

IV. PROCEDURE IN MATTERS WHICH DO NOT BELONG TO CONTENTIOUS JURISDICTION.

§ 43. In matters placed under the competency of the Consul by § 12, paragraph 2, the procedure is settled according to the provisions in force for the Prussian Departments, indicated in § 3, paragraph 1, in so far as these provisions would not presuppose the existence of institutions and conditions which are not found in the district belonging to the jurisdiction of the Consular Court.

The Imperial Court is the competent authority to hear and decide upon appeals against the decisions of the Court, according to the provisions indicated.

V. FINAL PROVISIONS.

§ 44. In legal matters to which the Civil Procedure Code, the Criminal Procedure Code, and the Bankruptcy Code are applicable, the laws for judicial costs and fees are in force for the officers of the Court ("Gerichtsvollzieher"), for witnesses and experts, as also for attorneys. In matters which do not belong to contentious jurisdiction, the provisions of the local laws in force in those Prussian Departments indicated in § 3, paragraph 1, are to be followed as regards fees, as long as there are no Imperial legal provisions to the contrary.

When there is a local custom regulating the fees of attorneys, it is applicable in the first instance.

§ 45. The insertion of a public announcement in the Imperial Gazette is not necessary.

§ 46. Fines are paid into the Imperial Treasury.

§ 47. New laws acquire legal force, so far as not otherwise provided by the Imperial laws, in the districts of Consular jurisdiction after the lapse of four months, reckoned from the day on which that part of the Imperial Law Book or the Prussian Code containing them was published in Berlin.

§ 48. This law comes into force for all districts belonging to the Consular jurisdiction at the same time as the Judicature Law.

At the same date the provisions of §§ 22 to 24 of the Consular Law of the 8th November, 1867 ("Bundesgesetzblatt," p. 137), and the additional provision of § 3 of the law of the 22nd April, 1871 ("Bundesgesetzblatt," p. 87), will be repealed.

§ 49. Military jurisdiction is not affected by this law.

§ 50. So far as legal matters pending for the day on which the law comes into force are to be settled in accordance with former laws, the Imperial Court takes the place of the Court of Appeal in Stettin.

Matters pending for the Court of Appeal in Stettin on the day indicated pass over to the Imperial Court in the legal stage at their time being.

The provision of § 18, paragraph 3, and of § 36, paragraph 2, are applicable to the decisions of the Imperial Court.

§ 51. The Chancellor of the Empire is to issue the regulations necessary for the execution of this law.

Given under our august hand and Imperial seal.

Given at Ems, 10th July, 1879.

WILLIAM.

Prince BISMARCK.

No. 2.

[TRANSLATION.]

Law respecting the Administration of Justice in the German-protected Territory, of 17th April, 1886.

WE, William, by the Grace of God German Emperor, King of Prussia, &c., &c., decree, in the name of the Empire, and with the consent of the Federal Council and Imperial Parliament, as follows:—

§ 1. The Protectorate in the German-protected territories is exercised by the Emperor in the name of the Empire.

§ 2. Civil law, criminal law, and judicial procedure are to be applied to protected territory in accordance with the provisions of the law on Consular jurisdiction of the 10th July, 1879 ("Reichsgesetzblatt," p. 197), which, in so far as hereinafter not otherwise provided, is to be applied, with the following modification: The official empowered by the Chancellor of the Empire to exercise jurisdiction is to take the place of the Consul, and the Court of the Protectorate, composed in accordance with the provisions relating to the same, is to take the place of the Consular Court. The date at which this is to come into force will be fixed by an Imperial order.

§ 3. An Imperial order can—

(1.) Decide that in the Protectorate persons other than those indicated in §§ 1 and 2 of the law respecting Consular jurisdiction shall be subjected to this jurisdiction.

(2.) That the official empowered to exercise the jurisdiction shall be authorised by the issue of police measures (§ 4 of the Consular Jurisdiction Law) to enforce obedience to the same by imprisonment not exceeding three months, arrest, fine, and seizure of particular articles of property.

(3.) Can hand over to the Courts of the Protectorates jurisdiction in matters appertaining to the competence of Jury Courts (§ 31 of the Consular Jurisdiction Law), so that—

(a.) Official counsel ("Staatsanwaltschaft") are to assist, and the official counsel is to be appointed by the official empowered to exercise jurisdiction, and is to be selected from the number of Imperial officials to be found in the Protectorates, or of persons admitted to practise as advocates, or of other respectable persons living within the jurisdiction of the Court ("Gerichtseingesessenen").

(b.) As far as circumstances permit, a preliminary examination is to be held, to be regulated hereafter by a special Imperial order.