# CONSTITUTION OF CUBA.

## TEXT AS REPORTED BY THE CENTRAL COMMITTEE.

DECLARATION OF DELEGATES—TERRITORY OF THE REPUBLIC—A CONGRESS FOR LEGISLATION—EXECUTIVE POWER REPOSED IN PRESIDENT.

Havana, Jan. 22.—The following is the text of the Cuban constitution, as submitted by the Central Committee to the Convention at the public meeting on Monday:

We, the delegates of the Cuban people, having met in assembly for the purpose of agreeing upon the adoption of a fundamental law, which, at the same time that it provides for the constitution into a sovereign and independent nation of the people of Cuba, establishes a solid and permanent form of government, capable of complying with its international obligations, insuring domestic tranquillity, establishing justice, promoting the general welfare, and securing the blessings of liberty to the inhabitants, we do agree upon and adopt the following constitution, in pursuance of the said purpose, invoking the protection of the Almighty, and prompted by the dictates of our conscience.

### FIRST SECTION.

FORM OF GOVERNMENT—THE FORM OF GOVERNMENT AND NATIONAL TERRITORY.

(1.) The people of Cuba shall be constituted into a sovereign and independent State, under a republican form of government.

(2.) The territory of the republic comprises the island of Cuba and the islands and keys adjacent thereto, which were under the jurisdiction and control of the general government of the island of Cuba while it was a Spanish possession.

(3.) The territory of the republic shall be divided into six provinces, the boundaries and names of which shall be those of the present provinces, as long as not modified by the laws.

### SECOND SECTION.

REQUIREMENTS FOR CITIZENSHIP—METHODS OF LOSING AND REGAINING IT—DUTIES OF CITIZENS.

The following are Cuban citizens:

(1.) All persons born within or outside Cuban territory of Cuban parents.

(2.) The children of foreign parents born in the territory of the republic who, after arriving at their majority, inscribe themselves as Cubans in the proper register.

(3.) Those persons who were born outside of Cuban territory of Cuban parents who had lost Cuban citizenship, provided that on attaining their majority they inscribe in the proper register.

(4) Those foreigners who have belonged to the liberating army and who, residing in Cuba, claim Cuban citizenship within six months following the promulgation of the constitution.

(5.) Those Africans who may have been slaves in Cuba, and also those who were emancipated and referred to in Article XIII of the treaty between Spain and England, June 28, 1835.

(6.) The Spaniards residing in Cuban territory on April 11, 1899, who shall not have inscribed themselves as Spaniards up to April 11, 1900.

(7). Foreigners who have been domiciled in Cuba since January 1, 1899, provided they demand Cuban citizenship within six months following the promulgation of the constitution, or in case of minors within six months after attaining majority.

(8.) Foreigners after five years' residence in the territory of the republic who obtain naturalization papers, in accordance with the laws.

GROUNDS FOR FORFEITING CUBAN CITIZENSHIP.

(1.) By securing naturalization papers in a foreign country.

(2.) By accepting a position under another government without the consent of Congress.

(3.) By entering into the military or naval service of any foreign Power without the aforesaid consent.

Cuban citizenship may be regained in accordance with the provisions which the law may establish.

DUTIES OF ALL CUBAN CITIZENS.

(1.) To serve in arms according to the requirements of the law.

(2.) To contribute to public expenses, in the manner established by the laws.

### THIRD SECTION.

RIGHTS GUARANTEED BY THE CONSTITUTION.

(1.) All Cubans shall have equal rights under the law.

(2.) No law can have a retroactive effect, except in penal matters, when the new law is favorable to the delinquent.

(3.) Obligations of a civil character which spring from contracts or from the acts or omissions which produce them cannot be altered or annulled by any posterior act, neither by the Legislature nor the Executive.

(4.) No person shall be arrested, except in the cases and manner prescribed by law.

(5.) All persons arrested shall be either placed at liberty or delivered to the judicial authorities within twenty-four hours after their arrest.

(6.) All persons arrested shall either be placed at liberty or committed to prison within seventy-two hours after having been delivered to the competent judge or court. The party interested shall be notified of the order for discharge or commitment within the same period.

(7.) No person shall be arrested, except by virtue of a warrant from a competent judge; the writ directing the issuance of the warrant of arrest shall be ratified or amended after the accused shall have been given a hearing, within seventy-two hours following his imprisonment.

(8.) All persons arrested or in prison without due legal formalities, or in cases not provided for in the constitution and the laws, shall be placed at liberty at their own request or at that of any citizen. The law shall determine the method of prompt action in such cases.

(9.) No person shall be tried or sentenced, except by a competent judge or tribunal, in consequence of laws existing prior to the commission of the crime, and in the manner that the latter prescribe.

(10.) No person shall be required to testify against a wife or husband, or against relatives within the fourth degree of consanguinity or second degree of affinity.

(11.) The privacy of correspondence and of other private documents shall not be violated, and the same shall not be seized, except by order of a competent authority, and with the formalities prescribed by the laws, and in this case all points therein not relating to the matter under investigation shall be kept secret.

(12.) The expression of thought shall be free, be it either by word of mouth, by writing, by means of the public press or by any other method whatsoever, without being subject to any prior censorship, and under the responsibility determined or specified by the laws.

(13.) No person shall be molested by reason of his religious opinion, nor for engaging in his special method of worship. The Church and State shall be separate.

(14.) Every individual or association will have the right of petition.

(15.) The inhabitants of the republic shall have the right to meet and combine peacefully without arms for all licit purposes.

(16.) All persons shall have the right to enter and leave the republic, travel throughout its territory and change their residence without requiring a safeguard, passport or any other like equivalent, except what may be required in the laws governing immigration and by the rights of the administrative or judicial authorities in cases of criminal responsibility.

(17.) The penalty of confiscation of properties shall not be inflicted, and no person shall be deprived of his property except by the competent authority for the justified reason of public benefit and after being paid the proper indemnity therefor. Should this latter requirement not have been complied with, the judges shall give due protection, and should the case so demand, they shall restore possession of the property to the person who may have been deprived thereof.

(18.) Private dwellings shall be held inviolate, and no person may enter therein at night without the consent of the occupants excepting for the purpose of taking aid to victims of crime or disaster, nor in the day time excepting in the cases and manner prescribed by law.

(19.) No person shall be obliged to change his place of dwelling except by orders of competent authority.

(20.) No person shall be obliged to pay any tax or contribution of any kind whatsoever the collection of which has not previously been legally decided upon.

(21.) Every author or inventor shall possess the ownership of his work or invention for the time and in the manner as may be determined by the laws.

(22.) Every man shall be free to learn or teach whatever science, profession, industry or work he may deem fit. The law will determine what professions need proper decrees or qualifications, and how such decrees and qualifications shall be granted.

(24.) The guarantees mentioned in paragraphs 5, 6, 7, 8, 9, 11, 12, 15, 18, 19 of this section cannot be suspended in any part of the Republic except when the safety of the State requires this suspension, in case of the invasion of the State's territory or grave perturbations of order so as to threaten the public peace.

(25.) The territory in which the said guarantees may be suspended will be ruled, during the suspension, by the laws relating to public order, dictated in former times. But neither in the law relating to public order, nor in any other law can other guarantees but those mentioned be suspended. Only those acts characterized as crimes by the formerly existing penal laws can be considered crimes during said suspension, neither can new punishments be inflicted save those provided by said laws, nor can the Executive power be authorized to banish or transport citizens, nor to remove them more than twenty kilometres from their place of dwelling nor to arrest citizens except for the purpose of delivering them to the judicial authority; but no citizen can remain so arrested for more than fifteen days, nor can they be so arrested more than once during the suspension of the said guarantees, nor shall citizens be confined elsewhere than in special departments of public establishments designed for the detention of those accused of common misdemeanors.

(26.) The suspension of said guarantees can only be ordered by means of a law, or by means of a decree of the President of the Republic if Congress be not sitting. The President cannot decree such suspension for more than thirty days, or for an indefinite space of time without convoking Congress in the same decree, and in every case he must give an account to Congress of the suspension ordered, in order that Congress may resolve what it thinks fit.

### FOURTH SECTION.

Foreigners:

(1.) Foreigners residing in the territory of the new republic have equal rights with Cubans in regard to the following matters: Protection of their persons and property; enjoyment of all rights mentioned in the preceding section, with exception of those referring exclusively to native Cubans; exercise of civil rights; observance of laws and decrees; being bound by decisions of the courts and other authorities; obligations tributing to public expenses.

### FIFTH SECTION.

National sovereignty and public powers:

The national sovereignty shall be vested in the people of Cuba, from whom shall emanate the public powers.

### SIXTH SECTION.

The legislative power:

The legislative power shall be exercised by two elective bodies to be named "House of Representatives" and "Senate," and conjointly known as "Congress."

### SEVENTH SECTION.

The Senate, its members and inherent powers:

(1.) The Senate shall be composed of six Senators from each one of the six departments of the republic, elected for a period of six years by electors whom the ayuntamientos shall name in the manner prescribed by law.

(2.) One-third of the Senators shall be elected every two years.

(3.) To become a Senator the following qualifications are necessary: To be a native-born or naturalized Cuban citizen, the naturalized citizen to have been such for a period of at least ten years, to have attained the age of thirty years, and to be in full enjoyment of civil and political rights.

(4.) The inherent powers of the Senate shall be as follows:

First—To try, after they have been accused by the House of Representatives, the President of the republic, and the Governors of the Departments, for which purpose it shall constitute itself into a court of law to be presided over by the President of the Supreme Court, without the right in this case of imposing any other penalty than that of removal from or disqualification to hold office. After the charges have been filed with the Senate, the latter shall order forthwith the suspension of the President from office. Should the President be proved criminally responsible, he shall at once be placed at the disposal of the Supreme Court. In any case whatsoever, except infraction of the Constitution, to impeach him the consent of the Senate shall be necessary.

Second—To confirm or not the appointments that the President of the Republic may make, of Associate Justices of the Supreme Court, of diplomatic representatives, and consular agents, and of such other functionaries required by law.

Third—To authorize Cubans to accept employment or honors from another Government.

Fourth—To judge the Governors of the provinces, when accused by the provincial assemblies or by the President of the Republic. When the accusation is made before the Senate, the Senate can order the suspension of the Governor, but cannot impose any other penalty but dismissal from office.

### EIGHTH SECTION.

THE HOUSE OF REPRESENTATIVES AND ITS INHERENT POWERS.

(1.) The House of Representatives shall be composed of one representative for every 25,000 inhabitants or fraction of more than 12,000, elected for a period of four years, by direct vote, and in the manner prescribed by law.

(2.) One-half of the House of Representatives shall be elected every two years.

(3.) To be a Representative, the following qualifications are required: To be a native born or a naturalized Cuban citizen, the naturalized citizen to have been such for a period of not less than eight years, to have attained the age of twenty-five years, and to be in the full enjoyment of all civil and political rights.

(4.) The inherent powers of the House of Representatives shall be as follows:

First—To file an accusation before the Senate against the President of the Republic for violation of the Constitution or of the laws, committed in the exercise of his duties, provided that two-thirds of the Representatives should so resolve in secret session.

### NINTH SECTION.

REGULATIONS COMMON TO BOTH LEGISLATIVE BODIES.

(1.) The positions of Representatives and Senators shall be incompatible with the holding of any paid position and of appointment of the Government.

(2.) The Representatives and Senators shall receive from the nation a pecuniary remuneration, alike for all, which shall not be increased nor diminished during the period of their representation.

(3.) The Representatives and Senators shall not be held responsible for the opinions that they may express in the exercise of their duties.

(4.) Representatives and Senators shall not be arrested nor tried without the consent of the body to which they belong, except in the case of being discovered in the act of committing some crime, in which case and in that of their being arrested or tried when Congress is not in session, report thereof shall be made as quickly as possible to the body to which they belong for its information and proper action.

(5.) Congress shall meet and organize at their own option; both houses shall open and close their sessions on the same day; they shall be established at the same place, and neither of them shall move to any other place nor suspend its sessions for more than three days without the consent of the other, neither shall they commence their sessions without two-thirds of the total number of their members being present, nor shall they be allowed to continue their sessions without an absolute majority of the members being present.

(6.) Congress shall decide as to the validity of elections and as to the resignation of its members, and none of the latter shall be expelled except by vote of two-thirds of the members at least of the respective legislative bodies, in which case it shall be decided in a like manner whether the expulsion is temporary or final, and if therefore the position should be declared vacant or not.

(7.) The houses of Congress shall adopt their respective rules and regulations and elect their presidents. But the Senate President will only occupy the position in the absence of the Vice-President of the Republic or when the latter is discharging the duties of President of the same.

### TENTH SECTION.

CONGRESS AND ITS POWERS.

(1.) Congress shall meet in regular session every year on the first Monday in November, and shall remain in session for at least ninety consecutive days, excepting holidays and Sundays. And it shall meet in special session whenever the President may issue a call therefor in accordance with this constitution, in which case it shall solely treat of the express object or objects of the call.

(2.) Congress shall meet in joint session to proclaim, after rectifying and counting the electoral vote, the President and Vice-President of the Republic, at which act the President and Vice-President of Congress respectively shall be the President of the Senate and the President of the House of Representatives.

(3.) The powers of Congress shall be as follows:

First—To examine into and approve annually of the general budget of the nation. Should a vote not be able to be taken prior to the first day of the fiscal year, the preceding budget shall continue in force.

Second—Decide as to the issue of loans, at the same time voting the necessary permanent incomes for the payment of interest thereon, and for its redemption.

Third—To regulate domestic and foreign commerce, postal and telegraphic services, and of railroads.

Fourth—To declare war and to make treaties of peace.

Fifth—To coin money, specifying the weight, value and denomination of the same, and to regulate the system of weights and measures.

Sixth—To establish rules of procedures for naturalization of citizens.

Seventh—To grant amnesties.

Eighth—To organize naval and military forces.

Ninth—To establish taxes, duties and contributions of national character.

Tenth—To regulate the establishment and service of roads, canals and ports.

Eleventh—To decide who shall be President, in case the President and Vice-President should be removed, dead, resigned or incapacitated.

Twelfth—To prepare the national codes, to establish the electoral for the election of Congress, Governors, Governors of provinces and the provincial and municipal corporations; to dictate laws for the guidance of the general administration.

### ELEVENTH SECTION.

THE PREPARATION, THE SANCTION AND PROMULGATION OF THE LAW.

(1.) The initiative action of all laws pertains to either of the two colegislative bodies, except in the cases specified in the constitution.

(2.) Every project of law that may have received the approval of the Senate and the House of Representatives shall be, before it becomes a law, presented to the President of the republic. Should the latter approve the same, he will sign it; if not, he shall return it, with his objections, to the legislative body that recommended it, which body shall in turn spread the same objections in full upon the minutes, and will again discuss the project. If, after this second discussion, two-thirds of the members of the colegislative body should vote in favor of the project, it shall be sent, together with the objections of the President, to the other body, which shall discuss it in a like manner, and if the latter should approve it by a like majority it shall become a law, in every case the vote shall be taken by recording the names of members. If within ten days (excluding holidays) the President shall not have returned the project of the law presented to him, the same shall become a law, in a like manner as if the President had signed it. Whenever Congress should take a vote upon any law within the last ten days of its sessions, and the President should have objections to sanction the same, he shall be under obligations to immediately notify Congress thereof, in order that the latter may remain in session until the aforesaid period has expired, and should he not do so the law shall be considered as sanctioned.

(3.) No project of law, after being wholly rejected by one of the co-legislative bodies, may be again presented at the sessions of that year.

(4.) Every law shall be promulgated within five days immediately following its approval.

### TWELFTH SECTION.

THE EXECUTIVE POWER—THE PRESIDENT OF THE REPUBLIC—HIS POWERS AND DUTIES.

(1.) The executive power shall be exercised by the President of the Republic.

(2.) To become President of the Republic the following qualifications are required: To be a Cuban citizen by birth or naturalization, and, in this latter case, to have served with the Cuban army in its wars for independence ten years at least; to have attained the age of forty years, and to be in the full enjoyment of all civil and political rights.

(3.) The President shall be elected to serve a term of four years. No one can be elected President for three consecutive terms.

(4.) The President shall be elected by direct votes, and an absolute majority thereof, cast on one single day, in accordance with the provisions of the law.

(5.) The President, on taking possession of office, shall swear or affirm before the Supreme Court to faithfully discharge the duties thereof, complying with and causing to be enforced the constitution and laws.

(6.) The President shall receive from the public a pecuniary remuneration which shall be fixed by law, and which shall not be increased or diminished during the Presidential term.

(7.) The powers and duties of the President shall be as follows:

First—To promulgate the laws and execute the same.

Second—To issue calls for special session of Congress.

Third—To suspend the sessions of Congress when, in the matter relating to their suspension, no agreement is possible between the co-legislative bodies.

Fourth—To present to Congress at the commencement of each session, and as often as he may deem proper, a message referring to the acts of the administration and to the general state of the Republic, recommending the adoption of measures that he may deem necessary and useful for the country.

Fifth—To send to Congress all the necessary data of all kinds for the preparation of the budgets, and furnish the information that said Congress might ask for concerning matters or business that do not require secrecy.

Sixth—To direct diplomatic negotiations and make treaties with foreign Powers, submitting them for confirmation to the approval of Congress.

Seventh—To appoint, with the approval of the Senate, the Associate Justices of the Supreme Court of Justice, diplomatic representatives and consular agents of the Republic, he having the right to make provisional appointments of said representatives and agents when the Senate is not in session, and when vacancies occur.

Eighth—To freely appoint and remove his consulting secretaries that the law may provide him with, reporting actions in the premises to Congress.

Ninth—To appoint to positions established by law all other functionaries whose appointment does not specially pertain to other functionaries and corporations.

Tenth—To command and direct, as Commander-in-Chief, the naval and military forces of the Republic, being under obligations, in case of invasion of the territory or sudden attack thereon, to forthwith adopt the necessary means of defence, and call Congress to session without delay to inform it of the facts.

Eleventh—To receive diplomatic representatives and admit consular agents.

Twelfth—To pardon convicts in accordance with the laws.

Thirteenth—To suspend the action of departmental assemblies and ayuntamientos, in the cases specified by the Constitution.

(8.) The President shall not be allowed to leave the territory of the Republic without the express consent of Congress.

### THIRTEENTH SECTION.

VICE-PRESIDENT OF THE REPUBLIC.

(1.) There shall be one Vice-President of the Republic, who shall be elected in the same manner as the President, conjointly with the latter and for a like term.

(2.) To become Vice-President the same qualifications as those established by the Constitution for President are necessary.

(3.) The Vice-President shall be President of the Senate, but shall not vote except in cases of a tie.

(4.) Through accidental absence of the President of the Republic, the executive power shall be exercised by the Vice-President. In case of an absolute vacancy in the office of the President the Vice-President shall assume charge thereof until the termination of the current term.

(5.) The Vice-President shall receive from the Republic a pecuniary remuneration which shall be decided by law, and which shall not be increased nor diminished during the period of his administration.

### FOURTEENTH SECTION.

JUDICIAL POWER.

(1.) The judicial power shall be exercised by the Supreme Court of Justice and such other courts as may be established by law, which shall regulate their respective organization, their rights, methods of exercising the same and qualifications that the individuals composing them shall possess.

### FIFTEENTH SECTION.

THE SUPREME COURT OF JUSTICE.

(1.) To become an Associate Supreme Justice the following qualifications are necessary:

First—To be a Cuban citizen by birth or naturalization, in the latter case for a period of not less than ten years.

Second—To have attained the age of forty years.

Third—To be in full possession of all civil and political rights.

Fourth—To possess some of the following qualifications. To have practised the profession of law for ten years within the territory of the Republic or have performed for a like period of judicial duties or taught for the same time a class of fundamental law in a public establishment.

(2.) Besides those established in the preceding bases and those specified by the laws it shall be the inherent right of the Supreme Court of Justice:

First—To have cognizance of appeals in conformity with the law.

Second—To decide questions that may arise between the courts of law immediately inferior to it as to their relative rights and jurisdiction.

Third—To have cognizance of interadministrative suits concerning the nation or which are litigations between the departments or the municipalities.

Fourth—To decide as to the constitutionality of legislative acts that may have been objected to as unconstitutional.

Fifth—To decide as to the validity or nullity of decisions of departmental assemblies or of ayuntamientos that may have been suspended by the Government or complained of by private individuals in such cases as the constitution laws establish.

### SIXTEENTH SECTION.

GENERAL DISPOSITIONS CONCERNING THE ADMINISTRATION OF JUSTICE.

(1.) Justice shall be administered gratuitously.

(2.) The courts shall have cognizance of all civil and criminal and interadministrative suits. They shall also have cognizance, in cases specified by the laws, of the questions relating to the exercise and possession of political rights.

(3.) No judicial commissions nor extraordinary courts of justice of whatever kind shall be created.

(4.) All hearings shall be public, unless in the opinion of the Court and for special reasons they should be private.

(5.) No judicial functionary shall be suspended from nor deprived of his position except for crime or other serious cause, duly proved after his defence shall have been heard.

(6.) Judicial functionaries shall be personally responsible for all violations of the law that they may commit.

(7.) The remuneration of judicial functionaries shall not be changed within a period of less than five years, a general law being necessary for the purpose.

(8.) Courts having cognizance of maritime and land matters shall be governed by their special organic law.

### SEVENTEENTH SECTION.

DEPARTMENT REGIME.

(1.) Each department shall be formed by the municipal terminos that are comprised within the boundaries thereof.

(2.) At the head of each department there will be a Governor, elected by direct vote for a period of three years, in the manner specified by law.

(3.) There will also be a Departmental Assembly, to consist of not less than eight or more than twenty, elected by direct vote for a like period of three years, which election shall be held in the form specified by law.

### EIGHTEENTH SECTION.

DEPARTMENTAL ASSEMBLIES AND THEIR POWERS.

(1.) The Departmental Assemblies shall have the right of independent action in all things not antagonistic to the constitution, to the general laws nor to international treaties, nor to that which pertains to the inherent rights of the municipalities, which may concern the department, such as the establishment and maintenance of institutions of public education, public charities, public departmental roads, means of communication by water or sea, the preparation of their budgets, and the appointment and removal of their employes.

They may also agree as to the placing of a loan for public works of interest to the department, voting at the same time the permanent income necessary for the payment of interest thereon and its redemption. In order that loans may be realized the approval of two-thirds of the Ayuntamientos of the department must be secured.

(2.) The Departmental Assemblies shall freely provide the income necessary to meet their budgets, without any other limitation than that of making it compatible with the general tributary system of the republic.

(3.) The Provincial Assembly cannot suppress or reduce taxes of a permanent nature without establishing others to take their place, except when the suppression or reduction precedes the suppression or reduction of permanent equivalent expenses.

(4.) The decision of the Departmental Assemblies shall be presented, in order that they may have executive character, to the Governor of the Department. Should the latter approve them, he will attach his signature thereto; otherwise he will return them, together with his objections, to the Assembly, and if, after being reconsidered, the said decisions should be sustained by two-thirds of the members of the Assembly they shall become effective. If within ten days (excepting Sundays and holidays) the Governor should not return any decision that had been presented to him, the said decision shall be effective in character the same as if the Governor had approved the same.

### NINETEENTH SECTION.

THE GOVERNORS OF DEPARTMENTS, THEIR POWERS AND DUTIES.

(1.) The powers of the Governors shall be as follows:

First—To appoint the employes of their offices that the law may specify or which the Departmental Assembly may designate.

Second—To execute and cause to be executed in the Department the general laws of the nation.

Third—To publish the acts of the Departmental Assembly having an executive character, complying therewith, and causing them to be enforced.

Fourth—To issue orders, instructions and regulations for the enforcement of the rulings of the Departmental Assembly when the latter has omitted to do so.

Fifth—To call the Departmental Assembly to a special session whenever there may be cause therefor, which cause shall be stated in the call.

Sixth—To suspend the decision of the Departmental Assembly and those of the Ayuntamiento in such cases as may be established by the constitution.

(2.) The Governor shall receive from the departmental treasury a pecuniary remuneration, which shall not be changed during the period for which he was elected.

(3.) The Governor shall be substituted in office by the President of the Provincial Assembly, the said substitution to be, in case of vacancy, for the whole term for which the Governor was elected.

(4.) The Governor shall be responsible to the Senate for all infractions of the constitution. For any other fault he shall be responsible to the court in the form demanded by law.

### TWENTIETH SECTION.

THE MUNICIPAL REGIME.

(1.) The municipal terminos shall be governed by Ayuntamientos composed of Councilmen elected by a direct vote in the manner prescribed by law.

(2.) In each municipal termino there shall be a Mayor elected by direct vote in the form prescribed by law.

(3.) The organization of municipal terminos will be the object of the general law.

### TWENTY-FIRST SECTION.

THE AYUNTAMIENTOS AND THEIR POWERS.

(1.) The Ayuntamientos shall be self-governing and shall take action on all matters that solely and exclusively concern their municipal termino, such as appointment and removal of employes, preparation of their budgets, freely establishing the means of income to meet them without any other limitation than that of making them compatible with the general system of taxation of the republic.

(2.) The Ayuntamientos can issue loans, at the same time fixing what taxes are to be devoted to the payment of interest and the forming of a sinking fund. The voters of the terminos must approve by direct vote the issue of a loan.

(3.) The Ayuntamientos cannot suppress or reduce taxes of a permanent nature without establishing others in their places, except when the suppression or reduction corresponds to an equivalent reduction in permanent expense.

(4.) The resolutions adopted by the Ayuntamientos shall be presented, in order that they may have executive character, to the Mayor. Should the latter approve them he will attach his signature thereto; otherwise he shall return them with his objections to the Ayuntamiento, and if, after being reconsidered, two-thirds of the members of the Ayuntamiento should sustain them, they shall become effective. If within ten days (excepting Sundays and holidays) the Mayor should not return any decision that had been presented to him, the latter shall become effective the same as if the Mayor had approved it.

(5.) The acts of the Ayuntamientos may be suspended by the Mayor or by the Governor of the Department, or by the President of the Republic whenever said facts are antagonistic to the constitution, to the general laws, to international treaties, or to action taken by the Departmental Assembly within its inherent attributes, by submitting the matter to the decision of the Supreme Court.

(6.) Councilmen shall be responsible for their acts before the courts in the manner prescribed by law.

### TWENTY-SECOND SECTION.

MAYORS, THEIR DUTIES AND POWERS.

(1.) The Mayors shall publish, as soon as the same have been approved, the acts of the Ayuntamientos, complying therewith and causing the same to be enforced; and they shall exercise without any limitation whatsoever the active functions of municipal administration as executors of the acts of the Ayuntamientos and representatives thereof.

(2.) The municipal Mayors shall receive from the municipal treasuries a pecuniary remuneration that shall not be changed during the period of their administration.

(3.) The municipal Mayors shall be responsible for their acts before the courts, in the manner prescribed by law.

(4.) The municipal Mayors shall be substituted in office by the presidents of the Ayuntamientos, and in cases of vacancy the substitution shall be for the unexpired term for which the Mayor was elected.

### TWENTY-THIRD SECTION.

THE NATIONAL TREASURY, ITS PROPERTIES AND DUTIES.

(1.) The Republic of Cuba does not recognize nor will not recognize any debts or compromises contracted prior to the promulgation of the constitution. From the said prohibition are excepted the debts and compromises legitimately contracted for in behalf of the revolution, from and after February 24, 1895, by corps commanders of the liberating army until ———, on which the constitution of Jimaguayi was promulgated, and those which the revolutionary governments contracted, either by themselves or by their legitimate representatives in foreign countries, which debts and compromises shall be classified by Congress, and which body shall decide as to the payment of those which in its judgment are legitimate.

### TWENTY-FOURTH SECTION.

CONSTITUTIONAL AMENDMENTS.

The constitution cannot be changed in whole or part except by two-thirds vote of both legislative bodies. Six months after deciding on the reform, a Constitutional Assembly shall be elected, which shall confine itself to the approval or disapproval of the reform voted by the legislative bodies. These will continue in their functions independently of the Constitutional Assembly. The members in this Assembly shall be equal to the number of the members in the two legislative bodies together.

### TWENTY-FIFTH SECTION.

CONCERNING TRANSITORY DISPOSITIONS.

(1.) The Senate being organized for the first time, the Senators shall be divided into three classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year. Lots shall decide which Senator shall belong to each class for each one of the departments.

(2.) Ninety days after the promulgation of the electoral law that may be prepared and adopted by the Convention the election of the functionaries provided for in the constitution shall be proceeded with for the transfer of the Government of Cuba to those who may be elected, in conformity with order No. 301 from the headquarters of the Division of Cuba of July 25, 1900.

(3.) All laws, regulations, orders and decrees which may be in force at the time of the promulgation of the constitution shall continue to be observed until they are replaced by others.

## THE SECOND SECTION ADOPTED.

Havana, Jan. 25.—The Cuban Constitutional Convention decided to-day to leave the question of dividing and naming the provinces to the provincial governments themselves, subject to approval by the State.

The second section of the draft of the constitution was accepted after a few minor changes. An article was added directing that citizens who remained out of the country for five years should lose their citizenship, provided they were not in the employ of the Government.

### *LECTURE AT THE D. K. E. CLUB.*

There was a dinner of the graduates of the N Chapter of the D. K. E. Fraternity last evening at the D. K. E. Club, No. 9 West Thirty-first-st. After the dinner Roswell B. Burchard, one of the graduates, gave a description of his journey through Egypt and up the Nile, illustrated by a large number of views.

### *THE DEMOCRATIC CLUB RECEPTION.*

The annual reception of the Democratic Club will be held to-night at the clubhouse, No. 617 Fifth-ave. Several theatrical people, who have volunteered, will give a programme of vaudeville and music, and other interesting features are promised. Register Isaac Fromme is committeeman in charge.

### *MORTON HOUSE PROPERTY TRANSFERRED.*

Mary A. P. Draper yesterday secured title to the old Morton House building, the premises occupied by Keith's vaudeville house, in Fourteenth-st., and a number of other parcels, in all thirteen. The property was transferred by R. A. Palmer for a consideration of $8,000 and the assumption of a $123,000 mortgage and all other existing liens against the real estate. Some of the parcels are in Eighth-ave., Twenty-fifth, Twenty-sixth, Thirty-third and Thirty-fifth sts.

It was learned from Mrs. Draper's agent, James Foster, of No. 830 Broadway, that the transaction was a transfer of Mr. Palmer's interest in the property to Mrs. Draper. As the leases have from eight to ten years to run the transfer does not indicate any change in the uses of the property. Robert A. Palmer is a grandson of Cortland Palmer, who died in 1874. He is living in Berlin, Germany.

### *CONDITIONAL GIFT BY ROCKEFELLER.*

Oberlin, Ohio, Jan. 25.—It was announced in chapel this afternoon that John D. Rockefeller had signified through J. W. Cowles, of Cleveland, a trustee of Oberlin College, his willingness to give $200,000 toward an endowment fund of $500,000 now being raised for the college, provided the entire amount shall be raised by the first of next year.

# CREEKS HOLD POWWOWS.

## WHITE SETTLERS ARM AND A CAVALRY TROOP STARTS FOR EUFAULA.

Eufaula, Ind. T., Jan. 25 (Special).—The Snake band of Indians in large numbers have been powwowing at Eufaula Square, seven miles east of here, to-day. United States Marshal Bennett sent a message to Crazy Snake, the Creek leader of the insurrectionists, asking for a conference, but thus far has not received a response from him. Last night Marshal Bennett and a deputy, accompanied by Thomas, the seventeen-year-old son of Crazy Snake, made a dash out into the country, hoping to capture the leader. They went to the house of Noble R. Scott, the headquarters of Crazy Snake, when the place was surrounded by a score or more of light horsemen, the Creek mounted sheriffs, several of whom entered the house, where the Marshal addressed them, urging them to lay down their arms and stop their depredations under penalty of severe punishment when the United States troops who had been ordered to the scene arrived. They listened stolidly to what he had to say, but made no response. The Marshal left a letter for Crazy Snake, and then started back to this place, bringing with him his hostage, the Snake's son. At 7 o'clock a courier rode into Eufaula and reported that Crazy Snake and his disaffected band were still holding powwows at Eufaula Square. What the outcome will be no one can foresee. The whites are all armed, and have posted strong pickets to give warning of the approach of any hostile redskins.

Muscogee, Ind. T., Jan. 25 (Special).—The Indian situation grows more critical hourly. Late to-night Judge Gill ordered United States Commissioner Sanson to report to Marshal Bennett for duty. He will accompany the Marshal to the scene of the uprising, and establish a temporary Commissioner's Court in the heart of the disturbed district. Those leaders who have taken part in the uprising will be arrested and given an immediate preliminary hearing before the Commissioner, and if found guilty sent to jail here. Marshal Bennett and a force of deputies and police will start away to join the troop of United States cavalry at Henrietta to-morrow afternoon, or on Sunday at the latest. The troops will act under the Marshal's orders, and he will proceed to Hickory Ground, the Creek insurrectionists' capital, and there capture the leaders of the disaffected Indians or run them down.

Guthrie, Okla., Jan. 25 (Special).—The scare over an Indian uprising along the eastern border increases. At noon the following telegram was received from the Governor:

Chandler, Okla., Jan. 25, 1901.

Governor C. M. Barnes, Guthrie.

Situation along our border serious. I cannot be responsible for the safety of our people unless militia is ordered out at once.

WILLIAM TILGHMAN.

Tilghman is an old frontiersman and not a man to lose his head in the most critical situations. At 1 o'clock the Governor consulted with Colonel Hoffman and Sheriff Tilghman at Chandler by telephone, and was told that many depredations had been committed over the line, in the Creek Reservation, both by the Indians and by outlaws who were taking advantage of the disturbed condition of affairs to plunder at will. The Governor advised that close watch be kept along the line, and if any attempt was made to cross over in Oklahoma he would order out the National Guard.

South McAlister, Ind. T., Jan. 25 (Special).—There are no new developments in the threatened Choctaw uprising. Every one is anxious, many greatly alarmed, as they fear the worst. The arrival of troops in the Territory and the prompt measures taken by the Government in the northern district to suppress the Snakes have been reported to the Choctaw faction and seems to have had a restraining effect upon them. It is reported that a secret meeting of the Snakes is to be held to-morrow. Marshal Grady will endeavor to discover where and will be there with a strong force of deputies and police to quell any outbreak. From Atoka comes the news that the Choctaws are strongly organized there, and Stephens Roberts, an ex-Sheriff, is posting notices warning the Indians not to rent their lands to whites. Roberts has organized a gang of about two hundred disaffected Choctaws, and has arranged a meeting of the Creek and Choctaw Snakes near Martin Gulston's for to-morrow. This meeting is of grave import.

### *NEW SCOTCH CASTLE FOR LENOX.*

ROBERT W. PATERSON WILL BUILD IT ON LAUREL LAKE AT A COST OF $200,000.

Pittsfield, Mass., Jan. 25 (Special).—Robert W. Paterson, of New-York, is to build in Lenox a large stone house from designs of a well known New-York architect. The house is modelled after a Scotch castle, modernized to meet the requirements of the day. It will be built of native limestone from quarries in Lenox. The castle will stand on the shore of Laurel Lake, opposite George Westinghouse's summer place on land recently purchased by Mr. Paterson. It will be one of the most striking and original of all the great Lenox houses and will cost about $200,000.

### *COURT DISSOLVES OLD TILDEN CLUB.*

Albany, Jan. 25.—An order was to-day secured from the Supreme Court by Attorney-General Davies dissolving the Tilden Club of the XVIIIth Assembly District of New-York City. Two weeks ago a certificate incorporating the Tilden Club, of New-York City, an organization composed of ex-Senator Jacob A. Cantor and other Democrats, was refused by the Secretary of State because of the existence of the Tilden Club of the XVIIIth Assembly District. Application was made to the Attorney-General for permission to begin an action to dissolve the old club, which had practically gone out of existence. The Attorney-General granted the application and the order of dissolution was secured through default.

### *RICE WILL CASE ADJOURNED.*

When the motion for the appointment of a temporary administrator of the estate of William Marsh Rice was called yesterday in Surrogate Fitzgerald's chambers the hearing was adjourned by consent to January 29.

### *CORNELL'S FUND FOR ATHLETICS.*

Ithaca, N. Y., Jan. 25.—At a mass meeting of Cornell students, held to-night for the purpose of raising a fund for the running expenses of the various branches of athletics at Cornell for the remainder of the year, between $6,000 and $7,000 were subscribed. The entire sum was raised among the undergraduates. Sage College and the New-York Medical College joined hands with the other departments. Sibley College contributed about $1,500.

### *NEW OFFICIAL FOR CUBA RAILWAY.*

Montreal, Jan. 25.—R. G. Ward, formerly with the Southern Railway, was to-day appointed manager of construction of the Cuba Railway Company, succeeding the late Frank Brothers. Sir William Van Horne, president of the company, left this evening for New-York, en route to Cuba.

### *TALK OF STRIKE IN ERIE SHOPS.*

BOILERMAKERS AND MACHINISTS SAID TO HAVE GRIEVANCES.

Labor men were considerably stirred up yesterday over a report that a general strike was likely to occur at any moment in all the shops of the Erie Railroad Company. Many labor leaders flocked to the local headquarters of the International Brotherhood of Boilermakers. Delegate Ostrander, of the New-York District of the Brotherhood, said that President McNeil of the National organization had been in the city in relation to the grievances of the boilermakers employed by the Erie Railroad Company, and that he had held a conference with the company's officials, but had failed to accomplish anything. The officials of the railroad company refused to grant the demands of the men, it was said. The principal demands of the boilermakers include doing away with piecework in all the shops and higher wages for the men who are working by the day.

An official of the Brotherhood said last night that if a general strike of the boilermakers was ordered the men in all the shops of the Erie Railroad Company between this city and Chicago would go out.

The machinists, it was reported, also have grievances, and they may strike in sympathy with the boilermakers should the latter quit work.

A number of men went to the United States Hotel, at Fulton and Pearl sts., yesterday, in response to an advertisement for boilermakers. They were told they were to take the places of strikers and to be ready to go to places between this city and Chicago at the shortest possible notice.

A Mr. Green told the reporters that he could not say whether the men were wanted for the Erie Railroad Company or not.

"All I can say," he continued, "is that they are wanted to take the places of strikers."

An officer of the Erie Railroad, when seen last night, said that a few days ago he was informed that the boilermakers working in the shops of the company at Hornellsville, N. Y.; Susquehanna, Penn., and Meadville, Penn