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Mexican Constitution

Mexican Review



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

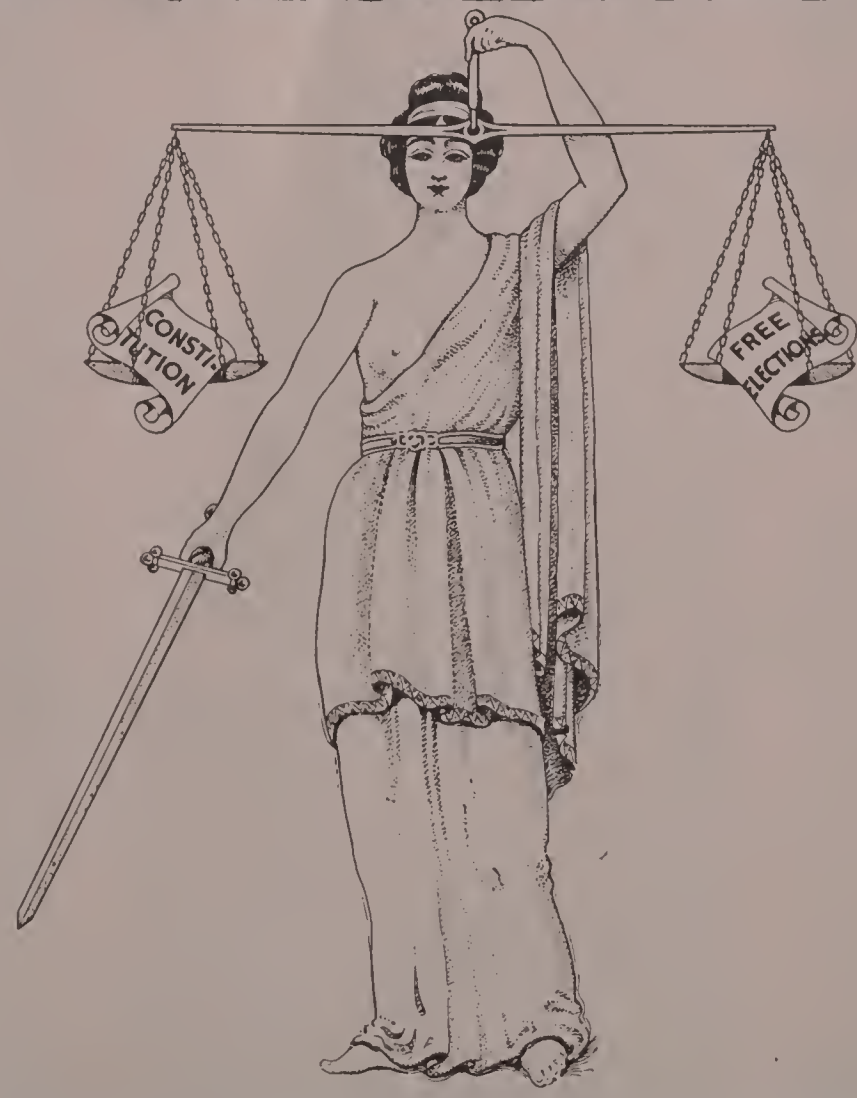


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NO. 6

MEXICAN CONSTITUTION OF 1917



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SPECIAL PRIVILEGES FOR NONE!

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latter the general legal principles shall govern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

judicially adjudicated to them in execution proceedings.

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

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

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

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

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

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

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

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

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

II—All cases pertaining to admiralty law.

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

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

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

VI—All cases concerning diplomatic agents and consular officers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE IV

OF THE RESPONSIBILITIES OF OFFICIALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE V

OF THE STATES OF THE FEDERATION.

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

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

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

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

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

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

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

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

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

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

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

Art. 117—No State shall—

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

II—Grant letters of marque or reprisal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE VI

OF LABOR AND SOCIAL WELFARE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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