

The provisions respecting the length of notice in §§ 481 and 484 of the Civil Procedure Act are to be regulated in accordance with the date on which this notice was served on the defendants in the appeal.

III. PROCEDURE IN CRIMINAL CASES.

§ 21. In criminal cases the provisions of the Criminal Procedure Code, and of the law for its introduction, are applied according to the following provisions.

§ 22. The Consul exercises the functions of Judge ("Amtsrichter") and President of the Criminal Court ("Strafkammer").

§ 23. The enactment of § 30 of the Judicature Law applies to the employment of the Assessors.

§ 24. The State counsel (Staatsanwaltschaft) does not assist. Services of writs, execution of sentences, and decisions, as also the execution of penal sentences, are to be carried out through the Consul.

§ 25. So far as the State counsel, according to the Code for Criminal Procedure, has to take part in the case of a matter criminal and liable to prosecution in a Court of law, the Consul is officially bound to assume their function. He has, in particular, to initiate the inquiries obligatory upon the State counsel in the preliminary proceedings.

§ 26. No preliminary examination takes place.

The enactments of § 126 of the Criminal Procedure Code are not applied.

The swearing of a witness in preliminary proceedings is also permissible on the grounds indicated in § 65, paragraph 2, of the Criminal Procedure Code.

§ 27. The decision of the Consul respecting the laying of a criminal charge against the accused takes the place of the public indictment in cases where the trial ("Hauptverfahren") is not immediately opened. This decision must indicate the act with which the accused is charged, at the same time clearly showing its legal characteristics, and the criminal law applying to it.

The decision by which the trial is opened must also supply the evidence on which it is based.

§ 28. At the trial four Assessors are to be employed when the subject of the decision on which the trial is opened is a crime or an offence which belongs neither to the competency of the Petty Sessions ("Schöffengericht"), nor to the acts indicated in §§ 74 and 75 of the Judicature Law.

§ 29. The Court determines the extent of evidence to be taken, without being bound by motions ("Anträge"), renunciations ("Verzichte"), or former decisions.

§ 30. The salient points of the evidence are to be inserted in the record of the trial.

§ 31. If the punishable act is an offence which the Imperial Court or Jury Court is competent to deal with, the Consul is to take the measures of precaution required for the criminal prosecution of the accused, and also to undertake the proceedings of inquiry if there should be any danger from delay, or if the conditions are such as are provided for in § 65, paragraph 2, of the Criminal Procedure Act, and to send the documents at once to the State counsel at the competent Court of the Interior; in the case of § 9, paragraph 1, sentence 2, of the Criminal Procedure Code, he is to send them to the Chief Counsel of the Empire.

§ 32. In the cases indicated by §§ 45 and 449 of the Criminal Procedure Code, the length of notice is two weeks.

§ 33. There is no appeal against decisions on misdemeanours ("Uebertretungen") in criminal cases.

§ 34. In other criminal cases there is the remedy of appeal against decisions of the Consular Court.

§ 35. The Consular Court decides on complaints against the decisions of the Consul. The provision of § 23, paragraph 1, of the Criminal Procedure Code has no application in this case.

In the case of § 353 of the Criminal Procedure Code, the Consul has the power to alter his sentence, against which a protest has been lodged.

§ 36. The Imperial Court is the competent authority to deal with and decide on the remedy of appeal against decisions of the Consular Court, and also on the remedy of appeal.

Against the decisions of the Imperial Court there is no further appeal.

§ 37. In the cases provided for by §§ 353, 355, 358, and 360 of the Criminal Procedure Code, the length of notice is two weeks.

§ 38. The legal time for contesting a decision begins for the plaintiff ("Nebenkläger"), in the case provided for by § 439 of the Criminal Procedure Code, from the date of notification of the decision to the defendant.

§ 39. The Consul can take the evidence of witnesses and experts appointed to support the appeal, and swear the same, if the conditions are such as are provided for in § 65, paragraph 2, of the Criminal Procedure Code. The minutes of such evidence are to be at once sent to the Chief Counsel of the Empire. The provisions of §§ 223 and 250, paragraph 2, of the Criminal Procedure Code, are applicable according to the circumstances.

§ 40. The accused may appear at the trial before the Court of Appeal, or he may have himself represented by a defending counsel, provided with a written power of attorney.

The accused, if in custody, has no claim to appear in person.

If the accused has lodged his appeal, it will be tried even when neither the accused nor his representative appears.

In other respects the provisions contained in the 3rd part of the Third Book of the Criminal Procedure Code apply.

§ 41. A case closed by a legal decision can be reopened on official initiative.

§ 42. In criminal cases in which the Consul or the Consular Court in the first instance has pronounced sentence, the right of pardon rests with the Emperor.