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TRANSLATION
Number 79 17 Jun 1947

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THE GREEK CONSTITUTION OF 1911
WITH ALL AMENDMENTS IN EFFECT, 1938
Including Interpretive and Explanatory Notes

Prepared By
Documents Branch
CENTRAL INTELLIGENCE GROUP
New War Department Building
21st and Virginia Avenue, N. W.
Washington, D. C.

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THE GREEK CONSTITUTION OF 1911 WITH ALL
AMENDMENTS IN EFFECT, 1938

Sp. M. Antypas
Secretary of the
Constitutional Committee 1927

INTRODUCTION

The Constitution of 1911 now in effect, which consists of the Constitution of 1864 as revised by the Second Revisional Parliament of the Hellenes, was published in Vol 1, No 127 of the Government Gazette of 1 Jun 1911, together with the resolution of the said Revisional Parliament dealing with the power of the revised provisions, as follows:

Resolution

On the commencement of effectiveness of the revised and supplementary provisions added during the revision of the Constitution.

GEORGE I

KING OF THE HELLENES

Having in mind the resolution of the Second Revisional Parliament of the Hellenes which was held on 23 May this year, we decide and order,

A. That the said resolution will be published in the Government Gazette as follows:

The Second Revisional Parliament of the Hellenes

Exercising its prerogative of revising and reforming the nonfundamental provisions of the Constitution

Decides

The reformed and supplementary provisions of the second paragraph of Article 1 of the Constitution which were made during the revision of the said Constitution shall comprise a separate Article to be numbered 107. The second paragraph of Article 2 and Articles 5, 6, 9, 11, 12, 14, 16, 17, 25, 34, 36-38, 53, 54, 56, 57, 59, 60, 61, 66-69, 70-73, 75-76, 80, 82-86, 88, 89, 90, 91, 93, 97, 98, 101-106 and 107 shall be transferred under Article No 108. The second paragraph of Article 109 shall be transferred under Article No 110 as they have already been decided upon, together with the provisions of Article 3 which were in effect during the resolution of 21 Mar of this year and which read as follows:

(Follows the text of the revised articles which will be marked with an asterisk in the text of the constitution and will go into effect immediately upon their publication in the Government Gazette)

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The said resolution will be published in the Government Gazette within 10 days from today, and the Constitutional Provisions which are written into it by article together with the unchanged articles of the constitution, among which are No 81, 109, 111, (formerly 82, 103, 110) will also be published in the same issue of the Government Gazette in one body under the original heading of the Constitution.

B. Our cabinet of Ministers will sign and publish this after having affixed the Grand Seal of State.

Composed in Athens on 1 Jun 1911

GEORGE

The Cabinet of Ministers

The Premier

ELEUTHERIOS K. VENIZELOS

The Members

I. Gryparis, N. Demetrakopoulos,

E. Repoulis, A. Alexandris,

L. Koromelas, E. Benakis

This Constitution, as published, was in effect from the day of its publication but was abolished due to the change of the form of government which was brought about in 1924. It was then replaced by the Constitution of 1925 (codified under A 373) and later by the Constitution of 1926. The Constitution of 1927 which followed remained in effect until 10 Oct 1935 when the Constitution of 1911 was temporarily returned by the following resolution of the Fifth National Convention recorded under Item IX of the meeting on 10 Oct 1935 and published on the same date in Vol 1, No 456 of the Government Gazette.

Resolution

On the abolition of the Democracy without a King.

The Fifth National Convention of the Hellenes

Having in mind and approving of the Government's declared program

Resolves

1. To abolish the Democracy without a King.
2. To carry out a plebiscite on the designated day of 3 Nov 1935.
3. To vest the President of the Cabinet of Ministers with royal powers until the day of the plebiscite.

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4. To return temporarily the Constitution of 1911 until the approval of a new constitution.

Athens
10 Oct 1935

The presiding Vice-President of the Convention
S. Balanos

Within the first few days after the return of the Constitution, the need of adjusting several questions caused by this change became evident. To this effect there was issued the Constituent Act under Item four of 14/14 October 1935. This was followed by the Constituent Act of 28/29 October of the same year under Item 7 and the Constituent Act of 20/20 November 1935. Under these, certain provisions of the Constitution of 1927 were reinstated, the corresponding provisions of the Constitution of 1911 having been nullified, on the one hand, and, on the other hand, other provisions of the said Constitution having been supplemented in view of the legislative changes which were brought about in accordance with the Constitution of 1927, in effect at the time.

We are publishing these provisions in the following text of the Constitution of 1911 in their appropriate place, together with detailed notes and explanations. For the sake of completeness and clarity, interpretative notes taken from the Gazette of Deliberations and the Official Minutes of the Second Double Revisional Parliament are published with each Article of the Constitution of 1911. At the same time, the reader should feel free to consult the rich interpretive notes and aids, incorporated in the Constitution of 1927, which were written by the Parliamentary Committee on the Constitution and which are codified under A 416.

For this purpose we note in parentheses at the end of each Article of the Constitution of 1911 the corresponding provisions of the Articles of the Constitution of 1927.

CONSTITUTION OF GREECE

In the Name of the Holy and Consubstantial

and Indivisible Trinity

The Second National Convention of the Hellenes Convening in

Athens

Resolves

On Religion

Article 1. The predominating religion in Greece is that of the Eastern Orthodox Church of Christ; all other known religions are tolerated and may be practiced freely under the protection of the laws, except for conversion and other interference with

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the predominating religion. (Const 1927, Art 1, Para a, c and d)

During the revision of the Constitution a second paragraph was added to Article 1 dealing with the official language of the State. During the approval of the entire Constitution, however, (95th Meeting of 23 May 1911) it was decided that this addition should constitute an independent article and was given the number 107.

Article 2. The Orthodox Church of Greece recognizes as its head our Lord Jesus Christ and, dogmatically, is inseparably united with the Great Church in Constantinople and all other Churches of Christ practicing the same religion, faithfully adhering, as they do, to the sacred apostolic and synodic canons and sacred traditions; it is autocephalous, exercises its sovereign rights independent of any other Church, and is governed by a holy synod of archbishops. The clergy of all recognized religions come under its jurisdiction and supervision, as do all members of the predominating religion. (Const 1927, Art 1, Para b)

* The text of the Holy Scriptures is maintained unchanged; its rendering into another language prior to the consent of the Great Church of Christ in Constantinople is strictly forbidden. (Const 1927, Art 1, Para e)

During the approval of the entire Constitution (95th Meeting of 23 May 1911) Prime Minister El Venizelos moved and it was accepted by the Parliament that in Paragraph b of Article 2 and before the phrase "of the Great Church of Christ in Constantinople" the word "and" be added. The following official interpretation was given to this addition by the Parliament at the recommendation of the Parliamentary Committee of the Constitution: "The Parliament having voted this addition to the text of the Holy Scriptures under consideration, it is self-evident from the definition of the entire article that the previous approval of the autocephalus Orthodox Church of Greece was understood."

On the Public Rights of the Hellenes

The Constitution of 1927 included the following in Article 20: "The changing of the text or terms of a will or of a contribution for public benefit is forbidden. The law makes an exception by disposing of the contribution to a similar cause when the wish of the benefactor or the contributor cannot be carried out." Because the Constitution of 1911 which was reinstated did not contain such a provision, the 4th Constituent Act of 14/14 October 1935 "On the Adjustment of the Problems Arising After the Abolition of the Constitution of 3 June 1937 and the Return of the Constitution of 1911 by the Resolution of the 5th Constitutional Convention of the Hellenes of 10 Oct 1935" inserted word for word as Paragraph 5 of the above provisions of Article 30, which remained in effect after the abolition of the Constitution of 1927.

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For an account of the Parliamentary Committee on the Constitution on Article 20 of the Constitution of 1927 which was thus put into effect, see General Codification A 430*.

*Article 3. The Hellenes are equal before the law and share public responsibility in accordance with their abilities; only Greek citizens are accepted in public services, except special cases provided for by special laws. Citizens are those who have acquired or will acquire the qualifications of a citizen as described by the laws of the State. Titles of nobility or distinction are not conferred upon Greek citizens, nor are they recognized. (Const 1927, Art 6)

Article 3 did not go into effect with the other provisions of the Constitution, and their effect commenced with their publication in the Government Gazette (1 Jun 1911); but actually they were in effect from the time of approval of the minutes by the session of Parliament of 21 March 1911 under Item LV. The corresponding resolution published the same date was not published in the Government Gazette; it reads as follows:

"The Second Revisional Parliament of the Hellenes

Exercising its prerogative of revising and reforming the nonfundamental provisions of the Constitution

Resolves

The revised Article 3 of the Constitution, which reads as follows:

(The above text of Article 3 was inserted here.)

will go into effect from the time of approval of the minutes of the meeting in which it would have been approved."

Article 4. Personal freedom is inviolable; nobody can be prosecuted, arrested, imprisoned, or placed under detention except when and as described by law. (Const 1927, Art 10)

The corresponding Article 10 of the Constitution of 1927 included the following: "Personal liberty is inviolable; nobody can be prosecuted, arrested, imprisoned, expelled, banished, or put under any restriction except when and as described by law."

By authority of this provision (notes on which were inserted by the Parliamentary Committee on the Constitution of 1927 in General Codification A 422***) there were published, among others and in relation to the Robbery Laws (Laws 374/1871, 3836/1911, etc) published under the corresponding provisions of the Constitution of 1864: (a) Law 3995 of 25/28 February 1929 "On Ratification and Amendment of the Legislative Decree of 17 February 1926 'On Smuggling'" (General Codification I 593³); (b) Law 4229 of 24/25 July 1929 "On Measures of Security of the Public and Protection of the Free-

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dom of Citizens," in place of which Law 17 of 15/18 September 1936 "On Measures for Combating Communism and its Consequences" (Code of Laws, 1936, p 783) is now in effect; (c) Law 4310 of 6/16 August 1929 "On Establishment and Movements of Aliens in Greece, Police Inspection, Passports, Expulsions and Banishment," amended by Law 5405 of 20/20 April 1932 (General Codification XIV 917); (d) the above-mentioned law of 28/28 September 1931 "On Protection of National Monetary Unit" (see XVI 373); (e) Law 5539 of 15/23 June 1932 "On Monopoly of Narcotics and Their Inspection" (see XII 366); (f) the above-mentioned law of 17/18 October 1935 "On Definition of Place of Temporary Residence of Discharged and Retired Officers, Etc." (Code of Laws, 1935, p 995); and others.

Article 4 of the Constituent Decision of 20/20 November 1935 "On the Amendment of Articles 94 and 95 of the Constitution" relates the following on the power of these laws: "The laws issued under Article 10 of the abolished Constitution of 1927 dealing with the establishment, movement and expulsion of aliens and on the banishment of persons suspected to be a threat to public order, etc., are maintained in effect in all their specifications. Arrest and detention of all persons to be expelled or banished is permitted until the actual expulsion or banishment."

It must be noted that later laws also contained provisions on banishment, such as the laws on the protection of the national monetary unit, the above-mentioned Law 375/1936 on the punishment of crimes of espionage, etc. (Code of Laws, 1936, pp 1041, 1196 and others)

*Article 5. Unless found in flagrante delicto, nobody can be arrested or imprisoned without a justifiable, judicial warrant, which must be served at the time of arrest or detention. The person being detained because of being discovered in flagrante delicto, or because of an arrest warrant, must be brought before a competent magistrate without delay and within 24 hours from the time of the arrest at the latest; if the arrest was made outside the jurisdiction of the magistrate, the person must be brought up in the minimum time required for his transportation. The magistrate must, within 3 days from the time that the person has been brought up before him at the latest, either dismiss the arrested person or issue a warrant for his imprisonment. If no action has been taken by either time limit, all wardens or other persons charged with the detention of the said person, whether civilian or military personnel, must immediately release said person. Violators of these provisions are punished for illegal detention and are liable to all damages occurring to the victim and a fine in favor of the victim of a monetary sum to be set by the judge at his discretion, but never smaller than 10 drachmas daily. (Const 1927, Art 11)

The corresponding Article 11 of the abolished Constitution of 1927 contained the following: "Unless found in flagrante delicto, nobody can be arrested or imprisoned without a justifiable, judicial warrant which must be served at

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the time of arrest or detention. The person being detained because of being discovered in flagrante delicto, or because of an arrest warrant, must be brought before a competent magistrate without delay and within 24 hours from the time of the arrest at the latest; if the arrest was made outside the jurisdiction of the magistrate, the person must be brought up in the minimum time required for his transportation. The magistrate must, within 48 hours from the time that the person has been brought up before him at the latest, either release the arrested person or issue a warrant for his imprisonment. This time limit can be extended up to 5 days at the request of the prisoner or due to unavoidable circumstances, which, however, must be immediately ascertained by decision of a competent judicial council. If no action has been taken by either time limit, all wardens or other persons charged with the detention of the person, whether civilian or military personnel, must immediately release said person. Violators of these provisions are punished and professionally prosecuted for illegal detention and are liable to all damages occurring to the victim and a fine in favor of the victim for a monetary sum to be set by the judge at his discretion, but never smaller than 10 metallic drachmas daily. A special law will set the conditions under which the State must pay damages to persons unjustly detained or convicted. Detention cannot be extended beyond the provisions of the law."

For a report of the Parliamentary Committee on the Constitution on this article of the Constitution of 1927, see General Codification A 423**, also the following notes of interpretation: "The true meaning of the Constitutional Provision of Article 11 dealing with the punishment of those responsible for illegal detention is that not only false intent, but also mere knowledge of illegal detention is considered an offense."

In execution of these provisions were issued the following laws: Law 4915 of 1 April/2 May 1931 "On Damages to be Paid by the State to Persons Unjustly Convicted or Detained" (General Codification B 120 i.f.), and Law 4441 of 6 August/7 September 1929 "On the Amendment of Article 208 of Criminal Procedure and Determination of the Duration of Detention" (see 126³), which has been amended by Law 6355 of 22/23 October 1934. (Code of Laws, 1934, p 1056)

Article 2, Paragraph a, of the 7th Constituent Act of 28/29 October 1935 "On Maintaining in Effect Provisions of the Constitution of 1927" contains the following on the power of these laws: "The laws and decrees which have been issued in execution of Article 11...of the abolished Constitution of 1927 and which deal with damages to be paid persons unjustly detained and convicted, length and period of detention, etc., remain in effect in all their provisions."

*Article 6. In the case of civilian offenses, the Magistrates' Council can, at the request of the detained, release him on bail set by judicial order, which can be revoked by same.

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Detention for such crimes shall never extend beyond 3 months.
(Const 1927, Art 12)

According to the interpretation rendered by the Revisional Parliament and written in the official minutes: "The stipulation of the first part of Article 6 was made on the strength of existing legislation and on the clearly evident and now definitely declared meaning that it does not exclude in any way the introduction of general or special laws in the future which could abolish or limit the detention or would make release on bail compulsory for the judge. It is also understood that the limit of the 3-month detention set up in the second part of the same article should include the period of the entire investigation and the entire trial proceedings before different councils."

Article 7. No punishment can be imposed without a law previously defining it. (Const 1927, Art 8)

Article 8. No one can be deprived against his will of the services of the judge who has been assigned by law. (Const 1927, Art 9)

*Article 9. Each individual or group of individuals has the right, if they are law-abiding citizens, to petition in writing the officials, who are responsible for quick action and a written response to the petitioner according to the stipulations of the law. Only after the final decision of the officials to whom the petition has been addressed, and with their permission can responsibility be sought by the petitioner for the alleged violations in the petition. (Const 1927, Art 25)

During the discussion on Article 9, Prime Minister El. Venizelos recommended that the following explanation be included in the official minutes of Parliament: "When we say 'petition' we mean the recourse to a superior office and not the request of information for which each office is morally responsible; however, this cannot be recognized as a constitutional duty because that would incorporate possible abuses of the privilege, and these must be avoided."

In execution of this provision, Law 149 of 21 December 1913/19 February 1914 "On the Duty of Public Officers to Respond to Petitions Submitted to Them" was issued in General Codification A 433*.

Article 10. The Hellenes have the right to assemble quietly and without bearing arms; only in public gatherings does the police have the right to attend. Gatherings in the open may be forbidden, if they are judged dangerous to public security. (Const 1927, Art 13).

*Article 11. The Hellenes have the right to enter into partnership, abiding by the laws of the State, but do not have the right to exercise this privilege by permissions previously secured from the Government.

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No partnership can be dissolved because of infractions of laws except by judicial decision. (Const 1927, Art 14)

By authority of the corresponding provisions of Article 14 of the Constitution of 1927, Law 4879 of 6/6 March 1941 "On Employees' Organizations" (General Codification IX 657) was issued regulating the rights of public officials to go into partnership. This law, having been amended by the present Law 5403 of 18/22 April 1932, remained in effect until May 1935 when it was abolished by the 20th Constituent Act of 3/6 May 1935 (Code of Laws, 1935, p 294) which set forth the following in its Article 4: "(1) The provisions of Article 14 of the Constitution are suspended insofar as they are related to the public employees and public servants, as well as the employees and servants of legal persons representing public justice; they are forbidden from organizing professional clubs or unions, either under the form of unions or clubs or under any other forms, or from participating in such organizations. (2) Laws 4879 of 6/6 March 1931 "On Employees' organizations" and 4503 of 18/22 April 1932 "On the amendment and Completion of Law 4879" are abolished, and the unions, corporations, confederations, clubs, or other organizations of public employees and servants, or employees and servants of legal persons representing public justice, will automatically dissolve immediately on the publication of this order without any further judicial or executive formality."

After the reinstatement of the Constitution of 1911, a question arose regarding the strength of the above-mentioned 20th Constituent Act, i.e., whether this right of the public employees is also suspended under the Constitution of 1911. (See "Legal Problems" in the Gazette of Greek Jurists, c 650; the contrary opinions of Supreme Court District Attorney L. Gidopoulos who supports the collateral power of the Constitution and this Constituent Act are published here under 622. In connection with the power of this act, compare with Constitutional Committee 135/1936 in National Greek Legislation, d 37.) This doubt was eliminated by the above Law 906 of 2 August/21 October 1937 "On the Right of Public Employees and Public Servants and Employees and Servants of Legal Persons in Charge of Public Justice to go into partnership" (Code of Laws, 1937, p 1103), which forbade public employees, etc., to enter into partnership or to belong to existing partnerships of whatever type or purpose without the approval of the Government subject to recall.

*Article 12. Everybody's home is an asylum. No house search can be carried out except when and as the law stipulates. Violators of these provisions are punished for abuse of authority and are liable to full damages to the victim and a fine in favor of the victim of a monetary sum set at the discretion of the court, but never smaller than 100 drachmas. (Const 1927, Art 15)

Article 13. In Greece a human being can never be sold or bought. Mercenaries and slaves of either sex and any religion

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are free as soon as they step on Greek soil. (Const 1927, Art 7)

*Article 14. Anyone can express his opinions, orally, in writing, and through the press but must keep the laws of the State. The press is free. Censorship and every other preventive measure is forbidden. At the same time the confiscation of newspapers and other printed treatises, either before or after their publication, is forbidden. As an exception to this rule confiscation after publication is permitted because of insults to the Christian religion or the person of the King or because of obscene passages as described by law, which obviously insult public morals; in such cases however, and within 24 hours from the time of confiscation, the district attorney must present the case to a judicial council, and the judicial council must decide on the continuation or the lifting of the confiscation; otherwise the confiscation is automatically lifted. The right of appeal from the decision is granted only to the person who has published the confiscated article, and not to the prosecutor.

The publication of news or communications dealing with the military movements or the defense installations of the country may be forbidden in a manner described by law and by threat of confiscation and legal prosecution. The above-mentioned provisions apply to the confiscation.

Both the publisher of the newspaper and the author of a reprehensible publication relating to the life of private citizens, are liable, besides the punishment imposed according to criminal law, to full restoration of all incurring damages and to a fine in favor of the victim of a monetary sum set at the discretion of the judge, but never less than 200 drachmas, since they are both considered severally and jointly responsible.

Publication of newspapers is permitted only to Greek citizens. (Const 1927, Art 16)

The corresponding Article 16 of the abolished Constitution of 1927 contained the following: "Anyone can express orally, in writing, and through the press his opinions, but must keep the laws of the State. The press is free. Censorship and every other preventive measure is forbidden. An exception is made in the case of moving pictures when preventive measures can be taken for the protection of youth. At the same time the confiscation of newspapers and other printed treatises, either before or after their publication, is forbidden. As an exception to this rule confiscation after publication is permitted because of insults to the Christian religion in cases prescribed by law and because of obscene passages which obviously insult public morals. In such cases, however, and within 24 hours from the time of confiscation, the district attorney must present the case to a judicial council, and the judicial council must decide on the continuation or the lifting of the confiscation, otherwise the confiscation is automatically lifted. The right of appeal from the decision is granted only to the person who has published the confiscated article. Special measures can be

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taken by law for combating literature insulting public morals and for the protection of the youth from unsuitable public spectacles and presentations. The publication of news or communications dealing with the military movements or the defense installations of the country may be forbidden in a manner prescribed by law and by threat of confiscation and legal prosecution. The above-mentioned provisions apply to the confiscation.

Both the publisher of the newspaper and the author of a reprehensible publication relating to the life of private citizens, besides the punishment imposed according to criminal law, are liable to full restoration of all incurred damages and to a fine in favor of the victim of a monetary sum set at the discretion of the judge, but never less than 200 metallic drachmas, since they are both considered severally and jointly responsible. The publication of newspapers is permitted only to Greek citizens. Offenses of the press are not considered in flagrante delicto."

In execution of these provisions there were issued; (a) Law 4311 of 6/14 August 1929 "On the Repression of Circulation and Trade of Indecent Publications" (General Codification C 86²); (b) Law 5060 of 30/30 June 1931 "On the Press, Insults of Honor in General, and Other Related Offenses" (see 126) which specially provided in its Articles 29-31 and 34-39 for indecent publications and prohibition of publications and was amended by Laws 5633/1932 (here) and 5999/1934 (Code of Laws, 1934, p 76) and by the above-mentioned law of 20/20 November 1935 (here, 1935, p 1276); and (c) Law 445/1937 on moving pictures, as contained in the Code of Laws 1937, p 62, is now in effect.

Article 2, Paragraph a, of the 7th Constituent Act of 28/29 October 1935 "On Retaining in Effect Provisions of the Constitution of 1927" sets forth the following on the power of these laws: "The laws and decrees on indecent publications, and the prohibition of publications and moving pictures are issued in execution of Article 16 of the abolished Constitution of 1927, retained in effect in all provisions."

It must be noted that, according to the first part of Paragraph 1 of Article 2 of the 6th Constituent Act of 28/28 October 1935 "On Insults Against the Regime and Social Order and Other Acts Tending Towards Disturbance of Public Order" (here p 999) which has been kept in effect by Article 3 of the Constituent Act of 20/20 November 1935 (Code of Laws, 1935, p 1340), the above provisions on the freedom of the press were amended in the following manner: the propagation of ideas seeking to change the existing social order (Communist) by any means, especially in public conventions or in public places by speeches or printed or written publications, by pictures, or by symbolic presentation or any sensual descriptions or musical pieces or recitations to the public, is forbidden. Violations of these provisions are to be punished, according to the first paragraph of Article 3 of the above-mentioned 6th Constituent Act (which was kept in

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effect by the same Article 3 of the said Constituent Act of 20/20 November 1935) and tried [according to the sixth Paragraph of the 4th Constituent Act 14/14 October 1935 which was kept in effect by the same Article 3 of the said Constituent Act of 20/20 November 1935 (Code of Laws, 1935, p 985)] by courts-martial. From the jurisdiction of these last, however, they have been removed [on the strength of the 3d Constituent Act of 25/25 January 1936 (here 1936, p 127)] in order to be brought under the jurisdiction of five-member courts of appeal (except for violations committed by military personnel of land, sea and air, or members of the constabulary, which, by strength of the above Law 21/1936, here p 567, have remained under the jurisdiction of courts-martial, army and navy). From said jurisdiction they have again been removed (by the above Law 117/1936, here p 783, which is now in effect and deals with measures combating Communism and its consequences) in order to be brought under the jurisdiction of 3-member magistrate courts which try them according to the provisions of in flagrante delicto of the legislative decree of 22/28 November 1923 on immediate trials for certain offenses (General Codification B. 184). The same Law 117 defines in its fourth article those jointly responsible for press violations.

It is also noted that the publication of information by the press aimed against the security of the country, etc., is also punished by later special Laws 376/1936 and 876/1937 (Code of Laws, 1936, p 1199 and 1937, p 991), which provide similar punishment for all acts which threaten military or naval installations, troop movements, etc., concurring with the explanation of the above-mentioned Article 14 of the Constitution of 1911, which was accepted by the 2d Revisional Parliament and states: "By the expression 'troop movements' is understood the movements of land and sea forces, and by the expression 'defense installations' is understood all land and sea defenses of the country."

Finally, Article 95 of the Constitution of 1911, as amended by Article 2 of the said Constituent Act of 20/20 November 1935, must also be borne in mind.

Article 15. No oath can be imposed without a law defining its form. (Const 1927, Art 27)

*Article 16. Education, being under the supreme supervision of the State, is carried out with State funds.

Elementary education is compulsory for everybody and is granted by the State without any cost.

Private citizens and legal persons are permitted to found private schools which will function in accordance with the Constitution and the laws of the State. (Const 1927, Art 23)

According to an explanation accepted by Parliament and written in the official minutes: "In elementary education

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is included all education now called 'demotike,' even though its duration should last longer than 6 years."

*Article 17. No one can be deprived of his property except for public benefit duly proven when and as the law stipulates and always with a previous compensation. The compensation is always fixed through judicial channels. In case of great urgency it can be fixed temporarily by a court after a hearing or summons of the beneficiary, who can be compelled, at the discretion of the judge, to grant equivalent security as stipulated by law. Before the payment of a final or temporary compensation the owner maintains in whole all his rights, and occupation is not permitted.

Special laws regulate matters dealing with ownership and disposal of mines, excavations, archeological treasures, and therapeutic and running waters.

"Matters dealing with the ownership and exploitation of fish hatcheries and the management of inland seas and large lakes are also regulated by law." (Const 1927, Art 19)

The long discussion on this article which lasted for three sessions of Parliament (LI, LIII and LIV of 16, 18 and 19 March 1911) resulted in its approval with the following note of interpretation, accepted by Parliament and written in the official minutes: "After the long discussions on Article 17 of the Constitution and especially after the declaration of the President of the Cabinet, the Double Parliament, decides that there is no constitutional obstacle arising from Article 17 of the Constitution to the compulsory alienation of land estates in Thessaly for the purpose of establishing landless farmers as small property owners."

It is noted that Law 3951 of 4/8 December 1911, which was especially set up for the court mansion of Tripolis on the strength of the above-mentioned Article 17 "On Compulsory Alienation of a Lot for the Erection of a Court Mansion in Tripolis" and which contained in its fifth article a provision permitting the application of its provisions on the adjustment of compensations until the writing of a general law on compulsory alienation, was successfully applied in this case and became the now effective law on this subject, being applied, however, as amended by later provisions (these amendments can be found in General Codification IX 639 and in the Code of Laws, 1934, p 154, Law 6021; 1936, p 920, the above Law 146; and 1937, p 389, the above Law 663), with the exception of a few cases for which a special procedure is prescribed by laws issued for this purpose.

This application of Law 3951 was also in effect under the provisions of Article 19 of the Constitution of 1927, which corresponds to Article 17 of the Constitution of 1911, an exception to which was constituted by Article 119 of the same constitution, which established the following: "Deviation from Article 19 for 5 years is permitted as prescribed by law for the establishment of landless cultivators

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of the soil, small stock breeders, refugees and peasants or townspeople with the following restrictions---the establishment of refugees in cities, the alienation and occupation of vacant lots for the erection of colonies of at least 20 houses and not smaller than a total area of 2,000 square meters, or the extension or completion of existing colonies is permitted before compensation is paid. The inflated prices of the lots due to the influx of refugees cannot be included in the compensation, which, in this case would be computed on the basis of mid-September prices of 1922 and converted to metallic drachmas. Lots on which refugee colonies of at least 20 houses and not less than a total area of 2,000 square meters have been erected are subject to alienation, the compensation being computed in the same manner. The compensation for the alienation of meadows is accomplished exclusively for the independent settlement of small stock breeders, the compensation set at not smaller than two-thirds the average price of the meadows for the 3 years before September 1914 in metallic drachmas and not smaller than 15 times the lawful rent for the year 1926 to 1927. Public, communal and exchangeable meadows are not subject to the provisions of this article. The following are not subject to alienation as provided for in this article: (1) small agricultural properties cultivated by the owner himself and his family; (2) lands cultivated in any manner and up to 300 stremmata (EdN: 1 stremma equals 10 acres); (3) meadows for the independent establishment of small stock breeders up to 300 stremmata; (4) lots in the city for the establishment of refugees up to 500 square meters; (5) lots belonging to owners who have already been subjected to rural alienation; and (6) plantations of grapes, raisins, olives and fruit trees, and forests free of perpetual obligations, as long as they are excepted from the rural law now in effect and belong to actually existing persons. Special laws, not in conjunction with Article 19, took care of the matters dealing with alienation of property belonging to monasteries. The laws which have been issued up to the present dealing with redemption of cultivated lands or exemption of these lands from land tenure and land-act burdens are not considered contrary to the Constitution."

The following notes of interpretation have been made on this article of the Constitution of 1927:

1. In the provision of the second part of Paragraph 5 the following are not included: (a) bastinal (TN: land that is cultivated every other year), and (b) tobacco lands of eastern Macedonia and Thrace, the exempted lands of which are specified by law. In the true meaning of this part, the exemption of 300 stremmata is applicable once for each owner on estates belonging jointly to more than one owner.

2. The true interpretation of Article 19 of the Constitution is that the people of Korfu and Lefkas who receive land which is either cultivated, arable or suitable for growing trees are also included: (a) insofar as it concerns the liberation of these lands from perpetual obligations of

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land tenure and land acts about which there exist the provisions of special laws; and (b) until the promulgation of decisions on petitions which have already been, or will be, submitted.

3. In the provision of the next to the last paragraph there is also included Law 3345 "On the Treasury of the Military Reservists of Crete Which Can be amended by Law."

With regard to the same article, a decision of the Minister of Justice, containing certain notes of interpretation on this article has been issued and published in the Government Gazette. This decision, as well as excerpts of discussions which took place in Parliament, can be seen in General Codification A 482.

In execution of these provisions, a number of laws and legislative decrees were issued, on the power of which the third paragraph of the 4th Constituent Act of 14/14 October 1935 "On the Adjustment of the Problems Arising After the Abolition of the Constitution of 3 June 1927 by Resolution of the 5th Constituent Convention of the Hellenes of 10 October 1935 and the Return of the Constitution of 1911" set forth the following: "Laws and executive orders issued in accordance with Article 119 of the abolished constitution retain their power temporarily until the writing of a new Constitution."

Finally, it must be said that the above Article 17 of the Constitution of 1911 did not include the last paragraph which appeared in quotes in its text; this was added by the second paragraph of the second article of the 7th Constituent Act of 28-29 October 1935 "On the retaining in Effect Certain Provisions of the Constitution of 1927."

Article 18. Torture and general confiscation are forbidden. Political death is abolished. The death penalty for political crimes, except for compound crimes, is abolished. (Const 1927, Art 17)

Article 19. No previous permission of the governing authorities is required for bringing to trial public of municipal employees for punishable acts committed in their service, except for the special provisions about Ministers. (Const 1927, Art 26)

Article 20. Secrecy of mail is absolutely inviolable. (Const 1927, Art 18)

On the Composition of State

Article 21. All authority originates in the nation and is exercised in a manner prescribed by the Constitution. (Const 1927, Art 2)

Article 22. The legislative authority is exercised by the King and Parliament. (Const 1927, Art 3)

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Article 23. The right to introduce laws belongs to the Parliament and the King who exercises it through his Ministers. (Const 1927, Art 28)

Article 24. No proposal dealing with the increase of the expenditures of the budget for salaries, pensions or benefits to any person can originate in Parliament. (Const 1927, Art 29, Para 2)

With Article 1 of the 7th Constituent Act of 28/29 October 1935 "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of Article...29... of the Constitution of 3 June 1927 were kept in effect and were never abolished, while "the relative provisions of the Constitution of 1911 had been abolished."

These provisions of the Constitution of 1927 are as follows:

Article 29. Any bill introduced by the Government and entailing an expenditure or a decrease in the revenue of the budget must be accompanied by a report explaining the manner in which it will be covered, signed by the Minister concerned and the Minister of Finance. No proposal dealing with the increase of expenditures of the budget for salaries, pensions or benefits to any person in general can originate in Parliament [or in the Senate].

Note of interpretation on Article 29: "The true meaning of Paragraph 1 of Article 29 is that a bill submitted by the Minister of Finance or any other Minister, and touching on the affairs of any other Ministry, must be signed by the Ministers concerned."

Interesting excerpts of the discussions which were carried out on the power of this Article 29 of the Constitution of 1927 can be seen in General Codification A 436*.

*Article 25. Proposal of any bill rejected by any member of the legislative body cannot be reintroduced in the same session of Parliament. (Const 1927, Art 33)

Article 26. The authentic interpretation of laws belongs to the legislative authorities. (Const 1927, Art 28)

Article 27. The executive power belongs to the King and it is exercised by the responsible Ministers appointed by him. (Const 1927, Art 4)

Article 28. The judiciary authority is exercised by the courts and judicial decisions are carried out in the name of the King. (Const 1927, Art 5)

On the King

Article 29. The Person of the King is irresponsible and inviolable, but his Ministers are responsible.

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Article 30. No action of the King is effective or can be carried out unless it is co-signed by his competent Ministers who are responsible by their signatures alone. In the case of change of the entire cabinet, if none of the retiring Ministers consents to co-sign the decree of the dismissal of the old cabinet and the appointment of the new, these are signed by the new president of the cabinet after he has been appointed by the King and has taken the required oath. (Const 1927, Art 72)

Article 31. The King appoints and dismisses his Ministers. (Const 1927, Art 71)

Article 32. The King is the supreme ruler of the State; he is the supreme commander of all land and sea forces; he declares war, concludes treaties of peace, alliance, and trade, and reports on them to Parliament with the necessary clarification when the interest and the security of the State permit. Commercial treaties however, and all other treaties involving concessions which, according to other provision of this Constitution, cannot be made without a law or personally burdening the Hellenes, cannot be effective without the consent of Parliament. (Const 1927, Art 81, 82, 83)

Article 33. No land concession or land exchange can be made without a law. Secret articles of any treaty can never upset the open articles of the same treaty. (Const 1927, Art 82)

*Article 34. The King bestows, according to law, the military and naval ranks, and at the same time appoints and dismisses the civil servants, except in cases specified by law. He cannot, however, appoint an employee in any position not provided by law. (Const 1927, Art 81)

Article 35. The King issues the necessary decrees for the execution of the laws, but he can never suspend their action or exempt anybody from the power of the law. (Const 1927, Art 76)

*Article 36. The King ratifies and publishes the laws which have been voted by Parliament. A law which is not published within two months from the end of the session is invalid. (Const 1927, Art 75)

*Article 37. The King convokes Parliament regularly once a year, and to special sessions whenever he deems it necessary. He declares personally or through representatives the beginning and end of each session of Parliament, and has the right to dissolve the Parliament. The dissolution decree, however, co-signed by the Cabinet, must at the same time provide for the convocation of the voters within 45 days and of the Parliament within three months. (Const 1927, Art 78)

*Article 38. The King has the right to suspend the activities of the legislative session once, either postponing their commencement or interrupting their session. The suspension of activities cannot last longer than 30 days, nor can it be repeated during the same legislative session without the consent of Parliament. (Const 1927, Art 80)

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Article 39. The King has the right to pardon, change or mitigate any punishment imposed by the courts, except for orders dealing with Ministers. He can also grant amnesty for political crimes under the responsibility of the Cabinet. (Const 1927, Art 84)

Article 40. The King has the right to bestow proper decorations according to the provisions of the law. (Const 1927, Art 85)

In accordance with the provision of Article 6, Paragraph 3 of the Constitution of 1927 which stated, "Titles of nobility or distinction or decorations, except war metals, are neither bestowed on Greek citizens nor are they recognized," and according to the provision of Article 85 which declared, "The President of the Republic has the right to confer upon citizens of other countries the proper decorations according to law," the bestowal of decorations upon Greek citizens and the permission for them to wear bestowed decorations had been forbidden up to this period. This prohibition, abolished by the 8th Constituent Act of 18/19 April 1935 (Code of Laws, 1935, p 271), published in its preamble, in accord with "the expressed wish of the Greek people," moral rewards should be bestowed on Greek citizens who have rendered exceptional services;" this nullified the phrase of Article 85 of the Constitution of 1927, "To citizens of other countries," and the phrase of Article 6, Paragraph 3 "Or decorations, except for war metals." The Law of 19/30 April 1935 (here p 294) which followed, reconstituted the above provisions on the bestowing of decorations on Greek citizens which had been abolished as contrary to the provisions of the Constitution of 1927. These were later revised and completed by the Legislative Decree of 21/24 June 1935 (here p 568); by the above Law of 16/19 November 1935 (here p 1249); by the above Law of 19/20 November 1935 (here p 1282); by the above Law of 84/1936 (here 1936, p 762); and Law 336/1936 (here p 1083), as well as by Royal Decrees of 18 January 1936 (here p 56 and 77) issued for their execution.

Article 41. The King has the right to issue coins according to law.

Article 42. The royal grant as defined by law is the annual grant to King George I, which included the sum of 1,125,000 drachmas which had been previously voted by the Ionian Parliament. This sum can be increased by a law after a 10-year period. (Const 1927, Art 70)

The royal grant has now been set by the above law of 22/22 January 1936 (code of Laws, 1936 p 44) at 24,000,000 drachmas annually.

Article 43. King George, after the signing of the present Constitution, will take the following oath before the present National Convention: "I swear in the name of the holy and substantial and indivisible Trinity to protect the prevailing religion of the Hellenes, to safeguard the Constitution and the laws of the Greek nation, and to maintain and defend the national

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independence and integrity of the Greek nation." (Const 1927, Art 69)

Article 44. The King has no other powers except those expressly granted to him by the Constitution and special laws in agreement with it. (Const 1937, Art. 86)

On Succession and Regency

Article 45. The Greek Crown and its Constitutional powers are hereditary and devolve upon the direct line, true and legal descendants of King George I, in the order of birthright and male preference.

The 5th National Convention voted on the conducting of a plebiscite to decide the maintenance of the then-existing republican parliamentary form of government or the establishment of a Democracy with a King, as clarified by a resolution accepted by Item 8 of the meeting of 10 July 1935 (Code of Laws, 1935, p 591) that "by the establishment of Democracy with a King is understood the restoration of the late dynasty under the recognized order of male succession."

Article 46. If no heir fulfilling the above requirements exists, the King can appoint one, with the consent of Parliament which is specially called for the purpose and must show a two-thirds majority vote of the total number of members in an open vote. (Const 1927, Art 68)

Article 47. All heirs of the Greek Throne must profess the religion of the Eastern Orthodox Church of Christ.

Article 48. The Crowns of Greece and any other state can never rest upon the same head.

Article 49. The King becomes of age upon the completion of the 18th year of his life. Before ascending the Throne he takes the oath contained in Article 43 before the ministers, the Holy Synod, the members of Parliament who happen to be in Athens, and other high authorities. The King convokes the Parliament within two months at the latest and repeats the oath before the members of Parliament.

Article 50. In the case of the death of the King, if the heir is not of age or absent and no Regent has already been designated, the Parliament convenes, even though the session has ended or has been dismissed, without formal convocation, on the 10th day at the latest after the death of the King. The Royal Constitutional authority is exercised by and under the responsibility of the Cabinet until the swearing in of the Regent or the arrival of the heir. A separate law will regulate the problems dealing with the Regency. (Const 1927, Art 68)

Article 51. If at the time of the death of the King his heir is not of age, Parliament, even though its session has ended, convenes in order to elect a guardian. The guardian is elected

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only when such a guardian has not been specified in the will of the deceased King or when the under-aged heir has no mother remaining as a Widow. If there is a mother, she is automatically called to the guardianship of her child. The guardian of the under-aged King, either appointed by the will or elected by Parliament must be a Greek citizen of the Eastern Dogma. (Const 1927, Art 68)

Article 52. In the case of a vacancy of the Throne caused by death, Parliament, even though its session has ended or has been dismissed, elects temporarily and by open vote a Regent who is a Greek citizen of the Eastern Dogma. The Cabinet exercises under its responsibility, in the name of the nation and the Royal Constitutional authority, until the Regent has taken the Oath. Within two months at the latest a number of representatives equal to the number of the members of Parliament are elected by the citizens, who convene together with Parliament and elect a King by a two-thirds majority of the total in an open vote. (Const 1927, Art 68)

*Article 53. If the King deems necessary the composition of the Regency because of illness, he convokes the Parliament and causes them, through the cabinet, to issue a special law for the purpose. If the King is in no condition to reign, the Council of Ministers convokes the Parliament, and the Parliament having convened elects a Regent or calls a guardian if necessary after having recognized such a necessity by a three-fourths majority of the votes cast in an open vote.

A separate law will regulate the problems of Regency arising from departure of the King outside the country. (Const 1927, Art 68)

The above Law 922 of 15/23 October 1937 "On the Regency in Case of Departure of the King Outside the Country" (Code of Laws, 1937, p 1108), which entrusts the Regency to the heir who is of full age is now in effect.

On the Parliament

By authority of Article 1 of the 7th Constituent Act of 28/29 October 1935, "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of Articles...58... of the Constitution of 3/3 Jun 1927 were kept in effect as never having been abolished, "with the relative provisions of the Constitution of 31 May 1911 being abolished." However, no equivalent provisions existed in the above mentioned Constitution of 1911. For this purpose we cite here Article 58 of the Constitution of 1927 which has been kept in effect and which reads as follows: "Members of Parliament are not permitted to rent rural areas belonging to the Public, to undertake State commissions or constructions of public works, collect rentals of public taxes, or to accept concessions on public property. A violation of any of the above provisions renders that act null and void."

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*Article 54. Parliament automatically convenes for its annual session on October 1 of each year, except in the case when the King convokes it earlier for those activities given in Article 37.

The duration of each regular session cannot be shorter than three months, and this does not include the time of suspension according to Article 38. (Const. 1927, Art 46)

Article 55. Parliament holds its session in public in the Parliament building. It has the right, however, to hold closed sessions at the request of 10 of its members. If an issue is decided upon by a majority in a secret session, it is then decided whether or not debate on the same problem should be repeated in public. (Const 1927, Art 47)

*Article 56. Parliament cannot debate if at least one-third of its members are not present, and cannot decide anything without absolute majority of the members present, which, however, can never be smaller than four-fifths of the minimum limit of a quorum.

In the case of tie the proposal is dropped.
(Const 1927, Art 48)

*Article 57. No law proposal can be accepted if it hasn't been debated and approved by Parliament once in principle and twice by article and as a whole for three different days.

After its approval in principal, the draft under debate is sent to a Parliamentary Committee, if it had not previously been sent or had been elaborated upon by the State Council. After its examination by the Committee or after the lapse of the time limit set for this purpose, its article-by-article debate follows in several meetings at least two days apart. In exceptional cases however, Parliament may, declaring the proposal as urgent, not send it to the Committee and limit the time between the two article-by-article debates to one day.

If any amendments were made during the last debate, the approval of the whole is postponed until what has been approved has been printed and distributed as amended.

The approval of Judicial codes which have been prepared by special committees set up by special law may be accomplished by a special law which ratifies the said code as a whole. Proposal for such a law cannot be declared urgent.

In the same manner, general codification of existing provisions by their simple classification, or the return, as a whole, of abolished laws, except taxation laws may be accomplished. (Const 1927, Art 49)

By authority of Article 1 of the 7th Act of 28/29 October 1935 "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of articles ...49... of the Constitution of 3 June 1927 were kept in effect as never

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having been abolished, "with the relative provisions of the Constitution of 1911 being abolished."

These provisions of the Constitution of 1927 have as follows:

Article 49: All proposed laws must be necessarily accompanied by an explanatory report, and they are sent to a Parliamentary Committee. When they have been examined or when the set time limit has expired, they are introduced for debate after an oral introduction by the competent Minister or the introducer of the Committee, if no such introduction was made at the presentation of the proposal. Proposed laws entailing the burdening of the budget, when submitted by the government, are not introduced into debate if they are not accompanied by a report of the general accounting office defining the involved expenditures. If they are submitted by Parliament, before any discussion can be made it must be passed on to the general accounting office which must submit a report on the proposal within 10 days. Proposals for the amendment of the laws on pensions or the granting of pensions, as well as recognition of service which might grant such a privilege, are submitted only by the Minister of Finance after the opinion of the Comptroller General has been heard. Such proposals on pensions must be specific and no pension provisions can be written into laws which intend the regulation of other subjects.

No proposed law can be accepted if it hasn't been debated and approved by Parliament twice and in two different meetings, separated by at least two days. It shall be approved in principal and by article during the first debate, and by article and as a whole during the second. If any additions or changes were made during the second debate, the approval of the whole is postponed for 24 hours from the time of distribution of the amended plan.

No addition can be made or amendment appended to a law proposal if it is not immediately related to the main contents of the proposal. As an exception, approval by Parliament in one debate in principle and by article can be permitted, if this has been requested by the person submitting the proposal and before the proposal has been sent to the Committee defined in Paragraph 1 of this article. This is only possible if the Committee has approved such a request and if no opposition has been raised by at least 20 members of Parliament from the time the proposal has been submitted until the end of the debate on it. [According to the Regulations of the Senate, it may be established that the approval of law proposals may be accomplished by it in only one reading.] Law proposals intending the amendment of provisions of a previous law cannot be introduced for debate if the entire text of the amended provision is not contained in the explanatory report, and if the entire new provision, in its new form after the amendment, does not appear in the text of the proposal. The approval of judicial or administrative codes which have been written by special committees set up by special laws may be accomplished by special

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law which ratifies the said codes as a whole. In the same manner general codification of existing provisions or return of abolished laws, except tax laws, may be accomplished by mere classification.

The report of the Parliamentary Committee on the Constitution on the above Article 49 (whose provision mentioned in brackets was inactivated after the abolition of the Senate by Paragraph b of Article 1 of the 1st Constituent Act of 1/1 April 1935 which can be seen in the Code of Laws, 1935, p 201), as well as debates of interpretation held by Parliament on the provisions of Article 29 which is connected with Article 49, can be seen in General Codification A 445* and 436*.

Article 58. No one can appear, independently, before Parliament in order to propose anything either orally or in writing. However, petitions can be presented through a member of Parliament or can be surrendered at the office. Parliament has the right to send petitions addressed to it to the Ministers who are held responsible to give explanations when requested. Parliament can also appoint examining committees, composed of its members, on these matters. (Const 1927, Art 54, 55, Para b, c)

In execution of the above article which bears the same number as that contained in the Constitution of 1864, Law 3778 of 14/17 May 1911, "On the Functioning of the Examining Committees of Article 58 of the Constitution," was issued.

Article 59. No tax can be imposed or collected without a law. As an exception, in the case of imposition or increase of import taxes, their collection is permitted from the day of introduction of their law proposals in Parliament with the expressed condition that the law will be published within 10 days from the end of the session of Parliament. (Const 1927, Art 51)

Article 60. During its regular annual session, Parliament approves the size of the military and naval forces, army and navy recruiting, and the budget for the following fiscal year, and passes on the financial statement rendered. All revenue and expenditures of the State must be included in the budget and the financial statement.

The budget is introduced in Parliament the first two months of its session. After it has been examined by a special Parliamentary Committee, it is approved on four different days, once in sections, by chapters and articles, to be specified in the Regulations of Parliament. It is also approved by Ministry as called.

Within one year at the latest, from the time the money has been completely spent, the financial statement is introduced in Parliament. It is examined by a special Parliamentary Committee and is passed upon by the Parliament in accordance with the provisions of the Regulations of Parliament (Const 1927, Art 52)

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*Article 61. Salaries, pensions, grants, or rewards cannot be written in the State Budget nor can they be granted without an organic or other special law. (Const 1927, Art 53)

Article 62. No member of Parliament can be prosecuted because of opinions expressed or vote cast by him in performance of his Parliamentary duties. (Const 1927, Art 56, Para a)

Article 63. No member of Parliament can be prosecuted or arrested or imprisoned without the permission of the Parliamentary body during a Parliamentary session. Such permission is not required in the case of in flagrante delicto crimes. Personal detention of a member of Parliament cannot be made during the Parliamentary session, four weeks before the session, or three weeks after the end of the session. If the member of Parliament is under personal detention, he must be released without fail, four weeks before the session begins. (Const 1927, Art 56, Para b)

Article 64. Members of Parliament take the following oath in an open meeting in the Parliament building before they can assume their duties:

"I swear in the name of the holy and consubstantial and indivisible Trinity to keep faith with the State and the Constitutional King, obey the Constitution and the laws of the State, and to carry out my duties conscientiously."

Members of Parliament who are followers of other religions, instead of the invocation "I swear in the name of the holy and consubstantial and indivisible Trinity," swear according to the form of their own religion. (Const 1927, Art 42)

Article 65. Parliament defines by regulations how it shall perform its functions. (Const 1927, Art 45)

Article 66. Parliament is composed of members, elected by general secret ballot according to law from among qualified citizens who have the right to be elected.

Parliamentary elections are ordered and carried out simultaneously over the entire State. (Const 1927, Art 36, Para a)

The following note of interpretation on Article 66 has been accepted by Parliament: "The Double Parliament decides that voting may be made compulsory by law."

In the spirit of the above paragraph, special provisions were included in the Parliamentary Elections Laws providing for special penalties for those unjustifiably failing to vote in a called election. (For example, see Article 116 of Law 3363 of 2/2 September 1926, Article 1 of law 3824 of 24/25 January 1929 which nullified the previous law, and the provisions of Article 139 of Law 5493 of 21/21 May 1932 on the Laws of Parliamentary Elections, which were included as Article 134 in the codification carried out under Law

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6396 by the order of 10/12 January 1935 and which were recently reinstated by Law 4 of 17/22 May 1936.

*Article 67. Members of Parliament represent the nation, not solely the election district in which they were elected. (Const 1927, Art 37)

*Article 68. The number of members of Parliament from each election district is specified by law, in accordance with the population of the district. However, the total number of members of Parliament can never be less than 150. (Const 1927, Art 36, Para b)

At the 64th Meeting on 2 April 1911, during a debate on Article 68 Prime Minister El. Venizelos, asked by members A. Michalakopoulos and I. Manos on the fate of election privileges of the islands Hydra, Spetsai and Psarra, made the following declaration: "Nothing can be said on the matter because any matters related to this subject must remain as provided under the Constitution of 1864."

Indeed, these three islands continued to be governed by this privileged form of election, granted to them by the 4th Resolution of the 1st Constituent Convention in Athens. It was also established by Article 121 of the Constitution of 1927 that this privilege should end in 1944. The privilege, however, was abolished as "the causes bringing it about have since ceased to exist," by the 16th Constituent Act of 6/17 April 1935 (Code of Laws, 1935, p 254) from the time of its publication in the Government Gazette.

*Article 69. Members of Parliament are elected for four consecutive years, commencing from the day of general elections. Immediately upon the completion of the four-year Parliamentary period, new general elections are ordered. Within 45 days from the election day, only if the matters specified by Article 60 on the election year have not been fulfilled by the retiring Parliament, the new Parliament is called into a compulsory regular session. A Parliamentary seat, vacated during the last year of the term, cannot be filled as long as the number of vacancies is not larger than one-fourth the total number of members. (Const 1927, Art 38)

*Article 70. In order to be able to be elected as member of Parliament, a person must be a Greek citizen who has completed his twenty-fifth year and has the legal right to vote.

A member of Parliament who has been deprived of these rights is automatically dropped from his Parliamentary office. However, if any doubts arise on the matter, the Parliament renders the final decision. (Const 1927, Art 39)

Besides the note of interpretation under Article 72, during a discussion of Article 70 Prime Minister El. Venizelos expressed the opinion that, "from the Constitutional point of view, there is no obstacle to the representation in Parliament of Greek citizens residing outside the frontiers of the

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State."

*Article 71. Salaried civil servants, active military personnel, mayors, notaries public, custodians of mortgages and transcripts, and clerks of court cannot be elected as members of Parliament unless they resign before publication of the roster of candidates.

By authority of a special law, the duties of a member of Parliament are incompatible with the activities of a director or other administrative representative or salaried legal counsel and employee of commercial firms or businesses enjoying special privileges or receiving regular subsidies. Those belonging to any of these categories must choose between their Parliamentary office and the other activity within eight days from the confirmation of their election. Failing to express such a choice, they are automatically dropped from Parliamentary office.

Law may specify the incompatibility between the Parliamentary office and additional activities. (Const 1927, Art 40)

See the note of interpretation under Article 72.

*Article 72. Members of Parliament assuming any of the duties or activities mentioned in the previous article are automatically dropped from Parliamentary office. (Const 1927, Art 41, Para a)

Prime Minister El. Venizelos made the following note of interpretation on Article 72 which, by Parliamentary decision, was included in the official minutes: "Parliament must decide in cases in which, according to Article 72, a person is dropped from his Parliamentary office because the member has assumed any of the duties or activities of Article 71, as long as all the conditions of the application of the provisions of Article 70 concur."

*Article 73. Investigation and hearings on Parliamentary elections, against the authenticity of which objections have been raised dealing with irregularities in their conduct or lack of qualifications, are assigned to a special court, the members of which are drawn by lot from among all the members of the Supreme Court and all the Courts of Appeal in the country. The procedure of electing by lot is conducted by the Supreme Court and the chairmanship of the Court is assumed by the senior member in age or in rank. The functions and procedures of the court will be specified by law. (Const 1927, Art 43)

A member of Parliament has the right to resign from his Parliamentary office. (Const 1927, Art 41, Para b)

Article 74. At the beginning of each Parliamentary session, Parliament elects its President, vice-Presidents and Secretaries from among its members. (Const 1927, Art 44)

*Article 75. Members of Parliament receive a compensation from the public treasury. Those residing in Athens and Piraeus receive eight hundred drachmas, and all others one thousand

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drachmas at the beginning of each three-month period.

The regular President of Parliament receives an additional compensation of 250 drachmas monthly to cover performatory expenses.

Under no circumstances can any additional compensation be paid to members of Parliament for the performance of their duties. (Const 1927, Art 57)

*Article 76. If a member of Parliament is absent without the permission of the Parliament from more than five meetings per month during either a regular or special session, twenty drachmas are deducted from the above compensation for each meeting.

By authority of Article 1 of the 7th Constituent Act of 28/29 October 1935 "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of Articles ... 57... of the Constitution of 3 June 1927, were kept in effect as never having been abolished, "with the relative provisions of the Constitution of 1911 being abolished," i.e., the above Articles 75 and 76.

These provisions of the Constitution of 1927 are as follows:

Article 57. Members of Parliament receive a compensation from the public treasury, fixed by law each time, and have the privilege of riding without charge on any railroads, street cars and steamship lines under Greek flag. The regular President of Parliament also receives performatory expenses equal to the income of the President of the Council of Ministers.

On the Ministers

By authority of Article 1 of the 7th Constituent Act of 28/29 October 1935 "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of Articles...91 ... of the Constitution of 3 Jun 1927 were kept in effect as never having been abolished, "the relative provisions of the Constitution of 31 May 1911 being abolished." However, no corresponding provision was included in the Constitution of 1911; therefore, we cite here, under the heading of the chapter on Ministers, Article 91 of the Constitution of 1927 which is kept in effect and which states as follows:

Article 91. Special law may regulate the institution of Vice-Ministers /TN: Under-Secretaries/ who may act as members of the Council of Ministers. The Provisions of Article /90/ apply to Vice-Ministers as well.

At the present, instead of the provisions of Article 90 of the Constitution of 1927 which have not been kept in effect, but which were applicable to Vice-Ministers as well in accordance with this article, the corresponding provisions of Article 78 of the above Constitution of 1911 (on the free access

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of Ministers to the meetings of Parliament which had been extended by Article 90 of the Constitution of 1927 to include Parliamentary Committees, except investigating committees) must be borne in mind.

Article 77. No member of the Royal Family can be appointed as a Minister.

Article 78. The Ministers are free to enter all meetings of the Parliament and are heard every time they request the floor. They can vote only if they are members of Parliament. Parliament may demand the presence of the Ministers. (Const 1927, Art 90)

Article 79. An Order of the King, written or oral, can never relieve the Ministers of their responsibility. (Const 1927, Art 93, Para a)

*Article 80. Parliament has the right to accuse Ministers, in accordance with the laws on the responsibility of Ministers, before a special court. This court will be conducted under the chairmanship of the President of the Supreme Court. It will consist of twelve judges selected by lot from among all the Supreme Court Justices and Courts of Appeal who had been appointed by the President of Parliament in an open meeting before the accusation had been made, and in accordance with special specification of the law. (Const 1927, Art 93, Para b)

In view of Article 80 of the Constitution of 1864 which was revised as above, Law 586 of 22 December 1876/23 February 1877, "On the Responsibility of Ministers" was issued, (completed and amended by Law 505 of 11/11 March 1877) and set the cases under which an action of the Minister might be considered punishable in Articles 1-4, the penalties to be imposed in each case by Articles 5-9, and, finally, the trial procedure of such malfeasance in Articles 10-61. These provisions, however, having been amended by Laws 871/1917, 1162/1918, 1654/1919, 1815/1920 and 2182/1920, as well as by the Constituent decision No 25 of 17 July 1926 which brought the violation of Articles 2, 3, 6, 7 and 9 of the above Law 586 under the jurisdiction of a special five-member court of appeals in accordance with the resolution of 29/31 December 1924, were expressly abolished by Law 3398 of 6/6 September 1927, issued in execution of relative Articles 64 and 93 of the said Constitution of 1927, and which set up a special procedure for trying these cases as amended by Law 4474 of 13/15 February 1930, after the trying of accusations against the Ministers had been assigned to the Senate by the Constitution of 1927. (All the above provisions can be found in General Codification 819 and A 449 where the introductory reports on Laws 3398 and 4474 and excerpts of the debates of Parliament can also be found. The provisions of Articles 10-61 of Law 586 which have been abolished, as above, can be found on pages 46-48 of the 11th issue of the Government Gazette, 1877).

It is finally noted that after the abolition of the Senate by Paragraph b of Article 1 of the 1st Constituent Act of 1/1

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April 1935 (Code of Laws, 1935, p 201), no order was issued for the abolition of this Law 3398 and the return into effect of Articles 10-61 of Law 586.

Article 81. The King can pardon a Minister convicted according to the above provisions only with the consent of Parliament. (Const 1927, Art 93, Para c)

On the Council of State

*Article 82. To the Council of State mainly belong:

- a. The elaboration on proposed laws and regulatory orders.
- b. Trials of administrative matters assigned to it by law.
- c. The annulment of acts of the administrative authorities for law violations, by petition and in accordance with the special provisions of the law.
- d. The supreme disciplinary jurisdiction over all permanent administrative employees, in accordance with the pertinent laws.

In the case of Paragraphs b, c and d, the provisions of Articles 92 and 93 of the Constitution apply. (Const 1927, Art 102)

*Article 83. The Council of Ministers specifies which law proposals will be elaborated upon by the Council of State before these proposals are introduced in the Parliament. Parliament may send proposals submitted to it to the Council of State.

The national Budget is never sent to the Council of State.

*Article 84. The Regulatory Orders are issued after an opinion has been expressed by the Council of State and rendered within a fixed period of time set by the appropriate Minister. After the lapse of this period the order is issued without the opinion.

The opinion of the Council of State can not be forced upon the Minister.

*Article 85. The members of the Council of State are regular and special. Their number is fixed by law and that of the regulars cannot be less than seven or greater than fifteen and that of the specials greater than ten. The special members are taken from higher public officials, except the Judicial, and they are paid an additional salary fixed by law. (Const 1927, Art 103)

*Article 86. The regular members of the Council of State are appointed by Royal Order on the recommendation of the Council of Ministers. Their length of service is ten years; those whose length of service has terminated may be re-appointed. However, at the first establishment of the Council of State, the length of service of the first third of the members, selected by lot,

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will be considered as ended upon the completion of the 8th year of its functioning, of the second third, on the completion of the 10th year, and of the last third on the completion of the 12th year.

The duties of the regular members of the Council of State are incompatible with the duties of any other public municipal or church office, except those of the Professor of Law and Political Science in the National University and those of a Minister; however, the duties of a Minister and the Council of State may not be carried out concurrently.

A special law will specify the qualifications of the regular members of the Council of State, matters dealing with their retirement during their term of office, with assistants, and everything concerning the organization and functioning of the Council of State. (Const 1927, Art 104)

By authority of Article 1 of the 7th Constituent Act of 28/29 October 1935, "On Retaining in Effect of Certain Provisions of the Constitution of 1927," the provisions of Articles 102-105 of the Constitution of 3 June 1927 were kept in effect as never having been abolished, ...with the relative provisions of the Constitution of 1911 being abolished.

These provisions of the chapter on administrative justice of the Constitution of 1927 (Notes made by the Parliamentary Committee which elaborated on them in its report to Parliament can be found in General Codification A 475*) are as follows:

Administrative Justice

Article 102: To the Council of State belong: (a) the elaboration of regulatory decrees; (b) trials of administrative matters assigned to it by law; (c) the annulment of acts of the administrative authorities due to transgression of authority or law violation in accordance with the special provisions of the law.

In the cases of Paragraphs b and c above, the provisions of Articles 98 and 99 of the Constitution apply.

Article 103. The number of Councilors of State is fixed by law; however, it cannot be greater than 21.

Article 104. The Councilors of State are appointed by order, on the recommendation of the Council of Ministers and after the rendered opinion of the Council of State; they are appointed for life and this appointment is protected in accordance with the provisions of Article 95, and particularly in accordance with those provisions dealing with the members of the Supreme Court. The duties of the Councilors of State are incompatible with the duties of any other public municipal or church official except those of a Professor of the Law School of the University or a Professor of Law or Economics of other equivalent institutions of higher learning. A special law regulates the requirements of the Councilor of

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State, the matters dealing with their retirement, during their term of office, matters dealing with their assistants, and everything related with the organization and functioning of the Council of State.

Article 105. Cases dealing with disputed administrative matters still come, at the present, under the regular courts, by which they are tried as priority cases, except for those cases for which special courts are convened as provided by special laws and to which apply the provisions of Articles [98 and 99] of the Constitution.

Until the issuance of special laws, the existing ones on administrative jurisdiction will apply. Cases dealing with disputed administrative matters may be brought by law under the Council of State with highest priority. Retraction petitions against the decisions of administrative courts come, since the establishment of the Council of State, under its jurisdiction. Conflicts between (a) judicial and administrative authorities, (b) Council of State and administrative authorities and (c) administrative and common courts, are tried by the Supreme Court until a mixed court is created by a special law for such trials. This court will be composed of an equal number of Supreme Court Justices and Councilors of State under the chairmanship of the Minister of Justice or his substitute, as specified by law.

It must be noted that in execution of the provisions of the Constitution of 1927, which have thus been kept in effect, there was issued Law 3713 of 24/24 December 1928 "On the Council of State," by the provisions of which, as amended and interpreted by Laws 4210/1929, 4986/1931, 5454/1932 and 5468/1932 and the above Law of 4/4 May 1935; (General Codification XIV 363 where the causative report and relative notes on the composition of the Law on the Council of State can be found), were specified the qualifications, the manner of appointment and dismissal, and the incomes of the members of the Council and their assistants, the division of the Council into sections and the jurisdiction of each section and of the whole and trial procedure. In particular, the following must be noted in regard to these Articles of the Constitution of 1927:

In re Article 102. When referring to the provisions of Articles 98 and 99 of the Constitution of 1927 to which reference is made in this article, and which were not kept in effect, and on which the Parliamentary Committee on the Constitution made important observations in its report to Parliament, found in General Codification A 474**, the corresponding provisions of Articles 92 and 93 of the Constitution of 1911, dealing with the publicity of court sessions and justification of court decisions must be borne in mind.

In re Article 104. When referring to the provisions of Article 95 of the Constitution of 1927 to which reference is made in this Article, and which were not kept in effect, and on which the Parliamentary Committee on the Constitution made a thorough report to Parliament, according to Notes

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found in General Codification A 466*, wherein are also contained interesting excerpts of discussions on this subject before the legislative body, the corresponding provisions of Article 88 of the Constitution of 1911 on appointment for life and permanency of the courts' officials and their age limit, under which are noted pertinent observations and interpretive notes, must be borne in mind.

In re Article 105. For the provisions of Articles 98 and 99 of the Constitution of 1927, to which reference is made in this Article, and which were not kept in effect, see the immediately preceding observations on Article 102 of the Constitution of 1927. It must also be borne in mind that by authority of the provisions of Paragraph b, Article 101 of the Constitution of 1911, which corresponds to the provisions of Paragraph c, Article 105, the now-effective Law 406 of 17/24 November 1914, "On the Court of Conflicting Jurisdiction," details of which can be found in General Codification B 323, was issued.

On Judiciary Authority

Article 87. Justice is administered by judges appointed by the King, according to law. (Const 1927, Art 94, Para a)

The corresponding Article 94 of the abolished Constitution of 1927 (observations made during the discussion before Parliament are found in General Codification A 465**) contained in its Paragraph b the following: "Trials of police violations punishable by fine may be assigned by law to authorities exercising police duties. Their decisions may be appealed to judicial authorities. The appeal always suspends the decision."

In execution of these provisions, a number of laws were issued, (noted in General Codification B 91 and C 272), which assign the trial of such violations to authorities exercising police duties.

Paragraph 2 of the 4th Constituent Act of 14/14 October 1935, "On Regulation of Problems Arising From the Abolition of the Constitution of 3 June 1927 by the 5th Constituent Convention of the Hellenes and the Reinstatement of the Constitution of 1911," set forth the following on the power of these laws: "Laws and their executive decrees that assigned the trials of police violations punishable by fine to authorities exercising police duties which were issued in application of Article 94 of the abolished Constitution of 1927, are temporarily retained in effect."

*Article 88. Supreme Court Justices, Justices of the Courts of Appeal, and Justices of the Courts of the First Instance are appointed for life; District Attorneys, Assistant District Attorneys, Justices of the Peace, Special Magistrates, Secretaries and Undersecretaries of Courts and Prosecutors' Offices, Notaries Public, and Custodians of Mortgages and Transcripts are permanent as long as these services exist. Officials enjoying

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life appointments or permanency cannot be dismissed without a judicial decision in pursuance of either a penal conviction or disciplinary violation, or because of illness, or because of inadequacy ascertained in a manner described by law and in accordance with the provisions of Articles 92 and 93.

These officials must retire upon reaching the retirement age specified by law, which, in the case of members of the Supreme Court, cannot be higher than the seventy-fifth year or lower than the sixty-fifth year; for the remaining salaried judicial officials, it cannot be higher than the seventieth or lower than the sixtieth year.

Until the approval of a new special law on age limit, all the above salaried judicial officials retire upon the completion of their sixty-fifth year. (Const 1927, Art 95)

The Committee on the Revision of the Constitution suggested, in its sixth report which was submitted under Item 83 of the meeting of Parliament of 7 May 1911, that the Parliament accept a draft of the resolution according to which: "1) Immediately upon the approval of the minutes of the present meeting all the members of the Supreme Court with their District Attorneys and Assistant District Attorneys are relieved of their duties. 2) Within 20 days from the same date the Council of Ministers will fill the vacated positions with persons selected from among the relieved Supreme Court Justices and the Justices of the Courts of Appeal of the country. 3) To those who have not been reappointed a pension is granted equal to their salary."

This plan which constituted a compromise, so to speak, of the diametrically opposed views on the question of suspension of the life appointment of judiciary functionaries, became the object of lively discussion in Parliament. Despite the fact that the Constitutional Committee declared through its president, S. Dragoumis, that, after the declarations of Prime Minister El. Venizelos that the suspension of life appointment of justices is inadmissible as "touching upon fundamental provisions of the Constitution," it did not insist on a vote. However, the members of Parliament who had declared themselves in favor of this suspension insisted on a vote which resulted (a vote of 137 against 68, with 3 abstaining) in the declaration of the inadmissibility of the proposal on the suspension of life appointment.

It must also be noted that according to the draft of Article 88 which was brought into discussion in accordance with the amendment of Prime Minister El. Venizelos, the Undersecretaries of Courts and Prosecutors' Offices were not protected by their permanency; these were included during the approval of the whole at the suggestion of certain members of Parliament.

In connection with the retirement age of judicial employees, it must be noted that, at the suggestion of Prime Minister El. Venizelos, who based his opinion on the observations of the

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Constitutional Committee, it was agreed that the age limit of the non-salaried judicial employees not be specified by the above constitutional provisions, but by law; consequently, during the approval of the above article, in its second paragraph, the word "salaried" was added after the words "the remaining."

At present, the general status of judicial employees is governed by legislation, included in General Codification A 511, which has been amended in some respects by later laws. Problems dealing with lower grade judicial employees have been regulated by the Codified Law 128/1936 (Royal Decree 13/19 February 1937) "On the Organization of the Administration and Services of Courts and Prosecutors' Offices and on the Qualifications, Appointments, Promotion, Transfer, Dismissal, Disciplinary Authority and Leaves of Absence of Employees," (Code of Laws, p 136). Problems dealing with Notaries Public are governed by the above, new Law 356 of 26 November/1 December 1936, "On the Qualifications, Number and Privileges of Notaries Public and Societies of Notaries Public," (Code of Laws, 1936, p 1161). Finally, problems dealing with custodians of mortgages and transcripts were recently regulated by the above Law 434 of 9/18 January 1937, "On the Organization of the Custodianships of Mortgages of the Nation," (Code of Laws, 1927, p 32).

*Article 89. The qualifications of public officials in general are defined by law. (Const 1927, Art 94, Para a)

*Article 90. Judicial officials enjoying life appointment or permanency, with the exception of undersecretaries, are placed, transferred and promoted by the Supreme Judicial Council, composed of members of the Supreme Court, as specified by law.

Promotion to the positions of President, Vice President and Prosecutor of the Supreme Court does not come under the Supreme Judicial Council. (Const 1927, Art 96)

According to an interpretive note on Article 90, made by Prime Minister El. Venizelos, accepted by Parliament, and written in the official minutes: "Possible amendment of existing law on the Supreme Judicial Council can never be so far-reaching that the placement, promotion or transfer can be accomplished without the agreement of this council."

It must be noted that the exception of undersecretaries from the above protective provisions was made at the suggestion of the Minister of Justice N. Demotrakopoulos so that a plenitude of work could not be created in the Supreme Judicial Council.

At present the problems dealing with the Supreme Judicial Council are governed by Law 3397 of 6/6 September 1927 which was issued under the provisions of Article 96 of the Constitution of 1927, "On the Formation of the Supreme Judicial Council According to the Constitution," as amended by later provisions (General Codification A 527).

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*Article 91. Judicial committees and extraordinary courts, under whatever name, cannot be constituted.

A special law shall regulate problems dealing with temporary, total or partial suspension of the power of the provisions of Articles 5, 6, 10, 11, 12, 13, 20 and 95 of the Constitution, in case of a state of war or general mobilization because of external danger, and the problems dealing with the declaration of a state of siege and the composition and functioning of special courts. Such a law cannot be amended during the session to which Parliament has been called in order to formulate it. This law is put in effect, in either whole or part, over the entire state or part of it by Royal Decree issued with the permission of Parliament.

In the absence of Parliament this law may be put in effect without its permission by Royal Decree co-signed by the entire Council of Ministers. Parliament is called by the same Royal Decree with the invalidation of the law as an alternative, within 5 days even though the session has ended or Parliament has been dismissed, so that the maintenance or lifting of the specifications of the Royal Decree can be decided upon by Act of Parliament. Parliamentary immunity of Article 63 becomes effective with the publication of the Royal Decree.

The power of the above Royal Decree, in the case of war, does not extend beyond its termination; however, in the case of mobilization, it is automatically lifted after two months if its power has not meanwhile been extended with the permission of Parliament. (Const 1927, Art 97)

In execution of these provisions of the Constitution Law 469 of 6/6 October 1912, "On the State of Siege," (General Codification B 245, where its causative report can also be found), was issued. This law was also effective under the Constitution of 1927. In completion of these provisions there was issued the 24th Constituent Act of 14/14 May 1935, "On Measures of Disturbance of Public Order," (Code of Laws, 1935, p 320), which permitted the suspension of the power of the provisions of Articles 10, 11, 12, 13, 14, 15, 16, 18 and 100 of the Constitution of 1927 (which are articles corresponding to articles 4, 5, 6, 10, 11, 12, 14, 20, and 94, 95, 97, of the Constitution now in effect) even in case of "Disturbance or threat to public order." However, even though this was issued under the Constitution of 1927, it appears that, despite the contrary opinion, (See A. K. Tsoukalas in Archives of Penal Sciences, Book I, 1937, p 128), it is still effective after the abolition of the Constitution and the reinstatement of the Constitution of 1911, as well as after the publication of the 4th Constituent Act of 14/14 October 1935 (Para 4). This last-mentioned act regulated the problems arising from such a return, provided that the suspension of the powers of the Constitution which was accomplished by Royal Decree of 4/4 August 1936 (Code of Laws, 1936, p 565) was done by authority of the said 24th Constituent Act and not by authority of Item 4 of the Newer Constituent Act, and that the above Law 26 of 14/19 August 1936, which was issued for the regulation of

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urgent matters during this suspension, cites this 24th Constituent Act.

This compulsory law, which stipulates the rights of police authorities to conduct house searches by day or night, the arrest of persons outside the provisions of Article 5 of the Constitution, the prohibition and dispersement of any kind of assembly and association, the prohibition of communication or publication of information in any manner and by the press, and the confiscation of newspapers and other printed treatises either before or after their publication, can be seen in Code of Laws, 1935, p 731.

Article 92. Court sessions are public except if publicity may be injurious to good morals or public order; in such cases the courts must issue a decision on these matters. (Const 1927, Art 98)

*Article 93. All decisions must be specifically justified and must be pronounced in public session. (Const 1927, Art 99)

*Article 94. The system of trial by jury is maintained. Political misdemeanors are also tried by jury. (Const 1927, Art 100, Para a)

Article 94 of the reinstituted Constitution of 1911 provided only the following: "Trial by jury is maintained." It was amended as described above by Article 1 of the Constituent Act of 20/20 November 1935 (Code of Laws, 1935, p 1341). It must be noted that Article 100 of the Constitution of 1927, in the face of the resolution of 29/31 December 1934 which brought certain wrongs against the public under the jurisdiction of five member Courts of Appeal established by the said Article, contained the following provision in Paragraph b: "Crimes which have been brought by special laws under the jurisdiction of Courts of Appeal will continue being tried by these courts as long as the law does not return them under the jurisdiction of jury courts." In continuation it contained the following in Paragraph c: "Problems dealing with Army and Navy Courts Martial and War Spoils Courts are regulated by special law, which however, cannot bring under the jurisdiction of Army and Navy Courts Martial any offenses committed by armed forces personnel and directed against the life, health, honor, purity of mind, and bodily integrity of private citizens or against their person in general, or concerning harm or injury of their possessions. Private citizens can never be brought under the jurisdiction of Army and Navy Courts Martial." The official interpretation given to this paragraph was that: "Offenses of armed service personnel which were committed against private citizens in the execution of a military command are not contained in it."

These provisions of Paragraphs b and c were replaced as contained in the preamble of the 33d Constituent Act of 18 April 1935 (Code of Laws, 1935, p 364), which was issued in accordance with the expressed wish of the Greek people that

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certain provisions of the Constitution be so formulated as to permit administration of justice of military personnel by normal legal procedure, as follows: "Crimes which have been brought under the jurisdiction of Courts of Appeal, by special laws, will continue to be tried by these courts as long as the law does not return them under the jurisdiction of jury courts or Army or Navy Courts Martial. Problems dealing with Army and Navy Courts Martial and War Spoils Courts are regulated by special laws." On the strength of this act there was issued the above law of 19 April/25 May 1935 (here, p 365), by which it was established that "every provision as well as all provisions of the military penal legislation which were abolished as contradictory to the provisions of Paragraph c of Article 100 of the Constitution, are reinstated." Finally, the subsequent 4th Constituent Act of 14/14 October 1935 (Code of Laws, 1935, p 985), which, according to its preamble, was issued in order to regulate the problems arising after the abolition of the Constitution of 3 June 1927 by the resolution of the 5th Constituent Convention of 10 October 1935 and the reinstatement of the Constitution of 1911, contained the following in Paragraph 1: "Crimes which, until the publication of the resolution of the National Convention of 10/10 October 1935, were brought by special laws under the jurisdiction of Courts of Appeal, will continue being tried by these courts as long as the law does not return them under the jurisdiction of jury courts." Also it expressly stated in part b of the same paragraph that: "These special laws remain in effect in all their provisions," and contained in the following part c of the same paragraph that: "offenses of fraudulent bankruptcies of anonymous firms and banks also come under the jurisdiction of the Courts of Appeal, and are investigated and tried according to the procedure set in the resolution of 16/29 December 1934 as completed and effective today."

Article 95. Offenses of the press, whenever concerning the private life of a person performing a public function, either on permanent or temporary basis, are tried by a mixed court composed of regular and jury justices, assembled as specified by law.

The composition of this court must be such that the majority will be composed of the jury justices.
(Const 1927, Art 100, Para a)

Article 95 was not included among the revised provisions although it had become the subject of long debates during Meetings 80, 88, 89 and 91 of 4, 13, 14 and 17 May 1911; at those meetings, the addition of a resolution establishing that all offenses against public functionaries will be tried by jury was proposed. However, this article remained, at the suggestion of Prime Minister El. Venizelos, who declared that the problem would be solved by law, as it read under the Constitution of 1864: "Political crimes are tried by jury, and the same applies to those of the Press, as long as they do not affect private life."

Article 95, reinstated by this provision, was amended as

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contained above by Article 2 of the Constituent Act of 20/20 November 1935 (Code of Laws, 1935, p 1340).

The above Law 26 of 14/19 August 1936 (Code of Laws, 1936, p 731) which followed, however, stated in Article 1, Paragraph 1: "Article 95 of the Constitution, as amended by the Constituent Act of 20/20 November 1935, having been suspended according to Article 1 of the 24th Constituent Act of 14/14 May 1935 [which was mentioned above under Article 91], press offenses, whenever affecting the private life of a person performing a public function either on a permanent or temporary basis, are tried by three-member magistrates' courts in accordance with the provisions of Penal Procedure, on the procedure to be followed before these courts, and by the special provisions of Law 5060/1931 "On the Press, etc.," as subsequently amended."

On the power of this amendment of Article 95 of the Constitution, see A. K. Tsoukalas in Archives of Penal Sciences Book I, 1937, p 130; for general information, see detailed notes above under Article 14 and the related observations under Article 91.

Article 96. A judge is not permitted to accept any other salaried service except that of a Professor in the University. (Const 1927, Art 101)

*Article 97. Problems dealing with Army and Navy Courts Martial, piracy, barratry and war spoils courts are regulated by special laws. (Const 1927, Art 100, Para c)

For more information concerning Article 97, see the notes under Article 94 above. In particular, for information on the courts provided by Article 97, see legislation on Courts Martial (Army), in General Codification E 230; on Courts Martial (Navy), in E 381; on piracy and barratry, in D 179 and 180; and, finally, on war spoils courts, in H 952.

On the Board of Auditors

*Article 98. Auditors and alderman of the Board of Auditors are appointed for life and cannot be dismissed except under the conditions of Article 88; they go into compulsory retirement upon reaching the retirement age fixed by law, which may not be higher than the seventy-fifth or lower than the sixty-fifth year. The qualifications of the auditors and aldermen are fixed by law. (Const 1927, Art 106)

General Provisions

Article 99. Foreign armies are not accepted in the Greek service without law, nor can they remain or cross the country. (Const 1927, Art 113)

Article 100. Military and naval personnel can be deprived of rank, military honors and their pensions only when and as ordered by law.

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*[Article 101. Cases dealing with administrative disputes continue to come under the jurisdiction of the regular courts by which they are tried as urgent, except those for which special laws constitute administrative courts which act within the provisions of Articles 92 and 93. Existing laws on administrative jurisdiction will continue in effect until the publication of special laws.

Retraction petitions against the decisions of administrative courts come, since the establishment of the Council of State, exclusively under its jurisdiction. Conflicts between judicial and administrative authorities as well as between the Council of State and administrative authorities are tried by the Supreme Court until a mixed court is created by a special law for such trials. The court would be composed of an equal number of Supreme Court Justices and regular Councilors of State under the chairmanship of the Minister of Justice or his substitute, as specified by law. (Const 1927, Art 105)

On the abolition of the above Article 101, see the detailed notes in the Chapter on the Council of State (Articles 82 to 86).

*[Article 102. The qualifications of administrative employees in general are fixed by law. After the establishment of the Council of State, these employees are permanent from the time of their regular appointment as long as the positions which they fill are in existence; with the exception of cases where they may be dismissed by judicial decision, they cannot be transferred without a corroborative opinion of a council organized by law, at least two-thirds of which are permanent employees, nor can they be dismissed or demoted without special permission of this council. Recourse to appeal against such a decision may be made before the Council of State in accordance with the special provisions of the law.

An exception in qualifications and permanency is permitted by law in the case of ambassadors and diplomatic agents, Councils General, General Secretaries of Ministries, private secretaries of the ministers, Provincial Governors, the Royal Representative at the Holy Synod and the General Director of Mails and Telegraphs. (Const 1927, Art 114)

By authority of Article 1, the 7th Constituent Act of 28/29 October 1935, "On Retaining in Effect Certain Provisions of the Constitution of 1927," the provisions of Articles... and 114 of the Constitution of 3/3 June 1927 were kept in effect as never having been abolished, ... the relative provisions of the Constitution of 1911 being abolished.

These provisions of the Constitution of 1911 have as follows:

"The qualifications of the administrative employees in general are fixed by law. The regular employees are permanent from the time of their appointment as long as the positions which they fill and services they perform are in existence; with the exception of cases where they may be dismissed by

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Judicial decision, they cannot be transferred without a corroborative opinion of a council organized by law, at least two-thirds of which are permanent employees, nor can they be dismissed or demoted without special permission of this council. Recourse to appeal against such decisions may be made before the Council of State in accordance with the special provisions of the law. The above provisions are also effective for [Parliamentary] employees whose dismissal and demotion is subject to a council composed of 10 members of Parliament [or Senators] selected by lot from the respective legislative body at the beginning of each parliamentary session by the President of the body. An exception in qualifications and permanency may be permitted by law in the case of Ambassadors and Diplomatic Agents, Governors-General, Secretaries-General and Directors-General of Ministries, Provincial Governors, the Public Representative at the Holy Synod, the employees of the Political Office, and the private offices of the Ministers and [of the Presidents of the House].

Needless to say, that since the abolition of the Senate by Article 1, Paragraph b of the First Constituent Act of 1/1 April 1935, the provisions appearing in brackets apply only to Parliament. It must be mentioned that after the substitution of Article 102 of the Constitution of 1911 by the above Article 114 of the Constitution of 1927, according to an interpretation given by Prime Minister El. Venizelos during a debate on this Article by the Revisional Parliament, the term "administrative employees" means all employees, except the judicial, the military, and the naval; on the other hand it must be noted that according to an interpretive note written on the above Article 114 of the Constitution of 1927: "the exceptions in permanency previously existing and mentioned in Paragraph 3 of Article 114 continued to exist."

*Article 103. Suits for miscarriage of justice against Supreme Court Justices, life-appointed members of the Board of Auditors, and regular Councilors of State are tried by special five-member court constituted, as specified by law, by selection by lot of one member from each of the three bodies mentioned and one member each from the attorney members of the Supreme Disciplinary Council and the Professors of the Law School of the University. Any preparatory procedure also comes under the jurisdiction of this court; no other permission is required.

Suits for miscarriage of justice against Justices of the Courts of First Instance, Justices of the Courts of Appeal, and District Attorneys may also be brought, by law, under the jurisdiction of this court. (Const 1927, Art 115)

By authority of this provision there was issued Law 407 of 20/24 November 1914, "On the Special Court for the Trying of Suits for Miscarriage of Justice Established by Article 103 of the Constitution" (General Codification B 69).

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*Article 104. The disciplinary authority concerning members of the Auditing Board, the Supreme Court and the Council of State is also exercised by a council composed of two members from each of these bodies and two Professors of the Law School of the University, all selected by lot under the chairmanship of the Minister of Justice. From this Council are excepted the representatives of the body against the whole or part of which the Council has been called to render a decision. (Const 1927, Art 116)

In view of these provisions Law 408 of 17/24 November 1914, "On the Disciplinary Council Set Up by Article 104 of the Constitution" (General Codification A 722) was issued. In relation to this, see also Article 301 of the Organization of Courts as completed by Law 6344 of 15/18 October 1934 (Code of Laws, 1934, p 1033).

*Article 105. The election of municipal authorities is carried out by general vote.

*Article 106. All Hellenes capable of carrying arms are compelled to contribute to the defense of the country according to the provisions of the law,

*Article 107. Official language of the state is that in which the form of government and the texts of Greek legislation are written. Any intervention for its corruption is prohibited.

During the debate by Article, this provision had been approved as the second paragraph of Article 1 of the Constitution. However, during the approval of the whole, it was made into an independent Article, under Number 107, thus changing the enumeration of the following Articles 107-110 to 108-111.

It must also be noted that during the approval of the whole it was suggested that public employees who violate this provision of the Constitution of the official language should be dismissed by Constitutional order. This suggestion, however, was rejected by Prime Minister El. Venizelos, who declared that this constituted an object of organic law "which would regulate penalties which might lead to the dismissal of violating employees."

*Article 108. The revision of the entire Constitution is not permitted.

Ten years after the commencement of the effectiveness of this provision, revision of the non-fundamental provisions of the Constitution is permitted, whenever Parliament requests it by its own act and by two-thirds of its total number of members, specially fixing the provisions to be revised and approved in two roll calls at least a month apart.

Once revision has been decided, the existing Parliament is automatically dissolved and a new one is called which decides in its first meeting on the provisions to be revised by absolute majority of the total number of its members. Const 1927, Art 125, Para a-b)

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During the discussion on Article 108, Prime Minister El. Venizelos made the following declaration which, at the decision of Parliament, was included in the official minutes: "The meaning of the Article, is clear when it provides that, a Parliament called for the revision of the Constitution, regardless of its other duties, may not go beyond the limits which were set by the Parliament which decided the revision."

The expressed opinion of the Prime Minister that a special provision be included in Article 108, according to which, the establishment of the Senate would be possible before the lapse of the time required for revision was noteworthy. Equally notable was his declaration (having withdrawn his motion because of the objections raised by several members of Parliament) that "at any rate the provision on the Senate is not a fundamental provision of the form of government and therefore, it could be handled by the Revisional Parliament."

Article 109. All laws and decrees clashing with the present Constitution are abolished.

See the exceptions made above by Constituent Acts, noted under the respective Articles.

Article 110. The present Constitution goes into effect as soon as it is signed by the King; on the other hand, the Council of Ministers must publish it in the Government Gazette within 24 hours after its signing. (Const 1927, Art 126)

*Any approved revision of the non-fundamental provisions of the Constitution is issued and published in the Government Gazette within ten days from the time of its approval by Parliament and goes into effect by a special resolution for the purpose. (Const 1927, Art 125, Para d)

Article 111. The keeping of the present Constitution is entrusted to the patriotism of the Hellenes. (Const 1927, Art 127)

Additional Provisions

By authority of Article 1 of the 7th Constituent Act of 28/29 October 1935 "On Retaining in Effect Certain Provisions of the Constitution of 1937 [sic] (TN: obviously 1927)," the provisions of Articles ...109-112... of the Constitution of 3/3 June 1927 were retained in effect as never having been abolished, "... the relative provisions of the Constitution of 31 May 1911 being abolished." However, provisions equivalent to the above Constitution of 1911 were not contained for which reason we cite here Articles 109-112 of the Constitution of 1927 which are being kept in effect, as follows:

Chapter XI

Administration of the Holy Mountain

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Article 109. The peninsula of Athos, from Megali Vigla on, constitutes the Holy Mountain, and is, according to its ancient privileged form of government, an autonomous section of the Greek State, whose sovereignty remains untouched and in its own hands. From the spiritual point of view, the Holy Mountain comes under the immediate jurisdiction of the Universal Patriarchate. All those living in solitude on this mountain become Greek citizens immediately upon their acceptance as novices or monks, without any other formalities.

Article 110. The Holy Mountain is governed, according to its form of government, by its 20 monasteries, among which the entire peninsula of Athos has been divided, and maintains its ground as inalienable. The administration is exercised by representatives of its holy monasteries who compose the holy community. Absolutely no change is permitted in the administrative system or the number of monasteries of the Holy Mountain, nor of their hierarchical order and their relation to their subject dependencies; non-orthodox persons or schismatics are not permitted to live there.

Article 111. The detailed definition of the establishments of the Holy Mountain and their manner of functioning is accomplished by the Statutory Bill of Laws of the Holy Mountain which, with the cooperation of the representative of the state, is written and approved by the 20 holy monasteries and ratified by the Universal Patriarchate and the Greek Parliament. The exact observance of the establishments of the Holy Mountain spiritually come under the supreme supervision of the Universal Patriarchate, and administratively under the supervision of the state to which belongs exclusively the maintenance of public order and security.

Article 112. The state powers mentioned in the above Articles 109 and 111 are exercised by a Governor; the rights and duties of this Governor as well as the judicial authority exercised by the monasterial authorities and the holy community and, finally, the customs and taxation privileges of the Holy Mountain are established by law.

In view of the above provisions, a Statutory Bill of Laws of the Holy Mountain was written on the 10th of May, 1924 by a special five-member committee of the Special Holy Double Assembly of the 20 holy monasteries, was approved by the said assembly and by the Universal Patriarchate, and ratified by the legislative decree of 10/16 September 1926 (General Codification XIII 903 and Code of Laws, 1937, p 562, above Law 758).

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[End of DOCUMENTS BRANCH TRANSLATION No 79]

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