letter of the law applicable to the case or contrary to its legal interpretation, when it includes persons, actions, defenses, or things which have not been the object of the suit, or finally when all these have not been included either through omission or express refusal.

V—In penal suits, the authorities responsible for the violation shall stay the execution of final judgment against which the writ of "amparo" has been sought; for this purpose the petitioner shall, within the period set by law, give notice, under oath, to the said authorities of the interposition of this recourse, accompanying it with two copies of the petition, one of which shall be delivered to the opposing party and the other filed.

VI—The execution of a final judgment in civil suits shall only be stayed when the petitioner shall give bond to cover damages occasioned thereby, unless the other party shall give a counter bond (1) to guarantee that the normal conditions and relations previously existing be restored, and (2) to pay the corresponding damages, in the event of the granting of the "amparo." In such event the interposition of the recourse of "amparo" shall be communicated, as provided in the foregoing clause.

VII—If a writ of "amparo" be sought against a final judgment, a certified copy of such portions of the record as the petitioner may desire shall be requested from the authority responsible for the violation; to this there shall be added such portions as the other party may desire and a clear and succinct statement by the said authority of the justification of the act protested; note shall be made of this on the record.

VIII—When a writ of "amparo" is sought against a final judgment, the petition shall be brought before the Supreme Court; this petition, together with a copy required by Clause VII, shall be either presented to the Supreme Court or sent through the authority responsible for the violation or through the District Court of the corresponding State. The Supreme Court shall render judgment without any other formality or procedure than the petition, the document presented by the other party and that of the Attorney General or the Public Attorney he may name in his stead, and shall comprise no other legal question than that contained in the complaint.

IX—When the acts of an authority other than the judicial are involved or the acts of the judiciary exercised outside of the suit or after the termination thereof, or acts committed during the suit whose execution is of impossible reparation, or which affect persons not parties to the suit, the writ of "amparo" shall be sought before the District Court within whose jurisdiction is located the place where the act protested was committed or attempted; the procedure in this case shall be confined to the report of the authority and to a hearing, the call for which shall be issued in the same order of the court as that calling for the report. This hearing shall be held at as early a date as possible, the testimony of both parties offered, arguments heard which shall not exceed one hour for each side, and finally the judgment which shall be pronounced at the same hearing. The judgment of the District Court shall be final if the interested parties do not appeal to the Supreme Court within the period set by law and in the manner prescribed by Clause VIII.

In case of a violation of the guarantees of Articles 16, 19 and 20, recourse shall be had through the Appellate Court of the Court committing the breach or to the corresponding District Court. An appeal against the decision of any of these Courts may be taken to the Supreme Court.

If the District Judge shall not reside in the same locality as the official guilty of the violation, the Judge before whom the petition of "amparo" shall be submitted shall be determined by law; this Judge shall be authorized to suspend temporarily the execution of the act protested, in accordance with the terms established by law.

X—Any official failing to suspend the execution of the act protested, when in duty bound to do so, or when he admits an insufficient or improper bond, shall be turned over to the proper authorities; the civil and penal liability of the official shall in these cases be a joint liability with the person offering the bond and his surety.

XI—If after the granting of an "amparo," the guilty official shall persist in the act or acts against which the petition of "amparo" was filed, or shall seek to render of no effect the judgment of the Federal authority, he shall be forthwith removed from office and turned over for trial to the corresponding District Court.

XII—Wardens and jailers who fail to receive a duly certified copy of the formal order of commitment within the seventy-two hours granted by Article 19, reckoned from the time the accused is placed at the disposal of the Court, shall bring this fact to the attention of the Court, immediately upon expiration of this period; and if the proper order be not received within the next three hours the accused shall be set at liberty.

Any official who shall violate this provision and the Article referred to in the foregoing paragraph shall be immediately turned over to the proper authorities. Any official or agent thereof who, after an arrest has been made, shall fail to place the accused at the disposition of the Court within the next twenty-four hours shall himself be turned over to the proper authority.

If the detention be effected outside the locality in which the Court is situated, there shall be added to the period mentioned in the preceding sentence the time necessary to travel from the said locality to that where the detention took place.

#### TITLE IV

##### OF THE RESPONSIBILITIES OF OFFICIALS

Art. 108—Senators and Representatives of Congress, Justices of the Supreme Court, Secretaries of Executive Departments and the Attorney General of the Republic shall be liable for all common offenses committed during their term of office, as well as for all official offenses or acts of commission or omission in which they may incur in the discharge of their duties.

Governors of States and Members of State Legislatures shall be liable for violation of the Constitution and the Federal Laws.

The President of the Republic may only be impeached during his term of office for high treason and common offenses of a serious character.

Art. 109—If the offense belongs to the common order the House of Representatives, acting as a grand jury, shall determine by a majority vote of its total membership whether there is or is not any ground for proceeding against the accused.

If the finding be favorable to the accused, no further action shall be taken; but such finding shall not be a bar to the prosecution of the charge so soon as the constitutional privilege shall cease, since the finding of the House does not in any way determine the merits of the charge.

If the finding be adverse, the accused shall *ipso facto* be removed from office and be placed at the disposition of the ordinary courts of justice, except in the case of the President of the Republic, who may only be impeached before the Senate as in the case of an official offense.

Art. 110—No constitutional privilege shall be extended to any high Federal functionary when tried for official offenses, misdemeanors or omissions committed in the discharge of another public office or commission, during the time in which the privilege is enjoyed by law. This provision shall be applicable to cases of common offenses committed during the discharge of the said office or commission. In order that proceedings may be instituted when the functionary shall have returned to his original office the provisions set forth in the foregoing article shall be observed.

Art. 111—The Senate acting as a grand jury shall try all cases of impeachment; but it may not institute such proceedings without a previous accusation brought by the House of Representatives.

If the Senate should, after hearing the accused and conducting such proceedings as it may deem advisable, determine by a majority vote of two-thirds of its total membership that the accused is guilty, the latter shall be forthwith removed from office by

\* This unique feature of Mexican law combines the essential elements of the extraordinary writs of *habeas corpus*, *certiorari* and *mandamus*. It is a Federal procedure designed to give immediate protection when any of the fundamental rights of man are infringed by any authority, irrespective of category, or to excuse the obedience of a law or decree which has invaded the Federal or local sphere. Its use is most extensive, embracing minors, persons absent abroad acting through a "next friend," corporations, etc. An important feature is that it merely gives protection to a *specific* person or entity, and never makes any general statement of law. It could, hence, never declare a law unconstitutional, though it would give immediate protection as soon as the law in question acted on any person.  
H. N. B.



virtue of such decision, or be disqualified from holding any other office for such time as the law may determine.

When the same offense is punishable with an additional penalty, the accused shall be placed at the disposition of the regular authorities who shall judge and sentence him in accordance with the law.

In all cases embraced by this article and in those included by the preceding both the decisions of the Grand Jury and the findings of the House of Representatives shall be final.

Any person shall have the right to denounce before the House of Representatives offenses of a common order or of an official character committed by high Federal functionaries; and whenever the said House of Representatives shall determine that there exist good grounds for impeachment proceedings before the Senate, it shall name a committee from among its own members to sustain the charges brought.

The Congress shall as soon as possible enact a law as to the responsibility of all Federal officials and employees which shall fix as official offenses all acts, of commission or omission, which may prejudice the public interest and efficient administration, even though such acts may not heretofore have been considered offenses. These officials shall be tried by a jury in the same manner as provided for trials by jury in Article 20.

Art. 112—No pardon shall be granted the offender in cases of impeachment.

Art. 113—The responsibility for official breaches and offenses may only be enforced during such time as the functionary shall remain in office and for one year thereafter.

Art. 114—In civil cases no privilege nor immunity in favor of any public functionary shall be recognized.

#### TITLE V

##### OF THE STATES OF THE FEDERATION.

Art. 115—The States shall adopt for their internal administration the popular, representative, republican form of government; they shall have as the basis of their territorial division and political and administrative organization the free municipality, in accordance with the following provisions:

I—Each municipality shall be administered by a town council chosen by direct vote of the people, and no authority shall intervene between the municipality and the State Government.

II—The municipalities shall freely administer their own revenues which shall be derived from the taxes fixed by the State Legislatures which shall at all times be sufficient to meet their needs.

III—The municipalities shall be regarded as enjoying corporate existence for all legal purposes.

The Federal Executive and the State Governors shall have command over all public forces of the municipalities wherein they may permanently or temporarily reside.

Constitutional State Governors shall not be re-elected, nor shall their term of office exceed four years.

The prohibitions of Article 83 are applicable to Governors, and to substitute or *ad interim* governors.

The number of Representatives in the State Legislatures shall be in proportion to the inhabitants of each State, but in no case shall the number of representatives in any State Legislature be less than fifteen.

Each Electoral District of the States shall choose a Representative and an alternate to the State Legislature.

Every State Governor shall be a Mexican citizen by birth and a native thereof, or resident therein not less than five years immediately prior to the day of election.

Art. 116—The States shall have the power to fix among themselves by friendly agreements their respective boundaries; but these agreements shall not be carried into effect without the approval of the Congress.

Art. 117—No State shall—

I—Enter into alliances, treaties or coalitions with another State or with foreign powers.

II—Grant letters of marque or reprisal.

III—Coin money, issue paper money, stamps or stamped paper.

IV—Levy taxes on persons or property passing through its territory.

V—Prohibit or tax, directly or indirectly, the entry into its territory or the withdrawal therefrom of any merchandise, foreign or domestic.

VI—Burden the circulation or consumption of domestic or foreign merchandise with taxes or duties to be collected by local custom houses or subject to inspection the said merchandise or require it to be accompanied by documents.

VII—Enact or maintain in force laws or fiscal regulations discriminating, by taxation or otherwise, between merchandise, foreign or domestic, on account of its origin, whether this discrimination be established with regard to similar local products or to similar products of foreign origin.

VIII—Issue bonds of the public debt payable in foreign coin or outside the Federal Territory; contract loans, directly or indirectly, with any foreign government, or assume any obligation in favor of any foreign corporation or individual, requiring the issue of certificates or bonds payable to bearer or negotiable by endorsement.

The Federal Congress and the State Legislatures shall forthwith enact laws against alcoholism.

Art. 118—No State shall, without the consent of the Congress:

I—Establish tonnage dues or other port charges, or impose taxes or other duties upon imports or exports.

II—Keep at any time permanent troops or vessels of war.

Make war on its own behalf on any foreign power, except in cases of invasion or of such imminent peril as to admit of no delay. In such event the State shall give notice immediately to the President of the Republic.

Art. 119—Every State is bound to deliver without delay to the demanding authorities the fugitives from justice from other States or from foreign nations.

In such cases the writ of the Court granting the extradition shall operate as a sufficient warrant for the detention of the accused for one month, in the case of extradition from one State to another, and for two months in the case of international extradition.

Art. 120—The State Governors are bound to publish and enforce the Federal laws.

Art. 121—Full faith and credit shall be given in each State of the Federation to the public acts, records and judicial proceedings of all the other States. The Congress shall by general laws prescribe the manner of proving the said acts, records and proceedings and the effect thereof, as hereinafter provided.

I—The laws of a State shall only be binding within its own confines, and shall therefore have no extra-territorial force.

II—Movable and immovable property shall be governed by the *lex sitae*.

III—Judgments of a State Court as to property and property rights situated in another State shall only be binding when expressly so provided by the law of the latter State.

Judgments relating to personal rights shall only be binding in another State provided the person shall have expressly, or impliedly by reason of domicile, submitted to the jurisdiction of the Court rendering such judgment, and provided further that personal service shall have been secured.

IV—All acts of civil status performed in accordance with the laws of one State shall be binding in all other States.

V—All professional licenses issued by the authorities of one State in accordance with its laws, shall be valid in all other States.

Art. 122—The Powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them the same protection, provided the Legislature of the State, or the Executive thereof if the Legislature is not in session, shall so request.

#### TITLE VI

##### OF LABOR AND SOCIAL WELFARE.

Art. 123—The Congress and the State Legislatures shall make laws relative to labor with due regard for the needs of each region of the Republic, and in conformity with the following principles, and these principles and laws shall govern the labor of skilled and unskilled workmen, employees, domestic servants and artisans, and in general every contract of labor.

I—Eight hours shall be the maximum limit of a day's work.

II—The maximum limit of night work shall be seven hours. Unhealthy and dangerous occupations are forbidden to all women and to children under sixteen years of age. Night work in factories is likewise forbidden to women and to children under sixteen years of age; nor shall they be employed in commercial establishments after ten o'clock at night.

III—The maximum limit of a day's work for children over twelve and under sixteen years of age shall be six hours. The work of children under twelve years of age cannot be made the object of a contract.

IV—Every workman shall enjoy at least one day's rest for every six days' work.

V—Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parturition; during the month following parturition they shall necessarily enjoy a period of rest and shall receive their salaries or wages in full and retain their employment and the rights they may have acquired under their contracts. During the period of lactation they shall enjoy two extraordinary daily periods of rest of one-half hour each in order to nurse their children.

VI—The minimum wage to be received by a workman shall be that considered sufficient, according to the conditions prevailing in the respective region of the country, to satisfy the normal needs of the life of the workman, his education and his lawful pleasures, considering him as the head of a family. In all agricultural, commercial, manufacturing or mining enterprises the workmen shall have the right to participate in the profits in the manner fixed in Clause IX of this article.

VII—The same compensation shall be paid for the same work without regard to sex or nationality.

VIII—The minimum wage shall be exempt from attachment, set-off or discount.

IX—The determination of the minimum wage and of the rate of profit-sharing described in Clause VI shall be made by special commissions to be appointed in each municipality and to be subordinated to the Central Board of Conciliation to be established in each State.

X—All wages shall be paid in legal currency and shall not be paid in merchandise, orders, counters or any other representative token with which it is sought to substitute money.

XI—When owing to special circumstances it becomes necessary to increase the working hours there shall be paid as wages for the overtime one hundred per cent more than those fixed for regular time. In no case shall the overtime exceed three hours nor continue for more than three consecutive days; and no women of whatever age nor boys under sixteen years of age may engage in overtime work.

XII—In every agricultural, industrial, mining or similar class of work employers are bound to furnish their workmen comfortable and sanitary dwelling-places for which they may charge rents not exceeding one-half of one per cent per month of the assessed value of the properties. They shall likewise establish schools, dispensaries and other services necessary to the community. If the factories are located within inhabited places and more than one hundred persons are employed therein, the first of the above-mentioned conditions shall be complied with.

XIII—Furthermore, there shall be set aside in these labor centers, whenever their population exceeds two hundred inhabitants, a space of land not less than five thousand square meters for the establishment of public markets, and the construction of buildings designed for municipal services and places of amusement. No saloons nor gambling houses shall be permitted in such labor centers.

XIV—Employers shall be liable for labor accidents and occupational diseases arising from work; therefore, employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent.

XV—Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adopt adequate measures to prevent accidents due to the use of machinery, tools and working materials, as well as to organize work in such a manner as to assure the greatest guarantees possible for the health and lives of workmen compatible with the



nature of the work, under penalties which the law shall determine.

XVI—Workmen and employers shall have the right to unite for the defense of their respective interests, by forming syndicates, unions, etc.

XVII—The law shall recognize the right of workmen and employers to strike and to suspend work.

XVIII—Strikes shall be lawful when by the employment of peaceful means they shall aim to bring about a balance between the various factors of production, and to harmonize the rights of capital and labor. In public services, the workmen shall be obliged to give notice ten days in advance to the Board of Conciliation and Arbitration of the date set for the suspension of work. Strikes shall only be considered unlawful when the majority of the strikers shall resort to acts of violence against persons or property, or in case of war when the strikers belong to establishments and services dependent on the government. Employees of military manufacturing establishments of the Federal Government shall not be included in the provisions of this clause inasmuch as they are a dependency of the national army.

XIX—Lockouts shall only be lawful when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production, subject to the approval of the Board of Conciliation and Arbitration.

XX—Differences or disputes between capital and labor shall be submitted for settlement to a board of conciliation and arbitration to consist of an equal number of representatives of the workmen and of the employers and of one representative of the Government.

XXI—If the employer shall refuse to submit his differences to arbitration or to accept the award rendered by the Board the labor contract shall be considered as terminated, and the employer shall be bound to indemnify the workman by the payment to him of three months' wages, in addition to the liability which he may have incurred by reason of the dispute. If the workman reject the award the contract will be held to have terminated.

XXII—An employer who discharges a workman without proper cause or for having joined a union or syndicate or for having taken part in a lawful strike shall be bound, at the option of the workman, either to perform the contract or to indemnify him by the payment of three months' wages. He shall incur the same liability if the workman shall leave his service on account of the lack of good faith on the part of the employer or of maltreatment either as to his own person or that of his wife, parents, children or brothers or sisters. The employer cannot evade this liability when the maltreatment is inflicted by subordinates or agents acting with his consent or knowledge.

XXIII—Claims of workmen for salaries or wages accrued during the past year and other indemnity claims shall be preferred over any other claims in cases of bankruptcy or execution proceedings.

XXIV—Debts contracted by workmen in favor of their employers or their employers' associates, subordinates or agents, may only be charged against the workmen themselves and in no case and for no reason collected from the members of his family. Nor shall such debts be paid by the taking of more than the entire wages of the workman for any one month.

XXV—No fee shall be charged for finding work for workmen by municipal offices, employment bureaux or other public or private agencies.

XXVI—Every contract between a Mexican citizen and a foreign principal shall be legalized before the competent municipal authority and vised by the Consul of the nation to which the workman is undertaking to go, on the understanding that in addition to the usual clauses special and clear provisions shall be inserted for the payment by the foreign principal making the contract of the cost to the laborer of repatriation.

XXVII—The following stipulations shall be null and void and shall not bind the contracting parties, even though embodied in the contract:

(a) Stipulations providing for inhuman day's work on account of its notorious excessiveness, in view of the nature of the work.

(b) Stipulations providing for a wage rate which in the judgment of the Board of Conciliation and Arbitration is not remunerative.

(c) Stipulations providing for a term of more than one week before the payment of wages.

(d) Stipulations providing for the assigning of places of amusement, eating places, cafes, taverns, saloons or shops for the payment of wages, when employees of such establishments are not involved.

(e) Stipulations involving a direct or indirect obligation to purchase articles of consumption in specified shops or places.

(f) Stipulations permitting the retention of wages by way of fines.

(g) Stipulations constituting a waiver on the part of the workman of the indemnities to which he may become entitled by reason of labor accidents or occupational diseases, damages for nonperformance of the contract, or for discharge from work.

(h) All other stipulations implying the waiver of some right vested in the workman by labor laws.

XXVIII—The law shall decide what property constitutes the family estate. These goods shall be inalienable and may not be mortgaged, garnished or attached and may be bequeathed and inherited with simplified formalities in the succession proceedings.

XXIX—Institutions of popular insurance established for old age, sickness, life, unemployment, accident and others of a similar character, are considered of social utility; the Federal and State Governments shall therefore encourage the organization of institutions of this character in order to instill and inculcate popular habits of thrift.

XXX—Cooperative associations for the construction of cheap and sanitary dwelling houses for workmen shall likewise be considered of social utility whenever these properties are designed to be acquired in ownership by the workmen within specified periods.

## TITLE VII

### OF GENERAL PROVISIONS

Article 124—All powers not expressly vested by this Constitution in the Federal authorities are understood to be reserved to the States.

Art. 125—No person shall hold at the same time two Federal offices or one Federal and one State elective office; if elected to two, he shall choose between them.

Art. 126—No payment shall be made which is not included in the Budget or authorized by a law subsequent to the same.

Art. 127—The President of the Republic, the Justices of the Supreme Court, Representatives and Senators and other public officials of the Federation who are chosen by popular election shall receive a compensation for their services which shall be paid by the Federal Treasury and determined by law. This compensation may not be waived, and any law increasing or decreasing it shall have no effect during the period for which the functionary holds office.

Art. 128—Every public official, without exception, shall, before entering on the discharge of his duties, make an affirmation to maintain this constitution and the laws arising thereunder.

Art. 129—In time of peace no military authorities shall exercise other functions than those bearing direct relation to military discipline. No fixed and permanent military posts shall be established other than in castles, forts and arsenals depending directly upon the Federal Government, or in camps, barracks, or depots, established outside of inhabited places for the stationing of troops.

Art. 130—The Federal authorities shall have exclusive power to exercise in matters of religious worship and outward ecclesiastical forms, such intervention as by law authorized. All other officials shall act as auxiliaries to the Federal authorities.

The Congress shall not enact any law establishing or forbidding any religion whatsoever.

Marriage is a civil contract. Marriage and all other acts relating to the civil status of individuals shall appertain to the exclusive jurisdiction of the civil authorities in the manner and form by law provided, and they shall have the force and validity given them by said laws.

A simple promise to tell the truth and to comply with obligations contracted shall subject the promisor, in the event of a breach, to the penalties established therefor by law.

The law recognizes no corporate existence in the religious associations known as churches.

The Ministers of religious creeds shall be con-

sidered as persons exercising a profession and shall be directly subject to the laws enacted on the subject.

The State Legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

No ministers of religious creeds shall, either in public or private meetings, or in acts of worship or religious propaganda, criticize the fundamental laws of the country, the authorities in particular or the Government in general; they shall have no vote, nor be eligible to office, nor shall they be entitled to assemble for political purposes.

Before dedicating new temples of worship for public use, permission shall be obtained from the Department of the Interior (Gobernacion); the opinion of the respective Governor of the State shall be previously heard on the subject. Every place of worship shall have a person charged with its care and maintenance, who shall be legally responsible for the faithful performance of the laws on religious observances within the said place, of worship, and for all the objects used for purposes of worship.

The caretaker of each place of public worship, together with ten citizens of the place, shall promptly advise the municipal authorities as to the person charged with the care of the said place of worship. The outgoing minister shall in every instance give notice of any change, for which purpose he shall be accompanied by the incoming minister and ten other citizens of the place. The municipal authorities under penalty of dismissal and fine, not exceeding 1,000 pesos for each breach, shall be responsible for the exact performance of this provision; they shall keep a register of the places of worship and another of the caretakers thereof, subject to the same penalty as above provided. The municipal authorities shall likewise give notice to the Department of the Interior through the intermediary of the State Governor, of any permission to open to the public use a new place of worship, as well as of any change in the caretakers. Gifts of personalty may be received in the interior of places of public worship.

Under no conditions shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be ratified or be granted any other dispensation of privilege which shall have for its purpose the ratification of the said studies in official institutions. Any authority violating this provision shall be punished criminally and all such dispensation of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

No periodical publication which either by reason of its program, its title or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals insofar as the latter have to do with public affairs.

Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

No minister of any religious creed may inherit either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious sect or from any private individual to whom they are not related by blood within the fourth degree.

All real and personal property pertaining to the clergy or to religious institutions shall be governed, insofar as their acquisition by private parties is concerned, in conformity with Article 27 of this Constitution.

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

Art. 131—The Federal Government shall have exclusive power to levy duties on merchandise imported, exported or passing in transit through the national Territory as well as to regulate at all times, and if necessary to forbid, for the sake of



public safety or for police reasons, the circulation in the interior of the Republic of all kinds of goods, regardless of their origin; but the Federal Government shall have no power to establish or decree in the Federal District and Federal Territories the taxes and laws to which Clauses VI and VII of Article 117 refer.

Art. 132—All forts, barracks, warehouses, and other real property, destined by the Federal Government for public service or common use shall be under the jurisdiction of the Federal authorities in accordance with the law which the Congress shall issue on the subject; any of these establishments which may subsequently be acquired within the territory of any State shall likewise be subject to Federal jurisdiction, provided consent thereto shall have been obtained from the respective State Legislature.

Art. 133—This Constitution and the laws of the United States of Mexico which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the President of the Republic, by and with the approval and consent of the Congress, shall be the supreme law of the land. And the Judges in every State shall be bound by this Constitution and by these laws and treaties, anything in the Constitution or laws of any State to the contrary notwithstanding.

Art. 134—Bids shall be called for on all contracts which the Government may have occasion to enter into for the execution of any public works; these bids shall be submitted under seal and shall only be opened publicly.

#### TITLE VIII

##### OF THE AMENDMENTS TO THE CONSTITUTION

Article 135—The present Constitution may be added to or amended. No amendment or addition shall become part of the Constitution until agreed to by the Congress of the Union by a two-thirds vote of the Members present and approved by a majority of the State Legislatures. The Congress shall count the votes of the Legislatures and make the declaration that the amendments or additions have been adopted.

#### TITLE IX

##### OF THE INVIOABILITY OF THE CONSTITUTION

Article 136—This Constitution shall not lose its force and vigor even though its observance be interrupted by rebellion. In case that through any public disturbance a Government contrary to the principles which it sanctions be established, its force shall be restored so soon as the people shall regain their liberty and those who have participated in the Government emanating from the rebellion or have cooperated with it shall be tried in accordance with its provisions and with the laws arising under it.

#### TRANSITORY ARTICLES

Article 1—This Constitution shall be published at once and a solemn oath taken to defend and enforce it throughout the Republic; but its provisions, except those relating to the election of the supreme powers, Federal and State, shall not go into effect until the first day of May, 1917, at which time the Constitutional Congress shall be solemnly convened and the oath of office taken by the citizen chosen at the forthcoming elections to discharge the duties of President of the Republic.

The provisions of Clause V of Article 82 shall not be applicable in the elections to be summoned in accordance with Article 2 of the Transitory Articles nor shall active service in the army act as a disqualification for the office of Representative or Senator, provided the candidate shall not have active command of troops in the respective electoral district.

Nor shall the Secretaries and Assistant Secretaries of Executive Departments be disqualified from election to the next Federal Congress, provided they shall definitively resign from office on the day on which the respective call is issued.

Article 2—The person charged with the executive power of the Nation shall immediately upon the

publication of this Constitution call for elections to fill the Federal offices; he shall see that these elections be held so that Congress may be constituted within a reasonable time, in order that it may count the cast in the presidential elections and make known the name of the person who has been elected President of the Republic, this shall be done in order that the provisions of the foregoing article may be complied with.

Article 3—The next constitutional term shall be computed in the case of Senators and Representatives, from the first of September last, and in the case of the President of the Republic from the first of December, 1916.

Article 4—Senators who in the coming election shall be classified as "even" shall serve only two years in order that the Senate may be renewed by half every two years.

Article 5—The Congress shall in the month of May next choose the Justices of the Supreme Court in order that this Tribunal may be constituted on the first day of June, 1917.

In these elections Article 96 shall not govern in so far as the candidates proposed by the State Legislatures are concerned; but those chosen shall be designated for the first term of two years prescribed by Article 94.

Article 6—The Congress shall meet in extraordinary session on the fifteenth day of April, 1917, to act as an electoral college, for the computing of the ballots and the determination of the election of President of the Republic, at which time it shall make known the results; it shall likewise enact the organic law of the Circuit and District Courts, the organic law of the Tribunals of the Federal District and Territories, in order that the Supreme Court of Justice may immediately appoint the Inferior and Superior District and Circuit Judges; at the same session the Congress shall choose the Superior Judges and Judges of First Instance of the Federal District and Territories, and shall also enact all laws submitted by the Executive. The Circuit and District Judges and the Superior and Inferior Judges of the Federal District and Territories shall take office not later than the first day of July, 1917, at which time such as shall have been temporarily appointed by the person now charged with the Executive power of the nation shall cease to act.

Art. 7—For this occasion only the votes for the office of Senator shall be counted by the Board of the First Electoral District of each State or of the Federal District which shall be instituted for the counting of the votes of Representatives. This Board shall issue the respective credentials to the Senators-elect.

Art. 8—The Supreme Court shall decide all pending petitions of "amparo" in accordance with the laws at present in force.

Art. 9—The First Chief of the Constitutionalist Army, charged with the executive power of the Nation, is hereby authorized to issue the electoral law according to which on this occasion the elections to fill the various Federal offices shall be held.

Art. 10—All persons who shall have taken part in the Government emanating from the rebellion against the legitimate government of the Republic, or who may have given aid to the said rebellion and later taken up arms or held any office or commission of the factions, which have opposed the constitutional government, shall be tried in accordance with the laws at present in force, provided they shall not have been previously pardoned by the said constitutional government.

Art. 11—Until such time as the Congress of the Union and the State Legislatures shall legislate on the agrarian and labor problems, the bases established by this Constitution for the said laws shall be put into force throughout the Republic.

Art. 12—All Mexicans who shall have fought in the ranks of the constitutionalist army and their children and widows and all other persons who shall have rendered service to the cause of the revolution, or to public instruction, shall be preferred in the acquisition of lots to which Article 27 refers, and shall be entitled to such rebates as the law shall determine.

Art. 13—All debts contracted by working men on account of work up to the date of this Constitution with masters, their subordinates and agents are hereby declared wholly and entirely extinguished.

Art. 14—The Departments of Justice and of Public Instruction and Fine Arts are hereby abolished.

Art. 15—The citizen at present charged with the executive power is hereby authorized to issue the law of civil responsibility applicable to all promoters, accomplices and abettors of the offenses committed against the constitutional order in the month of February, 1913, and against the Constitutionalist Government.

Art. 16—The Constitutional Congress in the regular period of sessions, which will begin on the first day of September of the present year, shall issue all the organic laws of the Constitution which may not have been already issued in the extraordinary session to which Transitory Article number 6 refers; and it shall give preference to the laws relating to the rights of man and to Articles 30, 32, 33, 35, 36, 38, 107 and the latter part of Article 111 of this Constitution.

(Signed)

President—Luis Manuel Rojas.

First Vice-President—General of Division C. Aguilar.

Second Vice-President—General of Brigade Salvador Gonzales Torres.

#### DEPUTIES

Aguascalientes—Daniel Cervantes.

Baja California—Ignacio Roel.

Coahuila—M. Aguirre Berlanga, Jose M. Rodrigues, J. E. von Versen, Manuel Cepeda M., Jose Rodriguez (alternate).

Colima—J. Ramirez Villarreal.

Chiapas—Enrique Suarez, Lisandro Lopez, Cristobal Ll. y Castillo, Daniel N. Zepeda, J. Amilcar Vidal.

Chihuahua—M. Prieto.

Distrito Federal—Gen. I. L. Pesqueira, Lauro Lopez Guerra, Gerzayn Ugarte, Amador Lozano, Felix F. Palavicini, C. Duplan, Rafael R. de los Rios, Arnulfo Silva, A. Norzagaray, Ciro B. Ceballos, Alfonso Herrera, R. Rosas y Reyes (alternate), Lic. Francisco Espinosa (alternate).

Durango—Silvestre Dorador, Lic. Rafael Espeleta, Antonio Gutierrez, Dr. Fernando Gomez Palacio, Alberto Terrones B., Jesus de la Torre.

Guanajuato—Gen. Lic. Ramon Frausto, Eng. Vicente M. Valtierra, Jose N. Macias, David Penafior, Jose Villasenor, Santiago Manrique, Lic. Hilario Medina, M. G. Aranda, Enrique Colunga, Eng. Ignacio Lopez, Dr. J. Diaz Barriga, Nicolas Cano, Lieutenant-Colonel Gilberto M. Navarro, Luis Fernandez M., Eng. Carlos Ramirez Llaca.

Guerrero—Fidel Jimenez, Fid. Guillen, Francisco Figueroa.

Hidalgo—Antonio Guerrero, Leopoldo Ruiz, Lic. Alberto M. Gonzales, Raf. Vega Sanchez, Alfonso Cravioto, Matias Rodriguez, Ismael Pintado Sanchez, Lic. Refugio M. Mercado, Alfonso Mayorga.

Jalisco—M. Davalos, Federico E. Ibarra, Manuel Davalos Ornelas, Francisco Martin del Campo, B. Moreno, G. Bolados N., Juan de Dios Robledo, Ramon Castaneda y Castaneda, Jorge Villasenor, Gen. Amado Aguirre, Jose I. Solorzano, Francisco Labastida Izquierdo, J. Ramos, Praslow, Lieutenant Colonel Jose Manzano, J. Aguirre Berlanga, Brigadier Esteban B. Calderon, P. Machorro y Narvaez and Coronel Sebastian Allende J.

Mexico—Aldegundo Villasenor F. Moreno, E. O'Farril, Guillermo Ordarica, Jose Romero, A. Aguilar, Juan Manuel Giffard, Manuel A. Hernandez, E. A. Enriquez, Donato Bravo Izquierdo, Ruben Marti.

Michoacan—J. Ruiz, Alberto Peralta, Cayetano Andrade, Uriel Aviles, G. R. Cervera, O. Lopez Couto, S. Alcazar R., M. Martinez Solorzano, Martin Castrejon, Lic. Alberto Alvarado, Jose Alvarez, Rafael Marquez, J. Silva Herrera, Amadeo Betancourt, Francisco Mujica, Jesus Romero Flores.

Morelos—Antonio Garza Zambrano, Jose L. Gomez and Alvaro L. Alcazar.

Nuevo Leon—Manuel Amaya, Niceforo Zambrano, Luis Hizaliturri, Col. Ramon Gamez, Reynaldo Garza, Plutarco Gonzalez.

Oaxaca—Juan Sanchez, Leopoldo Payan, Lic. Manuel Cabrera, Col. Jose F. Gomez and Luis Espinosa.

Puebla—Dr. Salvador R. Guzman, Lic. Rafael P. Canete, M. Rosales, Gabriel Rojano, Lic. D. Pastana J., Froylan C. Manjarrez, Lieutenant-Colonel Antonio de la Barrera, Mayor Jose Rivera, Col. Epigenio A. Martinez, Pastor Rouaix, Colonel of Engineers, Luis T. Navarro, Lieutenant-Colonel



Federico Diuorin, Gen. Gabino Bandera Malo, Col. Porfirio del Castillo, Col. Dr. Gilberto de la Fuente, Alfonso Cabrera, J. Vcrastegui.

Queretaro—Juan N. Frias and E. Perusquia.

San Luis Potosi—S. M. Santos, Dr. Arturo Mendez, Rafael Martinez Mendoza, Rafael Nieto, Dionisio Zavala, G. A. Tello, Rafael Curiel, Cosme Davila (alternate).

Sinaloa—Pedro R. Zavala, A. Magallon, C. M. Ezquerro, C. Aviles, Emiliano C. Garcia.

Sonora—L. G. Monzon, Ramon Ross.

Tabasco—Lic. Rafael Martinez de Escobar, Santiago Ocampo C., and C. Sanchez Magallanes.

Tamaulipas—Pedro A. Chapa, Zef. Fajardo, Emiliano Prospero Nafarrate, F. de Leija.

Tepic—Lieutenant-Colonel C. Linan, Major Marcelino Cedano, Juan Espinosa Bavara.

Tlaxcala—Antonio Hidalgo, Ascencion Tepal and Modesto Gonzalez Galindo.

Vera Cruz—Saul Rodiles, Enrique Meza, Benito Ramirez G., A. G. Garcia, E. Cespedes, Josafat F. Marquez, Alfredo Solarcs, Alberto Roman, Silvestre Aguilar, Angel S. Juarico, H. Jara, Victorio E. Gongora, M. Torres, C. L. Gracidas (alternate), J. de D. Palma, G. Casados, F. A. Pereyra.

Yucatan—Enrique Recio, Miguel Alonzo Romero, Hector Victoria A.

Zacatecas—Adolfo Villasenor, Julian Adame, Jairo R. Dyer, Samuel Castanon, A. L. Arteaga, Antonio Cervantes, Colonel J. Aguirre Escobar.

Secretary—F. Lizardi, Deputy from Guanajuato.

Secretary—E. Meade Fierro, Deputy from Coahuila.

Secretary—Jose M. Truchuelo, Deputy from Queretaro.

Secretary—Antonio Ancona A., Deputy from Yucatan.

Sub-Secretary—Dr. J. Lopez Lira, Deputy from Guanajuato.

Sub-Secretary—Juan de Dios Borquez, Deputy from Sonora.

Sub-Secretary—Flavio A. Bojorquez, Deputy from Sonora.

Queretaro de Arteaga, January 31, 1917.

A pamphlet edition, covering a comparison of the texts of the constitutions of 1857 and 1917, with explanatory notes, is in preparation.

## TREND OF PROGRESS

Among the new and important provisions of the Constitution as adopted at Queretaro is the institution of a Department of Public Health with jurisdiction over the entire Republic.

Notice has been given to all drug store proprietors in the city of Mexico that they must give the public access to their places of business at all hours of the night when necessary.

The force of workmen employed upon the National Theater in Mexico City has been considerably augmented and it is hoped to be able to advance the work of construction materially at an early date.

During the months of January and February the importation of automobiles was permitted into the State of Sonora free of duty in order to aid in the restoration of mining and other industries to complete activity.

The authorities of San Luis Potosi have closed the establishments of a number of dealers who persisted in demanding prices for their goods that were out of proportion with their cost and caused hardship to the people.

Announcement is made that the sum of three million dollars specie will be devoted to the improvement of the Port of Manzanillo, in order to accommodate the constantly increasing commerce of the west coast of the Republic.

It is proposed to establish an exhibit of the products of Mexico at Valencia, Spain, in

order to promote commerce between the two countries, there being a constant demand for raw material of various kinds produced in the Republic.

There having been a marked decrease in the wholesale prices of food articles of prime necessity in the capital city, the local authorities and the Chamber of Commerce have prepared a new scale of retail charges for the same which has greatly benefited consumers of all classes.

A comprehensive plan is under consideration by the Government for the encouragement of the development of the resources of the country through the means of establishing industries of various kinds throughout the Republic under expert management. Every branch of industry will receive attention.

An establishment will be opened in Mexico City at which soldiers will be able to obtain all articles of necessary consumption at much less than the rates demanded by dealers. These goods, which will be principally food supplies of prime necessity, will be distributed at as near cost as possible.

Reports from the State of Tabasco are to the effect that normal conditions are being restored with rapidity in all branches. A comprehensive plan for the embellishment of the capital city, villahermosa, is being carried out with good effect. Steamship service has also been greatly improved with good general results, that being the only means of communication with the outside world.

A careful study of the various uses of guayule, the wonderful desert rubber producing shrub, is to be made by the Biological Institute of Mexico City.

The Government of the State of Hidalgo has directed the establishment of a new civil hospital in the city of Pachuca.

Among other improvements in the port of Tampico two lighthouses with lanterns of high power are to be installed on the jetties leading to the deep-water channel.

A very active anti-alcoholic campaign is being carried on in Sonora by the authorities, and those selling intoxicating beverages in secret are severely punished.

The Supreme Tribunal of Justice has been established in Guadalajara and has entered upon the performance of its duties in the administration of the civil law.

A large number of the pulque shops on the principal streets of Mexico City have been closed, and it is proposed to abolish them entirely within a short time.

Reports from Tampico state that the economic situation has been entirely relieved, as all employees are now paying their help either in Mexico specie or American currency.

The Department of Public Health of the City of Mexico reports the existence of very few cases of typhus fever and that normal conditions in this respect have been practically restored.

The authorities of Durango City have established agencies for the sale of food articles of prime necessity at lower than market rates. This has been done in many other portions of the Republic.

Telegraphic money order service in national specie has been resumed with all portions of the Republic.

The Governmental agencies in Mexico City for the sale of food at low prices are all abundantly supplied with stocks to meet every possible demand.

The local authorities of Mazatlan have commenced a comprehensive system of embellishment of that city, including the renovation of plazas, planting of flower gardens and lawns and other attractions.

Major E. M. Cirlos of the Constitutionalist army has patented a new torpedo for use in aeroplanes which explodes either automatically in the air or by percussion when striking any object or the earth.

The Department of Fomento has granted a concession for the draining of Lake Cuitzeo, in the State of Michoacan, a shallow body of water, thereby adding a large area to the arable land of that locality.

The ancient municipal palace in Vera Cruz is being demolished in order to provide for the extension of the Plaza Constitution over its site, which is one of the most valuable pieces of real estate in the city.

The first steamer of the new Norwegian line arrived at Vera Cruz on January 3d from New Orleans with a full cargo of flour, lard, salmon and other food products.

Active work is being prosecuted in the repair and construction of wharves at the port of Mazatlan, which are greatly needed for the increasing foreign commerce of that port.

The port improvements at Progreso, Yucatan, are being pushed with vigor, notably the drainage of a large area of semi-inundated land, thus greatly improving sanitary conditions.

Heavy importations of agricultural and mining machinery are reported from all ports of entry in Northern Mexico, to meet the demand caused by the general resumption of activity in those branches.

The game of baseball continues to increase in favor all over the Republic. All the newspapers devote large space to reports of the games, as well as to other forms of sport, such as football, basketball, cricket, etc.

Governor Mireles of Coahuila is considering the feasibility of re-establishing the former "free zone" along the boundary of that State on the north for the benefit of the residents of that section. It is considered that this will assist in restoring and maintaining normal conditions to a marked degree.

## AGRICULTURE AND HORTICULTURE

Information has been received by the Secretary of Foreign Relations that there is an extensive demand for cotton in Japan, and that the product of Mexico can find an outlet there if desired.

The orange crop in Sonora, one of the chief centers of production of that fruit, amounted to over 250 carloads for export, while large quantities were consumed at home. The fruit of that region is of superior quality.

Because of the large crop of rice harvested in Mexico, the former import tax of about 1 cent per pound was restored on January 1, having been temporarily suspended during the food shortage.





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The authorities of the State of Zacatecas have imported a large amount of seed wheat of choice quality, which is being distributed to farmers for the purpose of improving the production of grain.

Under the supervision of the Department of Fomento extensive experiments are to be made in the cultivation of guayule, the desert rubber plant which has been a source of great wealth during the past ten years. It will be propagated in other sections from seeds brought from its native habitat.

Under the Department of Fomento the culture of silkworms is to be introduced and an experiment station has been established in the suburbs of the capital city for that purpose. It is believed this can become an important adjunct of the nation's productive resources, as all conditions, especially those of labor supply, are favorable.

Certain fertile lands made available by the drainage of the shores of Lake San Cristobal, in the Valley of Mexico, have been divided into tracts of two and one-half acres each, which are sold to small cultivators at the rate of \$100 national specie per lot, ten years' time being allowed for payment. Only one lot is sold to each purchaser, and as the soil is very productive and crops may be raised continuously a single tract will support an ordinary family.

#### LAND NOTES

Under the authority of the National Agrarian Commission steps are being taken to utilize the waters of Lake Chapala, in the state of Jalisco, for irrigation in that and the adjoining state of Michoacan.

The Oaxaca Agrarian Commission has received numerous petitions for the establishment of new pueblos with suitable lands attached, which the petitioners wish to have allotted to them for cultivation. These petitions are all receiving favorable consideration.

The National Agrarian Commission has been officially congratulated by the First Chief and by Secretary of Fomento Rouaix for the able manner in which they have conducted the operations of that body in the restoration of community lands and otherwise.

Rapid progress is reported from the State of Oaxaca in the restoration of the "ejidos" or community lands to their rightful owners, for the most part Indians, who were despoiled of them under the Diaz regime.

A commission has been sent to the State of Michoacan for the purpose of delineating the lands that are included in the ejidos to be restored to their former and rightful owners, and also others that are to be established for the benefit of poor people who have petitioned for the same.

The ancient ejidos or community lands of the town of Agua Prieta, Sonora, have been restored and allotted to citizens who desire to cultivate them. They have been provided with irrigation facilities and crops are being planted with favorable prospects.

Six pueblos in the State of Colima have petitioned for the restoration of their ancient ejidos, or community lands, and the necessary steps are being taken to comply with the request.

The Mexican press publishes daily numerous accounts of the restoration of community lands to their rightful owners, who were

despoiled of them under Diaz. These restorations cover all portions of the Republic and large areas of arable and pasture land.

General Eduardo Hay, President of the National Agrarian Commission, has issued a circular to the local agrarian commissions urging them to use prompt measures for the restoration of the community lands to all applicants from whom they were illegally taken, as well as the establishment of new pueblos where they are requested.

The Secretary of Fomento has declared canceled the concession granted the Sinaloa Land Company, a California concern, several years ago for the use of the waters of certain streams in the state of Sinaloa for irrigation purposes. This action was taken because of failure of the company named to carry out the provisions of its concession.

A careful study is being made of the concession granted under the Diaz administration to an American company for the exploitation of the rich agricultural lands of the Yaqui river valley, in Sonora, with the purpose of remedying certain complaints made against it and fully protecting the rights of the people to the use of the water and lands affected.

#### MEXICAN BUSINESS

THE REVIEW will undertake confidential inquiries and business commissions of all kinds in any portion of Mexico. It has connections of the highest character in that country and is in a position to obtain results promptly and satisfactorily. Those requiring services of that nature, with an assurance of such results, may address THE MEXICAN REVIEW, 613 Riggs Bldg., Washington, D. C. This service will be conducted free of charge, except where expense is entailed in obtaining the information in Mexico or the correspondent desires information by wire.

## To Country Editors and Farmers:

If you want to learn all about the biggest and most successful farmer's coöperative system in the world, you should study the organization of the Comision Reguladora del Mercado de Henequen of Yucatan.

If you want to know the truth about binder twine, the reasons for the advance in prices and what interests are back of the very costly campaign that is being waged against the Yucatan coöperative marketing system, you should read the SISAL BULLETIN, published every two weeks.

Millions of dollars are being spent by certain wealthy individuals and powerful corporations to regain control over the world's supply of the fibre that is used exclusively, almost, in the manufacture of binder twine for the American farmers. The Sisal Bulletin will keep you posted on this gigantic fight. A postcard or letter will get your name on the permanent mailing list and you will be glad that you found it. It is free.

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