

**TRANSLATION OF THE PROPOSED  
CONSTITUTION FOR CUBA: THE  
OFFICIAL ACCEPTANCE OF THE  
PLATT AMENDMENT, AND THE  
ELECTORAL LAW.**

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Translation of the Proposed Constitution for Cuba: The Official Acceptance of the platt amendment, and the electoral Law. by Various

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**VARIOUS**

**TRANSLATION OF THE PROPOSED  
CONSTITUTION FOR CUBA: THE  
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PLATT AMENDMENT, AND THE  
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Cuba. Constitution, 1901

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TRANSLATION

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OF THE

PROPOSED CONSTITUTION FOR CUBA, THE OFFICIAL  
ACCEPTANCE OF THE PLATT AMENDMENT,  
AND THE ELECTORAL LAW.

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Rec. Oct. 22, 1904.

Correct translation of the Proposed Cuban Constitution,  
compared with the official Spanish draft.

ALEX. GONZALES.

Havana, August 27, 1901.

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## CONSTITUTION OF THE REPUBLIC OF CUBA.

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We, the delegates of the people of Cuba, having met in Constitutional Convention for the purpose of preparing and adopting the fundamental law of their organization as an independent and sovereign people, establishing a government capable of fulfilling its international obligations, maintaining public peace, insuring liberty, justice, and promoting the general welfare, do hereby agree upon and adopt the following Constitution, invoking the protection of the Almighty.

### TITLE I.

#### THE NATION, ITS FORM OF GOVERNMENT, AND ITS TERRITORY.

ARTICLE 1. The people of Cuba are hereby constituted a sovereign and independent State and adopt a republican form of government.

ART. 2. The territory of the Republic is composed of the island of Cuba, as well as the adjacent islands and keys, which, together therewith, were under the sovereignty of Spain until the ratification of the treaty of Paris on December 10, 1898.

ART. 3. The territory of the Republic shall be divided into six provinces, as they exist at present and with the same boundaries, the provincial council of each to determine their respective names.

The provinces may be incorporated with each other or divided into new provinces through actions that may be agreed upon by the respective provincial councils and approved by Congress.

### TITLE II.

#### THE CUBAN PEOPLE.

ART. 4. Cuban citizens are native born or naturalized.

ART. 5. Native-born Cubans are:

First. Those born of Cuban parents within or without the territory of the Republic.

Second. Those born within the territory of the Republic of foreign parents, provided that on becoming of age they claim the right of inscription as Cubans in the proper register.

Third. Those born in foreign countries of native-born parents, who have forfeited their Cuban nationality, provided that on becoming of age they claim their inscription as Cubans in the same register.

**ART. 6. Naturalized Cubans are:**

First. Foreigners who, having served in the Liberating Army, may claim Cuban nationality within six months following the promulgation of this Constitution.

Second. Foreigners established in Cuba prior to January 1st, 1899, who may have retained their residence after said date, provided they claim Cuban nationality within the six months next following the promulgation of this Constitution, or, if minors, within a like period after they shall have attained their majority.

Third. Foreigners who, after five years' residence in the territory of the Republic and not less than two years from the time that they declared their intention of acquiring Cuban citizenship, may obtain their letters of naturalization in conformity with the laws.

Fourth. Spaniards residing in the territory of Cuba on the 11th day of April, 1899, who may not have been registered as such in the proper registers prior to the same month and day of 1900.

Fifth. Africans who may have been slaves in Cuba, and those who were emancipated and comprised in article 13 of the treaty of June 28th, 1835, entered into by Spain and England.

**ART. 7. Cuban citizenship is forfeited:**

First. By acquiring foreign citizenship.

Second. By accepting employment or honors from another government without permission of the Senate.

Third. By entering the military service of a foreign nation without a like permission.

Fourth. By a naturalized Cuban residing five years continuously in his native country, except by reason of his being in the employ of or fulfilling a commission of the Government of the Republic.

**ART. 8. Cuban citizenship may be reacquired as may be provided for by law.**

**ART. 9. Every Cuban shall—**

First. Bear arms in defense of his country in such cases and in the manner determined by the laws.

Second. Contribute to the payment of public expenses in such manner and proportion as the laws may prescribe.

### TITLE III.

#### FOREIGNERS.

**ART. 10. Foreigners residing within the territory of the Republic shall have the same rights and obligations as Cubans—**

First. As to protection of their persons and properties.

Second. As to the enjoyment of the rights guaranteed by Section I of the following title, excepting those exclusively reserved to citizens.

Third. As to the enjoyment of civil rights under the conditions and limitations prescribed in the law of aliens.

Fourth. As to the obligation of respecting and obeying the laws, decrees, regulations, and all other enactments that may be in force in the Republic.

Fifth. As to submission to the jurisdiction and decisions of the courts of justice and all other authorities of the Republic.

Sixth. As to the obligation of contributing to the public expenses of the State, province, and municipality.



## TITLE IV.

## RIGHTS GUARANTEED BY THIS CONSTITUTION.

SECTION FIRST.—*Individual rights.*

ART. 11. All Cubans have equal rights before the law. The Republic does not recognize any personal privileges or special rights.

ART. 12. No law shall have any retroactive effect, other than penal ones favorable to convicted or indicted persons.

ART. 13. Obligations of a civil nature arising from contracts or other acts or omissions, shall not be annulled or altered by either the legislature or Executive power.

ART. 14. The penalty of death shall in no case be imposed for crimes of a political nature, which shall be defined by law.

ART. 15. No person shall be arrested except in such cases and in the manner prescribed by law.

ART. 16. Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within twenty-four hours immediately following the arrest.

ART. 17. All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of the competent judge or court. Within the same time notice shall be served upon the party interested of any action which may have been taken in the matter.

ART. 18. No person shall be arrested except by warrant of a competent judge or court. The order directing the serving of the warrant of arrest shall be affirmed or reversed, after the accused shall have been heard in his defense, within seventy-two hours next following his imprisonment.

ART. 19. No person shall be indicted or sentenced except by competent judge or court, by virtue of laws in force prior to the commission of the crime, and in such manner as therein prescribed.

ART. 20. Any person arrested or imprisoned without legal formalities, or not in accordance with the provisions of this Constitution and the laws, shall be set at liberty at his own request or that of any citizen. The law will determine the prompt action which shall be taken in the case.

ART. 21. No person whatsoever is bound to give evidence against himself, nor husband or wife against each other, nor relatives within the fourth degree of consanguinity or second of affinity.

ART. 22. All correspondence and other private documents are inviolable, and neither shall be seized or examined except by order of a competent authority and with the formalities prescribed by the laws, and in all cases all points therein not relating to the matter under investigation shall be kept secret.

ART. 23. No person's domicile shall be violated; and therefore no one shall enter that of another at night, except by permission of its occupant, unless it be for the purpose of giving aid and assistance to victims of crime or accident; or in the daytime, except in such cases and manner as prescribed by law.

ART. 24. No person shall be compelled to change his domicile or residence except by virtue of an order issued by a competent authority and in the manner prescribed by law.

ART. 25. Every person may freely, without censorship, express his thoughts either by word of mouth or in writing, through the press, or in any other manner whatsoever, subject to the responsibilities specified by law, whenever thereby attacks are made upon the honor of individuals, upon social order, and upon public peace.

ART. 26. The profession of all religious beliefs, as well as the practice of all forms of worship, are free, without further restriction than that demanded by the respect for Christian morality and public order. The church shall be separated from the state, which shall in no case subsidize any religion.

ART. 27. All persons shall have the right to address petitions to the authorities, to have them duly acted upon, and to be informed of the action taken thereon.

ART. 28. All inhabitants of the Republic have the right to assemble peacefully unarmed, and to associate for all lawful pursuits of life.

ART. 29. All persons shall have the right to enter into and depart from the territory of the Republic, to travel within its boundaries, and to change their residence without requiring any safeguard, passport, or any other similar requisite, except as may be required by the laws governing immigration, and by the authorities, in cases of criminal responsibility, by virtue of the powers vested in them.

ART. 30. No Cuban shall be banished from the territory of the Republic or be prohibited from entering therein.

ART. 31. Primary education is compulsory and shall be gratuitous, as also that of arts and trades. The expenses thereof shall be defrayed by the State during such time as the municipalities and provinces, respectively, may lack sufficient means therefor. Secondary and advanced education will be controlled by the State. However, all persons may, without restriction, study or teach any science, art, or profession, and found and maintain establishments of education and instruction; but it pertains to the State to determine what professions shall require special titles, the conditions necessary for their practice, the necessary requirements to obtain the titles, and the issuing of the same as may be established by law.

ART. 32. No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same. Should the latter requirement not have been complied with, the judges and courts shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.

ART. 33. In no case shall the penalty of confiscation of property be imposed.

ART. 34. No person is obliged to pay any tax or impost not legally established and the collection thereof is not carried out in the manner prescribed by the laws.

ART. 35. Every author or inventor shall enjoy the exclusive ownership of his work or invention for the time and in the manner determined by law.

ART. 36. The enumeration of the rights expressly guaranteed by this Constitution does not exclude others that may be based upon the principle of the sovereignty of the people and upon the republican form of Government.

ART. 37. The laws regulating the exercise of the rights which this Constitution guarantees shall become null and void if they diminish, restrict, or change the said rights.

SECTION SECOND.—*Right of suffrage.*

ART. 38. All male Cubans over twenty-one years of age have the right of suffrage, with the following exceptions:

First. Inmates of asylums.

Second. Persons mentally incapacitated after having been judicially so declared.

Third. Persons judicially deprived of civil rights on account of crime.

Fourth. Persons in active service belonging to the land or naval forces.

ART. 39. The laws shall establish rules and procedures to guarantee the intervention of the minority in the preparation of the Electoral Census, and in other electoral matters, and their representation in the House of Representatives and in provincial and municipal councils.

SECTION THIRD.—*Suspension of constitutional guarantees.*

ART. 40. The guarantees established in articles 15, 16, 17, 19, 22, 23, 24, and 27 of the first section of this title shall not be suspended throughout the entire Republic, or in any part thereof, except temporarily and when the safety of the state may require it, in cases of invasion of the territory or of serious disturbances that may threaten public peace.

ART. 41. The territory within which the guarantees determined in the preceding article may have been suspended shall be governed during the period of suspension by the Law of Public Order previously enacted, but neither in the said law, or in any other, shall the suspension be ordered of any other guarantees than those already mentioned. Nor shall there be made, during the period of suspension, any declaration of new crimes, nor shall there be imposed other penalties than those established by the law in force at the time the suspension was ordered.

The Executive power is prohibited from banishing or exiling citizens to a greater distance than one hundred and twenty kilometers from their domicile, and from holding them under arrest for more than ten days without turning them over to the judicial authorities, and from rearresting them during the period of the suspension of guarantees. Persons arrested shall not be detained except in special departments of public establishments used for the detention of persons indicted for ordinary offenses.

ART. 42. The suspension of the guarantees specified in article 40 shall only be ordered by means of a law, or, when Congress is not in session, by a decree of the President of the Republic; but the latter shall not order the suspension more than once during the period comprised between two legislatures, nor for an indefinite period of time, nor for more than thirty days, without convening Congress in the same order of suspension. In every case the President shall report to Congress for such action as Congress may deem proper.