

(c.) Four Assessors, in addition to the official empowered to exercise jurisdiction, are to assist at the trial ("Hauptverhandlung").

(d.) In other respects, the provisions which are indicated for criminal cases in § 28 of the Consular Jurisdiction Law are to be applied.

(4.) Can decide that the Court of Appeal and for receiving complaints ("Beschwerdegericht") in civil contentious cases ("Rechtsstreitigkeiten"), in bankruptcy cases, and in matters not pertaining to contentious jurisdiction ("streitige Gerichtsbarkeit"), shall be the Hanseatic Supreme Court or a German Consular Court; and in cases where a native is concerned, either as defendant or accused, a Court of Law in the Protectorate; and that in proceedings before a Court of Appeal, or for receiving complaints ("Beschwerdegericht"), the employment of legal counsel is not necessary.

(5.) Can prescribe simpler rules for the service and issue, &c., of writs, &c., enforcement of executions, and costs.

§ 4. The law relating to the marriage and the personal status of subjects of the Empire abroad of the 4th May, 1877 ("Bundesgesetzblatt," p. 599), is to be made applicable to the Protectorates, with the following modification: that it may be also made applicable, by Imperial decree, to persons other than subjects of the Empire, and that the official empowered by the Chancellor of the Empire to perform marriages and to deal with personal status is to take the place of the Federal Consul.

The date on which the above is to come into force will be fixed by Imperial order.

Berlin, 17th April, 1886.

WILHELM.
Prince BISMARCK.

No. 3.

[TRANSLATION.]

DECREE regulating the Administration of Justice within the State-protected Dominion of the New Guinea Company, 5th June, 1886.*

WE, William, by the Grace of God Emperor of Germany, King of Prussia, &c., pursuant to the law on jurisdiction within the State-protected German territories of the 17th April, 1886 (Imperial Gazette, p. 75), decree as follows, in the name of the Empire:—

§ 1. In pursuance of § 2 of the law on jurisdiction within the State-protected German territories, and subject to the modifications laid down in this decree, the law on Consular jurisdiction of the 10th July, 1879 (Imperial Gazette, p. 179), comes into force on the 1st September, 1886, within the protected dominion of the New Guinea Company.

§ 2. Under this jurisdiction (§ 1) come all persons dwelling or sojourning in the protected dominion, or regarding whom, apart hereof, a judiciable status within the limits of the protected dominion is consistent with the laws applicable to the case in point: to the natives, however, this jurisdiction applies only so far as they are distinctly placed under its force.

It rests with the Chancellor of the Empire, upon hearing the Board of the New Guinea Company, to decide who is to be regarded as a native in the sense of this decree, and to what extent natives, too, are to be placed under this jurisdiction (§ 1).

§ 3. On issuing Police Regulations (§ 4 of the law on Consular jurisdiction) the officer authorised to have cognisance under this jurisdiction is empowered to menace the non-observance of such regulations with imprisonment up to three months' simple confinement, fine, and with the confiscation of single objects, subject to the scope of powers to that effect conferred upon him by special decree on the part of the Chancellor of the Empire.

§ 4. The German Consular Court of Apia is nominated to be the Court of Appeals and Complaints in civil suits, bankruptcy proceedings, and all matters not pertaining to actionable jurisdiction.

In the procedure before the Court of Appeals and Complaints the issue of writs† is regulated by the corresponding mode of procedure of the first instance before the Consular Court. The employment of attorneys is not compulsory.

§ 5. To the extent of ways and means available within the protected dominion the officer charged with the administration of justice has to provide for the greatest possible safety with regard to the transmission of all writs, &c. To this effect he issues the needful regulations, and supervises their observance.

§ 6. The decisions ensuing upon verbal process in civil-suit procedure before the Courts of law within the protected dominion are to be served *ex officio*. In point of decisions merely referring to the hearing or judicial conduct of a case, inclusive of the return or adjournment of days of hearing, a publication is sufficient.

The indorsement of certification upon writs, &c., issued, may in all cases be effected by the Clerk of the Court.

If a writ be intended to secure the appearance on, or the observance of, a day fixed, or to prevent the lapse of a term, or to interrupt limitation of actions, its operative legal qualities stand effective from the day of presentation to the Court of the respective document or papers to be served or communicated, provided such document or papers be thereon issued for delivery.

The public announcement of a summons having been granted, the Court may, by orders to that effect, dispense with a notice in the newspapers.

Writs to be served beyond the limits of the protected dominion ensue by way of request.

Should a party dwelling beyond the limits of the protected dominion have no attorney residing within the same and qualified to meet the exigencies of an action, it may be ruled that such party

* Issued at Berlin, 9th June, 1886.

† *Translator's Note.*—The term "writ" is here and throughout this translation adopted to render the German expression "Zustellung" (plural "Zustellungen"), indicating all writs, documents, legal notifications, or other communications of any kind issued, transmitted, or delivered by a Court or Public Office.