

Translation of the Cretan Constitution of 1907¹

CHAPTER ONE

General Provisions

Article 1

The island of Crete with the adjacent islets is a completely autonomous state under the terms decided by the four Great Powers.

The territory of the Cretan State is inalienable, nor is slavery allowed in it.

Article 2

The prevailing religion in Crete is of the Eastern Orthodox Church of Christ.

Everyone is free to profess any religion he prefers. Proselytism is prohibited but the ban cannot be a pretext to illegally restrict the freedom of people confessing in public any religion.

Difference of religion does not affect at all the acquisition or loss or exercise of any personal or in rem right, nor absolve from legal obligations.

1. Translation of the Cretan Constitution from Katharevousa* (Greek) to English. Katharevousa was an artificial form of the Greek language conceived in the late 18th century, which combined Ancient Greek vocabulary, grammar and syntax together with Modern Greek linguistic features. The translation in English is not word by word, in some cases, in order to give the best meaning of the Constitution articles.

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Article 3

The external worship of all recognised Religions is free and protected by the State, given it complies with laws and police regulations.

Article 4

The country's defense and the maintenance of internal order is entrusted to local militia [guardia civile] and Gendarmerie.

Service in the local militia is compulsory.

Those serving in the local militia and Gendarmerie have no voting rights and must show political neutrality.

Article 5

Following the departure of the armies of this occupation, foreign troops cannot stay on Crete, nor cross the island without relevant law.

Article 6

The official language of the Cretan State is Greek.

Article 7

Personal liberty is inviolable. Nobody is persecuted, arrested, imprisoned or restricted, except when required by law.

Article 8

Except for the act of committing a crime, no one is arrested or imprisoned without a reasoned judicial warrant, which must be notified at the time of arrest or detention. The imprisoned must be caught in the act of committing a crime or an arrest warrant must be provided without delay with the competent examining magistrate, who shall within a maximum of three days either release him

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or issue a warrant for his imprisonment. After three days without a warrant of imprisonment from the magistrate, any warden or other commissioner responsible for the detention of the arrested person whether is a civil servant or a military servant, should release him immediately. Violators of these provisions shall be punished for illegal detention and sentenced to the amount of 10-200 drachmas per day in favor of the imprisoned person who deserves any other legitimate compensation.

Article 9

For political crimes the Council of Misdemeanors can, on the application of the prisoner, allow his release on bail, defined by court decree, against which legal challenge is allowed. For these crimes, detention may never extend beyond two months without a judicial decree, which is itself subject to legal challenge, nor, after the decree, more than three months. For political crimes of the press, detainment is not repealed unless a felony has been committed.

Article 10

A Penalty is not imposed without a law which sets it.

Article 11

Suffering and general confiscation is prohibited. The death penalty for political crimes except the complex [crimes] is repealed.

Article 12

Trafficking is prohibited. A venal or servant shall be deemed free upon setting foot on Cretan soil.

Article 13

No one can remove, without his will, those appointed by judges of law.

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Article 14

The confidentiality of mail is inviolable. Use of this mail is allowed only with the consent of the receiver and the confiscation, after the receipt thereof to the consignee, being sure of the guilt of common felony defendants. The evidence in civil and commercial matters are established by laws.

Article 15

The house of each person is an asylum. No home search shall take place, apart from the time and in the way that the law orders.

Article 16

Cretans who enjoy the free exercise of political rights are entitled to have personal protection weapons at home, while carrying a firearm is prohibited without permission under the provisions of the existing laws.

Article 17

No one is deprived of his property except for public need to be demonstrated as needed, when and as the law requires, always preceded by compensation, which in the case of disagreement, is arranged by the ordinary courts. Special Law arranges the ownership and disposal of mines, quarries, archaeological treasures and spas. No real right on adjacent islets can be obtained without Government permission. During the transfer of such rights, the state has the preemptive right.

Article 18

Every man may publish orally, in writing and through the press his thoughts, observing the laws of the State. The press is free. Everyone who enjoys the free exercise of political rights is entitled to issue a newspaper notifying the local Prefecture about it.

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Censorship and other preventive measures are prohibited. The seizure of newspapers and other printed theses is likewise prohibited, either before delivery or after it. Exceptionally it is allowed after the confiscation of publications, due to insult against the recognised and worshiped religions on the island, or against the person of the supreme ruler [High Commissioner].

The seizure is waived automatically if within the same day it is not validated by judicial decree. Legal charges against the ruling are allowed only against the publisher, the seized and not the prosecutor.

Article 19

Education is free as long as it is exercised by persons qualified as required by law with soundness, under the supervision of the competent authority on morality, with public order and reverence for the Laws of the State.

Primary education is compulsory and free.

Article 20

No kind of work, craft or agriculture may be excluded, if is not contrary to the interests of public morality, safety or the health of residents.

Article 21

Monopolies in Crete are not allowed except when established by law for the increase of the public revenue or in the interest of public safety or public health.

Article 22

All Cretans are equal before the Law and contribute indiscriminately to the public revenue, depending on their property or income. Public office is accessible to all Cretans regardless of religion, and distributed in proportion to the population of both communities and according to

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the suitability and goodness of those in the special laws thereof. In the public offices only natives are admitted, except when the law allows the appointment of non-natives.

Article 23

Cretans have the right to peaceful and unarmed assembly. Only their public gatherings may be witnessed by police. Outdoor congregations may be prohibited if there is an imminent danger to public safety.

Article 24

Cretans have the right to cooperate, if in the purpose of the cooperation or in the purpose to obtain such cooperation, there is not anything illegal, immoral or dangerous to the State.

The law regulates on the exercise of freedom of cooperation aimed at the keeping of public security.

Article 25

Either individually or collectively each person shall have the right to report in writing to the authorities in accordance with the laws of the state.

CHAPTER TWO

About the Organisation of the State

Article 26

The Legislative Power is enacted by the High Commissioner and the Parliament.

Article 27

The right of the proposal of laws belongs to the House and the High Commissioner, which is then enacted by the Councillors.

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Article 28

No proposal concerning an increase of the expenditure of the budget by remuneration or superannuation, or other self-benefit of a person comes out of the House.

Article 29

If a legislative proposal is rejected by the other legislative means, it cannot be reintroduced into the same parliamentary session.

Article 30

The authentic interpretation of laws belongs to the legislature.

Article 31

The executive power belongs to the High Commissioner and is enacted by the responsible Councillors appointed by him.

Article 32

Judicial power is implemented by the courts, independent in its sphere of jurisdiction and judicial decisions are executed in the name of the High Commissioner.

CHAPTER THREE

About the High Commissioner

Article 33

The High Commissioner is not held responsible and is inviolable. However, his Councillors are responsible [for their acts].

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Article 34

No act of the High Commissioner is either implemented or executed. If it is not countersigned by the competent councillor, who with his signature accepts responsibility. Such a signature is not required by the appointment or removal of Councillors of the High Commissioner.

Article 35

The High Commissioner shall appoint and dismiss his Councillors.

Article 36

The High Commissioner is the supreme authority of the State. He represents the State, rules military forces, signs contracts and asks the Parliament to vote for them.

Article 37

The High Commissioner awards, according to the law, military ranks, and provides if applicable, consent on the establishment of the Metropolitan of Crete elected by the Ecumenical Patriarchate and of the Bishops elected by the Episcopal Synod of Crete; he appoints and removes in the same way, with the exceptions of the law, civil servants, but he cannot appoint employees in non-legislated positions.

Article 38

The High Commissioner shall adopt the necessary decrees in his execution of laws but he can never postpone the effect of a law following publication nor relieve anyone of it.

Article 39

The High Commissioner ratifies and publishes the laws. A Bill voted by the House and not ratified by the High

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Commissioner within two months after the end of the session is deemed to have been rejected.

A Bill voted by the House and not ratified is applied as a law, if voted again immutably by the Parliament in one of the sessions of the next parliamentary term.

Article 40

The High Commissioner convenes regularly once a year in the Houses of Parliament and, extraordinarily, whenever he deems reasonable, he declares in person or by proxy the start and end of each parliamentary session and has the right to dissolve the parliament, but the dissolution decree, signed by his Council, must also have the convening of the electorate within two months, while the House must be within three months.

Article 41

The High Commissioner has the right to postpone the beginning or to pause the continuing of the parliamentary session. The postponement or the discontinuation cannot last over forty days, nor be repeated within the same parliamentary session, without the consensus of the Parliament.

Article 42

The High Commissioner has the right to change, reduce or repeal the punishments given by the courts, according to his own will as far as political crimes and crimes by the press are concerned, but for the other types of crime, according to the former opinion of the Council of Justice. In addition, he has the right to give amnesty only for political crimes, with the responsibility of his Council.

Article 43

The High Commissioner has the right to mint currency by the provision of law.

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Article 44

The High Commissioner has no other powers other than those given to him by the Constitution and the specific laws according to it.

Article 45

If the High Commissioner, due to death or illness, thinks it necessary to temporarily assign the exercise of his power to the Government, he calls for a Parliament session concerning that and via his Council he calls for a special Law. In case of resignation or death of the High Commissioner, his power is exercised by the Council until the assignment of the new one.

Article 46

This High Commissioner, after signing this Constitution, should give the following oath before the Constitutional Assembly. "I swear in the name of the Holy Consubstantial and Indivisible Trinity to keep the Constitution and the Laws of the State".

Article 47

The annual sponsorship of the High Commissioner is determined to one hundred thousand drachmas.

CHAPTER FOUR

About the Parliament

Article 48

The Assembly meets ipso jure annually on the first of May, unless the High Commissioner calls for it earlier. Each session cannot last less than two months nor [more] than three months.

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Article 49

The Assembly meets in public in the Parliament, but can confer behind close doors, after the request of ten members. If a decision is taken during a secret conference by majority, then the discussion about the same matter has to be repeated in a public session.

Article 50

The Assembly cannot discuss and decide anything without the presence of at least half of the members plus one, and without absolute majority of the members present. In case of a tie in votes the proposal is rejected.

Article 51

No Bill is accepted if not discussed and voted for, Article by Article twice repeatedly on two different days.

Article 52

No self - appointed body appears before the Assembly to either orally or in writing mention something. However, reports can be presented by an MP or delivered to the office. The Assembly has the right to send the reports referring to it to the Councillors, who are obliged to give clarifications, whenever asked and can appoint examining committees, coming from its members, on any matter.

Article 53

Every tax is imposed and collected only for the sake of the public interest.

No tax is imposed or collected if not previously voted for by Parliament and validated by the High Commissioner.

Article 54

Every Year the Assembly votes on the determination of the military force, the recruitment and the budget and de-

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cides on the accounts. All the income and expenses of the State must be written in the budget and the accounts. The budget comes to the Assembly within the first ten days of each session and its examination is undertaken by a special committee and is voted for once.

Article 55

No scholarship is awarded by the Public Treasury, nor compensation for any political reason regarding the past, and pensions and salaries are given only by Law.

Article 56

An MP is not prosecuted, nor in any case judged for any opinion or a vote given by him during his parliamentary duties.

Article 57

An MP is not prosecuted, nor arrested or imprisoned without permission of the Assembly, nor during the parliamentary session nor during the interruption of it; this permission is not required the crimes when a person is caught in the act. Imprisonment of an MP is not allowed, during the parliamentary session, four weeks before the start of the session and three weeks after the completion of it. If the MP happens to be imprisoned, he is released without delay four weeks before the start of the session.

Article 58

Members of the Parliament, before the start of their duties, give the following oath in the Houses of Parliament and in a public ceremony: "I swear by the Holy consubstantial and indivisible Trinity to guard the faith in my Country and the Constitutional High Commissioner, obedience to the Constitution and Laws of the State and to conscientiously fulfill my duties". Members of Parliament

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of other religions, instead of invoking “I swear by the Holy consubstantial and indivisible Trinity”, give their oath according to their religion.

Article 59

The Parliament specifies through regulations how it wishes to carry out its tasks

Article 60

Every MP represents the whole island and not just the electoral region where he is elected.

Article 61

The number of the members of the Parliament of every electoral region is determined depending on the population of the region, based on one MP to five thousand residents or a fraction of that number.

Article 62

MPs are elected every three years.

Article 63

In order for someone to be elected as a Member of Parliament, he must be a Cretan citizen, he [must] have had his political and civil rights for the last two years, [he must] be over the age of the twenty-five and [must have] the other specified qualifications according to the electoral law.

Article 64

An MP's duties are incompatible to [the duties] of the Mayor, and those of a paid civil, military or municipal servant, [the duties] of a representative or employee of a foreign state and those of religious officials.

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Article 65

An MP cannot, before the end of the parliamentary term and six months after that, be appointed to a paid civil or municipal post.

Article 66

The checking of disputed parliamentary elections are made by a plenary meeting of the two courts of Appeal which take place in Chania under the presidency of the oldest of the presidents.

Article 67

The Parliament consists of members elected by the citizens who have that right by direct, catholic and secret ballot with beads. The parliamentary elections are arranged and take place at the same time and on the same day across the whole country.

Article 68

The Assembly votes at the opening of each parliamentary session, for its president, the vice-presidents and its secretaries from its members.

Article 69

The Assembly has, through its president, its own police force.

Only the president can give orders to the guard of the Parliament.

No armed force can enter the Parliament without consent of the president.

Article 70

Parliamentary Members who have fulfilled their duties are awarded compensation of eight hundred drachmas

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for each ordinary session and four hundred for any special session by the Public Treasury.

CHAPTER FIVE

About the Councillors

Article 71

The councillors have free entrance to attend the sittings of the Parliament and they are allowed to listen as many times as they are asked to speak. They vote only if they are members of the Parliament. The Assembly can demand for the presence of the councillors.

Article 72

No order by the High Commissioner, whether written or oral, relieves the councillors of their responsibility.

Article 73

The Assembly has the right to accuse any councillor in a special Court of Justice who intentionally:

- a) Signed or executed a decree of the High Commissioner which violated a provision of the Constitution or the Laws or the issued decrees of the High Commissioner ordered by the legislative power.
- b) Executed the decree of the High Commissioner which was not signed by the competent councillor or order the execution of this decree.
- c) Published or executed a decision or an order, which violated a provision of the Constitution or the Laws or the issued decrees of the High Commissioner ordered by the legislative power or ordered the execution of this decision or order.
- d) Forgot to execute an order of the Constitution or the Laws or the issued decrees of the High Commissioner,

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ordered by the legislative power, or to order the execution of this decree.

- e) Signed, in order to validate as a law of the State, an act, which had not been voted by the Assembly, according to the regulations in the Constitution for the drafting of laws, and published this act or ordered the execution of this [act].

Article 74

A councillor is immediately accused by the Parliament before the Special Court if during his duties, he

- a) Forced a certain penal provision of current laws, whose infringement is punished with criminal or correctional sentence.
- b) And without violation of the explicit provision of Constitution or laws or command of legislative power of published decrees of the High Commissioner, harmed by intention via his action or omission, the interests of the State.

Article 75

Penal prosecution is allowed against the Councillor if he violated with unpremeditated negligence via his action or omission the provisions of the Constitution or laws, or with command of the legislative power of published decrees of the High Commissioner, and from this caused damage to essential interests of the State.

Article 76

The Councillor who does not participate in the perpetration of the above offences, is accountable at least as a perpetrator, if he consented to them via action of the Council that has his signature.

Article 77

The Councillor is exempted from the responsibility for the infringements that are fixed in the previous Articles, if the infringement came about through a forgiven and justified mistake in the precise significance of the violated Law.

Article 78

For penal action or omissions, that the current laws characterise as delinquencies or felonies and that can also be committed, either by a private individual, or by only the public servants, or by both, the Councillor, who committed them with the implementation of his duties, is punished with the sentence, that the afore - mentioned laws specify for such action or omissions.

Article 79

For each infringement of the Constitution or the laws, during the implementation of duties of the Councillor, for which there is no explicit sentence by law, the offending Councillor is punished with imprisonment from three months up to two years and a pecuniary sentence of up to five thousand drachmas, if he acted with intention, with imprisonment of up to six months or a pecuniary sentence of up to five thousand drachmas if he acted through unpremeditated negligence that is not forgiven.

Article 80

The Guilty party for the fixed infringements in Article 74, section b is punished with imprisonment of from two months to one year.

Article 81

In the case of the offence for which the Councillor was convicted, if committed with intention, he is deprived of political rights from three to ten years.

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Article 82

The conviction of the Councillor for action or omission that came about through his unpremeditated negligence, results in two to five years loss of the rights of the convicted to undertake a paid position in the civil service.

Article 83

Those punished for the above offences are not allowed to participate in the two following parliamentary sessions from the moment the Councillor was removed from service.

Article 84

The Special Court is comprised of the chairman of the Supreme Court in Chania, as chairman of the Special Court, and by six other members, chosen via draw from the following persons, appointed before the prosecution, for instance public prosecutors, assistant attorneys, judges of the Courts of Appeal and chairmen and public prosecutors of Judges of a Court of the first instance.

The draw takes place in front of the Chairman of Parliament in a public session.

Up to the publication of a special law for this, the procedure in the Parliament and the Special Court is arranged via the Greek law with number (ΦΗΣΤ) of 1876 about the responsibility of the ministers.

Article 85

The civil action for compensation against the Councillor and in favour of the wrongly - accused, in which reason was provided for the reported offences in the above Articles, is presented only in front of the political courts, and judged according to the provisions of the common good.

Article 86

The High Commissioner is able to grant a pardon to a Councillor condemned for the above provisions, only with the consent of the Parliament.

CHAPTER SIX

About the Judicial Power

Article 87

Justice is granted by the judges named according to the judicial organism.

Article 88

No judge or public prosecutor who serves in the resident courts is named without proposal, neither transferred without consultation, nor dismissed provisionally or permanently without the decision of the Council of Justice, constituted by the chairman, the public prosecutor and three members of Court of Appeal in Chania.

[From this Article] are excluded the chairmen and the public prosecutors of the Court of Appeal. The juridicial body will arrange the procedure for their nomination and their dismissal.

Article 89

Resident chairmen of the Courts, judges and public prosecutors are rendered permanent with their appointment, and cannot be dismissed unless for the following reasons.

- 1) After a triple final disciplinary punishment by a court consisting of many members, with one of the punishments to be at least a provisional pause.
- 2) After final condemnation to sentence of at least imprisonment of six months.

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- 3) After final condemnation to sentence because of an action that is related to public service and punished as delinquency by the penal laws.
- 4) After final condemnation because of an action of Article 22 of the penal law.
- 5) After inability to implement his duty, which happened because of old age or an incurable disease. The provisional pause must not exceed six months.

Article 90

Political crimes and crimes against the press, except those relating to privacy, are judged by a jury.

Article 91

Judicial committees and extraordinary courts, of any name are not allowed to be established.

Article 92

No court, or jurisdiction of disputed administration can exist without special Law. Up to the publication of the laws, those for administrative jurisdiction apply.

Article 93

A second Court of Appeal will reside in Heraklion with the region of the Prefectures of Heraklion and Lassithi.

The Judicial body is able to arrange the constitution of abrogative.

Article 94

The meetings of courts are public except when the court, for the sake of morality and public orderliness, ordered by its decision a closed-door discussion.

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Article 95

Any judgement must be reasoned and pronounced in open court.

Article 96

The courts must not apply an unconstitutional law.

CHAPTER SEVEN

About the Inspection Service

Article 97

Special law which will be voted at the coming session of the House, will establish service of inspection and control of the public officers and [service] of the management of legal persons of public law. An organiser and head of this service may be appointed as well as a non-native. These individuals will have the permanent position as the judicial employees, and their salary, according to the law in the year of their undertaking their duties, cannot be decreased during their service.

CHAPTER EIGHT

About the Administration

Article 98

Every Prefecture is a unique legal entity.
For every Prefecture there will be a prefectural council, in order to think and decide about the special needs which contribute to the prosperity of the Prefecture.
The prefectural councils will have at their disposal, the sources which will set the legislative power, in order to serve the special needs of the prefecture and will have

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the right to impose additional taxation for certain special needs of the prefecture within the limits that will be arranged each time by legislative power.

The same [Article] is in effect for the municipalities.

Article 99

The prefectural councils, the community and municipal authorities are elected, and the last one with direct catholic and secret suffrage.

CHAPTER NINE

About the civil servants

Article 100

As a base of the qualifications and the institution of the competition, a special law will arrange the nomination and the promotion of civil servants, apart from the exceptions which are reported in the laws, in case of equal qualifications, preference will be given to those who have offered personal services to the country.

The same law will arrange the way and the reasons for the dismissal and transfer of the same employees and the constitution of a Supervisory Council, comprised of a majority of juridicial officials that will decide on the dismissal and the permanence of the employees.

A convicted individual, after 8th December 1898, given a sentence to a common felony or delinquency, according to Article 22 of the Penal law and imprisoned for more than one year, cannot for any reason become a paid civil or municipal servant.

Article 101

Previous authorisation of administration is not required for the prosecution of civil and municipal servants for punishable acts during their service.

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CHAPTER TEN

About the Revision

Article 102

The provisions of the herein Constitution shall be subject to revision after the lapse of six years, when the Parliament, with a two-third majority requests that the provisions be revised.

Article 103

Upon resolution by Parliament in accordance with the previous Article in revision, the present Parliament shall be dissolved and a new one shall convene and decide on the provisions to be revised, by an absolute majority of the total number of its members, having limited legislative power within the framework of the programme which was defined by the previous Parliament through an act on the revision.

CHAPTER ELEVEN

Special Provisions

Article 104

The High Commissioner shall appoint and dismiss Kadedes [Ottoman judges] having the spiritual jurisdiction and having taken the religious oaths under the person of Seyhulislam [Ottoman superior authority]. Upon the discharge of their duties, they shall take an oath of faith to the Cretan State.

Moreover, he shall appoint and dismiss Mouftedes [Ottoman deacons], with the indication of Muslim Demogerontia [Council of Elders]².

2. "Dimogerontia" was established during the last Ottoman Period in the island (1858-1900). It was an institution of self – government based on privileges enjoyed by Christian population, in order to avoid revolutionary uprising.

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Ierodikes (religious affairs judges) and Mouftedes [Ottoman deacons] may be of foreign descent.

Article 105

The jurisdiction of Ierodikes [religious affairs judges] shall also include, except for mere religious functions, the following Muslim cases of:

- a) those concerning the composition or dissolution of a marriage or personal relations of spouses,
- b) those concerning the upbringing of minors,
- c) those of the obligation, as specified by law, of a person providing an alimony to another. The amount of the alimony is defined by regular courts,
- d) those regarding trials of inheritance and succession on the Vakouf.

If the issue of inheritance incidentally appears in another trial or if in the aforementioned trial the person involved is not Muslim, its hearing shall take place directly in the regular courts.

In every trial concerning an inheritance of a Muslim, the law of inheritance is exercised, i.e. the Sacred Law, after the amendments introduced by the law no 434 and in compliance with the exercise of provisions in Article 2 of the herein Constitution.

The issued decisions of the Ierodikes [religious affairs judges], according to sections c and d, are appealed before the regular courts.

The compulsory execution of any decision of the Ierodikes [religious affairs judges] shall be subject to the regular courts.

Article 106

The Ierodikes [religious affairs judges] have the right to appoint and dismiss the religious ministers upon proposal of the relevant Demogerontia.

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The Muslim Demogerontia is elected by Muslim citizens of the relevant region through plenary and secret voting, appointing and dismissing the Heads of Muslim religious institutions and its staff.

Upon proposal of the Muslim Demogerontia, the heads and the rest of the teaching staff of Muslim schools are appointed, in compliance with the Laws.

The Demogerontia shall possess the right of approval upon the curriculum offered at these schools.

The cases of tutelage, custody or emancipation of minors belong to the Muslim Demogerontia according to the provision of the Laws.

Article 107

All Vakouf lands of any category, the lands owned by citizens or associations or other legal entities shall be lands of full ownership in the hands of present owners and their general as well as special successors, in accordance with the publication of the Constitution of 1899.

With this provision, the following on the publication of the Constitution of 1899 are exempted:

- 1) Unprofitable charitable institutions.
- 2) Lands whose use is established for religious function.
- 3) The *administrator* of profitable lands, *dedicated to one charitable cause*, whose total profit is defined according to the provisions of the dedicated to the service of the charitable cause, is not a single person, but the representative of a legal entity or religious institution or a religious minister having no individual rights upon the profits occurring from these.

Those having the power of owned lands, *dedicated to two charitable causes* (itzare-teinle), and the lands subject to a lump rent (moukata-ali) shall reimburse compensation to the administration of Muslim Institutions due to the abolished charges following the provisions of law 422.

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The owners of Vakouf lands, that became lands of full ownership shall reimburse compensation to the administration of Muslim Institutions for charges according to the dedication terms, whose value is capitalized by 9% and except for this, Efkaft received for the lands, before 1897 one-fourth or one-sixth of the surplus of the incomes. The Administration of Muslim Institutions possesses the right of joint ownership, of the same percentage that Efkaft is entitled to receive from the profits after the compensation is deducted from the value of the land as agreed with the imposed charges. However, the owner of the said lands is entitled, due to an amortisation of the joint ownership, to pay this value to the Administration of Muslim Institutions. The estimation shall be estimated on the basis of the value of the land defined upon the publication of the Constitution of 1899.

But for the Vakouf lands, which were legally transferred until the 18th of October, 1906, to third parties provided that these had legally signed until this date, a mortgage or a charging order or have obtained other rights in rem, the Administration of Muslim Institutions, for the one fourth or one sixth of the surplus of these incomes that were potentially obliged to reimburse to the Efkaft, should only have a personal request against the principal seller and their general successors who were not responsible for the special successors. By exception, the seller, however, those who became special successors before or after the enactment of law 422, were also accountable to the Administration of Muslim Institutions, as in the transfer of titles which undertook these obligations explicitly.

Those who became special successors until the 24th of November, 1906, are not exempted from the accountability to the Administration of Muslim Institutions concerning one fourth or one sixth percentage, including Vakouf lands, as respect to those until this date arranged charges to be compensated, complying with law 422, through a finally determined court judgement or a direct contract by the Administration of Muslim Institutions, having only

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personal requests against the principal seller and its general successors.

Vakouf lands which, by the above mentioned provisions, did not become lands of full ownership shall be cleared under the permission of the Muslim Demogerontia (elected local authority) thus rendering them lands of full ownership in the hands of the purchasers.

The lands of full ownership, these owned by Muslim Religious Institutions or these which will be owned by them in the future shall not be expropriated without the permission of the Muslim Demogerontia.

Article 108

Upon Parliamentary elections, Muslims of the Prefecture of Heraklion, Rethymnon and Chania shall assemble in special electoral catalogues.

CHAPTER TWELVE

Final Provisions

Article 109

Crete is divided into five prefectures, thus it shall have five Courts of First Instance.

This provision shall be changed by a law after a lapse of six years from the publication of the herein Constitution.

Article 110

Upon publication of the Constitution, through a decree enacted by the High Commissioner, without the counter-signature of the responsible Councillor, presidents, public prosecutors and judges of all local courts are appointed. Those appointed undertake a permanent position following the distinctions made in Articles 89 and 110 of the present Constitution.

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Article 111

During the first two years, public prosecutors and magistrates of the Courts of the First Instance as well as magistrates of the Court of Justice shall, by decision of the Council of Justice, be dismissed for the following reasons:

- 1) After a double final disciplinary punishment by a multi-member court.
- 2) After a final conviction with at least a three-month prison sentence.
- 3) After final conviction to a sentence on account of an action, punished as misdemeanour by criminal laws, concerning their public service.
- 4) After final conviction on account of actions pertaining to Article 22 of Criminal Law, and
- 5) abolishment of a judicial post. The Council of Justice decides on the said dismissed person.

Article 112

The presidents, public prosecutors and two of the members of every Court of Appeals can be Greek citizens of active judicial service in Greece.

Article 113

Until a special law is voted upon in the forthcoming session of Parliament, the organisation and function of jury courts and the Heraklion-based Court of Appeals as well as the Court of First Instance of Sfakia shall be regulated by a decree by the High Commissioner issued upon proposal of council registering the required credit in the budget of use during the years 1906-1907.

Article 114

A supplemental payment shall be administered, by a decree of the High Commissioner, to the judicial functionaries employed outside Greek territory.

Article 115

Subsidies for poor people who fought in the revolutions of 1866, 1878, 1896 and 1897, widows, orphans, those injured in these battles and totally unable to work, shall be registered in the budget of the island with annual credit not exceeding seventy thousand drachmas. Any increase of this amount is prohibited.

A Special Law shall define and classify the beneficiaries of the said subsidy.

Upon the publication of the herein Constitution, the power of pertaining Laws on subsidies of fighters, widows, orphans and injured people as well as of those based on these issued decisions of the Council of the Ruler and guardians Council of the fighters shall no longer be valid. A Special Law shall regulate the grant of trophies to the politicians and military fighters who participated in the revolutions of 1866, 1878, 1896 and 1897.

Article 116

The Government shall have the power, through temporary legislative decrees, to reform the Gendarmerie, compose and organise the Citizens Corps providing the necessary finances for this reason.

Article 117

The Government shall have the power to negotiate and conclude a loan of 9.300.000 drachmas providing the necessary collateral with an interest of up to 4%, including in an adverse case, the submittal of the said convention in a forthcoming Parliament for ratification.

The necessary amount deducted from this loan shall be offered in order to gather the amount of 5.000.000, in case, after the collection of the additional custom duty, there is a deficit in the fund, which shall be used for total reimbursement of the compensations of the revolutions of 1896 and 1897, providing a proportional

The political status of the Cretan State (1898-1913)

percentage to the Greek nationals and citizens for damages identified by the competent estimating Guardians Councils.

The rest of the amount shall be employed for the execution of public works on road transportation in accordance with the special laws voted by the Parliament, dividing this amount into Prefectures and in proportion with the population and common utility.

Article 118

The additional custom duty of 3% shall continue to be collected with the consent of the Great Powers and in the future, the Government in power shall request their assent in order to increase it.

Article 119

When the time to ask the Cretan People comes regarding their final restoration, in case there is an elected Parliament to act or in case there is not one, the previous Parliament shall convene for this reason, even if it has dissolved or its parliamentary term has expired.

Article 120

The system of voting with ballot shall be amended by a simple Law, after a lapse of six years from the publication of the herein Constitution.

Article 121

The first regular session of the Parliament shall convene on 1st of July, 1907. The Parliament, upon this forthcoming session shall change, by the herein Constitution, the defined time of the beginning of the regular parliamentary session.

Translation of the Cretan Constitution of 1907

Article 122

The Constitution of 1899 and every provision of the written laws and decrees opposing to the herein Constitution are repealed.

Article 123

The herein Constitution shall be in power from its publication, adherence to this, though, is subject to the patriotism of Cretans.

We order all the judicial, political and military Authorities of the State to keep unswerving the present Constitution. Our Council shall countersign and publish the present.

Chania, on the eighth of February 1907

ALEXANDROS THR. A. ZAIMIS

M.R. KOUNDOUROS
E. CHOURDAKIS
ANT. KATZOURAKIS