

APPENDIX I

NATIONAL CONSTITUTION OF THE ARMENIANS IN THE TURKISH EMPIRE

PRELIMINARIES

The Sublime Porte,
Ministry of Foreign Affairs,
No. 191.

TO THE PRUDENT REPRESENTATIVE OF THE PATRIARCH
(*Locum tenens*)

PRUDENT AND DEAR SIR—The Imperial Firman concerning reforms requires that each community shall take into consideration within a given time the privileges and prerogatives which it enjoys, and, after due counsel, shall decide upon the reforms which are in accordance with the circumstances, the civilisation and the learning of the present time. It shall present a list of such reforms to the Sublime Porte in order that the authority and rights granted to the spiritual heads of each community may be placed in harmony with the position and new conditions secured to each community. In accordance with these behests, the outlines of a Constitution for the Armenian nation have been prepared by a Committee composed of certain honourable persons. But at the same time it has been considered appropriate that the ecclesiastical members of the General Assembly and the delegates of the different Quarters should select by a majority of votes a Committee of seven, to whose consideration the above-mentioned project should be submitted. We therefore beg you to despatch within a few days the summons to hold the election of that Committee, and to direct that the Committee shall meet at the Sublime Porte the Committee and functionary appointed specially for this purpose. We beg you also to send us the names of the seven persons thus elected.

(Signature)

1862, *Feb.* 14 (Old style).

ALI.

DOCUMENT PRESENTED TO THE SUBLIME PORTE BY THE NATIONAL
COMMITTEE AND THE COMMITTEE OF THE GOVERNMENT

To the Sublime Porte,
Ministry of Foreign Affairs.

The Imperial Government has from ancient times granted to the different nations under its righteous protection privileges and prerogatives for their religious liberty and the special administration of their internal affairs.

These prerogatives are in their principles uniform for all nations, but they are at the same time adapted to the particular religious regulations and customs of each nationality. And each nationality has used and enjoyed them according to its peculiar manners and customs.

The Armenian nation, like other nations, has had to this day a Patriarch, who has been acknowledged by the Government as the President of the Patriarchal Administration, the representative of the nation, and the medium of the execution of Imperial Orders, and who from ancient times has been elected from the ecclesiastical body by a General Assembly, composed of individuals representing the different classes of the nation.

The Patriarch in his office, which is to preside over the nation and to watch over its interests, has never been exempt from the influence and supervision of the nation, exerted over him through the General Assembly. The proof of this is that the Patriarch has always invited and convoked the General Assembly, and has applied to that Assembly for a decision when a question has been raised by orders of the Sublime Porte.

The Armenian nation about two years ago begged of the Imperial Government to have two Assemblies established in the Patriarchate under the presidency of the Patriarch, one religious, the other political, that they might be participators in and auxiliaries of the office of the Patriarch, and that any deviation on the part of the nation from its ancient regulations and customs, both religious and political, might be prevented.

When these assemblies were established it became necessary to organise other Councils for the administration of the minor affairs of the nation.

But as the authority and duties of each national officer were not definitely defined, it was evident that these efforts to improve the state of affairs in the nation would be the occasion of continual misunderstanding in the different branches of the National Administration, as well as between that administration and the nation. This naturally would be the cause of many irregularities in the execution of justice for all concerned, and of confusion and disputes in the National Administration.

With the object of doing away with the causes of such confusion and dissension, and with the nuisance of the undue claims of different parties, the Imperial Government, with its paternal solicitude for all its subjects, deems it necessary to organise a National Mixed Committee in order to prepare a Constitution in accordance with the peculiar religious and political customs and long-established manners.

Now that Mixed Committee considers it proper according to the outline of the Constitution presented for confirmation to the Sublime Porte,

I. That the office of the Patriarch as the medium between the nation and the Sublime Porte should remain as it was in the old system,

II. That the organisation of the General Assembly should be reformed. The national delegates, instead of being elected by the *Esnafs* (Artisans)—since the condition of the *Esnafs* is no longer what it used to be—should be elected by the Committees of churches, that is, by different quarters, in a way that perhaps will be more regular and lawful than the one adopted by the Greeks.

And as Armenians living in the interior of the country rightly complain that they are altogether deprived of participation in the deliberations and decisions of the Patriarchate, a number of the delegates should be elected by the provinces to be added to the number of the delegates of the quarters or sections of Constantinople. The ecclesiastical members, twenty of them, should be elected by the clergy in Constantinople, so that the total number of the members of the General Assembly be 140; their term of office should last ten years, and once in every two years the tenth part should be changed, and new elections take place.

The General Assembly should nominate both the Patriarch and the members of the two Assemblies working under his presidency and should have the supervision of their acts,

III. The administration of religious affairs should belong to the Religious Assembly, the administration of Political affairs to the Political Assembly, and that of mixed affairs to the Mixed Assembly, which shall consist of the other two Assemblies together,

IV. The Religious and Political Assemblies should manage through the Sectional and other Councils all national affairs of the church communities (that is to say, the people of different sections or quarters) under their jurisdiction, and the affairs of the churches, schools, hospitals, monasteries, and other similar national institutions,

V. The centre of the administration should be the National Patriarchate. The Patriarch, as the Official Head of the Patriarchate, should preside both over the General Assembly and over the two National Assemblies, and he should under the inspection of the General Assembly manage all the affairs concerning the nation directly or indirectly,

VI. The administration of provincial communities should be connected with the Central Administration. The Metropolitans should preside over local assemblies which should be organised in the same way as those in Constantinople, and they should be the managers of those local assemblies,

VII. The Provincial Assemblies should be responsible to the Central Administration. Each one of the Councils of this Central Administration should be responsible to the Assembly to which it belongs. The National Assemblies should be responsible to the General Assemblies, the Patriarch responsible on the one hand to the Imperial Government and on the other to the nation (through the General Assembly),

VIII. And, inasmuch as the Imperial Government considers the Patriarch as the natural medium of the execution of the orders given by it to the nation, and at the same time considers him as the head of the National Administration, and it is to him that it addresses its question, if the Government should command the Patriarch to give his opinion on the question asked, the Patriarch should act according to the decision of the Assemblies under his presidency ; but, if he be ordered to communicate to the Government the opinion of the nation, then he should convoke the General Assembly and communicate to the Government the final decision of that Assembly,

IX. The National Administration has three kinds of obligations. First towards the Imperial Government, that is to preserve the nation in perfectly loyal subjection and to secure to the nation in general and to individuals in particular the preservation of their rights and privileges on the part of the Government. The second obligation is to the nation, to treat it in true compassion and in a paternal way. The third is to the see of Edgmiatsin, to act in accordance with the religious regulations and laws of the Armenian Church.

These are the features in the Constitution which the Mixed Committee considers desirable. These features are approved by the other Committee which was organised according to the orders of your Excellency, in order to present to the Sublime Porte on behalf of the nation their observations on the Constitution.

CONSTANTINOPLE, 1862.

Signatures of the members of the Committee of the Sublime Porte—Stephanos, Archbishop of Nicomedia, Representative of the Patriarch Elect of Constantinople, three Armenian ecclesiastics, and eight notables.

Signatures of the members of the National Committee, seven notables.

ORDINANCE OF THE SUBLIME PORTE

To the Prudent Representative of the
Patriarch Elect of Constantinople.

The Constitution drawn up by the Committee formed at the Sublime Porte for the reforms of the condition and administration of the Armenian Patriarchate, after having undergone certain modifications concerning secular affairs only, was presented to His Imperial Majesty, and, having been approved by His Imperial Majesty, the Imperial Decree, making a law of the features contained in it, was issued to be handed to your Beatitude.

In enclosing to you the above-mentioned Constitution, we commission you to superintend the perfect execution of those features according to the high will of the August Emperor.

1863, *March* 17.

INTRODUCTION

The privileges granted by the Ottoman Empire to its non-Mohammedan subjects are in their principles equal for all, but the mode of their execution

varies according to the requirements of the particular customs of each nationality.

The Armenian Patriarch is the head of his nation, and in particular circumstances the medium of the execution of the orders of the Government. There is, however, in the Patriarchate a Religious Assembly for religious affairs and a Political Assembly for political affairs. In case of necessity these two Assemblies unite and form the Mixed Assembly. Both the Patriarch and the members of these Assemblies are elected in a General Assembly composed of honourable men of the nation.

As the office and duties of the above Assemblies and the mode of their formation are not defined by sufficient rules, and for this reason different inconveniences and special difficulties in the formation of the General Assembly have been noticed,

As each community is bound according to the new Imperial Edict (Hatti Humayun, 6/18 Feb. 1856) to examine within a given time its rights and privileges, and after due deliberation to present to the Sublime Porte the reforms required by the present state of things and the progress of civilisation of our times,

As it is necessary to harmonise the authority and power granted to the religious chief of each nationality with the new condition and system secured to each community,

A Committee of some honourable persons of the nation was organised, which Committee prepared for the nation the following Constitution.

ARMENIAN NATIONAL CONSTITUTION

FUNDAMENTAL PRINCIPLES

1. Each individual has obligations towards the nation. The nation, in its turn, has obligations towards each individual. Again, each individual and the nation have their respective rights over one another.

Hence the nation and its constituents are bound together by mutual duties, so that the duty of the one is the right of the other.

2. It is the duty of each member of the nation to share according to his means in the expenses of the nation, willingly to accept any services asked of him by the nation, and to submit to its decision.

These duties of the individual are the rights of the nation.

3. The duties of the nation are to care for the moral, intellectual, and material wants of its members, to preserve intact the creed and traditions of the Armenian Church, to diffuse equally the knowledge necessary to all men among the children of both sexes and of all classes, to watch over the prosperity of national institutions, to increase the national income in any possible lawful way and wisely to administer the national expenses, to improve the condition of those who have devoted themselves for life to the service of the nation and to secure their future, to provide for the needy, peaceably to adjust the disputes that may arise among the members of the nation—in a word, to labour with self-denial for the progress of the nation.

These obligations on the part of the nation are the rights of its members.

4. The authority which is appointed to represent the nation and to supervise and administer the regular performance of these mutual obligations is called the National Administration. To this body is committed, by especial permission of the Ottoman Government and by virtue of the Constitution, the care of the internal affairs of the Armenians of Turkey.

5. In order that the Administration may be national it should be representative.

6. The foundation of this Representative Administration is the principle of rights and duties, which is the principle of justice. Its strength is to be found in the plurality of voices, which is the principle of legality.

CHAPTER I

THE CENTRAL NATIONAL ADMINISTRATION

I. THE PATRIARCH OF CONSTANTINOPLE

His Election and Resignation

Article 1.—The Patriarch of Constantinople is the President of all the National Assemblies and the representative of their executive authority, and in particular circumstances he is the medium of the execution of the orders of the Ottoman Government.

Hence the person to be elected as Patriarch should be a man worthy of the confidence and respect of the whole nation, and he should possess all the qualifications and dignity required by his position. He should belong to that class of bishops who have always been considered as candidates for the office. At the same time he should be worthy of the perfect confidence of the Government, an Ottoman subject beginning at least with his father and above thirty-five years of age.

Article 2.—In case of vacancy of the Patriarchal Throne, in consequence of the death or resignation of the Patriarch, or from any other cause, the Political and Religious Assemblies meet and elect a Representative (*locum tenens*), and request the Sublime Porte to confirm their choice.

The General Assembly elects the Patriarch, but the Religious and Political Assemblies have the right by a *list of candidates* to express their opinion in regard to the merits of the candidates.

The election of the Patriarch will take place in the following manner:—

In the first place the Representative (*locum tenens*) prepares a list of all the bishops within Ottoman territory, indicating opposite each name their qualifications in the sense of the first article, and presents it to the Religious Assembly.

The Religious Assembly convokes a general meeting of ecclesiastics and prepares a list of candidates by secret ballot—that is, each member present writes on a slip of paper the names of all the bishops that he

does not consider unfit from a religious point of view. A list of these names is prepared in the order of the number of votes received by each.

The Representative presents this list to the Political Assembly. This Assembly, after an investigation into the political merits of the persons indicated, elects by a majority of votes five candidates and presents this list to the General Assembly.

At the same time the first list prepared by the General Religious Assembly should be hung in the hall of the General Assembly. The General Assembly, after learning from these two lists the opinions of the competent Assemblies concerning the religious and political qualifications of the candidates, elects the Patriarch by secret ballot and by a majority of the votes.

The General Assembly may give its votes to a person outside the list presented by the Political Assembly, but the name of that person must have been indicated in the list prepared by the General Assembly of the ecclesiastics. No one can be elected whose name is not on that list.

If no majority of votes be obtained on the first ballot, the names of those two who have received the largest number of votes are announced by the Representative to the General Assembly, and the second ballot should be on those two names. For this second ballot those of the national deputies who cannot be present may forward their votes in a sealed and signed letter addressed to the Assembly, or to the Representative, or to the Chairman of the General Assembly.

The counting of votes is done by the officers of the General Assembly in the presence of four ecclesiastical and four lay members of the Assembly who act as inspectors.

In case after a second ballot the two candidates receive the same number of votes, then one of them is elected by lot.

Article 3.—After the election a report is prepared, signed by all those present, and it is presented to the Sublime Porte by the Representative, and the election of the Patriarch is confirmed according to the ancient custom by an Imperial edict.

Article 4.—The General Assembly sends a written invitation to the person elected as Patriarch if he be present in the capital, or a special delegate if he be out of Constantinople. On receiving this invitation the newly-elected Patriarch comes to the Patriarchate, and in the Cathedral, in the presence of the General Assembly, takes a solemn oath in the following words: "Before God and in the presence of this National Assembly I publicly vow to remain faithful to the Government and to my nation, and faithfully to see to the maintenance of the National Constitution." Herewith the office of the Representative comes to an end. Upon the invitation of the Sublime Porte the new Patriarch is admitted to the presence of His Majesty the Sultan, his office is formally confirmed, and he visits the Sublime Porte to announce it.

Article 5.—Should the Patriarch act contrary to the rules of the Constitution he is liable to impeachment.

Article 6.—Only the General Assembly and the Political and Religious Assemblies have the right to bring a charge against the Patriarch.

The accusing or protesting Assembly, with the permission of the Sublime Porte, asks the Patriarch to convoke the General Assembly.

Should the Patriarch refuse to do so, this fact again is reported to the Sublime Porte, which then issues a permit for the General Assembly to hold a sitting under the Presidency of the oldest bishop in Constantinople.

The General Assembly chooses five of its ecclesiastical and five lay members to constitute a Committee of ten, among whom, however, there shall be none of those who have accused or protested. This Committee, after investigating the charges, gives a report to the General Assembly which decides the question by a secret vote. The documents containing this decision should be signed by all who have voted in favour of this decision. If the resignation of the Patriarch be thus decided upon, the two Chairmen of the two Assemblies, accompanied by the presiding bishop, wait upon the Patriarch and present to him this document. The Patriarch on learning the will of the nation is bound to resign. If, however, he do not agree to resign, the matter is reported to the Sublime Porte, which deposes the Patriarch.

Article 7.—The ex-Patriarch after his abdication becomes like one of the diocesan bishops, and the necessary steps will be taken for him by the Mixed Assembly.

Office and Obligations

Article 8.—The duties of the Patriarch are to act according to the principles of the Constitution and to watch diligently over the exact execution of all its points.

The Patriarch refers all business that comes before him to the Assembly to which it belongs for investigation and decision. The *takrirs* and other official papers of the Patriarch cannot be valid and admissible if they be not also sealed and signed by the Assembly that has given the decision. If there be any urgent business for the consideration of which it might be impossible to await the day of the meeting of the Assembly, or even to convoke an extraordinary meeting, the Patriarch may do what is necessary, taking the responsibility upon himself. But he is bound to make a due record of what he may have done, and to present it for confirmation in its next meeting to the Assembly under the jurisdiction of which the case may come.

Article 9.—The Patriarch before signing any papers containing the decisions of the General Assembly taken in his absence may make his observations concerning them and submit the case to a second consideration, but after this revision he is bound to sign those papers if he does not find there anything contrary to the requirements of the Constitution.

Article 10.—The Patriarch may propose to the competent Assembly or Council the dismissal of any ecclesiastic, teacher, agent of a church, monastery, school, or hospital who has not acted in accordance with the principles of the Constitution.

Article 11.—The Patriarch himself has no right to dissolve and change the Religious and Political Assemblies and the Councils belonging to them, but, if he notice in any of them conduct contrary to the Constitu-

tion, first he demands an explanation of the Chairman of the Assembly or the Council. The second time he warns him, but the third time he applies to the General Assembly if the accused be one of the National Assemblies, or to the Political Assembly if he be one of the Councils, and, giving his reasons, he proposes the dissolution of the accused Council or Assembly.

Article 12.—The Patriarch having a salary appointed to him from the National Treasury provides himself for the internal expenses of the Patriarchate.

II. THE BUREAU OF THE PATRIARCHATE

Article 13.—There will be a Bureau at the Patriarchate for all necessary national documents. This bureau will be divided into three departments:—

- I. The department of correspondence, for the documents sent by the Patriarchate and for those received there.
- II. The department of registration, to arrange the papers belonging to the National Assemblies and Councils.
- III. The department of census, to record births, marriages, and deaths. From the last department are issued the papers needed for travelling or other personal transactions; also certificates for births, marriages, and deaths.

Article 14.—The Patriarchal Bureau will have a chief who is responsible for all its transactions. The Political Assembly elects him and the Patriarch nominates him. This chief is also the Secretary of the General Assembly.

It is his duty to see that every year he be supplied with copies of the records of births and deaths both in Constantinople and in the provinces, which records he shall have inscribed in the books of the general census of the Patriarchal Bureau. He should be well versed in the Armenian language, and practised in the French and Turkish languages.

Article 15.—This Bureau will have a sufficient number of Secretaries. These Secretaries also must be well acquainted with the Armenian language, and every one must possess all the necessary qualifications for his position. Each Secretary is responsible in his department to the Assembly or Council to which he belongs. All of them are responsible to the Chief of the Bureau.

Article 16.—All papers issued at the office of the census must be confirmed by the Patriarchal seal and by the signature of the Chief of the Bureau.

III. THE PATRIARCH OF JERUSALEM

Article 17.—The Patriarch of Jerusalem occupies for life the Chair of St. James. He is at the same time the manager of all the holy places belonging to the Armenians in Jerusalem, and the President of the brotherhood of the Monastery of St. James.

It is his duty to act in accordance with the regulations of the Monastery of Jerusalem, and to watch over the faithful execution of those regulations.

Article 18.—In case the Patriarch of Jerusalem act contrary to the regulations of his Monastery he will be liable to have a charge brought against him.

Article 19.—A charge can be brought against the Patriarch either by the brotherhood of the Monastery, or by the Religious and Political Assemblies of Constantinople.

In such a case the General Assembly is convoked, and, if after an investigation the charge should appear well founded, the General Assembly, in accordance with the sixth article concerning the Patriarch of Constantinople, will act as the case requires either by sending an admonition to the Patriarch, or by compelling him to abandon his office, when his office will be given over to a Representative whom the General Assembly shall elect from amongst the brotherhood by a secret vote.

Article 20.—In case of the death of the Patriarch of Jerusalem, the brotherhood elects one of its members as Representative, and he is confirmed by the National Assemblies.

Article 21.—The Patriarch of Jerusalem is elected by the National Assemblies of Constantinople, but the brotherhood has the right to express its opinion in regard to the merits of candidates. Immediately after the death of the Patriarch, the Representative convokes a general meeting of the brotherhood. This meeting prepares a list of names, just as this is done by the General Religious Assembly of Constantinople for the election of the Patriarch of Constantinople, but the list prepared by the brotherhood should contain at least seven names. This list is signed by the brotherhood and sent to the Patriarchate of Constantinople.

Article 22.—The person to be elected as Patriarch of Jerusalem should be at least thirty-five years of age, born an Ottoman subject, and a bishop or doctor (*vardapet*) belonging to the brotherhood, and not separated from it. Persons who, by the consent of the Patriarch of Jerusalem, have been employed by the Assemblies of Constantinople in some national office are not to be considered as having been separated from the brotherhood.

Article 23.—The Mixed Assembly, composed of the Religious and Political Assemblies, examines the merits of the persons indicated in the above-mentioned list, and, choosing three candidates, presents their names to the General Assembly. The list sent by the brotherhood should be kept hung in the hall of the General Assembly.

Taking into consideration the opinions expressed both by the brotherhood and by the two National Assemblies, the General Assembly elects by secret vote, and by the majority of votes, the one whom it regards as the worthiest in respect of learning as well as of good character.

In the General Assembly no votes should be given for any person whose name is not indicated in the list presented by the brotherhood.

IV. NATIONAL RELIGIOUS ASSEMBLY

Article 24.—The Religious Assembly consists of fourteen worthy ecclesiastics, who should be at least thirty years old and ordained at least five years ago.

Article 25.—The General Religious Assembly by a secret vote elects three times the number of the members of the National Assembly, and signs this list and presents it to the National General Assembly.

The General Assembly by a secret vote elects out of this list the members of the Religious Assembly. The report is presented by the Patriarch to the Sublime Porte, and the members of the Religious Assembly thus elected are confirmed by Imperial edict.

Article 26.—The Religious Assembly is dissolved in a body once in two years, at the end of April, and is re-elected in the beginning of May. The members of this Assembly cannot be re-elected immediately, but only after the lapse of two years.

Article 27.—When there are as many as three members of this Assembly wanting, either in consequence of resignation or from some other cause, others are elected by the General Assembly to take their places, but until this election shall have taken place, the majority of the whole number is to rule.

Article 28.—The Religious Assembly undertakes the general inspection of all the religious affairs of the nation. Its duties are to develop in the nation the religious sentiment, to preserve intact the profession and traditions of the Armenian Church, to promote the good order of churches and ecclesiastics, and to try to improve the present condition of ecclesiastics, and to secure the welfare of their future. It should visit from time to time the national schools and supervise the teaching of the Christian doctrines, in order to educate worthy and active doctors (*vardapets*) and priests, and when investigating any religious disputes that may arise in the nation, it should decide them according to the laws of the Church.

Article 29.—When the Religious Assembly cannot itself decide a purely religious question, it convokes all the bishops in Constantinople, the preachers of all the churches, the head priests, and if necessary the Metropolitans of the dioceses in the vicinity, to a General Religious Assembly. Should this General Assembly consider the question beyond its jurisdiction, then the question is referred to the Œcumenical *Katholikos* (at *Edgmiatsin*).

Article 30.—All kinds of reports of the Religious Assembly should always be signed by the majority of its members.

Article 31.—The authorisation for ordaining *vardapets*, whether in Constantinople or in the provinces, is given by the National Religious Assembly. The authorisation for ordaining priests in Constantinople is also given by the same Religious Assembly, and in the provinces by the local Religious Assemblies.

Article 32.—No authorisation for ordaining a new priest is granted until the priests of the church and the Council of the quarter send a written application urging the necessity of such authorisation.

Article 33.—The Religious Assembly elects the preachers (*vardapets*) for the churches in Constantinople as well as their head priests, and the Patriarch nominates them.

Article 34.—All elections in the Religious Assembly are by secret ballot.

Article 35.—The Religious Assembly should prepare a set of rules with the object of improving the present condition of ecclesiastics, and of securing their future welfare, so that they may perform gratuitously their spiritual affairs.

V. THE POLITICAL ASSEMBLY

Article 36.—The Political Assembly consists of twenty laymen well acquainted with the national affairs and with the laws of the Government.

Article 37.—The members of the Political Assembly are elected by the General Assembly by secret ballot and by a majority of votes, and, the report having been presented to the Sublime Porte by the Patriarch, they are confirmed in their office by an Imperial edict.

Article 38.—The Political Assembly is dissolved once in two years, at the end of April, and the re-election takes place in the beginning of May. The members of this Assembly may be re-elected after the lapse of two years, and, though for the first two years they cannot be candidates for the Political Assembly, still they may be employed in any other national office.

Article 39.—If any member of the Political Assembly shall have been absent from the sittings three times successively without sending a written explanation, a letter is sent to him by the Chairman of the Assembly asking for an explanation of his absence. If no answer be received he is notified by a second letter that in case of his absence at the next sitting he will be considered as having resigned.

Article 40.—When there are as many as three members wanting in the Political Assembly either in consequence of resignation or from some other cause, others are elected by the General Assembly to take their places, but until this election shall have taken place the majority of the whole number is to rule.

Article 41.—The Political Assembly undertakes the general superintendence of the political affairs of the nation. Its duties are to promote the good order and progress of the nation, to examine carefully any useful projects presented to its consideration by the Councils under its inspection and to facilitate their execution.

Article 42.—The Political Assembly refers the questions presented for its consideration to the Councils to which they belong, and it is only after having heard the opinion of those Councils that it can take action. And though it has the right to refuse for good reasons the decision taken by any of these Councils, yet it cannot by itself make a different arrangement in regard to the case in question, but it should once more refer it to the same Council. Neither can the Political Assembly change or dissolve any of the National Councils so long as they do not act contrary to the fundamental principles of the Constitution. But in case of a default of this kind the Assembly demands in the first instance an explanation from the Chairman of the Council in question. The second time it sends a written warning, and on the third occasion it may change the members of the Council, provided always that it shall explain in its biennial report to the General Assembly its reasons for so doing.

Article 43.—Should the Political Assembly consider the solution of any question presented to its consideration beyond its jurisdiction, it refers such question to the General Assembly.

VI. COUNCILS AND COMMITTEES ORGANISED BY THE POLITICAL ASSEMBLY

Article 44.—The Political Assembly should organise four Councils for educational, economical, and judicial affairs, and for the inspection of monasteries, and three Committees for financial administration. The term of office of the members of these Councils and Committees is two years, but half of their numbers must be changed at the end of each year.

The President of the Judicial Council is the vicar of the Patriarch of Constantinople.

1. *The Educational Council*

Article 45.—The Educational Council consists of seven well-educated laymen. Its object is the general inspection of the education of the nation. Its duties are to promote good order in the national schools, to help the Societies that have for their object the promotion of the education of both sexes, to improve the condition of teachers and to care for their future, to raise well-qualified teachers and to encourage the preparation of good text-books.

The Educational Council gives certificates to those students who have finished their course in a national school.

It selects the text-books and holds annual examinations.

But the supervision of the religious instruction belongs to the Religious Assembly, which Assembly selects the text-books for religious learning and the teachers, holds examinations and distributes certificates.

2. *The Economical Council*

Article 46.—This Council is to consist of seven well-qualified laymen whom the Political Assembly elects by a plurality of votes.

It is to this Council that belongs the general inspection of the financial administration of all national institutions in Constantinople and their properties. It is its duty to watch over the interests of these institutions.

It is its duty to see that each national estate is provided with the proper title-deed. Copies of the title-deeds of all national real estates in the provinces should be kept in the Bureau of the Patriarchate.

No selling or buying of national property is allowed without the knowledge of this Council and without the consent of the Political Assembly and the confirmation of such consent by the seal of the Patriarch.

In Constantinople and in its vicinity no national building can be constructed or repaired without the knowledge of this Council and without the consent of the Political Assembly.

It is also the duty of this Council to inspect the financial administration

of the Committees on finances, on wills, and on the Hospital, and to examine at certain times the books of the Councils of different quarters, and present a report to the Political Assembly.

Two months before the beginning of a new year it should ascertain from the Committee on finances the incomes and expenses for the coming year, prepare a budget, and present it to the Political Assembly.

3. *The Judicial Council*

Article 47.—The Judicial Council is composed of eight persons versed in law, married, and at least forty years of age, four of whom should be ecclesiastics, and the other four laymen.

The vicar of the Patriarch is the President of the Judicial Council, and all the members are elected by the Mixed Assembly by the plurality of votes. The function of this Council is to settle family disputes, and to examine and decide any questions referred to it for solution by the Sublime Porte.

In case the Judicial Council should consider any question beyond its capacity, then, according to the nature of the question, it recommends that it should be referred to the Political or to the Mixed Assembly. Should any person protest against the decision taken by this Council, the question is examined again by one of the above-mentioned Assemblies as the case may require.

4. *Council for Monasteries*

Article 48.—The monasteries are the property of the nation. Hence the supervision and control of their administration and the management of their finance belong to the nation.

Inasmuch as it is necessary for each monastery to have its own particular regulations, the Mixed Assembly, consisting of the Political and Religious Assemblies of the Central Administration, with due consideration of the opinions of the brotherhood of each monastery, and of the opinions of the Council for Monasteries, prepares a set of rules and presents it to the General Assembly for confirmation. The fundamental principles for such rules are :—

I. The special management of each monastery belongs to its brotherhood, but the right of the general superintendence of them all belongs to the Central Administration, of which the Council for Monasteries is the executive body.

II. The Abbot of each monastery is elected by its brotherhood, and is confirmed by the Patriarch with the consent of the Mixed Assembly of the Central Administration. The person to be elected Abbot should be over thirty years of age, a vardapet (doctor), and a subject of the Ottoman Empire.

III. All monasteries are obliged to promote the moral improvement of the nation. Hence each one, according to its capacity, should have a seminary, a library, a printing office, a hospital, and other similar useful establishments.

The Council for Monasteries is composed of seven persons elected by the Political Assembly by plurality of votes.

Its functions and duties are to superintend the execution of the rules of each monastery, to ascertain the revenues and the expenditure, and to arrange and regulate it all.

This Council elects from the brotherhood of each monastery the managers of the affairs of the monastery. These should perform their duties under the presidency of the Abbot and in accordance with the rules of the monastery, and at stated times should give an account of their doings to the Council for Monasteries.

5. *The Committee on Finance*

Article 49.—The Committee on finance consists of seven persons versed in financial affairs, who are elected by the Political Assembly by plurality of votes. Its function is the administration of the National Central Treasury.

The revenues of this Treasury are the general national taxes, the incomes of the Bureau of the Patriarchate of Constantinople, and the donations or wills to the nation without the specification of a place. Its expenditure consists of the usual expenses of the Patriarchate and its Bureau, the pecuniary aids granted to the national institutions under the immediate care of the Central Administration, and to needy quarters, and other casual expenses. The Committee collects the revenues and dispenses the expenditure with the knowledge of the Council for the general administration of finance and with the consent of the Political Assembly.

It is its duty to keep the accounts of the Treasury according to the strictest rules of book-keeping, and periodically to present the budget to the Council of the general administration of finance, which Council, after the necessary examination of it, communicates such budget to the Political Assembly.

6. *The Committee on Wills*

Article 50.—The Committee on wills consists of seven persons—three ecclesiastics and four laymen—elected by the Mixed Assembly by plurality of votes.

Its function is the management of wills in favour of the nation. Its duties are to superintend the execution of the wills in strict accordance with the object and intention of the makers of the wills.

Special rules for the guidance of this Committee should be prepared by the Mixed Assembly with the aid of this same Committee and the General Committee for finance, and they are to be confirmed by the General Assembly.

This Committee on wills should periodically present its accounts to the General Council of Finance, which Council, after the necessary examination, should communicate its report to the Political Assembly.

7. *The Trustees of the Hospital*

Article 51.—The Trustees of the Hospital shall be nine persons elected by the Political Assembly by plurality of votes. Two of these persons should be physicians furnished with diplomas. The duties of these trustees are to manage the National Hospital, its estates and revenues, and to administer it with these incomes and with the aids received from the Central Treasury.

This establishment should contain four departments, one for the care of the sick who are poor, the second for helpless old men, the third for the insane, the fourth for the education of orphans.

The arrangements and administration of this establishment should always be managed according to medical and hygienic laws.

These trustees are responsible to the General Council of Finances for the financial management of this establishment, and to the Educational Council for the educational department of it, and they should furnish periodically an account to these Councils.

VII. COUNCILS OF QUARTERS

Article 52.—These Councils consist of five to twelve members according to the locality. Their duties are the management of the affairs of their quarter, the care of the church and schools, the care of the poor and the investigation and settlement of disputes that may rise among their people.

Article 53.—Each quarter should have a treasury under the management of its Council. The income of this treasury is derived from the tax paid by the people of the quarter, the revenues of the church and the school, gifts or wills. Its expenses are the expenses of the school and aid given to the poor.

These Councils should keep a regular register of all births, marriages, and deaths in their respective quarters.

Article 54.—These Councils are directly responsible to the different Central Councils for their different departments. For the management of schools they are responsible to the Educational Council, for financial affairs to the Council of Finances, for judiciary affairs to the Judiciary Council. They should furnish periodically an account to each one of these Councils.

Article 55.—These Councils are elected by the people of the quarters, and whosoever shall not be deprived (according to the 67th Article of the Constitution) of the right of voting can take part in their election.

Article 56.—The rules to guide these Councils are to be prepared by the Political and Religious Assemblies.

The office of these Councils lasts four years. They are changed in the beginning of the fifth year, and their members may be immediately candidates for re-election.

VIII. THE NATIONAL GENERAL ASSEMBLY—ITS ORGANISATION
AND ITS DUTIES

Article 57.—The National General Assembly is composed of 140 deputies, of whom

- I. One-seventh, that is twenty, are ecclesiastical deputies elected by the ecclesiastics in Constantinople.
- II. Two-sevenths, that is forty, are deputies from the provinces.
- III. Four-sevenths, that is eighty, are deputies elected by the different quarters in Constantinople.

Article 58.—The members of the Religious and Political Assemblies attend the sittings of the General Assembly, but if they are not elected deputies they have no vote in the General Assembly.

Article 59.—The General Assembly can have no sitting if the majority of its members, that is at least seventy-one persons, be not present.

Article 60.—The functions of the General Assembly are to elect the Patriarchs, to participate in the election of the Katholikos, to elect the chief functionaries of the nation and the members of the Religious and Political Assemblies; to oversee the administration of the National Councils, to settle questions which belong to these Councils but are considered beyond their capacity, and to preserve the National Constitution intact.

Article 61.—The General Assembly will have a sitting

I. Once in two years, according to the old custom, in the latter part of the month of April, to hear the biennial report of the National Administration, to examine the general account of revenues and expenditures managed by financial functionaries, to elect new members for the Religious and Political Assemblies, to settle the national taxation for the next two years.

These biennial sittings should close within two months.

The members of the National Administrative Assemblies who are at the same time deputies in the General Assembly can take part in the discussions in these sittings, but cannot vote in any question except those of taxation and election,

II. To participate in the election of the Katholikos,

III. To elect the Patriarch of Constantinople, and the Patriarch of Jerusalem,

IV. To settle any discord between the Patriarch and the Political or Religious Assemblies. In such cases the parties in discord may take part in the discussions in the General Assembly, but can give no votes,

V. To revise the national Constitution,

Finally, for any question the decision of which belongs to the General Assembly.

But in case of such extraordinary sittings notice is given to the Sublime Porte and its consent is previously obtained.

Article 62.—The Patriarch convokes the General Assembly with the consent of the Political or of the Religious Assembly, or even at the

request of the majority of the members of the General Assembly. But before convoking such an extraordinary sitting the reasons for it should be explained to the Sublime Porte and its consent obtained.

THE ELECTION OF ECCLESIASTICAL DEPUTIES

Article 63.—All the ecclesiastics in Constantinople, at the invitation of the Patriarch, come together in a certain place, and by secret voting and by the majority of votes elect the ecclesiastical members of the National General Assembly from bishops, vardapets, and priests; but the candidates should not be holding any office in the provinces. They should be at least thirty years of age, ordained at least five years ago and under no accusation.

Article 64.—The office of the ecclesiastical deputies lasts ten years, and once in two years the fifth part of them is changed. This fifth part is changed by lot during the first eight years. All those who have ceased to be members either by lot or at the end of the ten years may be re-elected immediately.

THE ELECTION OF LAY DEPUTIES—QUALIFICATIONS FOR CANDIDATES AND ELECTION

Article 65.—The national tax and personal merits are considered the basis of the right of being electors.

In order to have the right of an elector a person should pay annually at least seventy-five piasters as national tax.

Those whose personal merits entitle them to be electors are persons employed in Government bureaux and in other Government offices, physicians with diplomas, authors of useful books, school teachers, persons who have rendered some valuable service to the nation.

Article 66.—Persons who are twenty-five years of age are entitled to be electors, provided they be Ottoman subjects.

Article 67.—The following are deprived of their right:—

- I. Those convicted of a crime, who, according to the penal laws of the country, are considered as morally dead.
- II. Persons who have been condemned by some National Council for fraud in the administration of national affairs and who have been deprived by a decision of one of these Councils of their right to hold any national office.
- III. Those who are undergoing a corrective punishment by the Courts of the Government and whose term is not yet finished.
- IV. The insane whose complete recovery is not legally confirmed.

Article 68.—Candidates are all those members of the nation who have attained their thirtieth year, are Ottoman subjects acquainted with the laws of the country and with national affairs, and who are not deprived of their right according to the 67th Article of the Constitution.

But at least seven of the eighty deputies to be elected by the different quarters in Constantinople should be persons holding a certain rank.

THE MANNER OF ELECTION

Article 69.—The National Political and Religious Assemblies, with the Chairmen of different Councils, hold a sitting once every two years, in the first part of the month of February, to prepare the list of the deputies to be elected by the quarters of Constantinople and by the provinces, and with the aid of the general census kept in the Bureau of the Patriarchate they decide the number of deputies to be elected by each quarter or by each province, taking as their basis for the quarters in Constantinople the number of the electors, and for the provinces the number of the inhabitants. The number of deputies thus decided upon should be communicated by the Patriarch to each quarter or province.

The office of the deputies lasts ten years, and once in two years the fifth part of the deputies elected by the quarters of Constantinople and by the provinces is changed; the election of this fifth part should take place once in two years by the quarters or by the provinces alternately.

The turn of this alternation should be decided by lot during the first eight years, on condition that in case the number of electors in a quarter or the number of the population in a province is diminished or increased, the number of the deputies to be elected by the quarter or the province in question should be diminished or increased proportionately.

Those who are to take the places of the deputies deceased or resigned should be elected every year two months before the beginning of a new year.

The deputies of the quarters should be elected by the inhabitants of Constantinople. But the deputies of the provinces should be elected by the General Assembly of each province.

Article 70.—The deputies of the quarters or of the provinces need not necessarily be the inhabitants of the same quarter or of the same province, provided they live in Constantinople, are well acquainted with the national affairs of the quarter or of the province they represent, and have, by their love for their nation, by their honesty and justice, deserved the esteem and confidence of their electors.

The national deputies are not regarded in the General Assembly as the deputies of any particular locality, but as the deputies of the nation, all enjoying the same equal rights.

Article 71.—The Patriarch sends a communication to every quarter in Constantinople, in the month of February, in regard to the one-fifth of the deputies to be elected by them every two years, giving notice of the number of the deputies to be elected by each one, and reminding them of the qualifications of electors and candidates.

On receiving this communication, the Councils in the quarters undertake the election of the deputies, but during the process of the election the preacher of the quarter, or in his absence the head of the priests, will preside, and from three to six honourable inhabitants of the place are added to the number of the Council.

The Electoral Council thus formed ascertains the number of those who have the right of election in their quarter, prepares in alphabetical order a

list of electors, and causes it to be hung for eight days in the Council hall, which is to be kept open during all this time.

The Electoral Council, in order to facilitate the decision of electors, prepares a list of candidates in three times the number required, and causes this list also to be hung in the Council hall; the electors, however, are in no way bound to follow this list.

In the provinces the members of the Provincial General Assemblies are elected in the same way.

THE VOTING

Article 72.—A week after the list of electors has been exposed, on a Sunday morning after service the voting is begun in the Council hall in the following manner.

The President of the Council of the quarter, the list of electors in hand, calls upon the electors in turn, who, after having signed their names in the list of electors, write on a piece of paper as many names as there are deputies required, one under the other, indicating before every name the surname, residence, and profession, fold the paper, and drop it in the box that is prepared especially for this purpose. But if the electors for some reason or other cannot personally come to the Council hall, they send their votes enclosed in a letter, which they should sign.

Article 73.—Voting is secret, so the voters should write their papers alone, so that no one else can see the names they write.

Article 74.—The voting should close the same day that it begins. No elector who does not present his vote that day has any right to protest afterwards.

Article 75.—No one can vote in two quarters at the same time.

Article 76.—If the quarters and dioceses that are united for election are near each other, then the electors come together for voting. But if they are far from each other each quarter or diocese holds its own voting, and then the results of the votes of the two parties are united.

Article 77.—After the voting is over, the same day and in the same sitting, in the presence of the Council of the quarter the box is opened, and the votes are counted by officers specially appointed for this purpose and sufficient in number for the number of voters.

Should any discrepancy be discovered, and should the Council of the quarter have any suspicion of fraud, a second ballot is appointed to be held on some other day before the next Sunday.

In the same way, if the required number of deputies be not obtained the first time, a second ballot is held for the rest some other day.

Article 78.—If it so happen that one of the voters has written on his paper more names than are required, the superfluous names are to be rejected. In the same way are to be rejected all papers where the names are not written one under the other.

Article 79.—Those are elected as deputies who have received the largest number of votes exceeding half the number of the voters, and if two persons have received the same number of votes the older one is to be elected.

Article 80.—If no majority be obtained on the first ballot, the Council of the quarter announces the names of the two persons who have obtained the largest number of votes, and the second ballot should be on those two names.

Article 81.—The Council of each quarter presents to the Patriarch the names of those who have been elected deputies in its quarter in an especial report, in which should be exactly indicated the names of those elected, their surnames, residence, profession, and all the circumstances of the election.

The Patriarch presents this report to the Political Assembly, which examines it and verifies the qualifications of those elected.

After that the Patriarch announces officially to every one of the deputies his legal election, and invites them to hold a sitting of the General Assembly on a certain day.

Article 82.—The General Assembly in its first sitting hears the reports examined by the Political Assembly, and confirms the elections and declares the General Assembly legally organised.

The General Assembly can begin its meetings when the majority of the deputies of Constantinople are elected without awaiting the end of the provincial elections, the results of which will be meanwhile communicated to Constantinople.

Article 83.—If a deputy be elected by several quarters or provinces he himself decides which of the elections he shall accept, and, in case he decline to decide, the General Assembly decides by lot.

Article 84.—The list of the deputies should be hung in the hall of the General Assembly made out in alphabetical order, and before each name should be indicated resignation, death, and anything else that may happen. This list should be revised once in two years.

CHAPTER II

GENERAL LAWS FOR ASSEMBLIES AND COUNCILS

Article 85.—Every Assembly and Council will have its officers, that is a Chairman, a Secretary, and sometimes also a second Chairman and a second Secretary. All these, of course, should be elected from the members of the Assembly. These officers are elected only for one year, but they may be re-elected.

Article 86.—No meeting can be held without the presence of the majority.

Article 87.—A question should be put to vote only after it has been thoroughly examined and discussed, and all decisions should be taken by plurality of voices. In case of a tie, should the President be present the decision will depend upon his vote, and, if absent, it will depend upon the vote of the Chairman.

Article 88.—In order to arrive at a decision in regard to a question discussed in the Mixed Assembly, each of the two Assemblies should vote separately. If the majority of both have arrived at the same decision,

then the question is settled. But if the decisions be different, it is considered as difference of opinion, and consequently the final settlement of the question is referred to the General Assembly.

In order that the Mixed Assembly may have a legal meeting the majority of both Assemblies should be present.

Article 89.—Invitations should be sent to the members from the Patriarchate at least six days before the day of the meeting.

CHAPTER III

NATIONAL TAXATION

Article 90.—Every member of the nation who is of age and capable of earning money is bound to participate in the national expenditure by paying a tax. This tax is annual, and the basis of its distribution is the capacity of the individual.

Article 91.—There are two kinds of national taxes—one general, for general expenses and collected by the Patriarchate for the National Central Treasury, the other special, for the special expenses of each quarter, and collected by the Councils of the quarters for their private treasuries.

Article 92.—The distribution and manner of collection of the general taxes for Constantinople are settled by the Political Assembly and confirmed by the General Assembly. But the special taxes are arranged by the Council of each quarter. In the same way are managed the provincial general taxes and the special taxes for each locality.

Article 93.—The General Assembly will decide and the Sublime Porte will confirm the manner of distribution and collection of the tax which the provinces have thus far been paying to the Treasury of the Patriarchate.

CHAPTER IV

NATIONAL PROVINCIAL ADMINISTRATION

Article 94.—The Metropolitan is the president of Provincial Assemblies and has their executive power under his control.

His duty is to see that the Constitution is preserved in the provinces.

Article 95.—The Metropolitan cannot reside in monasteries and thus be far from the place of his office, but he will live in the official residence of the Metropolitan, where the Provincial Assemblies also hold their meetings.

When a Metropolitan is at the same time an abbot he can carry on the two offices simultaneously if the monastery be only one day's journey from the metropolis, paying occasional visits to the monastery, but if the distance be more than one day's journey, he should appoint a representative in the monastery, and he himself should reside in the city. In case of need, however, he can visit any part of his diocese.

Article 96.—Every quarter in the provinces should have in the same way as those in Constantinople its Council, its treasury, and its officers.

In the metropolis there should be Political and Religious Assemblies, and under the direction of the Political Assembly there should be a provincial Treasury ; there should be also a provincial Bureau, where should be kept all the census books of all the people of the diocese.

Article 97.—The election of the Metropolitan is carried on in the Provincial General Assembly in the same way as the Patriarchs, and the report of the election is sent to the Patriarch by the Mixed Assembly. The Patriarch, with the consent of the Mixed Assembly of the National Central Administration, confirms the election and gives due notice of it to the Sublime Porte in order to obtain official authorisation.

Article 98.—The Provincial Assemblies are to be organised on the same plan as those of the Central Administration and have the same functions and duties. But the number of the members of the Provincial Assemblies will be fixed once for all according to the proportion of the inhabitants of each province.

Until the national taxation be fixed in the provinces, the electors of the Provincial General Assembly should be only those who belong to the first, second, and third classes of tax-payers to the Government. And the manner of the organisation of these Assemblies will be decided according to the population of each diocese by the Central Administration after due consultation with Metropolitans.

CHAPTER V

REVISION OF THE CONSTITUTION

Article 99.—The fundamental principles of the National Constitution are unchangeable. But if experience should make it desirable to modify certain points the General Assembly will, five years after the forming of the Constitution, organise a Committee of Revision. This Committee shall consist of twenty members—three from the Political Assembly, three from the Religious Assembly, two from each of the four Councils, and besides these six from the General Assembly or outsiders. This Committee shall report the necessary changes, which, after being ratified by the General Assembly, shall be presented to the Sublime Porte and put in force according to the Imperial edict.¹

¹ The General Assembly of the Armenian nation met regularly in Constantinople until 1892. Some of the Provincial Assemblies still continue their meetings. But the Constitution is practically in abeyance owing to the strained relations at present existing between the Palace and the Armenians.