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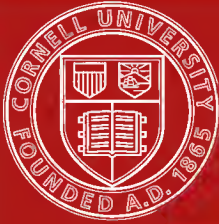
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CONSTITUTIONS
OF
THE GERMAN EMPIRE AND
GERMAN STATES

EDITED BY
EDWIN H. ZEYDEL



WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

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THE GERMAN EMPIRE.¹

AN HISTORICAL RÉSUMÉ.

In 1806 the Holy Roman Empire came to an end. By the peace of Pressburg Austria lost a large part of its territory and recognized Bavaria, Baden, and Württemberg as independent States. By their union into the Confederation of the Rhine on July 12, 1806, the smaller German States ceased to have even nominal connection with the Empire which was to disappear a few weeks later. The Confederation of the Rhine which included practically all of the German States except Austria and Prussia ceased to exist when the fortunes of war turned against the French.

After the fall of Napoleon it proved impossible to restore the old Empire, but the equally futile and powerless German Confederation was erected in its place. The Confederation act of June 8, 1815, was amended by the Vienna final act of May 15, 1820, which united the States for the repression of liberal principles, but gave to the Confederation no additional power for good.

Until the revolution of 1848 the movement for German unity was confined largely to liberal theorists, though the customs union which Prussia had formed with many of the smaller States furnished an example of the material benefits to be gained by closer union.

The revolution of 1848 forced the Governments to act. A German National Assembly met on May 18, 1848, and after a long and to a great extent fruitless debate, adopted the Imperial Constitution of March 28, 1849. Frederick William IV of Prussia was chosen Emperor. But by this time the liberal movement had begun to lose force; Austria had gained the victory over the revolutionary forces within its borders, and was resolved to oppose any scheme which would give to Prussia the leadership of a united Germany. The King of Prussia refused the proffered crown, and all hope of German unity for the time came to an end. The attempt of Prussia to establish a league of States also failed because of the opposition of Austria. The German Confederation was reestablished, to continue until Austria should be expelled from Germany by force of arms.

¹ This short historical resumé and the following translation of the Constitution of the German Empire are based on W. F. Dodd, *Modern Constitutions*, Vol. I, Chicago and London, 1909, pp. 321-351. The translation has been revised and brought up to date by a comparison with Stoerk-Rauchhaupt, *Handbuch der Deutschen Verfassungen*, München und Leipzig, 1913.

The Schleswig-Holstein affair led to an open conflict between Prussia and Austria in 1866. Upon the motion of Austria the Federal Diet on June 14, 1866, decided to mobilize the forces of the Empire against Prussia; that State, which had protested against this action, declared the Confederation dissolved. In the war which followed Austria and her allies among the small States were signally defeated, and by the Peace of Prague of August 23, 1866, Austria gave its "consent to the new organization of Germany without the participation of the Austrian Empire." Hanover, Electoral Hesse, Holstein, Schleswig, Nassau, and Frankfort were merged into the Prussian territory.

On August 18, 1866, the small States of North Germany entered into a treaty accepting the conditions proposed by Prussia on June 10, 1866, for the establishment of a German Confederation. In consequence of this agreement an elected assembly met at Berlin on February 24, 1867, and adopted a Constitution of the North German Confederation; this Constitution was ratified by the several States and went into effect on July 1, 1867.

By the Treaty of Prague the relations of the South German States to the new Confederation were to be settled by future negotiations. Bavaria, Württemberg, Baden, and Hesse entered the customs union and concluded offensive and defensive alliances with Prussia, but held back from any closer connection; it required the national feeling aroused by the war with France to complete the establishment of the German Empire. In November, 1870, the four South German States signed treaties giving in their adhesion to the Confederation; on December 10, 1870, the German Confederation became the German Empire; the King of Prussia assumed the imperial title at Versailles on January 18, 1871.

By the treaties with the South German States changes had been introduced into the Constitution of the North German Confederation; the Constitution of the Empire was now contained in four documents: (1) The Constitution of the North German Confederation; (2) the treaty of November 15, 1870, between the North German Confederation, Baden, and Hesse; (3) the treaty of November 25, 1870, between the North German Confederation, Baden, and Hesse on the one side and Württemberg on the other; (4) the treaty of November 23, 1870, concerning the adhesion of Bavaria to the North German Confederation. The Imperial Constitution of April 16, 1871, was practically a consolidation of the permanent provisions of these four instruments.

Since 1871 the Constitution has been amended ten times; these amendments are indicated in their proper places in the text given below. The acquisition of Alsace-Lorraine and of Heligoland involved no change in the text of the Constitution.

In the text of the Constitution which is given below only the formal amendments have been indicated. By means of addition of territory, interpretation in practice, and of ordinary legislation, the Constitution has in fact undergone many other changes of importance. In a recent article¹ Prof. Laband calls attention to the following alterations which have taken place in this informal manner:

- (1) Article 1, through the extension of the Imperial territory.
- (2) Article 4, through the extension of the competence of the Empire to matters which are not mentioned therein.
- (3) Article 13, through the practice which has developed of having the Bundesrat sit permanently.
- (4) Article 17, through the establishment of responsible substitutes for the Imperial Chancellor, and the creation of the office of *Statthalter* of Alsace-Lorraine.
- (5) Article 18, paragraph 1, through the creation, by the law of March 9, 1899, of a separate section in the Imperial military court, whose members are appointed by the King of Bavaria.
- (6) Article 20, paragraph 2, through the addition of deputies from Alsace-Lorraine.
- (7) Article 34, through the admission of Hamburg and Bremen within the common customs frontier.
- (8) Article 35, through the introduction of new consumption taxes, and through the entry of the South German States into the general system of taxation of brandy.
- (9) Article 38, paragraph 1, through the assignment to the States of revenues derived from the tobacco tax and from the consumption tax on brandy.
- (10) Article 50, paragraph 2, by section 50 of the law of October 28, 1871, regarding the postal system.
- (11) Article 54, paragraph 4, by the Imperial law of April 5, 1886.
- (12) Article 60, by the Imperial law of May 26, 1893.
- (13) Article 74, by the Criminal Code.
- (14) Article 75, by the *Gerichtsverfassungsgesetz* of January 27, 1877.

Article 77 and the temporary provisions contained in articles 18, 51, 56, 61, and 71 have also ceased to be in force.

¹ *Die geschichtliche Entwicklung der Reichsverfassung seit der Reichsgründung, Jahrbuch des öffentlichen Rechts, Vol. I.*

CONSTITUTION OF APRIL 16, 1871.¹

His Majesty the King of Prussia, in the name of the North German Confederation, His Majesty the King of Bavaria, His Majesty the King of Württemberg, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and Rhenish Hesse for those parts of the Grand Duchy of Hesse lying south of the Main, conclude an eternal alliance for the protection of the territory of the Confederation, and of the rights of the same as well as for the promotion of the welfare of the German people. This Confederation shall bear the name of the German Empire. and shall have the following Constitution:

I. FEDERAL TERRITORY.

ARTICLE 1. The territory of the Confederation shall consist of the States of Prussia with Lauenburg, Bavaria, Saxony, Württemberg. Baden, Hesse, Mecklenburg-Schwerin, Saxe-Weimar, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg. Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss, older line, Reuss, younger line, Schaumburg-Lippe, Lippe, Lübeck, Bremen, and Hamburg.

II. LEGISLATION OF THE EMPIRE.

ART. 2. Within this Federal territory the Empire shall exercise the right of legislation in accordance with the provisions of this Constitution; and the laws of the Empire shall take precedence of the laws of the States. The laws of the Empire shall receive their binding force by Imperial promulgation, through the medium of an Imperial gazette. If no other time is designated for the published law to take effect, it shall become effective on the fourteenth day after its publication in the Imperial gazette at Berlin.

ART. 3. There shall be a common citizenship for all Germany, and the members (subjects or citizens) of each State of the Confederation shall be treated in every other State as natives, and shall accordingly have the right of becoming permanent residents; of carrying on business; of filling public offices; of acquiring real estate; of obtaining citizenship, and of enjoying all other civil rights under the same con-

¹ In the preparation of this text use has been made of the translation in Howard's *German Empire*, and of that issued by Prof. E. J. James (2d ed., Philadelphia, 1899). It has been revised by a comparison with Stoerk-Rauchhaupt, pp. 8-25. Cf. note on p. 5, *supra*.

ditions as those born in the State, and shall also have the same treatment as regards judicial remedies and the protection of the laws.

No German shall be limited in the exercise of these rights by the authorities of his native State, or by the authorities of any other State of the Confederation.

The regulations governing the care of paupers and their admission into the various local unions, shall not, however, be affected by the principle enunciated in the first paragraph.

In like manner, until further action, those treaties shall remain in force which have been concluded between the several States of the Confederation in relation to the taking over of persons liable to be deported, the care of sick and the burial of deceased citizens.

With respect to the performance of military service in the several States, the necessary laws will be passed by the Empire.

As against foreign countries all Germans shall have an equal claim upon the protection of the Empire.

ARR. 4. The following matters shall be under the supervision of the Empire and subject to Imperial legislation:

(1) Regulations with respect to the freedom of migration; matters of domicile and settlement; citizenship; passports; surveillance of foreigners; trade and industry, including insurance; so far as these matters are not already provided for by article 3 of this Constitution, in Bavaria, however, exclusive of matters relating to domicile and settlement; and likewise matters relating to colonization and emigration to foreign countries;

(2) Legislation concerning customs duties, commerce, and such taxes as are to be applied to the uses of the Empire;

(3) Regulation of weights and measures; of the coinage; and the establishment of the principles for the issue of funded and unfunded paper money;

(4) General banking regulations;

(5) Patents for inventions;

(6) The protection of intellectual property;

(7) The organization of a general system of protection for German trade in foreign countries, of German navigation, and of the German flag on the high seas; and the establishment of a common consular representation, which shall be maintained by the Empire:

(8) Railway matters, subject in Bavaria to the provisions of article 46; and the construction of land and waterways for the purposes of public defense, and of general commerce;

(9) Rafting and navigation upon waterways which are common to several States, the condition of such waterways, river and other water dues [and also the signals of maritime navigation (beacons, buoys, lights, and other signals)];¹

¹ The last clause of this section was added by law of March 3, 1873.

(10) Postal and telegraph affairs; in Bavaria and Württemberg, however, only in accordance with the provisions of article 52;

(11) Regulations concerning the reciprocal execution of judicial sentences in civil matters, and the fulfilment of requisitions in general;

(12) The authentication of public documents;

(13) General legislation as to the whole domain of civil and criminal law, and judicial procedure;¹

(14) The Imperial military and naval affairs;

(15) Police regulation of medical and veterinary matters;

(16) Laws relating to the press, and to the right of association.

ART. 5. The legislative power of the Empire shall be exercised by the Bundesrat and the Reichstag. A majority of the votes of both bodies shall be necessary and sufficient for the passage of a law.

With respect to laws concerning the army, or navy, or the taxes specified in article 35, the vote of the præsidium² shall decide in case of a difference of opinion in the Bundesrat, if such vote be in favor of the maintenance of existing arrangements.

III. THE BUNDESRAT.

ART. 6. The Bundesrat shall consist of representatives of the members of the Confederation, among which the votes shall be divided in such manner that Prussia with the former votes of Hanover, Electoral Hesse, Holstein, Nassau, and Frankfort shall have 17 votes; Bavaria, 6; Saxony, 4; Württemberg, 4; Baden, 3; Hesse, 3; Mecklenburg-Schwerin, 2; Saxe-Weimar, 1; Mecklenburg-Strelitz, 1; Oldenburg, 1; Brunswick, 2; Saxe-Meiningen, 1; Saxe-Altenburg, 1; Saxe-Coburg-Gotha, 1; Anhalt, 1; Schwarzburg-Rudolstadt, 1; Schwarzburg-Sondershausen, 1; Waldeck, 1; Reuss, older line, 1; Reuss, younger line, 1; Schaumburg-Lippe, 1; Lippe, 1; Lübeck, 1; Bremen, 1; Hamburg, 1; total, 58 votes.

Each member of the Confederation may appoint as many delegates to the Bundesrat as it has votes, but the votes of each State shall be cast only as a unit.

ART. 6*a*.³ Alsace-Lorraine shall carry 3 votes in the Bundesrat so long as the provisions of article 2, sections 1 and 2, paragraphs 1 and 3, of the law concerning the Constitution of Alsace-Lorraine of May 31, 1911, remain in force.

The votes of Alsace-Lorraine shall not be counted if the addition of these votes alone would give the majority to the presidential vote or would give it the casting vote as contemplated in article 7, para-

¹ As amended December 20, 1873. The original text read: "General legislation concerning the law of obligations, criminal law, commercial law and commercial paper, and judicial procedure."

² I. e., Prussia.

³ Article 6*a* was inserted by law of May 31, 1911; cf. Stoerk-Rauchhaupt, pp. 10 and 11.

graph 3. sentence 3. The same proviso shall hold good in voting upon resolutions making alterations in the Constitution.

Alsace-Lorraine is to be understood to be a Federal State in the sense of article 6, section 2, and of articles 7 and 8.

ART. 7. The Bundesrat shall take action upon:

(1) The measures to be proposed to the Reichstag, and the resolutions passed by the same;

(2) The general administrative provisions and arrangements necessary for the execution of the Imperial laws, so far as no other provision is made by law;

(3) The defects which may be discovered in the execution of the Imperial laws, or of the provisions and arrangements heretofore mentioned.

Each member of the Confederation shall have the right to make propositions and introduce motions, and it shall be the duty of the præsidium to submit them for deliberation.

Decision shall be reached by simple majority, with the exceptions provided for by articles 5, 37, and 78. Votes not represented or not instructed shall not be counted. In the case of a tie, the vote of the præsidium shall decide.

When legislative action is taken upon a subject which, according to the provisions of this Constitution, does not concern the whole Empire, only the votes of those States of the Confederation interested in the matter in question shall be counted.

ART. 8.¹ The Bundesrat shall appoint from its own members permanent committees:

- (1) On the army and the fortifications;
- (2) On marine affairs;
- (3) On customs duties and taxes;
- (4) On commerce and trade;
- (5) On railroads, posts, and telegraphs;
- (6) On judicial affairs;
- (7) On accounts.

In each of these committees there shall be representatives of at least four States of the Confederation, besides the præsidium, and each State shall be entitled to only one vote therein. In the committee on the army and fortifications Bavaria shall have a permanent seat; the remaining members of this committee, as well as the members of the committee on marine affairs, shall be appointed by the Emperor; the members of the other committees shall be elected by the Bundesrat. These committees shall be newly formed at each session of the Bundesrat, i. e., each year, and the retiring members shall be eligible for reelection.

¹ Decisions of the Bundesrat have added hereto: committees for Alsace-Lorraine, for the Constitution, for the order of business, for railroad freight tariffs.

A committee on foreign affairs, over which Bavaria shall preside, shall also be appointed in the Bundesrat; it shall be composed of the plenipotentiaries of the Kingdoms of Bavaria, Saxony, and Württemberg, and of two plenipotentiaries of other States of the Empire, who shall be elected annually by the Bundesrat.

The employees necessary for the conduct of their work shall be placed at the disposal of the committees.

ART. 9. Each member of the Bundesrat shall have the right to appear in the Reichstag, and must be heard there at any time he shall so request, in order to represent the views of his Government, even when such views shall not have been adopted by the majority of the Bundesrat. No one shall at the same time be a member of the Bundesrat and of the Reichstag.

ART. 10. The Emperor shall afford the customary diplomatic protection to the members of the Bundesrat.

IV. THE PRESIDENCY.

ART. 11. To the King of Prussia shall belong the presidency of the Confederation, and he shall have the title of German Emperor. It shall be the duty of the Emperor to represent the Empire among nations, to declare war and to conclude peace in the name of the Empire, to enter into alliances and other treaties with foreign countries, to accredit ambassadors and to receive them.

For a declaration of war in the name of the Empire, the consent of the Bundesrat is required, unless an attack is made upon the Federal territory or its coasts.

So far as treaties with foreign countries relate to matters which, according to article 4, are to be regulated by Imperial legislation, the consent of the Bundesrat shall be required for their conclusion, and the approval of the Reichstag shall be necessary to render them valid.

ART. 12. The Emperor shall have the right to convene the Bundesrat and the Reichstag, and to open, adjourn, and close them.

ART. 13. The Bundesrat and the Reichstag shall be convened annually, and the Bundesrat may be called together for the preparation of business without the Reichstag; the latter, however, shall not be convened without the Bundesrat.

ART. 14. The Bundesrat shall be convened whenever a meeting is demanded by one-third of the total number of votes.

ART. 15. The Imperial Chancellor, to be appointed by the Emperor, shall preside in the Bundesrat, and supervise the conduct of its business.

The Imperial Chancellor shall have the right to delegate the power to represent him to any other member of the Bundesrat; this delegation shall be made in writing.

ART. 16. The necessary bills shall be laid before the Reichstag in the name of the Emperor, in accordance with the resolutions of the Bundesrat, and shall be advocated in the Reichstag by members of the Bundesrat, or by special commissioners appointed by the latter.

ART. 17. It shall be the duty of the Emperor to prepare and publish the laws of the Empire, and to supervise their execution. The decrees and ordinances of the Emperor shall be issued in the name of the Empire, and shall require for their validity the counter-signature of the Imperial Chancellor, who thereby assumes the responsibility for them.

ART. 18. The Emperor shall appoint Imperial officials, cause them to take the oath to the Empire, and dismiss them when necessary.

Officials of any one of the States of the Confederation, who shall be appointed to any Imperial office, shall enjoy, with reference to the Empire, the same rights as those to which they are entitled in their native State by virtue of their official position, provided that no other legislative provision shall have been made previous to their entrance into the service of the Empire.

ART. 19. If the States of the Confederation do not fulfill their constitutional duties, they may be compelled to do so by execution. This execution shall be decided upon by the Bundesrat, and carried out by the Emperor.

V. THE REICHSTAG.

ART. 20. The members of the Reichstag shall be chosen in a general direct election and by secret ballot.

Until regulation by law, the power to make such regulation being reserved by section 5 of the Election Law of May 31, 1869, 48 deputies shall be elected in Bavaria, 17 in Württemberg, 14 in Baden, 6 in Hesse south of the River Main, and the total number shall consequently be 382.¹

ART. 21. Government officials shall not require leave of absence in order to enter the Reichstag.

When a member of the Reichstag accepts a salaried office of the Empire, or a salaried office in one of the States of the Confederation, or accepts any office of the Empire or of a State involving higher rank or salary, he shall forfeit his seat and vote in the Reichstag, but may recover his place in the same by a new election.

ART. 22. The proceedings of the Reichstag shall be public.

No one shall be held responsible for truthful reports of the proceedings of the public sessions of the Reichstag.

¹ Including, that is to say, those deputies returned by the States of the North German Confederation. By law of June 25, 1873, 15 additional members are elected from Alsace-Lorraine. With certain minor exceptions every male German of the age of 25 years may vote for members of and may be elected to the Reichstag.

ART. 23. The Reichstag shall have the right to propose laws within the competence of the Empire, and to refer petitions, addressed to it, to the Bundesrat or the Chancellor of the Empire.

ART. 24. The Reichstag shall be elected for five years.¹ It may be dissolved during that time by a resolution of the Bundesrat, with the consent of the Emperor.

ART. 25. In case of a dissolution of the Reichstag, new elections shall take place within a period of 60 days, and the Reichstag shall be called together within a period of 90 days after its dissolution.

ART. 26. Without the consent of the Reichstag, an adjournment of that body shall not exceed the period of 30 days, and shall not be repeated during the same session.

ART. 27. The Reichstag shall examine into the legality of the election of its members and decide thereon. It shall regulate its own procedure, and its own discipline, through its order of business, and elect its president, vice-presidents, and secretaries.

ART. 28. The Reichstag shall take action by absolute majority. To render any action valid, the presence of a majority of the statutory number of members is required.²

ART. 29. The members of the Reichstag are the representatives of the people as a whole, and shall not be bound by orders or instructions.

ART. 30. No member of the Reichstag shall at any time suffer legal or disciplinary prosecution on account of his vote, or on account of utterances made while in the performance of his functions, or be held responsible in any other way outside of the Reichstag.

ART. 31. Without the consent of the Reichstag, no one of its members shall be tried or arrested during the session for any penal offense, unless he be taken in the commission of the offense, or during the course of the following day.

Like consent shall be required in the case of arrest for debt.

At the request of the Reichstag all criminal proceedings instituted against one of its members, and any detentions for judicial inquiry or in civil cases, shall be suspended during its session.

ART. 32. The members of the Reichstag as such shall receive no salaries. They shall receive an indemnification in accordance with the provisions of law.³

¹Article 24 amended from 3 to 5 years, March 19, 1888.

²The second paragraph of this article was repealed by law of February 24, 1873. It read as follows: "For the decision of matters which, according to this Constitution, do not concern the entire Empire, only such members shall vote as are elected from States whose interests are affected by the proposition."

³As altered May 21, 1906. Article 32, as originally worded, forbade any compensation to members of the Reichstag. A law of May 21, 1906, provides that members of the Reichstag shall receive: (1) Free transportation on the German railways during the sessions of the Reichstag and for 8 days before the beginning of and 8 days after the close of each session; and (2) a yearly remuneration of 3,000 marks.

VI. CUSTOMS AND COMMERCE.

ART. 33. Germany shall form one customs and commercial territory, having a common frontier for the collection of duties. Such parts of the territory as can not, by reason of their situation, be suitably embraced within the customs frontier, shall be excluded.

All articles which are the subject of free traffic in one State of the Empire may be brought into any other State, and in the latter shall be subject only to such internal taxes as are imposed upon similar domestic productions.

ART. 34. The Hanse cities, Bremen and Hamburg, together with a part of their own or of the surrounding territory suitable for such purpose, shall remain free ports outside of the common customs frontier, until they request admission within such frontier.

ART. 35. The Empire shall have the exclusive power to legislate concerning everything relating to the customs; concerning the taxation of salt and tobacco produced in the Federal territory, and of domestic brandy and beer, and of sugar and sirup prepared from beets or other domestic products; concerning the mutual protection against fraud with reference to all taxes upon articles of consumption levied in the several States of the Empire; as well as concerning the measures which may be required in the territory, outside the customs boundaries, for the security of the common customs frontier.

In Bavaria, Württemberg, and Baden, the matter of taxing domestic brandy and beer is reserved to the legislation of the States. The States of the Confederation shall, however, endeavor to bring about uniform legislation regarding the taxation of these articles also.

ART. 36. The administration and collection of customs duties and of the taxes on articles of consumption (article 35) shall be left to each State of the Confederation within its own territory, so far as these functions have heretofore been exercised by each State.

The Emperor shall superintend the observance of legal methods by means of Imperial officers whom he shall appoint, after consulting the committee of the Bundesrat on customs duties and taxes, to act in cooperation with the customs or tax officials and with the directive boards of the several States.

Reports made by these officers concerning defects in the administration of the joint legislation (article 35) shall be submitted to the Bundesrat for action.

ART. 37. In taking action upon the rules and regulations for the execution of the joint legislation (article 35), the vote of the praesidium shall decide when it is cast in favor of maintaining the existing rule or regulation.

ART. 38. The revenues from customs and from the other taxes designated in article 35, so far as the latter are subject to Imperial legislation, shall go to the treasury of the Empire.

Such revenues shall consist of the total receipts from the customs and excise taxes, after deducting therefrom:

- (1) Tax rebates and reductions in conformity with existing laws or general administrative regulations;
- (2) Reimbursements for taxes improperly collected;
- (3) The costs of collection and of administration, viz:
 - (a) In case of the customs, the costs which are required for the protection and collection of customs on the frontiers and in the frontier districts;
 - (b) For the salt tax, the costs which are incurred for the salaries of the officers charged with the collection and control of this tax at the salt works;
 - (c) For the taxes on beet sugar and on tobacco, the compensation which is to be allowed, according to the existing rules of the Bundesrat, to the several State Governments for the cost of administering these taxes;
 - (d) Fifteen per cent of the total receipts from other taxes.

The territories situated outside of the common customs frontier shall contribute to the expenses of the Empire by payment of a lump sum.

Bavaria, Württemberg, and Baden shall not share in the revenues which go into the treasury of the Empire, from duties on brandy and beer, nor in the corresponding portion of the aforesaid payments in lump sum.

The provision of article 38, paragraph 2, number 3 (d) of the Imperial Constitution is repealed, in so far as it relates to the tax on breweries. The compensation to be allowed to the States for the expense of collecting and administering the tax on breweries shall be fixed by the Bundesrat.¹

ART. 39. The quarterly summaries made by the revenue officers of the Federal States at the end of each quarter, and the final statement, made at the end of the year, after the closing of the accounts, of the receipts which have become due in the course of the quarter, or during the fiscal year, from customs and from taxes on consumption which, according to article 38, belong to the treasury of the Empire, shall be arranged by the administrative officers of the various States, after a preliminary audit, into general summaries, in which each tax shall be separately entered. These summaries shall be transmitted to the Committee of Accounts of the Bundesrat.

The latter, upon the basis of these summaries, shall fix provisionally every three months the amounts due to the Imperial treasury

¹ The last paragraph of article 38 was added by amendment of June 3, 1906.

from the treasury of each State, and it shall inform the Bundesrat and the States of the amounts so fixed; furthermore, it shall submit to the Bundesrat annually the final statement of these amounts with its remarks. The Bundesrat shall take action upon the determination of such amounts.

ART. 40. The terms of the Customs Union Treaty of July 8, 1867, shall remain in force, so far as they have not been altered by the provisions of this Constitution, and so long as they are not altered in the manner designated in articles 7 or 78.

VII. RAILWAYS.

ART. 41. Railways, which are considered necessary for the defense of Germany, or in the interest of general commerce, may, by force of Imperial law, be constructed at the expense of the Empire, even against the opposition of the members of the Union through whose territory the railroads run, without prejudice, however, to the sovereign rights of the States; or private persons may be granted the right to construct railways, and receive the right of eminent domain.

Every existing railway is bound to permit new railroad lines to be connected with it, at the expense of the said new lines.

All laws which grant existing railway undertakings the right to prevent the building of parallel or competitive lines are hereby repealed throughout the Empire, without prejudice to rights already acquired. Such rights of prevention shall not be granted in future concessions.

ART. 42. The Governments of the Federal States bind themselves, in the interest of general commerce, to manage the German railways as one system, and for this purpose to have all new lines constructed and equipped according to a uniform plan.

ART. 43. Accordingly, as soon as possible, uniform arrangements as to operation shall be made, and especially shall uniform regulations be adopted for the police of railways. The Empire shall take care that the various railway administrations keep the roads at all times in such condition as is necessary for public security and furnish them with such equipment as the needs of traffic may require.

ART. 44. Railway administrations are bound to run as many passenger trains of suitable speed as may be required for through traffic, and for the establishment of harmony between time tables; also to make provision for such freight trains as may be necessary for the transport of goods, and to organize a system of through forwarding both in passenger and freight traffic, permitting rolling stock to go from one road to another for the usual remuneration.

ART. 45. The Empire shall have control of the tariff of charges. It shall especially exert itself to the end:

(1) That uniform regulations as to operation be introduced as soon as possible on all German railway lines;

(2) That the tariff be reduced and made uniform as far as possible, and particularly that in the long-distance transportation of coal, coke, wood, ores, stone, salt, pig iron, manure, and similar articles, a tariff be introduced suitably modified in the interests of agriculture and industry; and that the 1-pfennig tariff be introduced as soon as practicable.

ART. 46. In case of public distress, especially in case of an extraordinary rise in the price of provisions, it shall be the duty of the railroads to adopt temporarily a low special tariff suited to the circumstances, to be fixed by the Emperor on motion of the competent committee of the Bundesrat, for the transport of grain, flour, legumes, and potatoes. This tariff shall, however, not be lower than the lowest existing rate for raw produce on the said line.

The foregoing provisions, and those of articles 42 to 45, shall not apply to Bavaria.

The Imperial Government, however, shall have the power, with respect to Bavaria also, to establish by means of legislation uniform standards for the construction and equipment of railways which may be of importance for the defense of the country.

ART. 47. The managers of all railways shall be required to obey, without hesitation, requisitions made by the authorities of the Empire for the use of their roads for the defense of Germany. In particular shall troops and all materials of war be forwarded at uniformly reduced rates.

VIII. POST AND TELEGRAPH.

ART. 48. The postal and telegraph systems shall be organized and managed on a uniform plan, as State institutions throughout the German Empire.

The legislation of the Empire in regard to postal and telegraph affairs, provided for in article 4, shall not extend to those matters the control of which is left to governmental ordinance or administrative regulation, according to the principles which have prevailed in the administration of post and telegraph by the North German Confederation.

ART. 49. The receipts from post and telegraph throughout the Empire shall belong to a common fund. The expense shall be paid from the general receipts. The surplus shall go into the Imperial treasury (sec. XII).

ART. 50. The Emperor shall have the supreme supervision of the administration of post and telegraph. The officers appointed by him shall have the duty and the right to see to it that uniformity be established and maintained in the organization of the administration and in the conduct of business, as well as in the qualifications of employees.

The Emperor shall have the power to issue governmental instructions and general administrative regulations, and also the exclusive right to regulate the relations with the postal and telegraph systems of other countries.

It shall be the duty of all officers of the postal and telegraph administration to obey the orders of the Emperor. This obligation shall be assumed in the oath of office.

The appointment of such superior officers as shall be required for the administration of the post and telegraph in the various districts (such as directors, counselors, and superintendents), furthermore, the appointment of officers of the post and telegraph acting in the capacity of organs of the aforesaid authorities as supervisors or for other services in the several districts (such as inspectors or controllers), shall be made throughout the Empire by the Emperor, to whom such officers shall take the oath of office. The governments of the several States shall receive timely notice of the aforementioned appointments, as far as they may relate to their territories, so that they may confirm and publish them.

Other officers required in the administration of the post and telegraph, as well as all those employed for local and technical work, including the officials in the local offices, and so forth, shall be appointed by the governments of the respective States.

Where there is no independent State administration of post or telegraph, the terms of special treaties shall control.

ART. 51. In consideration of the differences which have heretofore existed in the net receipts of the State postal administrations of the several districts, and for the purpose of securing a suitable equalization during the period of transition below named, the following procedure shall be observed in assigning the surplus of the postal administration for general Imperial purposes (article 49) :

From the postal surpluses which accumulated in the several postal districts during the five years from 1861 to 1865, a yearly average shall be computed, and the share which every separate postal district has had in the surplus resulting therefrom for the whole territory of the Empire shall be expressed in a percentage.

In accordance with the ratio thus ascertained, the several States shall be credited on the account of their other contributions to the

expenses of the Empire, with their quota accruing from the postal surplus in the Empire, for a period of eight years following their entrance into the postal administration of the Empire.

At the end of the said eight years the distinction shall cease, and any surplus from the postal administration shall go, without division, into the Imperial treasury, according to the principle contained in article 49.

Of the quota of the postal surplus which accrues during the aforementioned period of eight years in favor of the Hanse cities one-half shall each year be placed at the disposal of the Emperor, for the purpose of providing for the establishment of the proper postal organizations in the Hanse cities.

ART. 52. The provisions of the foregoing articles 48 to 51 do not apply to Bavaria and Württemberg. In their place the following provisions shall be valid for these two States of the Empire:

The Empire alone shall have power to legislate upon the privileges of the post and telegraph, upon the legal relations of both institutions to the public, upon the franking privilege and the postal rates, excepting, however, the adoption of administrative regulations and of rates for the internal communication within Bavaria and Württemberg, respectively; and, under like limitations, upon the fixing of charges for telegraphic correspondence.

In the same manner, the Empire shall have the regulation of postal and telegraphic communication with foreign countries, excepting the immediate intercourse of Bavaria and Württemberg with neighboring States not belonging to the Empire, the regulation of which is subject to the provisions of article 49 of the postal treaty of November 23, 1867.

Bavaria and Württemberg shall not share in the postal and telegraphic receipts coming into the treasury of the Empire.

IX. MARINE AND NAVIGATION.

ART. 53. The navy of the Empire shall be a united one, under the supreme command of the Emperor. The Emperor is charged with its organization and construction; he shall appoint the officers and employees of the navy, and they and the seamen shall take an oath of obedience to him.

The harbor of Kiel and the harbor of the Jade are Imperial naval ports.

The expense required for the establishment and maintenance of the navy and of the institutions connected therewith shall be defrayed from the treasury of the Empire.

All seafaring men of the Empire, including machinists and artisans employed in ship-building, are exempt from service in the army, but are liable to service in the Imperial navy.¹

ART. 54. The merchant vessels of all States of the Union shall form a united mercantile marine.

The Empire shall determine the process for ascertaining the tonnage of seagoing vessels, shall regulate the issuing of tonnage certificates and of ship certificates, and shall fix the conditions upon which a license to command a seagoing vessel shall be granted.

The merchant vessels of all the federated States shall be admitted on equal footing to the harbors and all natural and artificial watercourses of the several States of the Union, and shall be accorded similar treatment therein. The fees which may be collected in harbors, from seagoing vessels or from their cargoes, for the use of marine institutions, shall not exceed the amount necessary for the maintenance and ordinary repair of these institutions.

On all natural watercourses taxes may only be levied for the use of special institutions which serve to facilitate commercial intercourse. These taxes as well as the charge for navigating such artificial channels as are the property of the State shall not exceed the amount required for the maintenance and ordinary repair of such institutions and establishments. These provisions shall apply to rafting, in so far as it is carried on along navigable watercourses.

The power to lay other or higher taxes upon foreign vessels or their cargoes than those which are paid by the vessels of the Federal States or their cargoes shall belong only to the Empire and not to the separate States.

ART. 55. The flag of the naval and merchant marine is black, white, and red.

X. CONSULAR AFFAIRS.

ART. 56. The Emperor shall have the supervision of all consular affairs of the German Empire, and he shall appoint consuls, after hearing the Committee of the Bundesrat on Trade and Commerce.

No new State consulates shall be established within the districts covered by German consuls. German consuls shall perform the functions of State consuls for the States of the Union not represented in their districts. All the State consulates now existing shall be abolished as soon as the organization of the German consulates shall be completed in such a manner that the representation of the separate interests of all the Federal States shall be recognized by the Bundesrat as satisfactorily secured by the German consulates.

¹ Paragraph 5 of article 53 was repealed by law of May 26, 1893. It read as follows: "The apportionment of requisitions to supply the ranks of the navy shall be made according to the actual seafaring population, and the number furnished in accordance herewith by each State shall be deducted from the number otherwise required for the army."

XI. MILITARY AFFAIRS OF THE EMPIRE.

ART. 57. Every German is liable to military duty, and in the discharge of this duty no substitute shall be accepted.

ART. 58. The costs and the burden of the entire military system of the Empire shall be borne equally by all the Federal States and their subjects, so that neither special privileges nor burdens upon particular States or classes are in principle permissible. Where an equal distribution of the burdens can not be effected *in natura* without prejudice to the public welfare, the equalization shall be effected by legislation in accordance with the principles of justice.

ART. 59. Every German capable of bearing arms shall belong for seven years to the standing army, as a rule from the end of his 20th to the beginning of his 28th year; during the next five years he shall belong to the national guard (*Landwehr*) of first summons, and then to the national guard of second summons until the 31st day of March of the year in which he reaches the age of 39 years.

During the period of service in the standing army the members of the cavalry and of the mounted field artillery are required to serve the first three years in unbroken active service; all other forces are required to give the first two years in active service.

As regards the emigration of men belonging to the reserve, only those provisions shall be in force which apply to the emigration of members of the national guard (*Landwehr*).¹

ART. 60. The number of men in the German army in time of peace shall be fixed until the 31st day of December, 1871, at 1 per cent of the population of 1867, and shall be furnished by the several Federal States in proportion to their population. After the above date the effective strength of the army in time of peace shall be fixed by Imperial legislation.

ART. 61. After the publication of this Constitution the entire Prussian system of military legislation shall be introduced without delay throughout the Empire, both the statutes themselves and the regulations, instructions, and ordinances issued for their execution, explanation, or completion; especially the military penal code of April 3, 1845; the law of military penal procedure of April 3, 1845; the ordinance concerning the courts of honor, of July 20, 1843; the regulations with respect to recruiting, time of service, matters relating to quarters and subsistence, to the quartering of troops, to compensation for injury done to fields, to mobilization of troops, etc., in times of peace and war. The military ordinance relating to religious observances is, however, excepted.

When a uniform organization of the German army for war purposes shall have been established, a comprehensive military code for

¹ This article is given as amended by law of April 15, 1905. It was also altered by law of February 11, 1888.

the Empire shall be submitted to the Reichstag and the Bundesrat for their action, in accordance with the Constitution.

ART. 62. For the purpose of defraying the expenses of the whole German army, and of the institutions connected therewith, the sum of 225 thalers for each man in the army on the peace footing, according to article 60, shall be annually placed at the disposal of the Emperor until the 31st day of December, 1871. (See sec. XII.)

After the 31st day of December, 1871, the several States shall pay these contributions into the Imperial treasury. Until it is altered by a law of the Empire, the strength of the army in time of peace, as temporarily fixed in article 60, shall be taken as a basis for calculating the amounts of such contributions.

The expenditure of these sums for the Imperial army and its establishments shall be fixed by the budgetary law.

In determining the budget of military expenditure, the organization of the Imperial army, legally established in accordance with this Constitution, shall be taken as a basis.

ART. 63. The total land force of the Empire shall form one army, which shall be under the command of the Emperor, in war and in peace.

The regiments, etc., throughout the whole German army shall bear continuous numbers. As to the uniform, the primary colors and cut of the Prussian uniform shall be the standard. It is left to commanders of the several contingents to determine upon external marks of distinction (cockades, etc.).

It shall be the duty and right of the Emperor to take care that throughout the German army all divisions be kept full and ready to take the field, and that uniformity be established and maintained in regard to organization and formation, equipment and command, in the training of the men, and in the qualifications of the officers. For this purpose the Emperor shall have authority to satisfy himself at any time, by inspection, of the condition of the several contingents, and to order the correction of defects disclosed by such inspection.

The Emperor shall determine the strength, composition, and division of the contingents of the Imperial army, and also the organization of the national guard (*Landwehr*), and he shall have the right to determine the garrisons within the territory of the Union, as also to mobilize any portion of the Imperial army.

In order to maintain the indispensable unity in the administration, care, arming, and equipment of all divisions of the German army, all orders relating to these matters hereafter issued to the Prussian army shall be communicated, for their proper observance, to the commanders of the other contingents, through the Committee on the Army and Fortifications provided for by article 8, no. 1.

ART. 64. All German troops are bound to render unconditional obedience to the commands of the Emperor. This obligation shall be included in the military oath.

The commander-in-chief of a contingent, as well as all officers commanding troops of more than one contingent, and all commanders of fortresses, shall be appointed by the Emperor. The officers appointed by the Emperor shall take the military oath to him. The appointment of generals, and of officers performing the duties of generals within a contingent, shall in every case be subject to the approval of the Emperor.

In the transfer of officers, with or without promotion, to positions which are to be filled by him in the service of the Empire, be it in the Prussian army or in other contingents, the Emperor shall have the right to select from the officers of all the contingents of the Imperial army.

ART. 65. The right to construct fortresses within the Federal territory shall belong to the Emperor, who shall ask in accordance with section XII for the grant of the means required for that purpose, unless it has already been included in the regular appropriation.

ART. 66. In the absence of special conventions, the princes of the Confederation and the senates shall appoint the officers of their respective contingents, subject to the restriction of article 64. They shall be the heads of all of the divisions of troops belonging to their territories, and shall enjoy the honors connected therewith. They shall have particularly the right to hold inspections at any time, and shall receive, besides the regular reports and announcements of changes to be made, timely information of all promotions and appointments concerning their respective contingents, in order to provide for the necessary publication of such information by State authority.

They shall also have the right to employ, for police purposes, not only their own troops but all other divisions of the Imperial army which may be stationed in their respective territories.

ART. 67. Unexpended portions of the military appropriation shall under no circumstances fall to the share of a single Government, but at all times to the Imperial treasury.

ART. 68. The Emperor shall have the power, if public security within the Federal territory is threatened, to declare martial law in any part of the Empire. Until the publication of a law regulating the occasions, the form of announcement, and the effects of such a declaration, the provisions of the Prussian law of June 4, 1851, shall be in force.

FINAL PROVISION OF SECTION XI.

The provisions contained in this section shall be applied in Bavaria, in accordance with the more detailed provisions of the treaty

of alliance of November 23, 1870, under III, section 5; in Württemberg, in accordance with the more detailed provisions of the military convention of November 21-25, 1870.

XII. FINANCES OF THE EMPIRE.

ART. 69. All receipts and expenditures of the Empire shall be estimated for each year, and included in the budget. The latter shall be fixed by law before the beginning of the fiscal year, in accordance with the following principles.

ART. 70. For the defrayal of all common expenses there shall serve first of all the joint revenues derived from customs duties, from common taxes, from the railway, postal, and telegraph systems, and from the other branches of the administration. In so far as the expenditures are not covered by such receipts, they shall be met by contributions from the several States of the Confederation in proportion to their population, such contributions to be fixed by the Imperial Chancellor, with reference to the total amount established by the budget. In so far as these contributions are not used, they shall be repaid to the States at the end of the year, in proportion as the other regular receipts of the Empire exceed its needs.

Any surpluses from preceding years shall be used, so far as the Imperial budgetary law does not otherwise provide, for defraying the joint extraordinary expenses.¹

ART. 71. The general appropriations shall, as a rule, be granted for one year; they may, however, in special cases, be granted for a longer period.

During the period of transition fixed by article 60, the properly classified, financial estimate of the expenditures of the army shall be laid before the Bundesrat and the Reichstag merely for their information.

ART. 72. For the purpose of discharge an annual report of the expenditure of all the revenues of the Empire shall be presented, through the Imperial Chancellor, to the Bundesrat and the Reichstag, for their approval.

ART. 73. In cases of extraordinary need, a loan may be contracted or a guaranty assumed as a charge upon the Empire, by means of Imperial legislation.

FINAL PROVISION OF SECTION XII.

Articles 69 and 71 shall apply to expenditures for the Bavarian army only according to the provisions of the treaty of November 23, 1870, mentioned in the final provision of section XI; and article 72 applies only to the extent that the Bundesrat and the Reichstag shall

¹ As amended May 14, 1904.

be informed that the sum necessary for the Bavarian army has been assigned to Bavaria.

XIII. SETTLEMENT OF DISPUTES AND PENAL PROVISIONS.

ART. 74. Every attempt against the existence, the integrity, the security, or the Constitution of the German Empire; finally, any offense committed against the Bundesrat, Reichstag, a member of the Bundesrat or of the Reichstag, an authority or a public officer of the Empire, while in the execution of their duty, or with reference to their official position, by word, writing, printing, drawing, pictorial or other representations, shall be judged and punished in the several States of the Empire in accordance with the laws therein existing or which may hereafter be enacted, by which provision is made for the trial of similar offenses against any one of the States of the Empire, its constitution, legislature, or estates, the members of its legislature or its estates, authorities, or officers.

ART. 75. For those offenses against the German Empire, specified in article 74, which, if committed against one of the States of the Empire, would be considered high treason, the Superior Court of Appeals of the three free Hanse cities, at Lübeck, shall be the competent deciding tribunal in the first and last resort.

More definite provisions as to the competency and the procedure of the Superior Court of Appeals shall be made by Imperial legislation. Until the passage of an Imperial law, the existing jurisdiction of the courts in the respective States, and the provisions relative to the procedure of these courts shall remain as at present.

ART. 76. Disputes between the several States of the Union, so far as they do not relate to matters of private law, and are therefore to be decided by the competent judicial authorities, shall be adjusted by the Bundesrat, at the request of one of the parties.

In disputes relating to constitutional matters in those States of the Union whose constitution does not designate an authority for the settlement of such differences, the Bundesrat shall, at the request of one of the parties, effect an amicable adjustment, and if this can not be done, the matter shall be settled by Imperial law.

ART. 77. If justice is denied in one of the States of the Union, and sufficient relief cannot be procured by legal measures, it shall be the duty of the Bundesrat to receive substantiated complaints concerning denial or restriction of justice, which shall be proven according to the constitution and the existing laws of the respective States of the Union, and thereupon to obtain judicial relief from the State Government which shall have given occasion to the complaint.

XIV. AMENDMENTS.

ART. 78. Amendments of the Constitution shall be made by legislative enactment. They shall be considered as rejected when 14 votes are cast against them in the Bundesrat.

The provisions of the Constitution of the Empire, by which certain rights are secured to particular States of the Union in their relation to the whole, may be amended only with the consent of the States affected.

THE GERMAN STATES.

ANHALT.¹

PATENT OF PUBLICATION OF THE PROVINCIAL LAW OF 1859.

By God's grace, we, Leopold Friedrich, oldest Ruling Duke of Anhalt, and we Alexander Carl, Ruling Duke of Anhalt, Dukes of Saxony, Engern, Westphalia, Counts of Ascania, Lords of Bernburg and Zerbst, etc., and we Friederike, Duchess-Coregent of Anhalt, etc., mutually agreed to regulate the provincial representation of our Duchies in accordance with the older and more recent constitutional agreements; and in concord with the still existing members of the greater and smaller committee of the Joint Province of Anhalt, and, as far as the Duchy of Anhalt-Bernburg is concerned, in agreement with the Diet of the Duchy provided for by the provincial constitutional law of February 28, 1850, have promulgated the following Provincial Law and order of business and do decree as follows:

ARTICLE 1. This Provincial Law and the order of business go into legal force on October 1, 1859.

ART. 2. The Under Provincial Director and the two sub-prefects, as well as the Land-Steward, remain in office.

ART. 3. Our State Ministries are entrusted with the execution of these laws.

Signed with our own hand and provided with our ducal seals.
Dessau, July 18, 1859.

LEOPOLD FRIEDRICH,
Duke of Anhalt.

[L. S.] v. PLOETZ.

ALEXANDER CARL,
Duke of Anhalt.

Hoym, August 31, 1859.

FRIEDERIKE,
Duchess of Anhalt.

[L. S.] v. SCHAETZELL.

THE PROVINCIAL LAW OF 1859.

SECTION 1. There shall exist for the Duchies of Anhalt one general province, which, according to this Provincial Law, shall act as one body in one General Diet.²

¹ Translation by Mrs. H. N. Taylor of the text as found in Posener, *Die Staatsverfassungen des Erdballs*, pp. 63-67, and Stoerk-Rauchhaupt, *Handbuch der Deutschen Verfassungen*, pp. 62-69.

² Only one Duchy Anhalt now exists.

SECS. 2 to 13.¹

SEC. 14. In addition to the special prerequisites mentioned in the previous paragraphs, only men who have attained their thirtieth year, who are of Christian faith and enjoy the full rights of citizenship, but are not under the supervision of a guardian, who have not declared bankruptcy, and who, in case they were deputies of a municipal or rural community, have resided for at least three years in one of our Duchies, shall be eligible for the Provincial Assembly.

Officials (inclusive of pensioners or unattached employees) must have our consent in order to enter the Diet.

Ineligibility to the Diet, which ensues after election of a deputy, operates to deprive the delegate of his position.

SEC. 15. The election of the representatives shall take place regularly for a term of six years.

SEC. 16. We shall assemble the General Diet as soon and as often as seems to us suitable, but in any case every three years.²

SEC. 17. We shall determine separately for each session the place where the meetings of the General Diet shall be held.

SEC. 18. We shall avail ourselves of the advice of our General Diet in all laws concerning the general welfare and the good of the country and in other matters which we consider suitable therefor.

SEC. 19. We shall procure the consent of the Provincial Assemblies for the decrees of such laws as involve a change in the Constitution of the country and of the provincial laws, which burden our subjects with new duties, or which remove or restrict well-earned rights, especially as concerns the property of single individuals or of whole classes. The consent of the Diet is not required, however, for those laws which serve for the execution of the decrees of the German Confederation or for the discharge of already existing political treaties. Moreover, we will procure the consent of our Assemblies in assuming public debts, including the expense of new treasury bills, in the sale of domains and hunting reserves which belong to a family estate,³ in the conveyance of tracts of territory to other States in so far as it is not a matter of simple regulation of boundaries, and in the settlement of State treaties which impose fresh burdens upon our subjects.

SEC. 20. When the public welfare, the safety of our Duchy, or other urgent conditions make it necessary to proclaim laws without the preceding hearing of the General Diet, we will subsequently have these

¹ These paragraphs define the composition of the Diet (12 representatives each from the nobility, from the cities, and from the villages) and are replaced by the law of February 19, 1872, printed below.

² Pietscher: *Das Staatsrecht des Herzogtums Anhalt*, accepts on the ground of custom the fact that the Diet must now be summoned annually. Cf. Jäntsch "*Der Anhaltische Landtag*," p. 39, note 37.

³ The consent for such sales is no longer necessary. Law of June 28, 1869, article 16 (Anhalt Code of Laws, vol. 4, p. 1329).

provisory laws placed before the Diet for the passing of its judgment (sec. 18) and consent (sec. 19).

SEC. 21. We reserve the right to declare every matter belonging to the jurisdiction of the General Diet as a question relating to our Special Diet, if we are either not agreed as to the necessity of passing a law or concluding a treaty, or if the General Diet refuses to pass a bill. We may also refer to the Special Diet all questions which concern the vital interests of a Duchy.

SEC. 22. The General Diet shall have the right to address complaints and proposals to us.

We shall grant the same right to the separate Estates if they consider themselves oppressed by the decision of the majority.

SEC. 23. The following topics are excluded from the deliberations of the General Diet: All legislation referring to the finances of the Duchies, especially the State budget, the auditing of the accounts, the taxes, dues, and the public debt.

SEC. 24.¹ The opening of the General Diet shall be effected by the Duke, as First Provincial Director, in person, or by commissioners, to be named individually by us. These commissioners and officials empowered by them are entitled to attend the deliberations of the Diet and to take the floor at all times.

SEC. 25.¹ The meetings of the General Assembly are to be conducted according to the order of business which is in force.

SEC. 26. The members of the Diet shall receive four thalers daily for the duration of the Diet.

SEC. 27. The dismissal of the General Diet shall take place in the same manner as the opening.

SEC. 28. In suitable cases we reserve for ourselves the right of dissolving the General Diet. The dissolution shall have this effect, that all representatives elected for the duration of one term of the Diet, shall lose their qualifications as such and newly elected members must come into office.

[SECS. 29 and 30 concerning the Special Diets were rescinded by the union of the Anhalt Provinces of August 30, 1863, (cf. sec. 47 of this Provincial Law) and the law of February 19, 1872, section 1.]

SEC. 31. The Special Diets must deal with the special matters of the separate Duchies.

Beside such matters which we shall refer, especially to the Special Diets, all financial legislation of the separate Duchies, in particular the right to impose new taxes, and, with reference to the Duchy of Anhalt-Bernburg, the announcement of additional dues known as

¹ Replaced by the rule of business of the Diet of January 24, 1876 (Code of Laws, vol. 8, p. 65), which was amended by law of February 26, 1891 (vol. 13, p. 469).

the war taxes, the imposition of new levies or other duties, as well as the collection of new provincial debts, the issuance of paper money, and the pawning and sale of real property, shall be prerogatives of the Special Diets. The latter shall also supervise the cancellation of the provincial debts, examine the annual budget, and determine the sums to be expended in a fiscal period not to exceed three years.

[SECS. 32 to 34 referred to the Special Diets and are no longer in force.]

SEC. 35.¹ The Committee of the Estates consists of:

1. Nine members of the Diet chosen by the Diet.

SEC. 36. [Repealed.]

SEC. 37.² The Under Provincial Director is the chairman in the General Committee and in the Special Committee of the Duchy to which he belongs.

SEC. 38. The General Committee, as well as the Special Committees, are permanently active, and the dissolution of the Diet (sec. 28) causes only the resignation of such members of the committee who were members of the Diet and were elected for a given period.

Vacancies caused by death or ineligibility of members are filled as soon as possible by the election of others.

SEC. 39. The General Committee controls independently the excise-revenue funds until all obligations connected therewith shall have been fulfilled. After the fulfilment of these obligations the funds shall be lawfully canceled with the consent of the General Diet.

SEC. 40. The General Diet shall have the power to submit to us at any time complaints on the status of legislation or on other matters relating to the General Diet, and to make proposals with regard thereto.

SEC. 41.³ Furthermore they (i. e., the Special Committees) shall name from among their own number the members of the Estates who are to form the Committees for the Cancellation of State Debts.

SECS. 42-46. [Rescinded by law of February 28, 1891.]

SEC. 47. In case one of our special ducal lines should become extinct, all provisions (secs. 21, 23, 29 ff.) referring to Special Diets and committees are modified in that the General Diet and its committee replace the Special Diets and their committees.

SEC. 48. This Provincial Law is placed under the guarantee of the German Confederation.⁴

¹ Clause 2 of this section was repealed by law of February 28, 1891.

² The rest of the provisions of sec. 37 were rescinded by law of February 19, 1872.

³ Clause 1 of sec. 41 is no longer in force.

⁴ Cf. Imperial Constitution, article 76, par. 2.

Signed with our own hand and provided with the ducal seals.
Dessau, July 18, 1859. Hoym, August 31, 1859.

(Signed) LÉOPOLD FRIEDRICH,
Duke of Anhalt.

[L. s.] v. PLOETZ.
ALEXANDER CARL,
Duke of Anhalt.
FRIEDERIKE,
Duchess of Anhalt.

[L. s.] v. SCHAETZELL.

**ELECTION LAW OF FEBRUARY 19, 1872 (CODE OF LAWS, VOL. C,
P. 371).**

We, Friedrich, by God's grace, Duke of Anhalt, etc., order, on the proposal of our State Ministry and with the consent of the Diet, as follows:

SECTION 1. The Diet shall consist in the future of:

(1) Two members to be appointed by the Duke for the duration of the Diet session;

(2) Eight members to be elected from the most heavily taxed landowners;

(3) Two from the most heavily taxed tradesmen and manufacturers;

(4) Fourteen from the other qualified voters of the cities;

(5) Ten other qualified voters of the lowlands.

SEC. 2. Aside from special requirements (secs. 3 and 4), every citizen of Anhalt who has passed his twenty-fifth year shall be an elector for the Diet. From the right to vote are excluded those persons:

(1) Who are in ward or guardianship;

(2) Those over whose property there is a declaration of bankruptcy during the bankruptcy proceedings;

(3) Those who receive relief from the public or community funds, or did so receive in the previous election year;

(4) Those who, in consequence of legal proceedings, have been deprived of the full enjoyment of political rights, during the time of such deprivation, provided they shall not be reinstated in these rights.

SEC. 3. Those most heavily taxed landowners are eligible for election who, according to section 61 of the law no. 724, pay 63 marks or more fixed land taxes.¹

The possession of rights of usufruct by inheritance or marriage and possession by entail shall be equally recognized as valid ownership.

¹ The present wording according to the law of April 7, 1887 (Code of Laws, vol. 12, p. 383), sec. 3, no. 1. In regard to the "fixed taxes," see the law of June 20, 1904 (vol. 18, p. 163), sec. 67.

SEC. 4.¹ Those most heavily taxed tradesmen and manufacturers are eligible for election who are qualified according to section 2 and are to be considered as merchants in the sense of the general German Commercial Code² or are owners of mines and smelting works and have an income resulting from the traffic and trade of the mines and smelting works respectively of at least 18,000 marks.

SEC. 5. When a qualified voter belongs both to the class of the heavily taxed landowners as well as also to the class of the heavily taxed tradesmen and manufacturers, the decision shall rest with him in which class he will exercise his right to vote.

SEC. 6. The voters of the lowlands shall vote in 10 electoral districts and shall elect one delegate each.

The division of these electoral districts shall proceed by the order proclaimed by the State Ministry in accordance with section 10 of this law. The same order shall govern the 14 representatives to be chosen by the cities.

SEC. 7.³ Qualified voters of the cities and lowlands shall be all those who, in addition to the aforesaid requirements in section 2, possess the qualification for the municipal election according to sections 52 and 110 of the municipal law,⁴ who do not belong to the heavily taxed class (secs. 3 and 4), and who have had their residence within the Duchy for at least six months.

With reference to the inhabitants of independent precincts of castle or manor the requirements for the franchise in the electoral districts to which they belong shall be in force.

SEC. 8. Everyone shall be eligible to membership in the Diet who possesses the aforesaid general requirements in section 2 and who belongs to that class of voters from which the election is made.

Active State officials must have consent of the Prince in order to accept the election.⁵

¹ The present wording according to the law of March 1, 1890 (vol. 13, p. 333).

² In place of this is now to be inserted the definition of merchant in the Commercial Code of May 10, 1897 (sec. 1, par. 1). Cf. here Jäntsch "*Der Anhaltische Landtag*," p. 9, note 4.

³ The present wording according to the law of May 19, 1895 (vol. 14, p. 531). In the election law of 1872 it was only demanded that each voter comply with sec. 2 and not belong to the most heavily taxed class (secs. 3 and 4) and that he must have his residence within electoral district at the time of posting the electoral register.

⁴ Cf. the laws of May 26, 1882, April 12, 1890, and June 20, 1904 (vol. 10, p. 463; vol. 13, p. 375; vol. 18, p. 163). According to these anyone is eligible who possesses a residence or pieces of property in the community district which are assessed for fixed taxes of 45 pfennigs at least, or whoever is assessed for a classified income tax and, very explicitly, with at least a total of 30 pfennigs in the cities or 15 pfennigs in villages. The total tax is 15 pfennigs for an income of 600 to 750 marks and 30 pfennigs for an income of 1,050 to 1,200 marks.

⁵ An official who is a member of the Diet needs no leave of absence for participation in the transactions of the Diet; a notary needs no leave of absence for entrance into the Diet.

With the expiration of eligibility to vote, the eligibility to the Diet expires also.

SEC. 9.¹ All elections shall proceed by secret ballot and according to absolute majority of votes cast. For the purpose of the election of delegates for cities and for lowlands (sec. 1, nos. 4 and 5) the voters shall choose deputies from their own number, one deputy for each 25 to 30 voters. Delegates are elected by the deputies.

SEC. 10. More detailed directions concerning the division of the primary election districts for cities and lowlands, the publication of election lists, as well as the whole election proceedings, shall be decided by an order given out by the State Ministry, which order is to be submitted with a view to legal adjustment to the Diet assembling on the basis of this law.² In the decree of this order, the State Ministry shall take as a basis the directions for the proceedings of the German Reichstag.

SEC. 11. All members of the Diet in their proceedings and voting shall keep before their eyes solely the welfare and good of the entire country without consideration of the interests of any special locality, rank, or class, and they are not bound by directions and instructions.

SECS. 12-15. [Abolished by law of January 24, 1876.]

SEC. 16. All provisions of the Provincial Law and of law no. 264 which are at variance with the above provisions are hereby repealed.

SEC. 17. The present law shall become valid on October 1, 1872, and a new Diet period shall begin on November 14, 1872.

Signed with our own hand and provided with the ducal seal.

So done at Dessau on the 19th day of February, 1872.

[L. S.]

FRIEDRICH,
Duke of Anhalt.
V. LARISCH.

¹ The present wording, according to the law of May 19, 1895 (vol. 14, p. 531, article 2).

² The law accordingly given out dates from January 3, 1873 (vol. 6, p. 141). Conformably to this, the district of Dessau elects four, the districts of Zerbst and Bernburg each three, the districts of Cöthen and Ballenstedt each two municipal delegates. Furthermore, two rural delegates are elected in each of the five districts. The cities and the villages conduct their own elections (sec. 1). The elections are indirect—absolute majority is necessary.

BADEN.¹

CONSTITUTION OF AUGUST 22, 1818.

[PREAMBLE.]

Carl, by the grace of God, Grand Duke of Baden, Duke of Zähringen, Landgrave of Nellenburg, Count of Hanau, etc.

In the year 1816, when we once more announced to our subjects our intention to give a representative constitution to our Grand Duchy, we cherished the wish and the hope that all members of the German Confederation would agree upon a substantial and invariable basis for the institution, which has been promised all the peoples of Germany, and that each single State, having regard to existing conditions, would attend to its own peculiar needs only in the development of the principles established by the Diet of the German Confederation.

As, however, according to the last votes passed upon this subject in the Diet of the German Confederation, the period can not yet be definitely foreseen when the formation of the representative Constitution may become the subject of common deliberation, we consider ourselves bound now to carry into effect the assurance given by us to our subjects, in the way and manner corresponding with our firm, free, and deep conviction.

Penetrated by the most sincere desire of drawing still closer the bonds of confidence existing between us and our people, and of bringing all our political institutions to a higher degree of perfection in the way pointed out in these presents, we have granted the following Constitution, and hereby solemnly promise, in our own name, and in that of our successors, to maintain it, and cause it to be maintained faithfully and conscientiously.

I. THE GRAND DUCHY AND THE GOVERNMENT IN GENERAL.

SECTION 1. The Grand Duchy forms a constituent part of the German Confederation.

SEC. 2. All organic decrees of the Diet of the German Confederation, which concern the constitutional relations of Germany, or the relations of German citizens in general, form a part of the public law of Baden, and shall be binding for all classes of subjects, after the same shall have been proclaimed by the head of the Government.

SEC. 3. The Grand Duchy is indivisible and inalienable in all its parts.

¹ Translation by Richard Jente based on the text as found in Stoerk-Rauchhaupt, *Handbuch der Deutschen Verfassungen*, pp. 76-82.

SEC. 4. The supreme Government of the Grand Duchy is hereditary in the grand ducal family, according to the provisions of the declaration of October 4, 1817; which declaration, as the basis of the family code, forms an essential constituent part of the Constitution, and is to be considered as verbally adapted in the present Constitution.

SEC. 5. The Grand Duke unites in himself all the prerogatives of executive power, and exercises them under the provisions contained in the present Constitution.

His person is sacred and inviolable.

SEC. 6. The Grand Duchy has a representative Constitution.

II. THE CIVIL AND POLITICAL RIGHTS OF THE PEOPLE OF BADEN, AND ESPECIAL GUARANTEES.

SEC. 7. The civil rights of the people of Baden are equal in every respect, where the Constitution does not particularly and expressly establish an exception.

The grand ducal Ministers of State, and all servants of the Government, are responsible for their strict observance of the Constitution.

SEC. 8. All the people of Baden contribute, without distinction, to all public burdens. All exemptions from direct or indirect taxes are repealed.

SEC. 9.¹ All citizens have equal claim to all civil and military appointments, and ecclesiastical offices of their confession, without distinction of religion.

All foreigners on whom we confer an office of State obtain naturalization immediately by this conferment.

SEC. 10. Differences in birth and religion shall not establish any exemption from military service, except in favor of those mediatized noble families, which are exempted by the act of the German Confederation.

SEC. 11. An appropriate scale of settlement shall be regulated by law for the redemption of all socage fees and duties already declared redeemable, and all assessments arising from the repeal of personal bondage.

SEC. 12. The law of August 14, 1817, respecting the freedom to emigrate, shall be considered as an essential part of the Constitution.

SEC. 13. The property and personal freedom of the people of Baden are placed under the protection of the Constitution in equal manner for all.

SEC. 14. The courts are independent, within the limits of their jurisdiction.

All verdicts in civil cases must proceed from the ordinary courts.

¹ Law of February 17, 1849.

The grand ducal State Attorney proceeds at law before the provincial courts in all disputes arising out of matters involving private right.

No one can be compelled to surrender up his property for public purposes, except after the deliberation and decision of the Ministry of State and after previous indemnification.

✓ SEC. 15. In criminal affairs no man can be deprived of his regular judge.

No man can be arrested otherwise than according to legal form nor detained more than 48 hours in prison without a hearing upon the grounds of his arrest.

✓ The Grand Duke can mitigate or entirely remit punishments pronounced but can not aggravate them.

✓ SEC. 16. All confiscations of property shall be abolished.

✓ SEC. 17. The freedom of the press shall be exercised according to the future regulations of the Diet of the German Confederation.

✓ SEC. 18. Every inhabitant enjoys undisturbed freedom of conscience, and equal protection, with respect to his religious worship.

✓ SEC. 19.¹ The political rights of all religious denominations are equal.

✓ SEC. 20. Ecclesiastical property, and the particular property and revenues of foundations, and institutions for education and charitable purposes, can not be diverted from their object.

✓ SEC. 21. The endowments of both universities of Baden and other high institutions of learning, whether consisting of estates and revenues and enjoyed by right, or of grants from the public treasury, shall not be abolished.

✓ SEC. 22. Every obligation of the State to its creditors is inviolable. The establishment of the sinking fund shall be maintained in its present system.

SEC. 23. The privileges which were, by the Edict of April 23, 1818, granted to the former Estates of the Empire and members of the former immediate Imperial knighthood, belonging to the Grand Duchy, form an essential part of the Constitution.

SECS. 24-25. [Repealed by section 147, clause 1, of the law of July 24, 1888, regarding Government Officials.]

III. THE ASSEMBLY OF THE ESTATES, OR DIET—THE RIGHTS AND DUTIES OF ITS MEMBERS.

SEC. 26. The Estates are divided into two Chambers.

SEC. 27.² The First Chamber consists of:

- (1) The princes of the Grand Ducal House;
- (2) The heads of the mediatized noble families;

¹ Law of February 17, 1849.

² Law of August 24, 1904.

(3) The Catholic Bishop of the Grand Duchy, and the prelate of the Protestant Church of the Grand Duchy;

(4) Eight deputies of the landed nobility;

(5) One deputy from each of the three highest institutions of learning;

(6) Six deputies elected by the legally organized occupational corporations, namely, three from the Chambers of Commerce, two from the Chamber of Agriculture, and one from the Chamber of Labor;

(7) Two chief burgomasters of cities included under the Municipal Corporation Act, one burgomaster from any other city with more than 3,000 inhabitants, and one member from one of the district boards; the chief burgomasters and the burgomaster shall be elected by the members of the city councils and the common councils, and the member from a district board by all the members of the district boards of the Grand Duchy;

(8) Persons named members by the Grand Duke.

SEC. 28.¹ The princes of the Grand Ducal House and the mediatised nobles take their seats in the Assembly upon becoming of age. With respect to those mediatised noble families which are divided into several branches, the head of each branch possessing a suitable lordship is a member of the First Chamber.

By decision of the Grand Duke, the hereditary right of membership in the First Chamber (hereditary dignity of membership to the Diet) can be conferred upon the heads of noble families whose landed possessions situated in the Grand Duchy and recognized as family estates, hereditary under the law of primogeniture and lineal descent, are appraised at a minimum of one million marks after a deduction of the encumbrances in the register of direct assessment. If the prerequisites of conferment cease to exist, the hereditary dignity of membership to the Diet shall expire.

If a person is commissioned guardian of the owner of a mediatised estate who is a minor or is incapacitated because of mental derangement, he may, if he is an agnate of the family, exercise membership in the First Chamber in place of his ward.

If the head of a mediatised family is prevented in the exercise of membership through reasons other than those designated in paragraph 3, he may intrust an agnate as proxy with the exercise of membership for the duration of the session. The appointment of the proxy must be reported in writing to the president of the First Chamber, and if the Diet is not assembled, to the president of the Ministry of State.

SEC. 29.¹ All the noble proprietors or joint proprietors of an estate in the Grand Duchy which in 1806 bore the character of immediacy

¹ Law of August 24, 1904.

to the Emperor of the German Empire, or the right of patrimonial jurisdiction, are entitled to vote at the election of deputies of the landed nobility.

By decision of the Grand Duke the hereditary right of participation in the election of the deputies of the landed nobility can be conferred upon the landed nobles whose landed possessions, situated in the Grand Duchy, and recognized as family estates, hereditary under the law of primogeniture and lineal descent, are appraised at at least 200,000 marks after the deduction of the encumbrances in the register of direct assessments. If the prerequisites of conferment cease, the right shall expire.

SEC. 30.¹ In default of the Catholic Bishop of the Grand Duchy, the administrator of the bishopric takes his place in the First Chamber.

SEC. 31.¹ The Grand Duke shall appoint to the First Chamber:

- (1) Two higher court officials;
- (2) Further members, without respect to position and birth; however, not more than six.

SEC. 32.¹ The two higher court officials are appointed for the duration of their period of office. Besides this, the appointment of the members named by the Grand Duke, and also the election of the deputies of the landed nobility, the higher institutions of learning, the occupational corporations, and the cities and districts shall be for the four-year diet period.

SEC. 32a.¹ Only such persons are eligible to vote at the election of members designated in section 27, clauses 4 to 7, who possess the citizenship of Baden, who have their fixed residence in the Grand Duchy, who are at least 25 years of age, and who are not disqualified by any of the reasons designated in section 35.

The persons eligible to vote at these elections are also eligible for election, if they have passed their thirtieth year. The suspension of suffrage, according to section 35, clause 4, does not exclude eligibility to election. The proxies designated in section 28 must also meet these prerequisites of eligibility to election.

Besides this, in the election of deputies from the higher institutions of learning the eligibility to vote is limited to the full professors of the institution in question, and, in the election of the landed nobility eligibility to election is limited to those eligible to vote according to section 29.

SEC. 32b.¹ If a person is a member of the Second Chamber he can not take a seat as member of the First Chamber.

¹ Law of August 24, 1904.

If a member of the First Chamber accepts election as deputy to the Second Chamber his membership in the First Chamber automatically ceases.

SEC. 33.¹ The Second Chamber consists of 73 deputies. The deputies shall be elected by general, direct, and secret vote, each in a particular election district.

SEC. 34.¹ Male persons over 25 years of age, who at the time of election have a fixed residence in the Grand Duchy, and have possessed the citizenship of Baden at least one year, are eligible to vote at the election of deputies to the Second Chamber. However, a one-year possession of the citizenship of Baden is sufficient, if the residence in the Grand Duchy has continued at least one year immediately before the election.²

SEC. 35.¹ The right of suffrage is suspended:

(1) If the person eligible to vote is under guardianship or under attention because of mental derangement;

(2) During the course of bankruptcy proceedings, if such have been begun against the property of the person eligible to vote;

(3) If the person eligible to vote is receiving or has received poor relief from the public treasury during the year preceding the election, excepting in case of a temporary misfortune; exemption from payment of fees due for attending public institutions of learning, and the gratuitous supply of the means of instruction necessary for the students of such institutions is not considered as poor relief;

(4) If the person eligible to vote is in arrears with the payment of a direct tax incumbent upon him toward the State or a community for the preceding tax year, in case he has received seasonable warning, but has not been granted respite for payment.

SEC. 36.¹ All citizens eligible to vote are eligible for election, except those who at the time of election have not yet completed their thirtieth year, or to whom section 35, clauses 1 to 3, apply.

The heads and the officials of the district government offices, of the district courts, and of the notary offices, as well as of the district boards for administering taxes, customs, domains, forests; the construction of State buildings, waterworks, highways, and railroads; the district physicians and veterinarians; and the local clergymen are not eligible to election in an election district to which their official district belongs in whole or in part.

¹ Law of August 24, 1904.

² Cf. article 8, clause 1, of the law of August 24, 1904, which reads: "Persons who have acquired the citizenship of Baden before January 1, 1905, or have taken up their residence in the Grand Duchy are eligible to vote at elections taking place in the course of the year 1905, even if the possession of the citizenship of Baden, or if their residence, has not continued for the duration designated in sec. 34."

SEC. 37.¹ All deputies of the Second Chamber shall be newly elected in periods of four years (Diet periods).

The periodic election shall take place simultaneously for all deputies, on a day to be appointed by the Grand Duke.

A person ceases to be a Deputy after four years have elapsed since the day of the periodic new election.

SEC. 38.¹ Besides these, other provisions regarding the exercise of the rights of election of deputies to the two Chambers, especially regarding the election districts and the process of election, will be decreed by special laws.

SEC. 39.¹ Membership in the Diet established by election, by appointment, or by nomination as proxy, can be renounced by a written declaration. This is to be delivered before an assembled Diet, to the president of the Chamber in question, otherwise to the president of the Ministry of State. Retraction of such legally declared renunciation shall not take place.

If the connection of an elected or appointed member of the Diet is severed by death, by renunciation, or by the cessation of one of the prerequisites decisive for eligibility, the membership of his proxy in the Diet ceases at the time when the original deputy would have lost his membership, if the particular facts mentioned above have not occurred.

SEC. 40.¹ Members of the Diet whose term of service has expired, are eligible for reelection if at the time of election the legal prerequisites of eligibility exist.

SEC. 40a.² If a member of a Chamber appointed by election accepts a salaried government office, or enters an office of government service with which there is connected a higher rank or a higher salary, he loses his seat and voice in the Chamber and can regain his position only by a new election.

SEC. 41. Each Chamber decides upon the disputed elections of its own members.

SEC. 42. The Grand Duke convokes, prorogues, and can dissolve the Chambers.

SEC. 43.¹ As a consequence of the dissolution of the Diet, all the members elected or appointed to it lose their membership for the given Diet period.

SEC. 44. Should the dissolution take place while a question is under discussion, a new election must follow within a period of three months at the latest.

SEC. 45.² The Grand Duke appoints the president of the First Chamber for each Diet; the Second Chamber chooses its own president.

¹ Law of August 24, 1904.

² Law of December 21, 1869.

SEC. 46. The Diet must meet every two years.

SEC. 47. The members of neither of the Chambers can vote by proxy.

SEC. 48. The members are summoned to vote on the subjects pertaining to their deliberations according to their own conviction. They may receive no instructions from their constituents.

SEC. 48a.¹ No member of either Chamber can be taken to account for his voting or for his utterances at discussions in the Chamber, delegations, or commissions, except in accord with the rules of the Chamber.

Accurate reports of the transactions in the public meetings of both Chambers shall be free from all responsibility.

SEC. 49. During the sitting of the Diet no member can be arrested without the express permission of the Chamber to which he belongs, except in the act of committing a criminal offense.

SEC. 50. The Diet can entertain only those subjects which are assigned to it by the present Constitution, or are specially brought under its consideration by the Grand Duke.

SEC. 51. A committee of the Diet shall be formed of the president holding office in the last session, of three members of the First Chamber, and six of the Second Chamber. The business of this committee is limited to the cases expressly mentioned in the present act, or to subjects referred to it from the last Diet, with the consent of the Grand Duke.

This committee shall be chosen before the close of the Diet and before every prorogation thereof, in both Chambers, by a relative majority of votes. The dissolution of the Diet includes the dissolution of the committee also, even though just appointed.

SEC. 52. The Chambers can neither assemble of their own accord nor continue their sittings and deliberate after their dissolution or prorogation.

IV. THE AUTHORITY OF THE DIET.

SEC. 53. No tax can be imposed or levied without the consent of the Chambers.

SEC. 54. The law imposing taxes will be regularly passed for two years. Such duties, however, as are directly connected with contracts concluded for a longer period can undergo no alteration before the expiration of such contracts.

SEC. 55. Together with the bill of the revenue law, there will be submitted the State budget and a detailed survey of the application of the sums granted for the previous years. No items shall be included therein for secret expenditures without a written assurance from the Grand Duke, countersigned by a member of the Ministry of

¹ Law of October 21, 1867.

State, that the sums have been or shall be applied for the real interests of the State.

SEC. 56. The Chambers can not grant taxes conditionally.

SEC. 57. No loan can be legal without the concurrence of the Chambers, except, however, those loans by which certain fixed receipts to meet an approved expenditure, and those revenues of the sinking fund are anticipated, to which, according to its fundamental laws, it is entitled.

In cases of extraordinary, unforeseen, and urgent State need for funds, the amount of which may not be equivalent to the expense of an extraordinary session of the Chambers, and for which the vote of credit by the Chambers would not be sufficient, the consent of the majority of the committee will suffice to render the loan legal. The necessary proceedings must be referred to the next Diet.

SEC. 58. No domains can be alienated without the consent of the Chambers. Such alienations, however, are excepted, as have been already concluded, for the liquidation of debts; the redemption of fiefs, hereditary dues, ground rents, and socage service; the sales of unnecessary buildings, and of estates (with revenues derived from them), which are situated in the neighboring States; and further, such alienations as have been made with a view to State economy, the promotions of agriculture, or the abolition of a prejudicial management peculiar thereto. The balance of the sums received must be applied to new acquisitions, or paid over to the fund for the liquidation of debts, in order to receive interest thereon.

Exchanges and alienations, effected for the purpose of putting an end to a lawsuit, commenced with reference to property or services, are excepted; as is also the renewal of fiefs during the reign of the Sovereign to whom they revert.

Since the object of the Pragmatic Sanction, of October 1, 1806, and November 18, 1808, with reference to the debts and alienations of the State, has been completely attained by the present and preceding articles, the obligation of said Pragmatic Sanction shall cease upon the day when the representative Constitution comes into effect.

SEC. 59. The domains, according to the general and acknowledged principles of the rights of States and princes, are indisputably the patrimonial property of the Sovereign and his family, and we, by virtue of our authority over them, as head of the family, do hereby expressly confirm them to be so; nevertheless, we will surrender, for the purpose of reducing the burdens of the State, the returns of the same, with the exception of the civil list engrafted upon them, and the other charges payable therefrom, so long as we are prevented by the state of the finances from relieving our subjects according to our sincerest wishes.

The civil list can not be increased without the consent of the Chambers, nor diminished without the permission of the Grand Duke.

SEC. 60.¹ The following bills relating to finance shall, in the first instance, be submitted to the Second Chamber:

(1) Attestations regarding the fulfilment of State expenses and State income (the attestation of accounts), and statements comprising the budget items with the results of the accounts;

(2) Bills making permanent provisions regarding the administration of the State expenses and State income, or concerning direct or indirect State taxes;

(3) The Bill of the Finance Act (Revenue Law, secs. 54 and 55), besides the State estimate (State budget), and other bills regarding the determination of assessments for the budget period; the alienation, charging, or application of State property or domains; the issuing of loans, the assumption of security by the State, or other State obligations of similar nature.

SEC. 61.¹ After the Second Chamber has decided upon bills designated in section 60, clause 1, a decision shall take place in the First Chamber.

Only after the Second Chamber has accepted bills designated in section 60, clauses 2 and 3, shall the First Chamber decide them, but without prejudice to the right of the latter to decide individual parts of the State budget separately, as soon as the decision of the Second Chamber has been made on these points.

If, in respect to individual items of the State estimate (State budget), the decisions of the First Chamber differ from those of the Second Chamber, and if, after repeated decisions of both Chambers, and previous attempts at an agreement according to section 75, paragraph 2, a settlement of differences can also not be attained, these items shall be entered in the estimate attached to the Finance Act in such way as the Second Chamber has consented to at the final decision.

If the First Chamber should entirely reject a bill of the nature designated in section 60, clause 3, which has been accepted by the Second Chamber, the Government or the Second Chamber may request a united vote of both Chambers to decide whether the bill shall be accepted in the form given it by the Second Chamber.

SEC. 62. Old and extraordinary taxes may be continued for six months after the stipulated time, if the Diet be dissolved before a new budget can be presented or if its deliberations be delayed.

SEC. 63. During preparations for war or while a war is being carried on the Grand Duke, for the speedy and effectual fulfilment of his duties toward the German Confederation, and even before he has

¹ Law of August 24, 1904.

obtained the consent of the Diet, may legally levy State loans or war taxes. In such case the Diet will exercise a greater influence and co-operation in the administration in this manner:

1. The committee, which is to be immediately assembled, may delegate two members to the Ministries of Finance and War and one commissioner to the war treasury, in order to see that the money raised for the war is actually and exclusively applied to that object, and that—

2. It will appoint as many members to the war commission, which is to be organized with reference to the war supplies of every description, as the Grand Duke shall propose, exclusive of the directors, for the direction of the marching, provisioning, and distribution of the forces. The committee shall have the further power to delegate, for the same object, to each provincial authority two members chosen from among the deputies of the Diet who may reside in the district.

SEC. 64. No law which remedies any defect in the Constitution or which explains or amends it can be passed without the consent of a majority of two-thirds of the members present in each of the two Chambers.

SEC. 65. For all other proposed general laws affecting the freedom of persons or the property of subjects of the State or for the alteration or authentic interpretation of existing laws the consent of an absolute majority in each of the two Chambers is requisite.

SEC. 65a.¹ The right to propose laws belongs to the Grand Duke, as well as to each of the Chambers.

SEC. 66. The Grand Duke ratifies and promulgates the laws and issues, by virtue of his right of supreme superintendence and management, the directions, regulations, and ordinances necessary for the fulfilment and observance of them, as well as all those required generally for the safety of the State. He issues those ordinances also which, although they should by their nature be considered by the Diet, are urgently required for the good of the State, and the temporary object of which would be frustrated by delay.

SEC. 67.² The Chambers have the right to make protests and complaints. Ordinances containing regulations, which the Chambers consider as offending their right of consent shall, upon their adducing well-founded complaints, be immediately rendered ineffectual. On stating grounds to the Grand Duke they can solicit the proposal of a law. They have a right to point out to the Government abuses in the administration which come within their knowledge.

Complaints of individual citizens concerning the violation of their constitutional privileges can not be received by the Chambers except in writing, and can not then be accepted unless the complainant shall

¹ Law of December 21, 1869.

² Law of February 20, 1868.

prove that he has in vain appealed for redress to the proper local jurisdictions and lastly to the Ministry of State.

The Second Chamber is alone empowered to deal with complaints containing the accusation of a violation of the Constitution or constitutional rights. The First Chamber, however, has the same right of complaint to the Grand Duke for the violation of its constitutional rights. Decisions on such complaints require a majority of votes, as prescribed in section 67*a*.

Both Chambers, either in common or each separately for itself, are entitled to submit other protests to the Grand Duke.

A request to present a law can be made by one of the Chambers to the Grand Duke only after it has been previously communicated to the other Chamber, and an opportunity given the latter to express itself on the matter in question.

IVa. THE IMPEACHMENT OF MINISTERS.

SEC. 67*a*.¹ The Second Chamber has the right to lodge formal complaints against ministers and members of the superior offices of the State, for violations of the Constitution or acknowledged constitutional privileges knowingly committed through act, neglect, or gross carelessness, or for a severe endangerment of the safety or welfare of the State.

Such a decision requires the number of votes prescribed in sections 64 and 73 for changes in the Constitution. The withdrawal of such a decision can take place with a simple majority of votes.

The right of accusation, enjoyed by the Second Chamber, is not canceled by the removal of the accused from office, whether such removal took place before or after the accusation was raised.

In case of conviction, the discharge of the accused from Government service must be pronounced.

This consequence of conviction can be annulled only at the suggestion or with the consent of the Diet.

The Supreme Court of Judicature has no right to decide any claims for damages.

SEC. 67*b*.² The First Chamber, in connection with the president of the Supreme Court and eight other judges, chosen from the associated courts by lot and delegated to the First Chamber, shall exercise the function of the Supreme Court of Judicature in cases of accusation mentioned in the foregoing article.

The defendant and plaintiff have the right of challenge.

The president of the First Chamber shall preside. The president of the Supreme Court shall be his substitute.

The details regarding the formation of and procedure at such a Supreme Court of Judicature will be determined by a general law.

¹ Laws of February 20, 1868, and August 24, 1904.

² Law of February 20, 1868.

SEC. 67*c*.¹ If a minister or one of the superior officers of the State is accused of having committed a State crime or an ordinary crime by the abuse of his office, together with violations mentioned in section 67*a*, or even without such, the Second Chamber has the authority to propose that the Supreme Court of Judicature surrender the accused for trial to the regular proper criminal court.

The proposal must be decided in the form prescribed in section 67*a* and joined with the accusation, if such has been made, but otherwise presented independently, to the Supreme Court of Judicature.

SEC. 67*d*.¹ The accusation decided upon by the Second Chamber during a session of the Diet shall be prosecuted by the commissioner chosen, even after prorogation or adjournment of the Diet. The First Chamber shall not be considered prorogued or adjourned in reference to this matter.

The same shall hold in the case of the dissolution of the Diet, but the issue and decision regarding the accusation shall be postponed until after the elapse of the period fixed in section 44 of the Constitution.

SEC. 67*e*.¹ If the Supreme Court of Judicature has not yet passed judgment at the time when a new Diet is convoked, the Court shall be newly formed, and the Second Chamber shall again choose commissioners to press the accusation.

If the Diet should be dissolved a second time, the commission chosen by the Second Chamber to press the accusation, and likewise the Supreme Court of Judicature, shall be authorized to act, as they previously existed.

SEC. 67*f*.¹ The right of accusation shall expire three years after the act of violation has been brought to the knowledge of the Diet, unless the Second Chamber has taken note of such right, at least by a decision, that it will consider proposals of raising an accusation.

The accusation can furthermore no longer be raised if the majority of the Second Chamber has approved of such action.

SEC. 67*g*.¹ Enactments and decrees of the Grand Duke referring to the Government and administration of Baden must be signed in the original document by the consenting members of the highest Government authorities, and shall not be considered valid for execution unless the document is countersigned by a minister.

V. THE OPENING OF THE SESSIONS OF THE DIET—THE FORMS OF DELIBERATION.

SEC. 68. Each Diet must be opened and closed, in the presence of both Chambers, united for this purpose, by the Grand Duke in person, or by a commissioner appointed by him.

¹ Law of February 20, 1868.

SEC. 69.¹ At the opening of the Diet all newly appointed members shall take the following oath :

I swear fidelity to the Grand Duke, and obedience to the laws; to observe and maintain the Constitution, and in the Diet to regard only the general welfare and advantage of the whole country, without respect to orders or classes, according to my sincere conviction. So help me God!

SEC. 70.² The acceptance of a bill, as well as the rejection of a sovereign proposal, can occur in each of the Chambers, after previous deliberation in an especial committee, or even without such, but in the latter case only upon the basis of a twofold deliberation and vote, separated by a period of at least three days. A bill or proposal from one Chamber to the other may be referred back with suggestions and alterations to the Chamber from which it came.

SEC. 71.² The consent of the absolute majority of members present in legal number is required for the validity of a decision of a Chamber, unless exceptions are expressly established.

If the vote is a tie, the president's vote shall decide.

The number of votes and the procedure at elections held in the Chambers shall be regulated by the Diet rules without prejudice to the provision contained in section 51.

SEC. 72.² The presence of at least 15 members in the First Chamber, and at least 37 in the second, including the presidents, shall be necessary to form a quorum in either case.

SEC. 73.² The presence of at least three-quarters of the members shall be required in both Chambers for the lawful voting on bills intended to supplement, explain, or change the Constitution.

In calculating the three-quarters, those members of the First Chamber named in section 27, clauses 1 to 3, shall not be counted if they do not participate either in person or by proxy in the session of the Diet in question.

SEC. 74.² The presence of the number of members in each Chamber necessary to form a quorum shall be required for the validity of a united vote, as in section 61, paragraph 4.

The bill shall be considered passed if the majority of votes cast by both Chambers together is in favor of it. In case of a tie, the vote of the president of the Second Chamber shall decide.

SEC. 75.² The two Chambers shall not assemble together, except at the opening and closing of the Diet.

If, however, the decisions of both Chambers differ from one another, at the suggestion of either of the Chambers through the

¹Law of February 17, 1849.

²Law of August 24, 1904.

mediation of the presidents, a meeting of the commissions of each Chamber can take place for the purpose of reaching an agreement.

The relations of the Chambers to one another are limited to the communication of their respective decisions.

They are in immediate communication on matters of business only with the Ministry of State of the Grand Duke.

They can not make dispositions or issue proclamations of any description whatever.

Deputations can be delegated to the Grand Duke only after permission expressly obtained from him on every occasion.

SEC. 76.¹ The ministers and members of the Ministry of State, and the grand ducal commissioners have access to every public and private sitting of either Chamber, and must be heard on all discussions, if they desire it.

If a preliminary discussion is held in a particular committee for the preparatory debate on a bill, the commissioners shall convene with the committees of the Diet, as often as shall be deemed necessary by either party. No essential changes can be made in a bill which has not been discussed in common with the government commissioners at such a meeting.

SEC. 77. No written speeches can be read except by the government commissioners, and the members of the representative commissions. All other members must make their observations only by word of mouth.

SEC. 78. The sittings of both Chambers are public. They become secret at the request of the government commissioners, when they have communications to make, which, according to their opinion, ought to be private; and at the desire of any three members with whom, after all auditors have withdrawn, at least one-fourth of the members must agree as to the necessity of a secret deliberation.

SEC. 79.² The four-year Diet period shall be divided into two session periods of two years each. At each session period a decision shall be passed regarding the Finance Law.

If the Diet has been dissolved during a session period, before a decision has been passed regarding the Finance Law, the duration of the first session period and the membership for the newly elected Diet shall be so calculated as if the election had taken place at the beginning of that session period in which the last Diet was dissolved.

If the dissolution occurred after the decision regarding the Finance Law, the remainder of the unexpired session period will be added to the four-year diet period of the new Diet.

The provision of section 37, paragraph 2 shall also be applicable in case of dissolution.

¹ Law of December 21, 1869.

² Law of August 24, 1904.

SEC. 80. In the first elections, all contests respecting the validity of the returns will be determined by the Government Central Commission, which is charged with the primary execution of the constitutional law.

SEC. 81. The opening of the first Diet will take place on February 1, 1819.

SEC. 82. At the opening of the first Diet, when the Constitution is put into effect, the existing conditions in all branches of administration and legislation will continue until suitable measures be taken on these subjects in concert with the Diet.

The first budget in particular will be provisionally executed until it shall have been adopted by the Diet.

SEC. 83. The present Constitution is placed under the guaranty of the German Confederation.

Given under our hand and sealed with the great seal of the State.
Griesbach, August 22, 1818.

[L. S.]

By command of His Grand Ducal Highness,

CARL.

WEISS.

BAVARIA.

1. CONSTITUTIONAL ACT OF MAY 26, 1818.¹

[PREAMBLE.]

Maximilian Joseph, by the grace of God, King of Bavaria :

Impressed with a due sense of the important duties of a Sovereign, and actuated thereby, we have hitherto distinguished our Government by the adoption of such regulations as displayed our continued exertions to promote the general prosperity of the whole of our subjects. In order more firmly to establish the same we granted, in the year 1808, a Constitution to our Kingdom, which was suited to its external and internal relations existing at that time and into which we admitted the introduction of a Representative Assembly as its principal and most essential provision. The great political events which occurred subsequently to that period, by which every German State was in some degree affected and during the operation of which the people of Bavaria showed themselves to be as magnanimous while suffering under oppression as they were while engaged in contests on the field of battle, had scarcely reached their termination, by the Act of Congress at Vienna, when we immediately endeavored to complete the undertaking, which had been interrupted only by the circumstances of the times, with a steadfast and determined regard to the general and peculiar claims requiring to be attended to in order to promote the general purposes of the State. The preliminary proceedings which were directed to be taken with this object in the year 1814 and the decree of the 2d of February, 1817, prove the sincere resolution which we had previously formed on this subject. The present Constitutional Act, having first received the fullest and most mature deliberation, and having afterwards been considered by our Council of State, is the work of our own free will and earnest determination, and our people will find in it, from the following summary of its contents, the strongest and most convincing pledge of the sincerity of our royal and paternal intentions :

Freedom of conscience, and a conscientious separation and protection of whatever is the property of the State and of the Church ;

Freedom of opinions, with legal restrictions to prevent the abuse of it ;

¹ Based on the translation in 5 *British and Foreign State Papers*, pp. 1055-1076. It has been revised and brought up to date by a comparison with Stoerk-Rauchhaupt, *op. cit.*, pp. 89-107.

Equal right of native subjects to promotion to all the grades of public service, and to all marks of distinction awarded to merit;

Equal liability to be called upon for the duty and for the honor of bearing arms;

Equality in the eye of the law, whether as plaintiffs or defendants, accusers or accused;

Impartiality and dispatch in the administration of justice;

Equality in the imposition of, and in the obligation to pay, taxes and duties;

Order in every branch of the domestic economy of the State, legitimate maintenance of public credit, and a guaranty of the proper application of the funds appointed for these purposes;

Reestablishment of the Communal Corporations, by the restitution to them of the administration of those affairs upon which most particularly depend their prosperity;

A Representative Assembly, proceeding from all classes of citizens domiciled in the State, enjoying the rights of counseling, of assenting to laws, of voting grants, of expressing wishes, and of preferring complaints on account of the violation of rights guaranteed by the Constitution; summoned in order to increase in public convocations the wisdom of deliberation without weakening the power and influence of the Government;

And, finally, a solemn pledge or guaranty, securing the Constitution against any capricious alterations, but not preventing those progressive changes in it which may be found by experience to lend more and more to its improvement.

Bavarians! These are the fundamental provisions of the Constitution granted to you of our own free will and determination; and in them you will perceive the principles of a King, who will not derive the happiness of his heart and the glory of his throne from any other source than the prosperity of his country and the love and affection of his people.

We hereby declare the following stipulations to be the constitutional law of the Kingdom of Bavaria.

TITLE I.—GENERAL REGULATIONS.

ARTICLE 1. The Kingdom of Bavaria, collectively, with all the portions of territory acquired recently and in previous years, shall form one sovereign monarchical State, according to the stipulations contained in the present Constitutional Act.

2.¹ There shall exist for the whole Kingdom one General Assembly of Estates or Representatives, divided into two Chambers.

¹The term Assembly of Estates (*Ständerversammlung*) was replaced by the collective term Diet (*Landtag*), according to the law of June 4, 1848. The original term is retained here.

TITLE II.—OF THE KING AND OF THE SUCCESSION TO THE THRONE, AND ALSO OF THE REGENCY.

ARTICLE 1. The King shall be the supreme head of the State, shall unite in himself all the rights of political dominion, and shall exercise them under the conditions established in the present Constitutional Act, granted by himself.

His person shall be sacred and inviolable.

2. The Crown shall be hereditary in the male line of the Royal House, according to the order of primogeniture, and of regular lineal hereditary descent from the same ancestor.

3. In order to establish the eligibility of succession, a legitimate birth from parents who were born of an equal class, and who were married with the consent of the King, shall be requisite.

4. The male shall have preference before the female descendants; and the princesses shall be excluded from the succession to the Crown so long as there exists in the Royal House either a male descendant competent to succeed, or a prince entitled to the throne according to any special compact of reciprocal inheritance.

5. In the event of the entire extinction of the male line, and in default of a special compact of reciprocal inheritance concluded with another Princely House belonging to the Germanic Confederation, the throne shall devolve upon a female descendant, in precisely the same order of succession as is established for the male line; so that the Bavarian princesses, or their descendants, without distinction as to sex, who are living at the time of the demise of the last reigning monarch, shall be eligible to succeed to the throne, in the same manner as if they were princes belonging to the original male line of the Bavarian House, according to the order of primogeniture, and the right of lineal hereditary succession.

If in such new reigning branch of the Royal House descendants of the first grade and of both sexes should be born, the preference shall be again enjoyed by the male to the exclusion of the female line.

6. Should the Bavarian Crown, in the event of the extinction of the male line, devolve upon the Sovereign of another monarchy, who could not or would not reside in the Kingdom of Bavaria, the Crown shall then pass over to the second-born prince of the same house, and the like hereditary succession shall be observed in his line as has been already pointed out.

But if the Crown should devolve upon the consort of a foreign sovereign ruling over another monarchy, such consort shall nevertheless become Queen: Her Majesty must, however, appoint a viceroy, who shall take up his residence in the capital of the Kingdom, and, after her demise, the Crown shall devolve upon her second-born prince.

7. The princes and princesses of the Royal House shall attain their majority upon their completing the eighteenth year of their age.

8. The other relative circumstances of the members of the Royal House shall be arranged in conformity with the regulations of the Pragmatic Family Law.

9. The Government shall be administered by a regent :

(a) During the minority of the Monarch, and,

(b) When the Monarch is prevented from continuing to exercise the supreme authority, and shall not have made, and is unable to make, arrangements for the due administration of the Government.

10. The Monarch shall be at liberty to select, from among those princes of the family who have attained their majority, a prince to act as regent during the period of the minority of his successor.

In default of such a selection, the temporary administration of the Government shall devolve upon the male descendant from the original ancestor, who is the next heir in the established order of hereditary succession, if he shall have attained his majority.

Should the prince, however, upon whom, according to the above regulation, the regency would devolve, be a minor, or be unable from any other cause, to undertake it, the temporary direction of affairs shall then devolve upon the male descendant from the original ancestor, who is the next prince in succession after him.

11. Should the Monarch, by any cause whatever; the existence or the effect of which shall continue longer than a year, be prevented from exercising the supreme authority; and should he not previously have provided for this contingency, and be prevented from making the requisite arrangements, the same legal regulations with respect to the regency, which are to be observed in the event of his minority, shall be adopted in this case, with the concurrence of the Estates, to whom the causes of prevention shall be explained. .

12. When the King, agreeably to article 10, shall nominate the regent, who is to act during the minority of his successor, the declaration of appointment, to be executed for this purpose, shall be preserved among the family archives, under the charge of the minister to whom the performance of the duties of officer of the Royal House are intrusted, until the demise of the Monarch; and, upon the occurrence of that event, it shall be communicated to the Collective Ministry of State, for its information, and with a view to public proclamation. The act containing the appointment shall, at the same time, be communicated also to the regent.

13. Should there be no male descendant from the original ancestor living, who is qualified to take upon himself the temporary government of the Kingdom, the Queen, widow of the deceased Monarch, should there be one, shall become regent.

Should there be no such Queen widow, the sovereign authority shall be assumed by that officer of the Crown whom the last reigning Monarch may have nominated for the purpose; and if the nomination

of such an officer should not have been made by him, the regency shall then be transferred to the principal officer of the Crown, who is not prevented by any legal obstacle from undertaking it.

14. In any case, the Queen widow shall have the charge, under the superintendence of the temporary administrator of the Kingdom, of the education of her children, agreeably to the particular stipulations upon this subject contained in the family law.

15. In the cases pointed out in article 9, paragraphs *a* and *b*, the Government shall be administered in the name of the Monarch—whether he be a minor, or be prevented from exercising the supreme authority.

All documents of every description shall be issued in his name and under the usual Royal Seal, and all coins shall be stamped with his effigy, arms, and titles.

The regent shall subscribe himself as the “Administrator of the Kingdom of Bavaria.”

16. The prince of the Royal House, the queen widow, or the officer of the Crown, to whom the temporary administration of the Kingdom shall be confided, must, immediately after his or her assumption of the regency, convoke the Estates, and, in the midst of them, and in the presence of the Ministers of State, and also of the members of the Council of State, take the following oath:

I swear to administer the State in conformity with the Constitution and the laws of the Kingdom; to maintain the integrity of the Kingdom and the rights of the Crown, and faithfully to surrender up to the King the authority, the exercise of which is intrusted to me. So help me God and His Holy Gospel.

Of which oath a special record shall be kept.

17. The regent shall exercise, during his or her temporary administration of the Kingdom, all those rights of supreme power which are not specially excepted by this Constitutional Act.

18.¹ All offices, with the exception of those in the Department of Justice, which fall vacant during the temporary administration of the Government, can be only provisionally filled. The regent can not alienate the property of the Crown, nor grant fiefs, nor introduce new offices.

Officials provisionally appointed by the regent must, during the regency, be treated according to the provisions of the ninth amendment of the Constitution, and, in case the provisional appointment represents a person's first public office, a “definition of service” (*Dienstdefinitivum*) is granted to the incumbent. Officials provisionally appointed, who at the expiration of the regency are in possession of the “definition of service,” retain their acquired rights of pension and of domicile for themselves and for their relatives, even if the appointments made by the regent should be withdrawn.

¹ Paragraphs 2 and 3 were added by law of October 26, 1887.

Crown lands, according to the law of July 1, 1834, relative to the determination of a permanent civil list, shall be all royal castles and estates intended for the use of the Royal Court, with the understanding that the provisions of title III, article 6, of the Constitution shall apply to the sale and alteration of separate parts thereof.

19. The collective Ministry of State shall form the council of the regency, and the regent shall be bound to take the opinion of the council upon all important matters.

20. The administrator of the Government shall, during the continuance of his or her regency, inhabit the royal residence, and be maintained at the charge of the State; and there shall be assigned to the regent, for his or her own disposal, out of the public treasury, the sum of 200,000 florins annually, payable in monthly proportions.

21. The duration of the regency, in the two cases mentioned in article 9, shall be, in the first, until the majority of the King, and, in the second, until the obstacle which may have arisen shall have ceased.

22. When the regency is at an end and the King, upon assuming the chief authority, shall have made the solemn deposition pointed out in title X, article 1, all the transactions of the regency shall be considered as concluded and the accession of the King to the Government shall be solemnly proclaimed, both in the capital and throughout the Kingdom.

TITLE III.—OF THE PROPERTY OF THE STATE.

ARTICLE 1. The property of the State throughout the Kingdom of Bavaria shall form a single, indivisible, inalienable, collective mass by the union of all its constituent parts, comprising territories of every description, lordships, domains, and royal dues and rents, with everything appertaining thereto.

All new acquisitions of immovable property in virtue of private titles, whether they be derived from the direct or the collateral line, shall, unless the person who first acquired them made, during his lifetime, a special disposition of them, fall to the inheritance of the male line, and be considered as incorporated with the collective mass.

2. The inalienable property of the State, which, in case of a separation of the public and private effects of the deceased Monarch, ought not to be introduced into the inventory of the latter effects, shall consist of:

- (1) All the archives and registries;
- (2) All the public establishments and buildings, with their appurtenances;
- (3) All the arms and ammunition, and all the military magazines, and whatever is required for maintaining the fortifications of the country;

(4) All the establishments of the royal chapels, and of the offices belonging to the household of the Sovereign, with all the furniture appertaining thereto, which are intrusted to the charge of the superintendents and principal officers of the court, and are necessary for the use, or for the splendor of the court;

(5) All that has been appropriated to the arrangement or for the ornament of the town residences and country palaces;

(6) The property of the Royal House, and whatever has been united to it by testament;

(7)¹ All collections for the promotion of the arts and sciences, such as libraries, museums, cabinets of natural curiosities and coins, antiques, statues; observatories and the instruments used in them; pictures, and collections of copper-plate engravings, and all other articles which are set apart for the use of the public or for the encouragement of the arts and sciences.

Articles included among the collections of title III, article 2, clause 7, of the Constitution, which were acquired neither with State funds nor by State treaties, nor were limited by entail, but were purchased by funds granted by the Monarch for private disposition and not formally incorporated into the property of the State and the Crown—belonging, therefore, to the private legacy of the Monarch and recorded as his private property by the competent authorities—become a part of the private property of the heirs, and remain so even if the new owners should leave them in the collections to which they formerly belonged.

(8) All actual and available sums in cash and capital funds in the public treasury and all collections of natural productions remaining with the administrators of the public domains, together with all outstanding dues payable to the State, and lastly.

(9) Whatever has been procured with the public money.

3. All the constituent parts of the property of the State, as has already been determined in the pragmatic law of October 20, 1804 (from which have been transferred into the present Constitutional Act those stipulations which are, according to the altered circumstances relating thereto, still in force upon the subject), shall be forever inalienable, with a reservation of the undermentioned modifications.

All the rights of supreme authority, however, shall, without exception, and above all others, be maintained entire and undivided, for him who is to enjoy them by virtue of primogeniture.

4. Not only is every actual sale to be regarded as an alienation of the property of the State, but also any donation to the living, or any transfer by the terms of a last will or testament, or any grant of a new fief, or the imposition of any permanent burden upon, or the mortgaging or surrendering of any part of such property, in conse-

¹ Par. 2 is based on the law of March 9, 1828.

quence of a compromise entered into upon condition of the receipt of a sum of money, are to be so regarded.

Exemption from contributing toward the public burdens shall on no account be conceded to any subject of the State.

5. Those fiefs, public domains, and revenues, which have already been granted, as rewards for particular services rendered to the State, shall be excepted from the above prohibition.

The King shall also be at liberty, at all times, again to dispose, by grant, of all the fiefs which may fall in.

Other public domains or revenues may, with concurrence of the Estates, be granted, in the character of male-fiefs of the Crown, as a recompense for great and decisive services rendered to the State.

Reversions to domains, revenues, and privileges, which may at any future time devolve to the Crown, shall not be granted, nor any reversions to offices of honor or profit.

6. From the prohibitions, as to alienations, shall further be excepted:

(1) All those public transactions of the Monarch, which, being within the limits of the rights belonging to him as the supreme authority, have been undertaken upon public grounds, and with a view to the benefit of the State, either with foreigners or with subjects of the country, relative to the hereditary property and public domain;

(2) Especially, also, whatever particular estates and dues are given up, in order to bring to a termination a pending lawsuit, and upon condition of retaining or acquiring other estates, revenues, or privileges, or with a view to the settlement of a question of boundary line with the neighboring States, and also upon condition of receiving in return a suitable compensation;

(3) Whatever is given in exchange for other absolute property, and privileges, which may be of equal value;

(4) Whatever particular alienations or exchanges of the property of the State have, in conformity with some public purpose, and in consequence of the regulations already issued, been found advisable agreeably to the strict principle of carrying into effect a progressively improving administration of the public resources, in order to promote agricultural amelioration or the general prosperity of the country, to benefit the public treasury, or to abolish any prejudicial management peculiar thereto.

7. In all the cases described in the preceding article, the revenues of the State shall not, however, be diminished; but stipulations shall be made for compensating the parties, when necessary, by the payment of a dominical rent, if possible, in grain; and the money received from the parties shall be employed in procuring new acqui-

sitions, in affording temporary assistance to the fund for the liquidation of debts, or in any other manner having for object the general prosperity of the country.

With respect to the movable articles comprehended in the property of the State described in article 2, the Sovereign may effect such alterations and improvements as may be suitable to time and circumstances.

TITLE IV.—OF GENERAL RIGHTS AND DUTIES.

Article 1. In order to be admitted to a full participation in all civil rights, both public and private, in Bavaria, the enjoyment of the right of a native subject, called *Indigenat*, shall be required; which is obtained either by birth or by naturalization, according to the regulations detailed in the edict upon this subject. (Annex 1.)

2. The right of a Bavarian citizen of the State is obtained, as a natural consequence, by the grant of the right of *Indigenat*, and is forfeited at the same time with the forfeiture thereof.

3. In order to exercise the above-mentioned right it is necessary, in addition—

a. To have attained the age of majority fixed by law;

b. To be domiciled in the Kingdom; by the possession of lands, revenues, or privileges, liable to taxation, by the exercise of a trade upon which contributions are payable, or by holding a public appointment.

4. Crown offices, the principal offices of the court, civil employments of State, and the chief military appointments, as also ecclesiastical dignities or benefices, can be conferred only upon natives or upon persons naturalized according to the constitutional regulations.

5. Every Bavarian subject, without distinction, may attain to all civil and military appointments and to all ecclesiastical dignities or benefices.

6. Personal bondage of any description whatever shall on no account exist throughout the whole Kingdoms, in conformity with the stipulations of the edict of August 3, 1808.

7. All indefinite socage services shall be defined and made positive, and when regulated and arranged shall also be redeemable.

8.¹ The State guarantees to each individual inhabitant security for his person, property, and rights.

No one shall be withdrawn from his ordinary judge.

No one shall be apprehended or prosecuted, except in those cases distinctly laid down in the laws, and then only according to the legal forms.

¹Par. 4 was modified and enlarged by laws of November 17, 1837; May 28, 1852 (3 laws); November 10, 1861 (2 laws); July 10, 1865; March 20, 1869; April 29, 1869; March 24, 1872; April 15, 1875; August 8, 1878; May 29, 1886; and May 29, 1887.

No one shall be compelled to surrender his private property even for public purposes until after a formal decision of the assembled Council of State and after the receipt of an indemnification, as settled in the ordinance of August 14, 1815.

9.¹ Perfect liberty of conscience is secured to every inhabitant of the Kingdom; the simple act of domestic devotion, therefore, shall not be forbidden to any individual, whatever may be the religion which he professes.

The three Christian ecclesiastical communities existing in the Kingdom shall enjoy equal rights, both civil and political.

Members of the united, as well as of the non-united, Greek Church shall possess the same civil and political rights as members of the three Christian confessions already recognized constitutionally in the Kingdom.

Non-Christians have complete freedom of conscience, but they share the rights of citizens only in so far as the organic edicts guarantee to them such rights.

The property of beneficed foundations, and the enjoyment of their revenues, according to the original documents by which they were established, and according to the due and legal possession of them, shall be completely secured to every denomination of religious professions, without any exception, whether such foundations have been instituted for education or for religious or charitable purposes.

The spiritual authorities shall never be impeded within their peculiar sphere of action, and the temporal administration shall on no account interfere in the purely spiritual matters of the doctrines of religion and of conscience, except in so far as the supreme right of protection, and of superintendence, vested in the Sovereign, are concerned; according to which right no ordinances and laws of the ecclesiastical authorities are to be promulgated and carried into execution without being previously submitted to the King and receiving His Majesty's *placet*.

The churches, and the spiritual officers attached to them, are, in their civil affairs and relations, as also with reference to the property belonging to them, subject to the laws of the State and to the temporal tribunals; and they can in no respect claim exemption from sharing the public burdens of the Kingdom.

The other stipulations relating to the outward judicial relations of the inhabitants of the Kingdom in matters of religion, and to ecclesiastical communities, are contained in detail in the special edict to be appended to the present Constitutional Charter. (Annex 2.)

10. The whole property of foundations instituted for the three objects of religion, education, and charity shall be placed under the

¹ Par. 3 is based on the law of July 1, 1834.

immediate protection of the State, and shall not, under any pretense whatever, be included with the public property in any financial arrangements, or be alienated or appropriated to other than the three objects already mentioned, without the consent of all the parties interested, and, in the case of the public chartered establishments, without the approbation of the Estates of the Kingdom.

11. The freedom of the press and of the book trade shall be secured under the regulations of the special edict which is to be issued upon the subject.

12. Every Bavarian shall be equally bound to perform military duty and to serve among the first reserves (*Landwehr*), agreeably to the existing laws upon this subject.

13. The participation in the public burdens of the State shall be general for all the inhabitants of the Kingdom, without exception of any particular grade and without regard to any special exemptions which were formerly enjoyed.

14. All Bavarians shall be at liberty to emigrate to any other State belonging to the Germanic Confederation which it can be proved is willing to receive them as subjects, and also to enter into the military and civil service of such State, provided that they have fulfilled their engagement toward the country of their birth.

They shall not, however, so long as they remain subjects of Bavaria, accept either pay or honorary distinction from a foreign power without the express permission of their own Sovereign.

TITLE V.—OF PECULIAR RIGHTS AND PRIVILEGES.

ARTICLE 1. The Crown appointments, being the principal posts of honor in the Kingdom, shall be conferred as feudal tenures held of the Throne, either for the life of the persons who are to enjoy them or with reversion to their male heirs, according to the right of primogeniture and regular lineal hereditary descent from the common ancestor of the family.

The Crown officers shall, by virtue of their royal appointments, be members of the First Chamber of the Assembly of Estates.

2. The princes and the counts, who were formerly members of the Estates of the German Empire, shall be secured in the enjoyment of all those privileges and rights which are described in the Special Edict, determining their relative position and circumstances, which is to be appended to the present Constitutional Act.

3. Those of the nobility, who were formerly immediate nobles of the Empire, and are now subject to the sovereignty of Bavaria, shall enjoy all the rights which, in conformity with the Royal Declaration on the subject, are secured to them in the Constitutional Act.

4.¹ All the other nobility of the Kingdom shall, like every individual possessor of a domain, retain the rights appertaining to them as proprietors of domains, according to the legal enactments on the subject contained in the Edict to be appended to the present Constitutional Act.

5.¹

6. The relative position, with reference to their services, and their claims to receive pensions, of the officers of State and public functionaries, shall be regulated according to the stipulations contained in the pragmatic law regarding the services of public officers.

TITLE VI. OF THE ASSEMBLY OF THE ESTATES.

ARTICLE 1. The two Chambers of the General Assembly of the Estates of the Kingdom shall consist of:

- (a) The Chamber of Senators of the Kingdom;
- (b) The Chamber of Deputies.

2. The Chamber of Senators of the Kingdom shall be composed of:

1. The princes of the Royal House, who shall have attained their majority;

2. The Crown officers of the Kingdom;

3. The two archbishops;

4. The heads of the families of those princes and counts who were formerly members of the Estates of the German Empire, as hereditary Senators of the Kingdom: so long as they remain in possession of those domains, situated in the Kingdom, by virtue of which they, or the original possessors, belonged to the Estates of the Empire;

5. A bishop, appointed by the King, and the president for the time being of the Protestant General Consistory;

6. Those persons whom the King, on account of distinguished services rendered by them to the State, or on account of their birth or of their property, shall specially nominate as members of this Chamber, either for the term of their natural lives, or with reversion to their heirs.

3. The King shall grant the right of inheriting seats in this Chamber only to those noble proprietors of domains who enjoy, to their fullest extent, the rights of citizens of the State, and who possess landed property which is subject to the conditions imposed upon fiefs and entails—upon which are payable land and dominical taxes *in simplo*, to the amount of 300 florins, and in possessing which, a lineal hereditary succession from the common ancestors of the family, according to the rights of promogeniture, is observed.

¹ Par. 2 of article 4, and article 5, were rescinded by article 35 of the law of June 9, 1899.

The dignity of an hereditary Senator of the Kingdom, acquired with the domains upon which the entail has been established, reverts in all cases to such proprietor only as comes into possession of them according to this plan of hereditary succession.

4.¹ The number of Senators of the Kingdom, appointed for life, shall not exceed the third part of those whose seats are hereditary.

ARTICLE 1. In adjusting the proportionate number of Senators appointed for life and those whose seats are hereditary, as provided by title VI, article 4. of the Constitution, there are to be included among the latter, besides the heads of families of those princes and counts formerly belonging to the Estates of the German Empire and the Senators of the Kingdom named by the King and endowed with hereditary rights (Constitution, title VI, article 2, clauses 4 and 6, article 3) :

1. The two archbishops,

2. The Senators of the Kingdom appointed by the King and the president of the Protestant Upper Consistory ;

However

(a) the princes of the Royal House who have attained their majority, and,

(b) the Crown officers who are not at the same time Senators of the Kingdom, by virtue of their landed property,

shall be included neither among the hereditary Senators nor those who hold their office for life.

ART. 2. The King shall choose the hereditary Senators and those who hold their offices for life from among those persons who have performed eminent services for the State, or who belong to the nobility, or who possess a fortune.

With regard to the granting of inheritance rights the provisions of title VI, article 3, of the Constitution shall otherwise remain in force.

5. The hereditary Senators of the Kingdom shall be admitted into the Chamber so soon as they have attained their majority; but they shall not be entitled to vote until the following periods—that is to say, the princes of the Royal House, when they shall have attained the 21st, and the other Senators of the Kingdom when they shall have attained the 25th year of their age.

6. [Rescinded by law of July 25, 1850.]

7–12. [Rescinded by the Election Law of June 4, 1848.]

13. There shall be a new election of deputies every six years, and at no other time, excepting only when the Chamber is dissolved by the King.

The members who retire on either of the above occasions may be reelected.

14. [Rescinded by law of June 4, 1848.]

15. [Rescinded by law of July 25, 1850.]

16. The Chamber of Senators of the Kingdom shall be convoked, assembled, and closed, at the same time as that of the Deputies.

¹ Articles 1 and 2 were appended to this article by law of March 9, 1828.

17. No member of the First or of the Second Chamber shall be allowed to be represented, in the sittings, by any person, as his substitute.

18. All the propositions relative to the imposts of the State shall, in the first instance, be submitted by the Government to the Chamber of Deputies, and afterwards by that to the First Chamber.

All other Government propositions may be presented, in the first instance, either to the First or to the Second Chamber, agreeably to the command of the King.

19. No proposition which ought to be deliberated and decided upon by the two Chambers of the Kingdom, shall be discussed in one Chamber alone, and acquire thereby the same force and effect as if it had obtained the legal approbation of both Chambers of the Estates.

TITLE VII. OF THE FUNCTIONS AND ATTRIBUTES OF THE ASSEMBLY OF THE
ESTATES.

ARTICLE 1. The two Chambers shall enter into discussion only upon those subjects which belong to their immediate sphere of action, and are described in the following articles, numbered from 2 to 19.

2. No new law, of a general nature, which affects the personal freedom or the property of the subjects of the State, shall be enacted, modified, or repealed, without the advice and approbation of the Estates of the Kingdom.

3. The King shall obtain the consent of the Estates to the levying of any direct taxes, to the imposition of any new indirect duties, or to the increasing or alteration of those already existing.

4. There shall, therefore, be laid before the Estates, after the opening of the Chambers, a detailed estimate of the sums required to meet the exigencies of the State, and also of the whole of the public income (budget); these estimates shall be examined by the Estates, and the latter shall then deliberate on the amount of taxes to be levied.

5. In order, however, to prevent any inconveniences to the pecuniary operations of the State, the same taxes shall continue to be levied, during the financial year in which the first Assembly of the Estates is to be convoked, which were levied in the previous financial year.

6. [Rescinded and replaced by law of July 10, 1865, here published:]

ARTICLE 1. The direct taxes necessary for the covering of the ordinary State expenses which it is possible to foresee, including the necessary reserve funds, shall be voted for two years in every case.

ART. 2. Not later than three months before the expiration of the period for the fixed expenditures the King submits to the Chambers a new budget for the two years which follow this period.

7. In case the King should be prevented, by external relations of an extraordinary character, from convoking the Estates during the last of the six years for which the ordinary taxes shall have been voted, he shall have the power of ordering that the levying of those taxes, so voted, be continued for another half-year.

8. In the case of any extraordinary unforeseen emergency, or of the existing income of the State being insufficient to meet the expenditure of it, the circumstances connected therewith shall be represented to the Estates, in order that they may vote the necessary additional imposts.

9. The Estates shall not be at liberty to connect with the grant of taxes the performance of any irrelevant conditions.

10. A detailed account, showing the appropriation of the public income, shall at every session be laid before the Estates.

11. The whole of the public debt of the State shall be placed under the guarantee of the Estates.

The consent of the Estates of the Kingdom shall be obtained previously to the contracting of any new public debt, by which the amount of the then existing debt is increased, either by capital or by the interest payable thereon.

12. Such an increase of the public debt of the State as that just alluded to shall be made in the case only of urgent and extraordinary national exigencies which can not be met by the ordinary and extraordinary contributions of the people without pressing too heavily upon them and which really tend to promote the true interests of the whole country.

13. The plan for the extinction of the national debt shall be submitted to the Estates, and no alteration without their concurrence shall be made in that plan after it has been approved of by them. Moreover, the taxes which are specially destined for the extinction of the debt shall on no account be appropriated to any other object.

14. Each of the two Chambers shall nominate one of its members as a commissioner, and the two commissioners so nominated shall conjointly take minute cognizance of all the transactions of the Royal Commission for the extinction of the public debt, and shall take care that the established rules are strictly complied with.

15. On extraordinary occasions, when threatening dangers from without imperatively require the obtaining of capital by means of loans, and the convocation of the Estates is rendered impossible by external circumstances, the two commissioners to be appointed as above shall be authorized to give their consent to such loans provisionally in the name of the Estates.

But, so soon as it is practicable to convoke the Estates, the whole particulars of the transaction relative to the raising of such capital

shall be laid before them, in order that the additional debt so contracted may be inscribed in the register of the public debt of the State.

16. A detailed account of the state of the fund for the extinction of the public debt of the State shall be presented to the Estates at every session.

17. No alienation, or application, to other than their original purposes, of the property belonging to public institutions, shall take place without the consent of the Estates.

18. In like manner, no grants of public domains, or of public revenues, as rewards for great and decisive services rendered to the State, shall be made without the consent of the Estates.

19. The Estates shall enjoy the right to submit to the King, in a suitable form, their common opinions and propositions, with reference to all matters which come within their immediate sphere of action.

20.¹ Each member also shall have the right to bring forward, in the Chamber to which he belongs, his opinions and propositions with reference to such matters.

The resolutions passed by one of the Chambers on such propositions must be communicated to the other Chamber, and may be submitted to the King only after having been approved by the second Chamber.

21.¹ Each individual citizen of the State, as also every community, shall be at liberty to address to the Assembly of the Estates complaints respecting the violation of the rights guaranteed by the Constitution, and may submit them to either of the two Chambers, which shall examine them by means of the committee appointed for the consideration of such matters and shall pass on them in accordance with the Order of Business.

If the Chamber should decide, by a majority of votes, that a complaint is well founded, it shall communicate to the other Chamber the proposition which is to be made upon the subject to the King, and if the latter Chamber should coincide with the former Chamber in the proposition, it shall be made the subject of a joint representation to His Majesty.

22. The King shall convocate the Estates at least once in every three years.

The King shall open and close the Assembly, either in his own person or by a special commissioner to be appointed for this purpose.

The regular session of the Assembly shall ordinarily not continue longer than two months; and the Estates shall be bound to take into consideration, during their sittings, those subjects which are submitted to them by the King, previously to discussing any others.

¹ Modified by section 2 of the law of January 19, 1872.

23. The King shall, at all times, have the right to prolong or to prorogue the session, or to dissolve the Assembly.

In the last-mentioned case, the new election of the Chamber of Deputies shall take place within at least three months afterwards.

24. The Ministers of State shall have a right to be present at the sittings of either Chamber, even although they be not members of either of them.

25. Each member of the Assembly of the Estates shall take the following oath:

I swear to be faithful to the King, and to the laws, to observe and maintain the Constitution of the State, and in the Assembly of the Estates to advise only that which is for the general advantage and well-being of the whole Kingdom, without reference to particular grades or classes of society, according to my real and sincere conviction. So help me God and His Holy Gospel!

26. During the meeting of the Estates in ordinary or extraordinary session no penal proceedings shall be instituted or continued against a member of the Provincial Diet, nor shall such a member be placed under arrest without the consent of the Chamber to which he belongs. Those cases are excepted in which a member was arrested at the beginning of the session, or in which he was seized at the time of the commission of the act, or on the following day. In such cases a postponement of the proceedings and of the arrest shall be granted at the request of the Chamber.

These regulations apply to the members of a special committee for the duration of its session, and in this case the committee instead of the Chamber must give its consent to, or make demand for, the arrest.

27. No member of the Assembly of the Estates shall be called to account for the opinion which he may have given in his Chamber, except by the Chamber itself, in conformity with the order by which its proceedings are regulated.

28. A proposition upon which the two Chambers do not concur shall not be brought forward a second time for discussion during the same session.

29. [Rescinded by article 41 of the law of July 25, 1850.]

30. The King alone shall sanction the laws and shall promulgate them, with his own signature attached thereto, and with the announcement that they have been duly examined by the Council of State and have been submitted for the advice and received the assent of his true and faithful servants, the Estates of the Kingdom.

31. If the Assembly of the Estates of the Kingdom shall have been adjourned, or formally closed, or dissolved, the Chambers shall not lawfully continue their deliberations, and every subsequent transaction shall be illegal.

TITLE VIII.—OF THE ADMINISTRATION OF JUSTICE.

ARTICLE 1. Justice shall emanate from the King. It shall be administered under his supreme control, by a suitable number of tribunals and superior courts of judicature, according to a legal regulation which shall determine the extent of the jurisdiction of each.

2. All the courts of judicature shall be bound to affix to their decrees the grounds of their decisions.

3. The courts of justice shall be independent within the limits of their official jurisdiction; and no judge shall be suspended from his appointment with the loss of salary, or be dismissed from the same, except in virtue of a judicial sentence.

4.¹ The King shall be at liberty, in criminal cases, to grant pardon and to mitigate or entirely remit punishment; but he shall on no account interfere so as to stop in any shape a matter depending in dispute or an investigation which has been commenced and is still in progress.

ARTICLE 1. Restoration to a person convicted of a crime of his civil and political rights which he lost as a result of his conviction in accordance with the provisions of the Penal Code or of other statutes may be effected by the pardon of the King.

ART. 2. From the day of the opening of the royal pardon all those rights which the convicted person lost at the time of his conviction are restored to him, except as otherwise provided by the pardon.

All claims, however, to positions, services, dignities, and distinctions, to rights which depended thereon or on the former possession thereof, to the re-acquisition of objects which were confiscated or intended for suppression or destruction, to industrial or other similar privileges, and finally to the re-acquisition of the title of nobility and of the rights connected therewith, shall not be included in this restoration.

5. The fiscal officer of the Crown shall, in all matters of contention affecting private rights, proceed at law in the royal courts of judicature.

6.² The confiscation of property shall not take place in any case.

7. There shall exist for the whole Kingdom only one Code of Civil and Criminal Laws.

TITLE IX. OF THE MILITARY ORGANIZATION.

ARTICLE 1. Every Bavarian shall be in duty bound to cooperate in the defense of the country according to the laws which may exist on the subject.

The clergy shall be exempt from the obligation to bear arms.

2. For the proper protection of the State there shall be a standing army, which shall be kept up to its proper complement by the general military conscription, and shall be also suitably maintained in time of peace.

¹ Articles 1 and 2, appended to this article, are based on the law of July 10, 1861.

² Modified by law of January 30, 1868.

3-5. [Rescinded by the law of January 30, 1868.]

6. The army shall be organized to serve against a foreign enemy; and it shall be brought to act within the country, only on those occasions when the military authorities are formally called upon for that purpose by the competent civil powers.

7. The military shall be subject to martial law in all matters relating to their duty as soldiers, and also in respect of their crimes or misdemeanors; but in actual suits at law and in those of a mixed nature, they shall be subject to the civil tribunals of justice.

TITLE X. OF THE SECURITY OF THE CONSTITUTION.

ARTICLE 1. The King, upon his accession to the Throne, shall take the following oath in a solemn assembly of the Ministers of State, and of the Members of the Council of State; and, if the Estates should be assembled at the time, also of a deputation of that body:

I swear that I will govern according to the Constitution and the laws of the Kingdom; so help me God and His Holy Gospel!

A formal act, containing this oath of the King, shall be prepared and shall be deposited among the archives of the Kingdom; and certified copies of it shall be communicated to the Assembly of the Estates.

2. The person, who may be called to the temporary administration of the Government, shall, with reference to the maintenance of the Constitution, take the oath prescribed in the sixteenth article of title II.

All the princes of the Royal House shall, in like manner, after they have attained their majority, swear that they will strictly observe the provisions of the Constitution.

3. All citizens of the State shall, upon being domiciled, and upon the occasion of a general act of homage on the part of the nation, and also all public officers shall, upon their appointment, subscribe the following oath:

I swear that I will be faithful to the King, that I will obey the laws, and that I will observe the Constitution of the State; so help me God and His Holy Gospel!

4. The King's Ministers of State and all the public officers shall be responsible for their strict observance of the Constitution.

5. The Estates shall have the right to prefer their complaints of any violation of the Constitution, committed by the Royal Ministers of State or by other public functionaries, in a joint representation to the King; and His Majesty shall either immediately remedy the grievance complained of, or, if any doubt prevail upon the subject, shall cause the complaints to be thoroughly investigated and decided upon, according to the nature of the circumstances, by the Council of State or by the Supreme Court of Judicature.

6.¹ If the Estates should consider themselves called upon in the course of their duties to institute a formal accusation against a superior officer of the State, the particulars of the charge shall be distinctly specified, and shall be examined in both Chambers, by a committee to be specially appointed by each of them.

If both Chambers should afterwards agree in their resolutions upon the subject of the accusation, they shall present the same in the prescribed form to the King, together with all the documents relating thereto.

7. Alterations in the enactments contained in the Constitutional Act, or additions thereto, shall not be made without the consent of the Estates.

The propositions to be submitted for this purpose shall emanate from the King alone, and it is only on the occasion when His Majesty himself shall have submitted them to the Estates that they can deliberate respecting them.

The presence of at least three-fourths of the members belonging to the Assembly in each Chamber, and a majority of two-thirds of the votes, shall be required in order to arrive at a legal and valid resolution upon this most important affair.

Whilst we hereby promulgate the above fundamental law of the State, in order that it may be generally observed and strictly complied with in all its contents, including the edicts which are supplementary to the same, and described in the principal act as appendices thereto, we at the same time further declare and order that the Assembly of the Estates therein organized shall be summoned to meet on January 1, 1819, for the due exercise of all those rights which appertain to its peculiar sphere of operation, and that in the meantime the necessary preliminary measures for this purpose shall be adopted.

Given at Munich, our capital and city of residence, on the 26th of May, 1818, in the 13th year of our reign.

[L. s.]

MAXIMILIAN JOSEPH.

COUNT VON REIGERSBERG.

Prince VON WREDE.

COUNT VON TRIVA.

COUNT VON RECHBERG.

COUNT VON THÜRHEIM.

BARON VON LERCHENFELD.

COUNT VON TÖRRING.

By command of His Majesty the King:

EGID VON KOBELL,

Royal Councillor of State and Secretary General.

¹ In connection herewith the law concerning the responsibility of the Ministry of June 4, 1848, was passed.

2. THE LAW OF JUNE 4, 1848, REGARDING THE INITIATIVE OF THE ESTATES.¹

Maximilian II, by the grace of God, King of Bavaria, etc.,

After conferring with our privy council, and with the advice and consent of our faithful and beloved subjects, the Estates of the Kingdom, and under observation of the forms prescribed in article 7, title X, of the Constitution, we have resolved upon and decree as follows:

ARTICLE 1. The right of initiative for laws which are not laws regarding the Constitution belongs to each of the two Chambers.

ART. 2. The right, belonging exclusively to the King; according to title X, section 7, of the Constitution, to propose changes in the provisions of the Constitution or additions to it (the right of initiative) is also opened to the Estates of the Kingdom in view of the provisions contained in titles IV, VII, VIII, and X, articles 1-6, of the Constitution and the inclosures of the Constitution and laws taking this matter into account.

ART. 3. The right to convoke the Chambers within the time fixed by the Constitution, to open and close them, to extend and adjourn them, or to dissolve the entire Assembly, is, however, reserved to the Crown according to the previous provisions.

ART. 4. With reference to the provisions contained in title VI of the Constitution, the right of initiative designated in article 2 likewise belongs to the Chamber of Councillors, as far as the provisions concern it, as well as to the Chamber of Deputies, as far as they concern the latter.

ART. 5. Motions for change of the laws pertaining to the Constitution described in articles 2 and 4, are to be subjected to a preliminary discussion immediately after their introduction; if they are thereupon not supported by half of the members of the Chamber in question who are present, they can not come to any further discussion.

In case of support of the motion the committees are strengthened to the double number of their members.

ART. 6. In all changes of the Constitution, or additions to it, to the annexes and laws of the Constitution proposed by the Chambers, there is necessary a threefold deliberation and decision held at intervals of at least one week in the presence of three-quarters of the members of each Chamber present at the Assembly, and a majority of two-thirds of the votes.

ART. 7.² To the King is reserved the right to postpone his definite decision regarding general resolutions thus passed for a year, for the

¹ The translation of this Law and of the following Constitution Agreement, by Richard Jente, is based on Stoerk-Rauchhaupt, pp. 108-112.

² The order of business of January 19, 1872, article 40, requires a decision before the prorogation of the Diet.

purpose of having the inquiries and examinations made, which still seem necessary.

ART. 8. As regards a constitutional law issued as a result of the present legal provisions, the initiative of the Estates may not be exercised again before the elapse of 12 years.

ART. 9. The present law goes into effect on the present day, and is made a constitutional law.

Our Secretary of the Interior is charged with the execution.

Done at Munich. June 4, 1848.

MAXIMILIAN.

VON THON-DITTMER, HEINTZ, LERCHENFELD, WEISHAUPF,

COUNT VON BRAY, VON STRAUSS, *Privy Councillor*.

According to the order of His Majesty the King:

Secretary VON KOBELL,

Secretary of the Privy Council.

3. THE SO-CALLED CONSTITUTION AGREEMENT OF 1843.^{1, 2}

SECTION I. The Constitution, title VII, article 3, concedes to the Estates the right of grant in respect to—

A. All direct taxes;

B. All indirect assessments newly introduced or which are to be increased or changed;

and establishes in articles 4, 5, and 8 of the above title the following:

1. For every six years a budget—that is, “a detailed estimate of the sums required to meet the exigencies of the State, and also the whole of the public income”—is presented to the Estates;

2. After previous examination of this budget, the Estates enter into deliberation on the granting of taxes, and grant each time for the next six years “the direct taxes necessary for the covering of the ordinary State expenses, which it is possible to foresee” and then for establishing “the necessary reserve funds;”

3. If there should occur in the course of the six years an extraordinary unforeseen national requirement, this will be pre-

¹ The so-called constitution agreement is printed from the committee record of June 14, 1843, and the resolution of the Chamber of Councillors of July 12, 1843, contained in the Transactions of the Chamber of Councillors, 1842–43, inclosures, Vol. IV, p. 269, *et seq.*

² Occasioned by the dispute rising between the Government and the Chambers over the interpretation of the Constitution paragraphs in question, the Chamber of Councillors summed up, in the year 1843, its conception of the questions in dispute in the following sentences, which were passed as a resolution on July 12 in due form, after the entire ministry had expressed its agreement by a declaration of June 30. No voting or passing of a resolution took place in the Chamber of Deputies; however, it was established here by the finance committee that the principles recognized by the Government agreed in most points, even if not at all, with the interpretation represented and adhered to until then by the Chamber. (Cf. *Transactions of the Chamber of Deputies*, inclosures, Vol. IX, Pt. 1, p. 420.) This “constitution agreement” of 1843, which was then also designated as such (cf. Law Code, column 78), has since served as a basis in the exercise of the right of granting the budget, with the exception of differences not settled, and without claiming the quality of an authentic interpretation of the Constitution.

sented to the Estates for the "voting of the necessary additional imposts," in so far as "the existing national income is insufficient to meet the expenditures."

SEC. II. From these provisions of the Constitution it follows:

1. In respect to the budget, that it must make manifest completely and lastingly—

A. The entire national requirement definitely to be foreseen, and

B. All national income at all to be expected.

2. In respect to the granting: That the Estates have to grant each time for six years only those taxes which are required, according to their conviction, to adjust the difference on the one hand between the entire national requirements—that is, between the "regular fixed national requirements definitely to be foreseen," including the necessary reserve fund, and, on the other, between the means of security independent of their grant.

3. In respect to the Government's right of disposition that this grant—

A. May cover from the national income only national requirements, and then only such as are included in the budget, and by means of this budget have been subjected to "examination by the Estates" either—

(a) On the account of current expenses as regular fixed requirements definitely to be foreseen at the time of grant, or on the account of the national reserve fund, as extraordinary requirements, but definitely to be foreseen at the time of grant, or

(b) Such as result in the course of the financial period in extraordinary and unforeseeable manner, and that

B. Expenses which do not bear in themselves the character of national requirements—that is, expenses not dictated by the attainment of a national object or not demanded by the true national welfare—and also national requirements which have neither been included in the budget as definitely to be foreseen by reason of their nature, nor have occurred in the course of the financial period in extraordinary and unforeseen manner, can be taken into account only on the strength of an agreement between the Government and the Estates.

SEC. III. If, with the non-presentation of a financial law, the Estates agree with the Government on the nature and amount of "the regular fixed national requirements definitely to be foreseen" and on the "necessary" amount of the reserve fund, as well as on the nature and previous estimate of the means of security independent of their grant, differences are conceivable neither in respect to the figure of the supplementary tax to be granted nor in respect to the expenses to be met. The Estates grant the tax amount demanded, and the

Crown, for which the budget presented is obligatory *in quanto et quali* by the act of approval of the taxes, realizes in lawful manner the entire national requirements based on the budget, together with the entire means of security, which have been in part granted or in part previously estimated with full accord.

SEC. IV. If, on the other hand, the Government and the Estates are of dissentient conviction either—

(a) In respect to the nature and amount of the regular fixed national requirements definitely to be foreseen, or

(b) In respect to the nature and amount of the means of security independent of a grant by the Estates, or

(c) In respect to both of these—

and if, as a result of the advice of the Estates expressed in resolutions, no agreement is reached, then the Estates naturally grant supplementary taxes to the amount required, according to their opinion, and a distinction is to be made between—

(a) Those expenditures included in the budget, and

(b) Those not included in it.

Extraordinary national requirements not foreseeable at the time of grant, and consequently not included in the budget, find their legal security in this case also in the national reserve fund, and subsidiarily in any probable surplus of the national income.

However, expenditures included in the budget can be realized only in so far as they bear the nature of a "national requirement definitely to be foreseen" at the time of grant (cf. section II, 3, A, *a* and *b*); and if the means of security should not be sufficient to cover all the national requirements included in the budget, the Government will satisfy those national requirements which rest upon legal or lawful obligations and then those which seem to it most urgent, according to its administrative judgment.

SEC. V. The Constitution further prescribes, in title VII, article 10, "that a detailed account, showing the appropriation of the public income, shall at every session be laid before the Estates."

SEC. VI. From this provision of the Constitution it follows:

1. In respect to the attestations themselves: That they must present exactly and completely established (legally attested) all expenditures met in any way from the national means, and (especially also in conformity with title VII, section 8, of the Constitution) as "extraordinarily and unforeseeably" met from surpluses of the existing national income.

2. In respect to the powers of the Estates: That these are empowered to subject the attestations to a careful examination, and in so far as they gain the conviction, that either:

(a) The national income has not been realized completely and according to law, or

(*b*) The regular, fixed, and extraordinary national requirements definitely to be foreseen have not been met completely, correspondingly, or in excess of the amount fixed in the budget, or

(*c*) Other expenditures have been effected, not belonging to the category of extraordinary national requirements unforeseeable at the time of grant;

(they are empowered) to oppose these observations with all counter-measures in which they are authorized by their rights of grant, of initiative, of complaint, and of accusation.

SEC. VII. Only those surpluses are really considered as such which result at the elapse of the six years' financial period after the complete and corresponding covering of all regular, fixed national expenses (national requirements) definitely to be foreseen, and all necessary national expenses occurring in the course of the financial period unforeseeable at the time of grant—that is, dictated by the attainment of a national object or demanded by the true national welfare. They are counted according to law among the means of security (national income of the future period), as the cash on hand and assets of all kinds, and as such must be included in the budget for the period in their full extent.

BREMEN.¹

CONSTITUTION OF JANUARY 1, 1894.

SECTION I. THE STATE OF BREMEN IN GENERAL.

ARTICLE 1. The city of Bremen and the territory connected therewith constitute an independent State under the name of "Free Hanseatic City of Bremen."

As one of the Federal States which constitute the German Empire the State of Bremen shares the rights and responsibilities brought about by this relation.

2. Acquisition and forfeiture of citizenship are prescribed according to the laws of the Empire.

Every subject who has taken the oath of citizenship is a citizen of the State.

3. The Constitution of the State of Bremen is republican.

The executive power is exercised as set forth in the Constitution by:

(a) The Senate;

(b) The Corporation (*Bürgerschaft*).

4. The administration of justice is practiced by courts established for this purpose. This administration is independent of the Government, unless the law states exceptions.

SECTION II. THE RIGHTS OF THE CITIZENS OF BREMEN.

5. Personal freedom is granted to everyone in the State of Bremen.

6. Slavery and bondage find no recognition.

7. Arrests are only permissible in the cases and forms determined by the law.

8. Emigration is not restricted by the State if it does not conflict with the obligation of military service.

9. The right to levy duty must never be used against German States and only as retaliation against foreign States.

10. The domicile is inviolable.

Forcible entry, and especially the searching of houses, can only take place in the cases and forms prescribed by law.

11. Every trade can be carried on freely as long as it is conformable to law.

12. Every subject of the State enjoys complete freedom of religion and conscience and is entitled to common domestic exercises. How-

¹ Translation by Miss Else Gericke based on the text as found in Posener, pp. 189-203. Revised and brought up to date by a comparison with Stoerk-Rauchhaupt, pp. 153-168.

ever, religious convictions can neither justify the committing of unlawful acts nor excuse from performing duties as prescribed by the law.

The enjoyment of civic and political rights is by no means either conditioned or limited by religious convictions.

13. Everyone is entitled to express his opinions by word, writ, or print, provided he does not violate the regulations of the law prescribed against the misuse of this privilege.

The press can not be censored; other limitations through preventive measures can only be introduced by a law.

14. Everyone is entitled to go to competent authorities with written petitions and complaints. This privilege may be practiced singly or in groups. This provision applies to the armed forces only in so far as the military disciplinary regulations prevent it.

Decisions regarding these petitions and complaints must be sent in writing, if requested. Answers refusing these complaints must be accompanied by a statement of reasons.

15. Everyone who believes his personal rights injured by administrative measures can go to law about it.

16. Societies for common activities, as well as meetings in closed rooms for peaceful purposes and without weapons are, according to the law, open to all subjects of the State.

17. All subjects of the State are equal before the law.

The State does not recognize nobility among its subjects.

Titles, offices, merits, and honors which have been bestowed upon a citizen of Bremen by another State or authority are not recognized unless the acceptance of such has been expressly granted by the Senate. Even this fact does not establish any exemptions, privileges, or claims beyond those extended to subjects of the State.

18. Every subject of the State is eligible for any office, provided he possesses the qualifications required by the law.

19. Property and other private rights are inviolable.

A cession, resignation or limitation thereof for the general good can only be demanded in return for a just compensation in the cases and forms prescribed by the law.

All manorial and similar socage and revenues can be redeemed according to more definite regulations of the law.

20. In case of war, revolt, uprisings, or other circumstances which endanger public order and safety, the Senate can annul for the time being the regulations and the established laws contained in this article concerning arrests, search of houses, freedom of the press, privileges of meetings and of societies. It must, however, give public notice of this immediately. Such an order is annulled in the course of four weeks, unless the citizens give their consent for a longer period within that time.

SECTION III. THE SENATE AND CORPORATION (BÜRGERSCHAFT).

1. Organization of the Senate.

21.¹ The Senate consists of 18 members. Of these members, 10 must be jurists and 5 merchants. The other 3 can not belong to the legal profession.

The number of the members can be reduced to 17, or even 16, according to the law. In the former case 4 must be merchants and in the latter case 3.

22. The members of the Senate are elected by the Senate and the Corporation according to more definite instructions of the law.

23. Every citizen of Bremen who is 30 years of age and possesses for the vacancy the qualifications set forth by the law, as well as the special required qualifications set down in article 21, is eligible for the election as a member of the Corporation.

On the other hand, anyone having failed to make his payments is only eligible if his creditors have been entirely satisfied.

No person can be elected who is related to a member of the Senate in the ascending or descending line, or is his brother, uncle, nephew, step-father, stepson, father-in-law, son-in-law, the brother of the wife, or husband of the sister.

In case of relationship by marriage, it makes no difference whether or not the marriage through which it arose still exists.

Among the degrees of kindred the half-blood descendant finds as much recognition as the whole-blood descendant.

But whoever enters such relationship after having been elected to the Senate does not need to resign his office.

24. Members for the Senate are elected for life.

There is no obligation to accept the election, and the withdrawal from membership is permissible at any time.

25. If a member has become mentally or physically disabled to carry out his official duties properly, the Senate must recommend his retirement. Other cases whereby a member is forced to resign are prescribed by the law.

26. When a member of the Senate assumes office, he must bind himself by oath to the faithful observance of its duties.

27. He enjoys a fixed salary and is entitled to a pension in the cases as prescribed by the law.

28. Every member of the Senate must have his established domicile in Bremen. or at least, should this not be the case at his entrance into the Senate, establish it there within the next six months.

29. Members of the Senate belonging to the learned professions are not permitted to have other avocations.

30. Two members of the Senate are burgomasters.

¹ Amendment by law of November 4, 1909.

They are elected by the Senate.

Every burgomaster is elected for a term of four years, starting with the beginning of the year. Every third year one of them withdraws.

The outgoing member can not be reelected at once.

If one of the burgomasters resigns during his term, his successor is elected within a fortnight. The latter holds his office, if his appointment to the post comes within the second half of his predecessor's term, not only for the rest of the time but also for the following four years. Should his entrance come within the first half of that term, he holds his office only until the end of that period, and is not eligible for immediate reelection.

A refusal of the election or a resignation before the end of the term can only be accepted with the consent of the Senate.

31. One of the burgomasters is president of the Senate for the period of a year. With the beginning of the next year the other burgomaster takes his place.

The president is represented mainly by the other burgomasters, and, if required, by some other member chosen by him.

32. The president presides over the administration of the Senate. He has to see that the regulations which are necessary for the business procedure be maintained and that the business intrusted to different members of the Senate be properly executed.

The Senate must be informed in the next meeting of all petitions for the Senate sent to the president thereof.

33. All decisions in legislative and government affairs, which according to their nature do not belong to a special department of a permanent board, are made by the whole body of the Senate according to the majority of votes.

34. Every member of the Senate is entitled to bring up any question for discussion or decision, provided it is done in the manner prescribed by the order of procedure.

35. The management of the different branches of administration of the Senate is given over by the president to standing committees of the Senate, or to individual members according to more explicit instructions of the law.

Every member is as a rule obliged to accept the duties assigned to him.

The Senate passes upon all reasons for refusal or dismissal.

In case of the absence of any member, another member may take his place.

At discussions or decisions concerning charges brought against the management or neglect of different business duties the members who had been called upon to perform those are not permitted to be present.

36. Several secretaries of the Senate have charge of the record and other office work. One of them is at the same time custodian of the archives.

They are elected by the Senate.

37. Detailed regulations for the procedure are prescribed by the Senate according to the Constitution and laws by means of an order of business.

2. *Organization of the Corporation (Bürgerschaft).*

38. The corporation consists of 150 representatives of the citizens.

39. The representatives are elected at meetings arranged for that purpose, and according to the rules for election.

All citizens of Bremen are as a rule electors and eligible.

Exceptions are determined by the law.

40. The representatives are chosen for a term of six years. Half of the representatives withdraw from office every third year.

The outgoing members are eligible for immediate reelection.

41. There is no obligation for the acceptance of the election.

Every representative can tender his resignation before the term ends for which he is chosen. The cases in which he is compelled to resign are prescribed by the law.

42. If the elected candidate declines, or for any reason should drop out before his entrance into the Corporation, or resign after having taken up his duties, the vacancy is filled according to the mode of election.

43. The representatives serve gratis.

44. They are not dependent on any instructions and have only to follow their own convictions regarding the welfare of the State.

45. The business committee of the Corporation consists of a president, several vice-presidents, and several secretaries. They are elected by the Corporation and from amongst its members for a year's term, but the outgoing members are eligible for immediate reelection.

The Corporation can appoint for this business committee a registrar as a member. He is chosen from amongst its members for the duration of his activity in the Corporation and receives a salary as prescribed by the law.

Those elected are entitled to decline the election. Any member of the business committee may tender his resignation during the year.

46. The municipal office (*Bürgeramt*) represents the committee of the Corporation.

It consists of the business committee and 18 other representatives, who are elected by the Corporation according to more detailed regulations.

47. The municipal office has the following responsibilities:

(a) To watch continually over the observance of the Constitution, the laws and regulations of the State, and to notify the Corporation in case of any lack of observance or infringement thereof;

(b) To receive all communications of the Senate for the Corporation and to send to the Senate all information from the Corporation for the Senate;

(c) To arrange for the meetings of the Corporation and to determine the order of the day;

(d) To arrange on the program of procedure all questions submitted to it in time and to announce personally all propositions, reports, and other communications received by it later;

(e) To notify the Senate at an early date by means of the order of business of the arrangements for meetings.

Other duties of the municipal office regarding the business procedure are restricted by more detailed regulations of the law and by the business order of the Corporation.

48. Propositions for discussion and decision which do not come from the Senate can only be transmitted to the Corporation by a representative.

Every representative has the privilege of making propositions according to the manner prescribed more fully in the regulations for procedure.

49. Meetings of the Corporation take place as often as the municipal office deems it necessary. But it is compelled to arrange for an assembly if, after having given notice of the question to be considered, either the Senate considers it advisable, or at least 30 representatives have sent in a written request.

Written summons for the sittings are sent to each representative and not later than the day before the meeting.

If in individual cases the calling of the meeting should be so urgent that the time for notification could not be kept nor notice be sent to representatives not living in the city of Bremen, it has no effect on the validity of the resolution passed by the quorum.

50. At least 50 members must be present to make a quorum.

In exceptional cases a decision can be considered as valid even if this number should not be present, when the urgency of the question permitted no delay, and this fact had been expressly stated in the summons for the meeting.

If the Senate moves that an exception be made on account of the urgency of the matter, proceedings can begin.

51. The meetings of the Corporation are public. However, the Senate is entitled to ask for a secret sitting in cases where it appears

advisable for the welfare of the State; such sittings are not public. If at least 20 members of the Corporation propose a secret sitting, the auditors will be dismissed and it will be decided whether or not the Corporation considers the matter suitable for such. In the affirmative case the conference and decision concerning the matter itself are secret; in the contrary case the sponsors are at liberty to retract the question or to submit it to a public council.

If the question is retracted, or it is taken up for discussion in a secret council, every member of the Corporation is bound by his oath of citizenship to keep secret the matter under consideration and its proceedings.

52. The president opens, presides over, and concludes the council.

It is his duty to maintain order and quiet in the Assembly and among the auditors. If the quiet be disturbed by any auditor, he may have him removed, and if necessary call upon the armed force.

53. Any representative who has been elected member of some committee can not as a rule decline the election, nor can he give up his activity in that committee as long as he is a representative and the Corporation does not authorize him to do so.

He is entitled to decline the election for the municipal office or for any other standing committee if he has passed his sixty-fifth year or holds the office of a judge, or already belongs to three standing committees. He is also entitled to ask for his dismissal from any standing committee if he has reached that age after his entrance or should accept the office of a judge.

Anyone who already belongs to six committees is entitled to decline the election as a member of a committee.

54. An official written statement must be sent to the Senate concerning all resolutions passed by the Corporation which follow the proposals of the Senate or are otherwise suited for information of that body.

55. The more detailed instructions regarding the procedure in the transactions of the Corporation and of the municipal office are left to the order of business, which is prescribed by the Corporation according to the Constitution and laws, and are submitted to the Senate so that it may raise objections against possible unconstitutional or unlawful resolutions.

3. Activities of the Senate and Corporation.

56. The Senate and the Corporation exercise the power of the State in common, provided that it is not otherwise prescribed by the Constitution. However, the Senate has the supervision and administration of all State affairs as well as the executive power in general, in accordance with the Constitution.

57. According to this the responsibilities of the Senate, representing the administration of the State of Bremen, are:

(a) The care for internal as well as external safety of the State;
 (b) The care of the preservation and changes of the Constitution in accordance with the spirit of the time, as well as the loyal execution of all political treaties;

(c) The supervision over all State and communal functionaries, over all institutions established by the State or in its care, over all churches and schools and charitable institutions, over the administration of State and commune property, as well as over the funds of churches, schools, and public charitable institutions, over the auditing and recording of all statements regarding such institutions.

Whenever a lack of observance of the established lawful regulations has come to the notice of the Senate, it may request exact observance by virtue of its right of supervision, and enforce it by measures suited for the case.

(d) The exercise of the rights of the State regarding ecclesiastical affairs, without detriment to the cooperation of the Corporation in legislation, especially in recognizing new religious societies—as well as of the Protestant episcopacy rights in their traditional form, without detriment to the established rights of the church commune;

(e) The representation of the State before a third party;

(f) The management of foreign affairs, appointments, and instructions for all ambassadors of Bremen, consuls and agents, and the execution of State treaties in the name of the State;

(g) The admission into the State alliance and dismissal therefrom;

(h) The administering of every oath due to the State;

(i) The amnesty, modifications, and abolition in criminal matters according to previous judgment of the competent courts;

(k) The right of dispensation, as far as it is permissible, according to the law or legal traditions;

(l) The proclamation of laws and the care for their execution, especially the issuing of regulations enforcing them;

(m) The administration of the police and, by virtue thereof, the mandate and management of police regulations concerning the preservation of established orders and the immediate securing of safety against threatening danger;

(n) The nomination and appointment, instruction, induction, and dismissal of all State and municipal officers and teachers of public schools, without detriment to the exceptions and restrictions prescribed by law;

(o) The disposition of industrial matters, as far as this does not lie within the common province of the Senate and the Corporation or within the competency of courts;

(*p*) The disposition of a certain sum for public or other general purposes according to further instructions prescribed by law.

58. Matters within the common sphere of operation of Senate and Corporation are:

(*a*) The ratification of the treaties with foreign Governments, the contents of which concern matters where the Senate can not decide alone;

(*b*) The enactment, authentic interpretation, modifications, and abolition of laws (without prejudice to the issuing of police orders which belongs to the special office of the Senate in accordance with article 57);

(*c*) The establishment of the principles of the communal constitutions;

(*d*) The general regulations concerning industry, as well as the granting, modification, extension, or abolishment of trade privileges, monopoly, or freedom of trade when it concerns restricted patents;

(*e*) The establishment and supervision of schools and the regulations for public education according to more detailed instructions of the law;

(*f*) The fixation, modification, or abolishment of public dues of every kind; the manner of distributing and raising them, as well as the exemptions or diminution thereof;

(*g*) The administration of all public wealth, instructions as to its use, as well as the acquisition and alienation of public property, and the use of State credit;

(*h*) The establishment, alteration, and abolition of all institutions supported by the State, as well as the supervision thereof, with due respect to exceptions prescribed by law;

(*i*) Supervision of all public, charitable institutions belonging to the State, if no other supervision is prescribed according to its special nature or foundation, or by joint resolution of the Senate and Corporation;

(*k*) The election of the Senate members, and their retirement as prescribed by law;

(*l*) The election of members for the tribunals for lifetime as prescribed by law;

(*m*) The creating of new and the abolition of existing offices.

59. These privileges are exercised in common by the Senate and the Corporation either indirectly through joint resolution, or directly through committees which, excepting the regulations of article 60, section 2, are formed by members of the Senate and Corporation (deputations).

These deputations are permanent as far as the common activity pertaining to the administration of the Senate and Corporation or other permanent branches of administration are concerned.

To these deputations may be referred for preliminary discussion and approval matters dependent on a joint decision, and the execution of measures already passed.

60. The supreme right of supervision of the Senate and the administration of State affairs may also be exercised by the deputations.

In addition to the Senate members the Senate may elect jurists of the courts as its commissaries in the deputations which are intrusted with preliminary discussion and approval, as set forth in the provisions of article 59, section 3.

Further particulars regarding the formation and composition, as well as the sphere of activity, the proceedings and abolition of the deputations, are prescribed by law.

61. The Senate as well as the Corporation has the right of making proposals and decisions upon matters falling within their common sphere of operation.

62. Their meetings are distinctly separate, unless determined otherwise.

63. Their reciprocal, official communications must be in writing, if not determined otherwise by law or agreement, and are published if they have been discussed in a public meeting, or are meant for such.

64. The Corporation is responsible for the preservation of the Constitution, of laws and of regulations of the State, and for the timely development thereof, and must also effect the abolition of possible deficiencies and prejudices in conformity with the law.

65. Regarding the police orders issued by the Senate or its committees, the Corporation is not only entitled to remonstrate with the Senate in regard to the expediency of the regulations in order to effect an alternation thereof, but also, insisting that the orders belong to the legislation, to bring about an adjudication, if necessary, according to more detailed regulations of the law.

66. All measures for which according to the Constitution an agreement of the Senate and Corporation is necessary can only be established by a joint resolution; and if the Senate and Corporation in pursuit of their common sphere of operation disagree in regard to the expediency of measures concerning the public welfare, a definitive decision can only be formed by a mutual agreement, for the expedition of which each party is entitled to request the appointment of a deputation, which must find the ways for mediation and give a report thereof.

Should there be a difference of opinion between the Senate and the Corporation on the interpretation of the Constitution, or of a law or of some joint resolution, the argument must be submitted to an adjudication according to further instructions of the law. This

decision has the force of a joint resolution of the Senate and the Corporation.

67. Alterations of the Constitution can only be made according to the following regulations prescribed for the procedure and the passing of resolutions (*Beschlussnahme*) of the Senate and Corporation:

(a) The motion for such amendments is only put on the order of the day in the Corporation if it comes from the Senate or has been requested in writing by at least 30 representatives, according to the order of business. Concerning this motion, two discussions take place in different sittings of the Corporation. Motions for amendments can be introduced in both conferences according to the usual forms, but need the support of 30 representatives. At the conclusion of the second discussion the Corporation decides whether it submits it for further discussion.

(b) Should the Senate give the consent to this decision, a deputation is appointed for reporting. It is entitled to make motions for amendments regarding the matters which it has in charge.

(c) After the report is received the matter is submitted for further discussion and resolutions are framed. In connection with this propositions can be made by the deputation. For the acceptance of these the majority of the Senate members and representatives, as required by law, is necessary. In the Corporation the support of 30 members is necessary for the introduction of the measure.

(d) An alteration of the Constitution is only then considered valid by the Senate and Corporation if, after executing the regulations of *a*, *b*, and *c*, it has been accepted by the required majority of members in the different sittings of the Senate, and if in two different sittings of the Corporation more than half of the required number of representatives declared themselves in favor of the adoption.

(e) This resolution is enforced immediately with the proclamation thereof.

SECTION IV. THE ADMINISTRATION OF JUSTICE.

68. The judicial power can only be exercised by the legally established courts of justice.

69. Decisions within their competency must be accepted by all authorities. Possible conflicts of competency between the administration and courts are raised and decided according to law.

70. A committee, consisting of members of the Senate, the Corporation, and the above-mentioned courts, elects the judicial members who are learned in law, and live within the territory of the State of Bremen.

71. The other regulations concerning the election and eligibility for the office of a judge or matters in regard to the office of judges

and the competency of the courts, are established by the law and by political treaties made by the Senate with the consent of the Corporation.

SECTION V. THE COMMUNES OF THE STATE OF BREMEN.

72. Every commune is entitled to its own constitution.

73. The principles for the constitution of the communes are established by legislation.

The communal constitutions can be determined according to these principles, but must be approved by the Senate.

Without the consent of the communes, communal constitutions can be decreed only by means of legislation.

74. The Senate has supreme supervision over the communes and their offices and is charged with the administration of communal property.

75. The city of Bremen, consisting of the Altstadt, Neustadt, and the suburbs, forms the commune of the State of Bremen.

76. The administration of the commune is represented by the Senate and the city Corporation (*Stadtbürgerschaft*).

77. The city Corporation is composed of all representatives who have been elected by the city electors for the Corporation and are members of the commune.

78. The administration of the communal civic affairs must be separated from the administration of the State as soon as the Senate and the Corporation request it.

79. After concluded separation the Senate and Corporation enter into the same relationship regarding communal civic affairs, in which the Senate and the Corporation stand regarding matters of the State. However, the Senate and the Corporation can form deviating decisions at any time.

80. As soon as the separation of the communal civic affairs is concluded all property belonging to the city and all profitable claims, including the institutions and endowments belonging thereto, are assigned to the city commune for administration and disposition.

81. Up to then, unless otherwise prescribed by law, only State citizens who are members of the city commune of Bremen can be elected members of the boards of municipal institutions and endowments.

82. As long as the property belonging to the city and the profitable claims have not been given over to the city commune the income therefrom accrues to the State budget and the appropriations are made from State funds. The same applies to all income of city taxes and to the appropriations for the needs of the city commune.

83. As soon as the separation takes place all revenues drawn until then from the State budget and all appropriations that have been made are accepted as balanced. The property and claims which have

been assigned to the city commune are bound for the State debts existing at that time.

84. Even before the separation has taken place the Senate and the Corporation can establish institutions for the city commune and manage them separately.

SECTION VI. STATE INSTITUTIONS FOR THE ADVANCEMENT OF COMMERCE, INDUSTRY, AND AGRICULTURE.

85. The Merchants' Convention (*Kaufmannskonvent*) and the Chamber of Commerce exist for the promotion of commerce and shipping, as well as of the interests of the mercantile class.

86. The Industrial Convention and the Board of Trade exist for the promotion of industry and of the interests of the industrial class.

87. The Board of Agriculture exists for the promotion of agriculture, especially of tillage of the soil and of animal husbandry.

88. The following provisions form the basis for the organization and efficiency of these institutions. More detailed regulations are a subject for legislation.

1. Merchants' Convention and Chamber of Commerce.

89. The Merchants' Convention (*Kaufmannskonvent*) is formed of members of the Bremen Exchange.

90. It is in charge of all affairs pertaining to commerce and navigation.

91. The meetings of the Merchants' Convention are under the management and direction of the Chamber of Commerce. One of its members presides.

92. The Chamber of Commerce consists of 24 members of the Merchants' Convention.

93. The members of the Chamber of Commerce are elected from the Merchants' Convention for a number of years determined by the law.

94. The Chamber of Commerce is the board of directors of the mercantile class and represents it before a third party.

95. It is charged to take notice of everything that would be advantageous to commerce and navigation, to confer about it, and to report to the Senate at its request, or at its own discretion, to propose to the competent authorities measures which seem suited for the advancement of commerce and mercantile traffic.

96. With regard to important matters coming within the sphere of its operation, the Chamber of Commerce must arrange for a meeting of the Merchants' Convention and must submit to the latter, from time to time, a report of its own activity.

97. All laws to be established in regard to a matter of commerce and mercantile traffic are subject to the approval of the Chamber of Commerce, which, if necessary, calls for a conference of the Merchants' Convention.

98. In agreement with the Chamber of Commerce and after the hearing of the Merchants' Convention, the Senate can establish and can abolish the regulation for commerce and mercantile traffic and for the auxiliary branches belonging thereto, and the taxes required for it, provided it does not concern the treasury. A change or abolition of such regulations can be made at any time by a decision of the Senate and the Corporation.

99. The Chamber of Commerce has at its disposal a definite sum in accordance with further instructions to be determined by law.

100. A committee of several members of the Senate and of the Chambers of Commerce is formed for the purpose of discussing matters pertaining to commerce and to mercantile traffic, and for reciprocal information on proposals and decisions of the Senate and of the Chamber of Commerce regarding them.

101. For the individual business branches and regulations, which are helpful for the carrying on of commerce and of navigation, there are special committees consisting of several members of the Senate and of the Chamber of Commerce, who have the first supervision of such department and regulations, and take part in the elections of their officials.

2. Industrial Convention and Board of Trade.

102. The Industrial Convention consists of State citizens whose professional activity is or has been the pursuit of a trade or the management of a factory.

103. The members of the Industrial Convention are elected by the associates of the different trades. The number of years for their term of office is determined by the law.

104. The Industrial Convention is called upon to confer on matters concerning the interests of trade.

105. The meetings of the Industrial Convention are arranged by the Board of Trade and presided over by its chairman.

106. The Board of Trade consists of members of the Industrial Convention, the number of which is determined by law.

107. They are elected by the Industrial Convention for a number of years, as prescribed by law.

108. The Board of Trade is called upon continually to take notice of everything of interest to industry, to confer about it and to report to the Senate at its request or at its own discretion, to propose to the competent authorities measures which seem suited for the advancement of trade.

109. For the discussion of important matters belonging to the sphere of operations of the Board of Trade the latter must arrange a conference of the Industrial Convention; it must also report to it from time to time regarding its own activity.

110. All laws that are to be established concerning matters of trade are subject to the approval of the Board of Trade, which, if necessary, arranges for a conference of the Industrial Convention.

111. A definite sum is at the disposal of the Board of Trade in accordance with further instructions prescribed by law.

3. Board of Agriculture.

112. The Board of Agriculture consists of 20 practical farmers.

113. The members are chosen by the farmers according to more detailed instruction of the law.

114. The Board of Agriculture must continually take notice of everything that is of interest to agriculture, especially to tillage and animal husbandry. It must discuss the means for advancement or for abolition of possible obstacles, and report to the Senate at its request or at its own discretion.

115. All laws to be established in regard to agriculture are subject to the approval of the Board.

116. A definite sum is at the disposal of the Board of Agriculture in accordance with further instructions prescribed by law.

BRUNSWICK.¹

1. NEW CONSTITUTION OF OCTOBER 12, 1832.

[PREAMBLE.]

We, Wilhelm, by the grace of God, Duke of Brunswick and Lüneburg, etc., being mindful of our lofty mission to promote the happiness of our loyal subjects according to our ability and to insure the rights of all, have deemed necessary a revision of the Constitution of 1820, and after completing our deliberations and reaching an agreement with our loyal Province, we issue, with the consent of our loyal Estates, the present New Constitution as the fundamental law of the land; however, with respect to the provisions contained in sections 109 and 110, relating to the joint superior court of appeals, special reservation is made of the agreements to be concluded in this regard with the Princely Houses of Waldeck and Pymont, Lippe, and Schaumburg-Lippe.

CHAPTER 1. THE DUCHY, THE FORM OF GOVERNMENT, AND THE REIGNING PRINCE.

SECTION 1. (1) *Indivisibility and inalienability of the country.*—All the ducal lands constitute an indivisible State bound together by the same Constitution, and no component part of the Duchy may be alienated without the consent of the Estates, except boundary rectifications.

SEC. 2. (2) *Form of Government.*—The form of Government of the Duchy is an hereditary monarchy.

SEC. 3. (3) *Supreme head of the State.*—The Sovereign Prince of the land, as supreme head of the State, unites in himself the whole undivided governmental power and exercises it according to the Constitution.

His person is sacred and inviolable.

SEC. 4. (4) *Promise to uphold the Constitution.*—In the patent in which the Reigning Prince proclaims his assumption of the governmental power and commands universal allegiance, he shall give assurance, upon his princely word, that he will observe, uphold, and defend the Constitution of the land and all its provisions.

The original patent, under the hand and seal of the Prince, shall be delivered to the permanent committee for custody in the archives of the Estates.

¹ Translation by Wilfred Stevens based on the text as found in Stoerk-Rauchhaupt, pp. 115-151.

SEC. 5. (5) *Internal administration.*—The entire administration of the State emanates from the Reigning Prince. It is exercised only by virtue of the power conferred by him, directly or indirectly, in his name, and is under his supervision.

No law of the land and no decree shall take effect until it is promulgated by the Government of the land.

SEC. 6 (continued). The Reigning Prince may, in individual cases, grant dispensations from the provisions of the law; however, as far as the rights of third persons are concerned, only with the consent of such persons.

SEC. 7. (6) *Foreign relations.*—The Reigning Prince shall represent the State in all relations with the German Confederation and with other nations.

He dispatches legations and missions, concludes treaties, and acquires rights thereby for the Duchy, also binding the Duchy to fulfill treaty obligations.

SEC. 8 (continued). As soon as circumstances permit, the Assembled Estates shall be notified of such treaties.

The funds necessary for the execution of these treaties shall require the sanction of the Estates, and if new laws of the land are to be enacted in consequence thereof, or the existing laws repealed or amended, the constitutional cooperation of the Estates shall be necessary for the purpose.

SEC. 9. (7) *Military authority.*—The Reigning Prince has the exclusive control over the armed forces, their formation, organization, training, and discipline.

Without his permission, no armed force shall be formed or established in the Duchy.

SEC. 10. (8) *Conferring of titles, dignities, etc.*—The Reigning Prince shall alone have the right to confer titles, rank, dignities, lawful privileges, elevations of station, and decorations of honor.

Titles, rank, dignities, privileges, elevations of station, and decorations which have been conferred on inhabitants of the country by foreign Governments may be accepted only with the consent of the Reigning Prince.

SEC. 11. (9) *Relation of the Duke to the German Confederation.*—As a member of the German Confederation, the Reigning Prince shares all rights and obligations flowing therefrom.

SEC. 12. (continued). General orders and decrees of the German Confederation receive force of law with respect to the Duchy by being promulgated by the Reigning Prince.

SEC. 13. (10) *Seat of the Government.*—With the exception of urgent cases of emergency, it shall not be permissible to transfer the seat of Government outside the country.

SEC. 14. (11) *Succession to the governmental power.*—The governmental power is inherited in the joint Princely House of Brunswick-Lüneburg according to lineal descent and the right of primogeniture, primarily in the male line from a legitimate and equal marriage according to the family law.

If the male line of the joint Princely House becomes extinct, the governmental power shall pass to the female line according to the same rules.

SEC. 15. (12) *Attainment of majority by the Reigning Prince.*—The Reigning Prince becomes of age upon attaining his eighteenth year.

SEC. 16. (13) *Guardianship over the successor to the Government.*—A guardianship shall be established if the Reigning Prince is incapable, owing to minority, of exercising the governmental power himself.

SEC. 17. (a) *Establishment of guardianship for the minor successor to the Government.*—The Reigning Prince may appoint the guardian for his minor successor.

However, he shall appoint this guardian from among the agnates of the house who are capable of governing, or, if special reasons exist for departing from this rule, he may confer the guardianship upon his wife or his mother, and only in case neither of these persons exists shall he be entitled to appoint as regent a non-reigning adult prince from among the princely houses of the German Confederation.

SEC. 18 (continued). If the Reigning Prince has taken no measure respecting the guardianship, the latter shall devolve upon the next agnate in the order of inheritance who is capable of governing; and in case the latter should refuse the regency, then it shall be incumbent upon the next following one, then upon the mother of the minor Reigning Prince, and finally upon the grandmother of the latter on the father's side, provided these persons have not remarried.

SEC. 19 (continued). If none of the persons whom the law designates as guardians should exist, or if they should refuse to accept the guardianship, the Assembled Estates shall, on motion of the Ministry of State, select the guardian from among the adult non-reigning princes of the princely houses belonging to the German Confederation.

SEC. 20. (b) *Promise of the guardian to uphold the Constitution.*—The guardian shall proclaim, by means of a patent, the institution of the tutelary Government, and issue the promise to uphold the Constitution, according to the provisions contained in section 4, for the duration of the guardianship.

SEC. 21. (c) *Extinction of the guardianship.*—The guardianship shall be extinguished as soon as the Reigning Prince becomes of age

and has proclaimed his assumption of the reins of government in the manner prescribed by the Constitution (sec. 4).

SEC. 22. (14) *Education of the successor to the Government.*—If the preceding Reigning Prince has made no provision for the education of the minor Reigning Prince, the education of the latter shall devolve upon the guardian with the advice and consent of the Ministry of State.

The mother of the Reigning Prince, and after her his grandmother, shall nevertheless be entitled to give their opinion and advice in this matter.

SEC. 23. (15) *Family laws.*—The domestic concerns of the Ducal House shall be regulated by the Reigning Prince, as the supreme head of the family, by means of family laws. The latter shall not require the sanction of the Estates. However, they shall not have the effect of modifying any of the provisions contained in this Constitution.

CHAPTER 2. GENERAL RIGHTS AND DUTIES OF SUBJECTS.

SEC. 24. (1) *Rights of inhabitants*—(a) *Acquisition thereof.*—He who has acquired the right of residence within the boundaries of the national territory is an inhabitant of the country.

SEC. 25. (b) *Consequences thereof.*—All inhabitants of the country owe fidelity, respect, and obedience to the Reigning Prince and are obliged to obey the laws and the authorities enforcing them. They enjoy all rights guaranteed by the Constitution and the law, save any restrictions that may prevail with respect to the exercise of certain particular rights.

SEC. 26.¹ (c) *Conditions for the exercise of political rights*—*Oath of allegiance.*—Only inhabitants of the country are entitled to exercise political rights in the Duchy.

All male inhabitants of the country are obliged, after attaining the age of 21 years, to take the oath of allegiance, which shall read:

I swear loyalty and obedience to His Serene Highness the Reigning Prince and his successors in the government of the land from the Serene House of Brunswick, as well as obedience to the laws.

SEC. 27. (d) *The extinction thereof.*—The rights of inhabitants of the land shall be forfeited by emigration.

Certain of the privileges connected therewith disappear with the loss of the qualities which insure them or in consequence of the transgression of certain laws.

¹ Law amending the electoral law for the Imperial Diet of the North German Confederation of November 13, 1866, dated Brunswick, August 3, 1867:

"SECTION 1. Section 1 of the electoral law for the Imperial Diet of the North German Confederation of November 13 of last year is hereby repealed and superseded by the following provision: 'The right to vote shall be enjoyed by every reputable citizen of a State of the North German Confederation who has attained his twenty-fifth year of age.'

"SEC. 2. As far as the provision in par. 1 of sec. 26 of the New Constitution of October 12, 1832, opposes the exercise of the right of suffrage as hereinbefore provided, it shall be put out of force."

SEC. 28. (2) *Aliens*.—During their stay in the national territory aliens shall enjoy the protection of the laws and are obliged to observe the latter.

The administrative authorities shall decide whether, and if so, how long, their stay in the country shall be permitted.

SEC. 29. (3) *Particular rights*.—(a) *Freedom of religion*.—Every inhabitant is granted absolute freedom of conscience and of religious belief, as well as the public profession thereof in one of the church organizations now permitted in the Duchy; however, no one shall be allowed to use his religion as a pretext in order to evade a legal obligation. External religious practices are subject to the supervision of the Government.

SEC. 30. (b) *Freedom of opinion*.—No one shall be held responsible for opinions expressed, unless a provision of law is violated by their expression or unless they incite to unlawful acts.

SEC. 31. (c) *Freedom of the press and of the book trade*.—The freedom of the press and of the book trade shall exist, in accordance with the decrees of the German Confederation and with the laws that may be enacted against the abuse of this freedom.

SEC. 32. (d) *Security of person and property*.—The State affords every inhabitant and every legally existing corporation security of person and property and of other rights, and does not subject him to any other restrictions than such as are based on right and on the laws.

SEC. 33 (continued). Only in the cases specified by law or in those of urgent necessity may private property and private rights be called into requisition for important State or communal purposes by order of the competent administrative authorities, full compensation being previously granted. If it has been impossible to calculate the amount of compensation in advance, it must be determined and paid subsequently without hesitation.

A dispute regarding the amount of the indemnity shall be settled through the ordinary legal channels.

SEC. 34. (e) *Free selection of calling and equality of rights to enter the Government service*.—The choice of a calling or industry, as well as of a preparatory educational institution at home or abroad, shall be free. Difference of station and birth shall not constitute a ground of preference in the filling of civil offices or military grades.

SEC. 35. (f) *Emigration*.—Every inhabitant of the country has a right to emigrate without paying an emigrant tax; however, he shall be subject to the restrictions incident to the duty of performing military service or other obligations toward the State and private individuals.

SEC. 36. (*g*) *Redeemability of seigniorial and other real rights.*—All private-law property burdens (easements) in the way of tithes, personal services, team labor, and the liability to taxes in the form of money or grain and to other taxes and performances in kind, with which the ownership of the hereditary right of possession of a piece of landed property is or may in future be encumbered, as well as all purely personal services and performances—that is, such as are incumbent upon certain individuals not owning real estate—shall, without regard to the legal basis of their origin, be subject to redemption in such a way that their abolition may be demanded in consideration of a compensation to be fixed by law.

SEC. 37. (*h*) *Abolition of feudal rights.*—All fiefs of every kind situated within the territory of the Duchy, whether belonging to the Reigning Prince, to public institutions, to corporations, or to private individuals, or whether immediate or arriere fiefs, are subject to abolition of the seigniorial and agnatic feudal bond under the circumstances still to be determined by law.¹

SEC. 38. (*i*) *Right of complaint.*—Any person may, in regard to his own affairs, address written petitions to the Reigning Prince and to the authorities of the land in the manner stipulated by the regulations and in conformity with the method prescribed, and in the case of complaints against action by the authorities which is contrary to law or to regulations, he may pursue them in writing up to the highest Government authority, who must immediately answer the petition.

SEC. 39. (*4*) *Particular duties*—(*a*) *Government burdens.*—All persons are obliged to share the burdens of taxation who reside within the territory of the Duchy or own real estate, and this in a general way and according to principles of equality. Only remission, each time not longer than for the duration of a financial period (fiscal year), but not exemptions from these burdens may be granted. The princely castles, palaces, buildings, and gardens, as well as the real estate and revenues of the churches and other pious institutions (as far as such real estate is exempted from the ordinary taxes) are free from the Government burdens.

SEC. 40. (*b*) *Service under arms.*—All inhabitants of the country are obliged, in the proportion specified by law, to perform military service in the defense of their country and to bear arms for the protection of their commune.

CHAPTER 3. COMMUNES.

A.—General provisions.

SEC. 41. (*a*) *Communal districts.*—Every piece of ground in the Duchy must belong to some communal district.

¹ See law on the entire abolition of feudal tenure of December 13, 1849 (Collection of Laws No. 51, p. 399).

As far as these communal districts are still doubtful, they shall be defined by the Ducal Government in decrees.

SEC. 42. (b) *Residents of communes*.—Every inhabitant of the country must belong to some commune; that is, to the one in which he has his residence according to the provisions of the law.

SEC. 43. (c) *Inhabitants of Marches (Markgenossen)*.—Real estate owners who have not acquired the right of residence in a commune shall enjoy the same protection in regard to their property as is granted to residents, being also, like the latter, obliged to bear the burdens attaching to the land.

SEC. 44. (d) *Formation of new communes*.—No commune shall be formed without the sanction of the Government, and without such sanction a group of communes shall not be permitted either to extend its boundaries by including other communes or to change them by creating new and special communes; likewise not to revise on its own authority its legally existing communal constitution.

SEC. 45. (e) *Property relations*.—(1) *With respect to the State*.—The property and income of the communes and of their institutions shall never be combined with the property or income of the State.

SEC. 46 (continued). The communes shall administer their property independently through their authorities. The supervision of the Government authorities extends only to seeing that the administration in general takes place in accordance with the existing laws, that in particular the communal property is preserved, that the income therefrom is employed for communal purposes, and that in distributing the taxes of the commune equitable principles are observed.

The Government authorities shall have a right to decide complaints made against the administration of the commune.

SEC. 47. (2) *Of several communes*.—In localities which are composed of several communes, the administration of the property belonging to each commune in particular and of the privileges shall remain separated, unless the contrary is ordered by means of regularly adopted resolutions of the communes concerned.

SEC. 48. (3) *Of individual members of a commune*.—No rights are acquired, through mere acceptance into the commune in connection with the right of residence, to the communal property whose joint use is contingent upon the possession of certain lands in the commune, and likewise not to the property which belongs to certain organizations.

SEC. 49. (f) *Communal burdens*.—(1) *General duties in connection therewith*.—No member of a commune or group of communes shall, otherwise than for legal reasons, be permitted to be exempted from the communal burdens and performances imposed constitutionally

upon the commune or group of communes, nor shall any piece of real estate situated therein be so exempted.

SEC. 50. (2) *Must be based on the law.*—No commune shall be encumbered with duties of performance and expenditures to which it is not obligated under the general laws or owing to peculiar legal conditions. The same rule applies to several communes joined together in a group.

SEC. 51. (3) *Compensation for bearing burdens which belong to the community at large.*—All burdens which are not necessitated by local needs of the communes or groups of communes, but rather are borne in fulfilment of general obligations of the country at large or of certain portions thereof, must, unless special legal conditions justify an exception, be borne by the country as a whole or by the portions of the country concerned in such a proportion that those upon whom the burden has actually fallen shall receive compensation.

SEC. 52. (g) *Communal officials.*—All governing and other officials of communes shall be obliged to uphold the Constitution of the land and protect the rights of the communes guaranteed thereby.

B.—Special provisions.

(1) *For urban communes.*

SEC. 53. (a) *General rights.*—The citizens of cities and of places granted a city administration shall be entitled:

(1) To choose their representatives by means of a double electoral act;

(2) Freely to elect the officials of the city administration through these representatives and through the voting members of the magistracy, and this within such limits that only the voting members of the magistracy shall require the confirmation of the Reigning Prince;

(3) To cooperate through these representatives in the administration of all communal affairs, especially in all those which concern the property, the rights and obligations, and the determination of the burdens and duties to be borne by the commune.

SEC. 54. (b) *City regulations.*—On the basis of the provisions of this chapter, the legal relations of the urban communes and their officials shall be more particularly and accurately determined by the general city regulations, while those of each individual urban communes shall be determined by a special statute.¹

(2) *For rural communes.*

SEC. 55. (a) *Local governing officials and local wardens.*—The rural communes shall have a right to choose their local governing

¹ Cf. the revised city regulations of March 19, 1850 (Collection of Laws, No. 23, p. 285.)

officials, subject to ratification by the governmental authority. They shall also have a right to choose their own local wardens and through them to participate in all deliberations regarding communal affairs, except where, on important subjects, it should be deemed necessary to consult the assembled commune.

According to these principles the relations of the rural communes shall be determined by a set of Communal Regulations, wherein more particular rules shall be prescribed regarding the selection of the local governing official and the local wardens.¹

SEC. 56.² (b) *New settlers.*

CHAPTER 4. THE ESTATES OF THE REALM.

TITLE 1.—*The Character and Purposes of the Estates of the Realm, and the Composition of the Assembled Estates and of the Committee of the Estates.*

Part 1.—Character and Purpose of the Estates.

SEC. 57. The Estates of the Duchy shall, in the constitutional proportion to the Ducal Government, represent the whole body of the inhabitants of the land, and they are therefore entitled and obligated to guard the constitutional rights and general interests of the latter and to enforce them in the manner prescribed by law.

SEC. 58. The Estates in their entirety constitute an indivisible whole.

SEC. 59. They exercise their constitutional activity either in full assembly on days of Diet and convocation through the Assembled Estates or, between Diets and during their adjournment, through the medium of the Committee of the Estates.

SECS. 60–93.³

TITLE 2.—*Rights and Duties of the Estates.*

Part 1.—General principles.

SEC. 94. It is the sacred duty of the Estates of the Realm conscientiously to promote the welfare of their native country within their sphere of activity, according to the Constitution, and free from other considerations.

SEC. 95. They are bound strictly to observe the Constitution in the exercise of their parliamentary rights and privileges and shall be permitted to concern themselves only with those matters which provisions of the Constitution have assigned to their sphere of activity.

SEC. 96. All deputies stand on an equal footing with respect to their parliamentary rights and duties. None is to be considered as the special representative of his station and class.

¹ The regulations for rural communes of the Duchy of Brunswick are dated March 19, 1850 (Collection of Laws, No. 24, p. 349); these regulations (sec. 172) abolished the previous police authority of owners of manorial estates, tenants of domains, etc.

² Sec. 56 repealed by law of September 18, 1876.

³ Part 2: Composition of the Assembled Estates; and Part 3: Composition of the Committee of the Estates are superseded by the provisions of the law of November 22, 1851.

Part 2.—Particular rights and duties of the Assembled Estates.

I. COOPERATION IN FINANCIAL MATTERS.

SEC. 97. The provisions concerning the cooperation of the Assembled Estates in financial matters are contained in chapter 6.

II. COOPERATION IN LEGISLATION.

SEC. 98. (a) *Cases in which the consent of the Estates is required.*—The consent of the Estates is necessary—

(1) If this Constitution, or the laws enacted together therewith, are supplemented, elucidated, or modified;

(2) If new organic governmental institutions are established or the existing ones changed;

(3) If laws of the land are enacted, repealed, amended, or authentically explained which relate to the financial and revenue system of the country, to military liability and the recruiting of soldiers, to the civil or criminal law, or to civil or criminal procedure.

SEC. 99. (b) *Cases in which the opinion of the Estates is required.*—In the case of all other provisions of law, notably those concerning the police affairs of the country, the opinion and advice of the Estates must previously be heard, and such laws may prescribe police penalties up to one month of simple imprisonment or fines corresponding thereto.

SEC. 100. (c) *Form of the laws.*—The laws shall expressly mention in their preamble that the consent or the opinion and advice of the Assembled Estates or of the Committee of the Estates have been obtained.

All laws promulgated in this constitutional form by the Reigning Prince must be obeyed by all inhabitants of the land, all authorities, and all courts.

SEC. 101. (d) *Decrees.*—Decrees, that is, orders emanating from the general administrative and supervisory right of the Government or which relate to the enforcement or application of the existing laws, shall be issued by the Government without the cooperation of the Estates.

III. COOPERATION IN MILITARY MATTERS.

SEC. 102. A larger body of soldiers than prescribed by the Constitution shall not be established without the consent of the Estates.

Without the consent of the Estates, neither the army nor any part thereof shall be lent to the service of a foreign State.

Their consent shall likewise be required if an army is to be formed by recruitment, especially of foreigners.

IV. RIGHTS WITH RESPECT TO THE ADMINISTRATION OF JUSTICE.

SEC. 103 (a) *Independence of the courts.*—The Estates have the right to maintain the independence of the courts within the limits of

their jurisdiction, as this independence is determined by the legislation of the Duchy and of the Confederation.

Especially shall parties who believe they have been interfered with in the judicial prosecution of their rights through acts of the Reigning Prince be entitled to appeal to the Assembled Estates, which shall be authorized to recommend to the Government that grievances which they deem well founded be redressed.

SEC. 104.¹ (b) *Right to recommend two counselors in the Ducal Court.*

V. RIGHT TO MAKE RECOMMENDATIONS.

SEC. 105. The Assembled Estates are entitled to make recommendations to the Reigning Prince in regard to laws, decrees, and general orders and for the creation of public institutions; these recommendations shall be carefully examined, and must always be followed by decisions of the Prince, accompanied by a statement of reasons in case of rejection.

VI. RIGHT OF JOINT SUPERVISION OVER OTHER AFFAIRS OF THE COUNTRY.

SEC. 106. The Assembled Estates are authorized to address suggestions to the Ducal Government in regard to defects or abuses observed in legislation, the administration of justice, or the administration of public affairs, and to express their opinion as to the remedy thereof.

SEC. 107. They have a right to see that no one is injured in his constitutional rights, and especially that no one is prosecuted, arrested, punished, or otherwise molested in his freedom or his property without lawful cause and without a due warrant from the competent police or judicial authority, and they may in such an event recommend to the Ducal Government that the wrong be redressed and the guilty party punished.

VII. RIGHT OF IMPEACHMENT.

SEC. 108. (1) *Recommendation of punishment.*—The Assembled Estates may recommend the punishment of members of the Ministry of State and of the Committee of the Estates who have become guilty of violation of the provisions of this Constitution which unquestionably apply to the case in point.

Such a recommendation must be made within six years at the latest after the violation has occurred.

In regard to officials subordinated to the Ministry of State, such recommendations on the part of the Assembled Estates shall be permissible only when such officials are accused of having violated the Constitution where they are acting within the limits of their own

¹ Sec. 104 repealed by law on organization of courts of January 27, 1877, sec. 15.

responsibility, and when the recommendation for punishment has been presented to the official superiors and finally to the Ministry of State and has remained eight weeks unheeded. In this case the recommendation for punishment shall be made to the Ducal Court, which must cause an investigation to be made by two of its members and render the first decision, against which the regular legal remedies shall lie.

SEC. 109.¹ (2) *Formation of a Joint Court.*—If, however, a recommendation for the punishment of a member of the Ministry of State or of the Committee of the Estates for violation of the Constitution is to be made, a special tribunal shall first be formed, which shall consist of seven members of the higher courts (colleges) of justice. Three members thereof shall be selected by lot from among the members of the Joint High Court of Appeals on the recommendation of the committee or of the Assembled Estates, and the other four from among the members of the Ducal Court, two by the Ducal Government, and two by the Assembled Estates. The presidency shall be assumed by the oldest of the members from the High Court of Appeals. The necessary secretaries shall be assigned to the tribunal by the High Court of Appeals.

SEC. 110. (3) *Procedure and judgment.*—If the Estates resolve to recommend an investigation and punishment, they at once select the two members of the tribunal and give notice to the Government of such resolution and its grounds, as well as of the selection made, and request the Government to make the necessary selections likewise. At the same time they notify the Joint High Court of Appeals, which is obliged to form the joint tribunal, and therefore, in case the necessary number of members of the Ducal Court should not be selected within four weeks, they shall cause the lacking members to be designated by lot.

This tribunal examines first of all the question whether there is ground for an investigation, after the recommendation for punishment, which must be set forth in detail, and, if necessary, be accompanied by the pertinent documents, has been transmitted to it. If it finds that a ground exists, it shall institute the investigation, conduct the latter according to the rules governing investigations, and

¹ See in this connection the modifying provisions of the law of March 19, 1850:

“Sec. 2. The Joint Court to be formed according to sec. 109 shall also come into operation in the cases designated in the third paragraph of sec. 108.

It shall consist of seven members of the Superior Court, three of whom shall be selected by lot, two by the Ducal Government, and two by the assembled Deputies of the land. The presidency shall be assumed by the senior of the selected members. The necessary secretaries shall be furnished by the Superior Court.

The three members who are to be designated by lot shall be first elected, then those designated by the Deputies, and finally those designated by the Government.

In cases of impeachment the Court shall proceed according to the rules contained in section 110 of the Constitution.

SEC. 3. The provisions of secs. 104, 108, 109, 110, and 231 of the Constitution are hereby repealed wherever they are contrary to the provisions of the present law.”

render its decision in first and last instance. This decision shall confine itself to answering the question whether the accused has rendered himself guilty or not of a violation of a provision of this Constitution which is applicable to the case in point, leaving the judgment of any common-law crime which may be embraced in the violation of the Constitution, as well as any claims for damages arising therefrom, to the ordinary courts. If the accused party is found guilty, the immediate consequence shall be dismissal from the service in the case of an official and loss of deputyship and eligibility in the case of members of the committee.

The only legal remedy against the judgment shall be restoration to the former status on account of newly found facts or evidence.

The proceedings and the judgment shall be printed and published at the expense of the judicial treasury.

SEC. 111. (4) *Annulment of an investigation.*—The annulment of an investigation for violation of the Constitution is impermissible, and the condemned party can not be reinstated in the Government service.

SEC. 112. (5) *Exclusive jurisdiction of the Assembled Estates.*—Only the Assembled Estates shall decide whether an investigation for violation of the Constitution is to be begun. If they have, by a regular resolution, approved the procedure of the members of the Ministry of State, no further impeachment by the Estates shall take place.

VIII. RIGHT OF SELF-ASSEMBLY.

SEC. 113.¹ By virtue of an ancient right, the Estates are entitled to assemble, deliberate, and adopt resolutions in the cases expressly designated by law, but only in these cases, even without a call from the Reigning Prince.

This right of assembly shall prevail:

- (1) In case of a sudden, general national danger;
- (2) If the Constitution is violated and propositions are to be made for its protection, especially if the Diet is not called together within the legal period;
- (3) If lacking members of the Committee of the Estates are to be supplied;
- (4) If vacancies in the Ducal Court which are to be filled by the Estates have occurred between sessions; that is, four months before the meeting of the next Diet;
 - (a) If the office of provincial syndic has become vacant.

At such a session nothing else shall be done but that for which it has convened.

After a dissolution of the Estates, ordered by the Reigning Prince, the right of assembly before the Diet is regularly opened shall not be exercised, except in the case mentioned under no. 1 above.

¹ Sec. 113, No. 2, revised by law of March 26, 1888.

IX. THE RIGHT TO ACCEPT PETITIONS.

SEC. 114.¹ The Assembled Estates may receive petitions and complaints, but complaints against the authorities only in case the complainant proves that he has exhausted the whole course of regular appeals without success.

The treatment of petitions and complaints by the Estates will be regulated in the standing rules of the body.

X. APPOINTMENT OF THE PROVINCIAL SYNDIC AND HIS SUBSTITUTES.

SEC. 115.² The Estates shall have a right to appoint a provincial syndic, who shall be selected by a majority of votes and in the manner prescribed for the election of deputies. His appointment shall be for life, but shall preclude the holding of any other government office.

The rules of the civil-service law apply to him only to the extent stated in the appointment.

SEC. 1. The Assembled Estates may appoint a substitute for the provincial syndic for the duration of their session in order to represent him in cases when he is prevented from acting or in order to assist him, they having the right to revoke the appointment of such substitute at any time.

SEC. 2. The procedure to be followed in electing the provincial syndic and his substitute shall be regulated by the standing rules.

Notice shall be given to the Ducal Government of the election of the syndic and his substitutes, the syndic-elect being sworn into office, as well as taking the oath of allegiance, before the Assembled Estates or their committee.

XI. EXEMPTION FROM JUDICIAL FEES, REVENUE STAMPS, AND POSTAGE.

SEC. 116. The Estates shall continue to enjoy exemption from judicial fees, revenue stamps, and postage.

XII. SEAL.

SEC. 117. The Estates have their own seal.

Part 3.—Rights and duties of the Committee of the Estates.

[A. GENERAL PRINCIPLE.]

SEC. 118. The Committee of the Estates shall have the right and duty:

(1) During the interval between Diets to see to the fulfilment of agreements concluded between the Reigning Prince and the Estates,

¹ Text revised by law of May 18, 1912, article IV.

² Sec. 115, paragraphs 3 and 4, revised by law of May 18, 1912, article II.

as well as to make such recommendations to the Government as may seem necessary to it in this regard.

(2) To exercise the special privileges assigned to it by law.

[B. SPECIAL PRIVILEGES.]

SEC. 119. (1) *In financial matters.*—The cooperation of the Committee of the Estates in financial matters is determined in chapter 6.

SEC. 120. (2) *In legislation.*—If the welfare of the State commands special haste, or if the temporary purpose of the law would be frustrated by delay, laws concerning the finances and revenues of the country, the military duty, and the recruitment of soldiers may, with the consent of the committee, be enacted between diets. The question as to whether the aforementioned conditions are present shall be decided by the Government under the responsibility of all the voting members of the Ministry of State. Laws of this kind shall be laid before the Assembled Estates as soon as possible for approval and shall go out of force if such approval is refused.

SEC. 121 (continued). Single statutes relating to civil and criminal law or to civil and criminal procedure (but not whole codes or regulations on mortgage redemption or on the division of joint property) may be enacted between diets with the consent of the committee.

SEC. 122 (continued). However, this Constitution or a law proclaimed together with it shall never be supplemented, explained, or modified, or an organic institution created or modified, by the laws enacted with the consent of the committee.

SEC. 123 (continued). All laws on which the opinion and advice of the Estates must be heard may be enacted between diets on the opinion and advice of the committee, with the exception of general police regulations.

SEC. 124 (3) *Obligation to give reports and opinions to the Government.*—The Government may, whenever it deems proper, require information, reports, and opinions from the Committee of the Estates.

Especially may it submit to the approval of the committee legislative measures which it intends to lay before the next Assembly of the Estates.

SEC. 125. (4) *Right to call the Assembly of the Estates.*—The committee is authorized, in the cases mentioned in section 113, to call together the Assembled Estates for the purpose of adopting the necessary resolutions and making the necessary elections.

Notice shall be given to the Government of such a call and its purposes as soon as the call is issued.

SEC. 126. (5) *Special empowerment.*—The Assembled Estates may, with the consent of the Government, confer special powers upon the committee for particular cases conferring upon it all the rights which it itself possesses.

SEC. 127. (6) *Other powers.*—Furthermore, the Committee of the Estates has the supervision over the archives of the Estates, the keeping of the register of knights, the payment of the stipends of the deputies, the administration of the collections, funds, and property of the Estates, as well as such functions as are assigned to it by the standing rules.

TITLE 3.—*The Diets, the handling of Business thereat, and the Proceedings of the Committee of the Estates.*

Part 1.—The Diets.

SEC. 128.¹ (1) *Ordinary and extraordinary diets.*—The National Assembly must be called every two years by the Government to a regular session. Besides, the Government is entitled to call the National Assembly in extra session at any time.

The regular sessions of the Diet begin in January.

SEC. 129. (2) *Illegal assemblies.*—Except in the cases mentioned in section 113, the deputies shall not be permitted to meet without being called by the Reigning Prince.

Such assemblies not called by the Reigning Prince are punishable and their resolutions void.

SEC. 130. (3) *Calling of the Assembly of the Estates.*—The Reigning Prince calls together the deputies in a decree in which he designates the date and place of meeting and, as a rule, the measures in general that are to be laid before the Estates, in so far as they relate to proposed legislation.

SEC. 131. (4) *Opening of the Diet.*—The Diet is opened by the Reigning Prince in person or by a plenipotentiary of the Reigning Prince, with the solemnities to be prescribed by His Highness.

SEC. 132. (5) *Oath of the Deputies.*—At the opening of the Diet, each deputy takes the following oath:

I swear loyalty to the Reigning Prince of the land and to his successors from the House of Brunswick, obedience to the laws, and that I will conscientiously exercise and fulfil the rights and duties of a deputy.

At subsequent sessions this oath shall only be administered to those who are elected for the first time as deputies. Members who are not sworn in at the opening of a Diet shall take the oath, before the Assembly, upon entering it.

SEC. 133 (6). *Inadmissibility of instructions and mandates.*—In voting, the deputies must follow their own conviction and their conscience, based on a careful examination of the matters before them, and must by no means accept or observe instructions from others. They shall be permitted to exercise their rights as deputies only when they appear in person.

¹ Revised by law of March 26, 1888.

SEC. 134 (7). *Right of free utterance.*—The members of the Estates shall have a right to utter their opinions freely during their deliberations, and shall be held responsible for violations of the standing rules only by the Assembly itself, provided such violations do not constitute a special crime or a personal insult.¹

SEC. 135 (8). *Personal inviolability of the members of the Assembled Estates.*—No member of the Estates may be arrested during the Assembly of the Diet except by way of reciprocity or if he is caught in the act of committing a crime, or else with the consent of the Assembly. In the two first-mentioned cases the arresting authority must at once give notice to the Ministry of State and the latter to the Assembly of the Estates.

SEC. 136² (9). *Officers of the Assembly.*—SEC. 1. The Assembly selects a president and two vice-presidents from its midst for the duration of each regular and extra session, which officers require the confirmation of the Reigning Prince before assuming their functions. For the office of president three persons shall be nominated, one of whom the Reigning Prince shall confirm. Those who are chosen may decline to accept the office.

SEC. 2. The procedure to be observed in electing a president shall be regulated by the standing orders.

SEC. 3. It shall be permissible to resign the office any time after accepting it. In case of a vacancy in the office, a successor shall be chosen for the remainder of the term.

SEC. 137 (10). *Auxiliary personnel.*—The necessary secretaries and recording clerks shall be appointed by the president for the term of the Assembly, they being sworn and instructed to guard secrecy concerning their duties and properly to perform them.

SEC. 138. (11) *Subjects of deliberation of the Estates.*—The recommendations of the Reigning Prince, the motions of the deputies, and petitions which have been received and which are in accordance with the Constitution form the subjects of the deliberations. Of all the matters pending consideration the recommendations of the Reigning Prince come up first for presentation and discussion, and, unless otherwise agreed between the Government and the Estates, they must be disposed of in the order in which they are presented.

SEC. 139.³ (12) *Adoption of resolutions*—(a) *Quorum.*—The Estates when assembled in session can not adopt a resolution unless at least two-thirds of the legal number of their members are present.

¹ As far as sec. 134 contains provisions which deviate from the law of August 9, 1867, or from sec. 59 of the standing orders of May 30, 1871, it is superseded by the said law first mentioned.

² Text revised by law of May 18, 1912, article 1.

³ Supplemented by law of May 18, 1912, article 6, thus:

"SEC. 1. The Assembly shall be capable of adopting resolutions if at least two-thirds the legal number of the deputies are present.

SEC. 2. Except where it is a question of resolutions regarding provisions of the Constitution (New Constitution, sec. 141), the adoption of resolutions in the Assembly shall be regulated by the standing orders."

SEC. 140. (b) *Rule.*—The Estates shall adopt resolutions by absolute majority in regard to matters coming up for discussion and decision.

SEC. 141. (c) *First exception.*—If a motion is made to amend this Constitution, at least two-thirds of the whole Assembly must favor it in order that it may be carried.

SEC. 142. (d) *Second exception.*—If a change in the representation of one of the three classes of society is to be made, a majority of the deputies of the class concerned must stand on the side of the necessary majority voting for the change.

SEC. 143. *Repetition of such a motion when defeated.*—If such a motion is rejected and then made again at the next Diet, and still has a majority of the votes of the interested class against it, but all the votes cast for it constitute the necessary majority of the votes of the whole Assembly, the motion will be adopted.

SEC. 144. (13) *Effect of resolutions.*—The effect and enforcement of resolutions shall not be arrested or hindered by protests or by appeal for a supreme decision or otherwise, but every member of the Estates must simply acquiesce in the result of the vote. Nevertheless, single deputies or several thereof shall be at liberty to state their particular opinion in writing and to demand that their statement be communicated to the Government, together with the resolution.

SEC. 145. (14) *Must be passed upon by the Prince.*—A resolution of the Estates shall not acquire legal validity until it has received the sanction of the Reigning Prince and has been published as a law.

Whether the Reigning Prince wishes to give his sanction to the resolutions and motions of the Estates depends on his own free discretion. If he refuses his sanction, the reasons for his refusal shall be communicated to the Estates.

SEC. 146. (15) *Duration of the Diet.*—The proceedings of the Diet must be completed within three months. Only with the special consent of the Prince shall the Diet be permitted to remain in session over three months.

SEC. 147. (16) *Adjournment, dismissal, and dissolution of the Assembly.*—The Prince has a right to adjourn, dismiss, or dissolve the assemblies of the Estates called by him.

An adjournment for over three months is impermissible.

In the decree dissolving the Assembled Estates, the holding of elections for new deputies shall be ordered, the date of opening the Assembly of the newly elected Estates, which must be within six months, being also fixed.

SECS. 148–151.¹ (1) The Committee of the Estates consists of seven deputies who are selected by the Assembly from its midst. For every member of the committee a substitute is to be chosen from among the members of the Assembly.

¹ SECS. 148–151 superseded by the provisions of the law of May 18, 1912, article 3, secs. 1–10.

(2) The substitute is called to the committee whenever the member for whom he is elected is prevented from serving or has retired from the assembly.

If the substitute himself is prevented from serving, has already been called upon, or has retired from the Assembly, the oldest of the other substitutes shall be called in his stead.

The call shall take place by order of the president of the committee (sec. 6).

If a member of the committee or a substitute retires from the Assembly during the session, the Assembly may immediately elect another member and another substitute.

(3) If more than seven persons have retired from the Assembly who are members of the committee or substitutes, the committee shall be brought up to its full number by means of new elections (sec. 113, new Constitution).

(4) Every deputy elected as a member of the committee or as a substitute shall be obliged to accept the election.

(5) The committee shall be elected immediately after the opening of each regular session of the Diet; if, after the dissolution of the Assembly, an extra session is next called, a reelection of the committee shall also take place immediately after the opening of such session.

(6) As soon as the committee is elected, it must select a president, who shall conduct the proceedings and appoint reporters for the various business or branches of business, unless the provincial syndic attends to the reporting in pursuance of his orders.

At the same time a vice-president must be elected to take the place of the president in case he retires or is hindered from acting.

The elections take place by majority vote. If no member objects, the elections may also take place by acclamation.

(7) The committee shall conduct its business collegially, reaching its decisions by a majority of all the votes, but is not authorized to adopt a resolution unless at least five of its members or their substitutes are present after having been called. The president is entitled to vote the same as the other members, having the casting vote in case of a tie.

(8) The committee must make a thorough report in writing to the next Assembly regarding all business coming up between the diets.

The preparation of the report is among the duties of the provincial syndic.

(9) After the close of the Diet, the committee must, conjointly with the Government, prepare the order proroguing the Diet; after

the text has been drafted, the document is executed and sealed by the Reigning Prince, the president of the committee, and the provincial syndic, and published in printed form for general information.

(10) The duties of the committee cease upon the opening of the diet, which is under obligation to select a new committee according to section 5.

The functions of the individual members of the committee and of their substitutes cease upon their retirement from the Assembly; however, if this retirement is in consequence of a dissolution of the Assembly or of the holding of new elections they shall not cease until the opening of the next Diet.

The full powers conferred upon the committee by the Assembly with the consent of the Government for the purpose of performing certain particular business shall extend to the following committees until the business is disposed of, as long as the powers are not revoked.

Part 3.

SEC. 152. *Standing rules.*—The details regarding the proceedings and the form of deliberations and votes in the Assembly and its committee are provided for in the standing rules of the Estates which, while not being a component part of the Constitution, nevertheless can not be altered except through agreement between the Reigning Prince and the Estates.

CHAPTER 5. THE SUPREME AUTHORITIES OF THE LAND AND THE CIVIL SERVICE.

1. GOVERNMENT SERVICE.

SEC. 153. (a) *Responsibility.*—All civil-service employees are responsible for the observance of the laws and the Constitution within the line of duties assigned to them.

SEC. 154. (b) *Oath of civil-service employees.*—In taking the oath of office these employees shall likewise be sworn to fulfill this duty.

SEC. 155. (c) *Counter-signature.*—In order to insure the operation of the Government administration in accordance with the Constitution and to secure the Government officials who are subordinate to the Ministry of State with respect to their responsibility, measures relating to national affairs and bearing the supreme signature of the Reigning Prince shall not be subject to execution until the counter-signature of a voting member of the Ministry of State is affixed thereto.

SEC. 156 (d) *Responsibility of the members of the Ministry of State.*—The voting members of the Ministry of State are specially

responsible for the constitutionality and legality of all measures countersigned or signed by them.

This responsibility shall rest upon the supreme Government official who has countersigned or signed, personally and without his being permitted to invoke a deviating opinion previously expressed orally or in writing.

SEC. 157 (e) *Law on the Government service.*—Other legal questions in regard to Government officials are regulated by the Government service law enacted in connection herewith.¹

2. MINISTRY OF STATE.

SEC. 158. The authority which, immediately under the Reigning Prince, is exclusively intrusted with the supreme collegial conduct of the national administration is the Ministry of State.

Ministerial departments exist for the various separate administrative branches.

The Ministry of State shall always consist of at least three voting members, whom the Reigning Prince appoints by his own choice and dismisses at will.

3. MINISTERIAL COMMISSION.

SEC. 159. For deliberation in regard to proposed legislation and other important matters, as well as for the decision of jurisdictional controversies arising between the administrative authorities and the courts, a commission shall exist.

It shall be composed of the voting members of the Ministry of State and the associates called upon by the Reigning Prince.

A special section of this commission shall be intrusted with the settlement of disputes regarding jurisdiction, consisting of high justice officials and high administrative officials versed in the law, and being presided over by the members of the Ministry of State placed in charge of the Department of Justice.

Further details regarding the organization of this body shall be embodied in a law.

4. COUNTY BOARDS.

SEC. 160. The national administration and the police shall be conducted by county boards directly under the Ministry of State, the organizations and functions of these boards being determined by law.

¹Law on the civil Government service of October 12, 1832 (Coll. of laws and decrees, No. 21), contained, with considerable modifications, in the law relating to the dismissal of Government employees, city officials, church, and school employees, and notaries of December 22, 1870.

CHAPTER 6. FINANCES.

SEC. 161 (1) *Separation of the princely from the Government finances.*—For the sake of promoting a well-regulated financial administration the princely finances shall be separate from those of the State, though the total income intended to meet the financial needs of the State and arising from the surpluses from the crown lands and the revenue administration shall be united.

SEC. 162. (2) *Domanial property.*—All the ducal domains, forests, and hunting and fishing grounds, the revenues and privileges connected therewith, as well as reversionary feudal tenures, and furthermore, the mines and smelteries, salt pits, glass and tile works, stone quarries, lime and plaster kilns, brown-coal pits and peat bogs, the chinaware factory, and the mint shall constitute the domanial property.

SEC. 163. (3) *The foundations of St. Blasius and Cyriacus.*—The property and privileges of the foundations of St. Blasius and Cyriacus, which foundations were abolished by the main resolution of the Imperial Deputation under date of February 25, 1803, shall, subject to the pensions granted to the prebendaries, be incorporated in the domanial property, as occurred previously with respect to the Abbey of Gandersheim and the Monastery of St. Ludgeri near Helmstedt.

SEC. 164. (4) *Legal status of the domanial property.*—The legal status of the domanial property as hitherto existing, particularly the provisions of the edict of May 1, 1794, remain unchanged.

The domanial property shall therefore continue to be preserved in its entirety, and it shall be utilized in a manner insuring permanent revenues, it not being permissible to alienate or mortgage the lands, privileges, and incomes belonging thereto without the consent of the Estates.

Alienations without the consent of the Estates shall be null and void, the purchaser having no right to institute suit for repayment of the purchase price, either against the Reigning Prince or against the public authorities, but being obliged to look only to the individuals with whom he has contracted. Even in case the money paid by him should be still on deposit in a public treasury, he can not claim it.

SEC. 165 (continued). However, the necessary preservation of the domanial property in an intact condition shall not preclude such changes, to be made with the consent of the Estates, as may be deemed appropriate or necessary in individual Estates, for the promotion of agriculture or the welfare of the State and for the removal of disadvantages, through sale, exchange, or lease. If any services, tithes, and revenues pertaining to the domanial property are redeemed for a money consideration, or if the alienation of certain portions of the domanial property, is legally resolved upon, constitutional provision

shall be simultaneously made with regard to the useful employment of the moneys received.

SEC. 166 (5) *Administration of the domanial property.*—The domanial property shall be administered, under the immediate direction of the Ducal Ministry of State, by the Ducal Chamber divided into three separate bureaus for the domains, the forests, and the mines. Further details in this regard are given in the law enacted together herewith.

SEC. 167 (6) *Employment of domanial property.*—After deducting the expenses of administration and maintenance and the payments to be made in the way of sinking fund and interest on the domanial debt, the revenues of the entire domanial property shall, as hitherto, be used to meet the needs of the Prince and of the country. The gradual extinction of the domanial debt shall be stipulated by a special agreement with the Estates.

SEC. 168¹ (7) *Domanial budget and accounts.*—The domanial budget, prepared for the administration of the domanial property at the beginning and for the duration of a two-year financial period, shall be communicated to the Estates for the purpose of explaining the item of receipts to be included in the Government budget (sec. 184) as derived from the surpluses of the domanial property, the opinions, suggestions, and remarks of the Estates on the subject being also heard. Similarly, the domanial accounts pertaining to the financial period just expired shall, at the request of the Estates, be laid before them in order that they may exercise their rights under the Constitution.

SEC. 169 (8) *Needs of the Reigning Prince.*—The needs of the Reigning Prince and of his household constitute a first lien on the net proceeds of the domanial property. The sum necessary to meet these needs and reserved by the Prince shall be more particularly determined in the special agreement reached with the Estates.

The following are also reserved for the needs of the princely household:

The ducal castles, all buildings, gardens, establishments, and inventories belonging to the court, as well as the rents and traditional tribute in kind hitherto directly collected from the office of the Lord Marshal and the office of Master of the Horse. The buildings pertaining to the princely household are inseparable from the land and can not be alienated without the consent of the Estates.

SEC. 170 (continued). Among the needs of the Prince and of the princely house are included: The expenses of courtly display, the pay and pensions of the court servants, the expenses of the princely stables, of the stud at Harzburg, of the theater and chapel, the main-

¹ The two-year financial period introduced by law of March 26, 1888, sec. 4. The financial (fiscal) year begins on April 1.

tenance of the castles and of the buildings, gardens, establishments, and inventories intended for the princely household.

The Estates shall have no right of control over the employment of the sum reserved to meet these needs, or over the use of the things mentioned in section 169.

SEC. 171 (9). *Appanages, widows' settlements, and cost of building castles.*—The following shall, however, not be paid out of the aforementioned sums:

(1) The appanages and expenses of establishment and equipment for princes and princesses who are the sons and daughters of the Reigning Duke, both when they are established independently and when they are married.

(2) The allowance to be appropriated for the maintenance of the widow of the Reigning Prince according to her station.

If higher amounts are required than those fixed by custom, or if no custom exists in this respect, the expenditures mentioned under nos. 1 and 2 shall be fixed by the Reigning Prince after first reaching an agreement with the Estates.

(3) The cost of construction and original installation of a residential castle in the capital city, which shall be specially appropriated by the Estates and credited against the domanial property.

SEC. 172 (10). *Needs of the country.*—The surpluses from the domanial administration, together with other revenues collected into the domanial treasury, particularly rents from fiefs, tolls, meterage, and warehouse receipts, lottery license, judicial fees; pike, road, pavement, and bridge tolls; and postal receipts, flow into the principal treasury and, together with the revenues from taxation, are used to meet the needs of the country.

SEC. 173 (11). *Levy of taxes—(a) Right and duty to levy.*—The Estates have the right, and it is also their duty, to appropriate the funds necessary to accomplish the purposes of the State, in so far as these funds are not derived from the surpluses of the domanial property and the other Government estates.

They shall in particular never be permitted to refuse the appropriations required to meet those expenditures which can be demanded on the basis of obligations arising in accordance with the Constitution.

SEC. 174 (continued). No general tax or national obligation shall be decreed, imposed, collected, or changed without the consent of the Estates.

It makes no difference in this regard what things such general national taxes and obligations may affect, whether they are imposed upon real estate, fortunes, individuals, industries, or the consumption of food and other consumables. This right of taxation also relates to taxes and services which affect the carrying on of commerce and industry or which are necessary for the execution of police arrange-

ments and measures, and particularly to road moneys, tolls, warehouse dues, and also judicial fees.

SEC. 175 (b) *Extent of the right to impose taxation.*—The right of taxation of the Estates extends, in its exercise, not only to the character and amount of the public taxes and services but also to the principles and conditions according to and under which they are to be imposed upon and distributed among things and persons, as well as to the duration, the mode of collection, and the employment of the taxes to be levied.

SEC. 176 (c) *Mode of decreasing taxes.*—After an agreement has been reached on all these matters between the Government and the Estates, the tax authorized is decreed and its collection ordered, in accordance with said agreement, by means of a law to be published in the usual manner and “with a reference to the consent of the Estates.”

SEC. 177¹ (d) *Duration of tax.*—All taxes are authorized for the duration of a regular financial period of two years, after the expiration of which they may be collected for a maximum of one year, which must be reckoned in the new financial period.

However, taxes authorized for a shorter period shall cease upon the expiration of such period, and those authorized for a temporary purpose upon the attainment of the latter.

SEC. 178 (continued). The taxation policy shall nevertheless not become extinguished, the newly authorized taxes being levied during the following financial period on the basis of the existing taxation policy until otherwise provided in regard to the modification thereof or in regard to the introduction of a new system of taxation in conformity with the Constitution.

SEC. 179 (continued). The duration of the period of tax collection stipulated in section 177 may be prolonged with the consent of the Estates in the case of indirect taxes and those levied on commerce, and, furthermore, all taxes of this kind which have been decreed, according to the taxation policy hitherto prevailing, by the National Government without the cooperation of the Estates, and whose maintenance by the Government, unchanged, is guaranteed under the existing commercial treaties, shall continue during the life of such treaties.

SEC. 180. (e) *Exceptions from the right of the Estates to levy taxes.*—By way of exception, those extraordinary general taxes and services shall be imposed upon and borne by the country without the authorization of the Estates which are necessary:

- (1) For the purpose of averting a sudden general national peril;
- (2) For the purpose of fulfilling the Federal obligations;

¹ Cf. note to sec. 168.

the reasons for levying the taxes and burdens in such cases being always laid before the Committee of the Estates.

Nevertheless, the mode of raising the funds required for these purposes must be approved by the Estates in the constitutional manner.

SEC. 181 (continued). *Communal and local taxes.*—It shall likewise be unnecessary to obtain the approval and consent of the Estates for the collection and distribution of taxes and expenditures which by their nature devolve upon single communes, cities, villages, and districts, and which are to be regulated by the authorities concerned according to the provisions of the laws and to traditional usage, or, in the absence of such, according to rules prescribed by the Government.

SEC. 182. (12) *Board of Taxation.*—The administration of the taxes and of all national contributions belonging under that head is intrusted to the Board of Taxation, whose organization and functions are determined in the law enacted together herewith.

SEC. 183. (13) *Board of Finance.*—The supreme direction of all financial matters, the supervision of accounts and treasury, and the exercise of general financial control are intrusted to the Board of Finance, regarding whose organization and business administration the law enacted in connection herewith provides the further details. The principal treasury, into which flow all the revenues intended for meeting the needs of the country, is subordinate to this board and obliged to proceed solely in accordance with its instructions.

SEC. 184¹ (14). *Government budget.*—The basis of the general financial administration intrusted to the Board of Finance is the Government budget, which, before the beginning of the biennial financial period and for the duration thereof, is made up from the special budgets of receipts and expenditures of all the various individual administrative branches.

SEC. 185 (continued). In conjunction with the Government, the Estates have the right to fix the Government budget in its several sections. However, the employment and distribution of the sums appropriated as a whole for each single section are left to the determination of the Government, and if the employment is only for this one section without exceeding the fixed special budgets, the Estates shall not be permitted to make any observation against a deviation that has occurred from the individual items thereof, though they may require a demonstration of the appropriateness of such deviation.

SEC. 186 (15). *Loan-bank institution.*—The loan-bank institution, which has hitherto existed as an independent institution under the supreme supervision of the Reigning Prince, shall be taken over by the Government, together with its assets and liabilities, and continue to exist under the Government's guaranty. It shall to this end be

¹ Cf. note to sec. 168; furthermore modified by law of July 1, 1904.

directly subordinated to the Board of Finance, and, besides its original purpose, which shall also continue to be fulfilled in future in accordance with the loan-bank regulations, it shall constitute an auxiliary credit institution for the Government and operate in accordance with the instructions of the Board of Finance.

The profits realized from the operations of the institution shall be added to the Government revenues.

SEC. 187. (16) *Government loans*.—Government loans can not be contracted without the consent of the Estates. An agreement must be reached with the Estates concerning the amount, conditions, and repayment thereof.

Matters relating to the national debt shall also be regulated according to joint resolutions.

SEC. 188. (17) *Supervision of financial matters*.—The Estates have the right of supervision over financial matters, and consequently the Government financial accounts of expired financial periods shall be submitted to them in order that they may exercise their constitutional right.

SEC. 189. (18) *Powers of the Committee of the Estates in financial matters*—(a) *Regular powers*.—The committee is intrusted with joint supervision, together with the Estates, over the financial administration to the extent that the preliminary estimates of the Government budget of the second and third year of each financial period are communicated to it for deliberation, as are also the accounts of the single expired financial years for inspection.

Furthermore, if special circumstances render necessary or advisable the alienation of a piece of Government property, the committee may grant the consent of the Estates, provided the property to be alienated does not exceed a value of 10,000 thalers. However, an agreement must at the same time be reached as to the employment of the price received.

SEC. 190 (b). *Extraordinary powers*.—If extraordinary events render the timely convening of the Diet impossible, or if there is danger in delay, and the ordinary appropriations and funds are insufficient to accomplish the purposes of the Government and to preserve the national welfare, it shall be possible, with the consent of the Committee of the Estates—

(1) To increase the taxes and levy new taxes, though not longer than six months, and

(2) To conclude Government loans up to the amount of 100,000 thalers.

However, all measures taken by the Government in consequence of such an agreement and the reasons for such measures shall be laid before the Assembled Estates as soon as possible by the Government.

Taxes authorized in this manner shall cease to be in force the moment the Assembled Estates refuse to grant them their sanction. Government loans of this kind are valid, but, nevertheless, if one has been authorized up to the amount indicated above, a new loan can not be made until the Estates are convoked.

The question as to whether the convening of the Estates is impossible or whether there is danger in delay shall be decided by the Government, but under the responsibility of all the voting members of the Ministry of State, by all of whom the orders to be issued are therefore to be countersigned.

CHAPTER 7. ADMINISTRATION OF JUSTICE.

SEC. 191. (1). *Jurisdiction.*—All jurisdiction emanates from the Reigning Prince. Patrimonial jurisdiction is abolished.

SEC. 192. (2) *Separation of judicial from administrative functions.*—The administration of civil and criminal justice shall, with the exception of the matters assigned by law to particular judges, and of acts of voluntary jurisdiction, be exercised, as hitherto, separately from the national administration and by collegially formed courts, according to the successive stages of appeal established by law.

Every judicial decision must be accompanied by a statement of the grounds on which it is based.

SEC. 193. (3) *Independence of the courts.*—The courts are subject to the supreme supervision of the Reigning Prince in their official conduct, but are independent in their adjudication of lawsuits within the limits of their jurisdiction. They therefore decide at all stages of procedure with full freedom of opinion, and if necessary are protected in the exercise of their functions by the assistance of the civil and military authorities. The penal sentences of the courts do not require any confirmation by the Reigning Prince, nevertheless the application of the severe and painful penalties designated by the law shall take place only after sanction by the Prince.

SEC. 194. (4) *Cooperation of the police authorities.*—The police authorities, independent within their sphere of activity, at the same time lend assistance to the judicial authorities in securing the rights of the inhabitants of the country and in carrying out judgments of the courts. In case of crimes they also pursue the perpetrators and cooperate in ascertaining the facts. They never pass judgment on the deed.

SEC. 195. (5) *Administrative acts.*—The measures taken by non-judicial authorities—that is, by administrative authorities and officials within the sphere of action assigned to them and separated from the administration of justice—do not come within the competency of the courts and must not be hampered by the courts in their execution.

SEC. 196. (6) *Conflicts of jurisdiction*.—The decision as to whether a case is subject to the jurisdiction of the courts belongs primarily to the judge. If a court declares that it has jurisdiction, while an administrative authority questions its jurisdiction, such administrative authority may stay further judicial proceedings by entering a protest before the court, in which its grounds are set forth.

Further details in connection with the proceedings in such cases shall be embodied in a law.

SEC. 197. (7) *Suits for damages against the Government*.—The question as to what damages are due from the Government to persons whose vested rights have been injured through acts of the governmental and administrative authorities falls solely to the decision of the courts without the admissibility of any conflict of jurisdiction.

The constitutional enactment of provisions of law shall not give title to any other indemnity than that provided in the law.

SEC. 198. (8) *Legal affairs of the fisc*.—The fisc, as representing all rights and obligations concerning the property and revenues of the State, is subject to the ordinary courts in matters of litigation. The execution of the judgment of the court shall be decreed against the authority and treasury designated in the judgment.

SEC. 199 (9) *Restriction of the privileges of the fisc*.—The privileges hitherto belonging to the fisc with respect to judicial prosecution of its claims as against private individuals are hereby abolished.

A right of preference or tacit lien is enjoyed by the fisc only in regard to public taxes.

SEC. 200. (10) *Equality before the law*.—All citizens of the country are alike before the law. A privileged status before the courts is and remains abolished.

SEC. 201. (11) *Legal protection*.—No one shall be deprived of his lawful judge, whether in civil or criminal cases, or be otherwise hindered in instituting and prosecuting legal proceedings before the courts. The high judicial authorities may, however, charge particular members of the court, or another subordinate court, with proceedings and investigations preliminary to the rendition of judgment; furthermore, in extraordinary and urgent cases, if the number of ordinary members of the competent court is not sufficient, it may be replenished with members from other courts.

SEC. 202. (12) *Legal prosecution*.—Every arrested person must be given a hearing within 24 hours after his arrest, be notified of the legal cause of the arrest, and, in case this cause continues to exist, be turned over to his competent judge without delay.

The latter shall grant a petition on the part of the arrestee for release on bail, unless strong indications exist of a grave penal offense on his part.

SEC. 203. (13) *Rights of accused persons.*—No accused person shall be denied the right of complaint during investigation or the right of defense or the right to have his demand for a judgment granted.

SEC. 204. (14) *Protection against prolongation of arrest.*—The judicial and police authorities of the country, to whom the constitutional protection of civil freedom is intrusted, are responsible, in investigations being conducted against accused persons under arrest, that their retention in custody should not last any longer than the investigation of the crimes and the application of the penalty require. Especially is the duty imposed upon the higher courts to watch strictly over the observance of this rule and to punish violations thereof.

SEC. 205 (15). *Crimes committed abroad.*—Citizens of the country who have committed punishable acts abroad shall not be brought to trial and punishment in this territory unless such acts are punishable under common German criminal law.

The courts of this country shall not be permitted to proceed against foreigners who have committed crimes abroad, unless a crime has been committed against this Government or against citizens of this country, or in consequence of an authorization received from this Government.

SEC. 206 (16). *Extradition of criminals.*—The extradition of citizens of the country to foreign governments shall not take place.

Foreigners shall not be extradited to foreign governments without the consent of the home Government.

Such extradition shall not be refused if it is requested by the Government of one of the States of the German Confederation, if a warrant has been issued by the proper authority for the arrest of the person to be extradited, and if the latter is either a citizen or subject of the requisitioning nation, or is accused of a crime punishable under common German criminal law and committed in the territory of the said nation; finally if the requisitioning Government follows similar principles toward this country.

However, all these provisions are applicable only without prejudice to the execution of treaties already existing in regard to the extradition of criminals or to be concluded in future, with the consent of the Estates as far as they affect the citizens of this country.

SEC. 207. (17) *Confiscation.*—Confiscation shall be applied only to the objects or instruments of a crime. A general confiscation of property shall never take place. The provisions of law regarding the seizure of the property of deserters and of absentees liable to military duty are not repealed hereby.

SEC. 208. (18) *Right of pardon.*—The Reigning Prince may pardon in criminal matters, or mitigate or remit the penalty, but in no

case shall he increase its severity, nor shall he be permitted to annul the result of an investigation until the higher court of appeals has rendered its opinion on the subject.

SEC. 209. (19) *Moratoriums*.—Moratoriums are never granted by the Government of the country, but the courts may decree them in the cases determined by law.

SEC. 210. (20) *Legal assistance in civil disputes*.—In civil disputes the courts of foreign nations shall be afforded all legal assistance permitted by law, provided such assistance is not refused by those nations to the courts of this country. Especially shall valid judgments of foreign courts, if the jurisdiction of the latter in the case in question is beyond doubt, be carried out by the home courts on the condition mentioned above.

CHAPTER 8. THE CHRISTIAN CHURCHES, PUBLIC EDUCATIONAL INSTITUTIONS AND CHARITABLE ENDOWMENTS, AND MONASTERIAL AND EDUCATIONAL FUNDS.

SEC. 211. (1) *Equality before the law of the recognized Christian denominations*.—All Christian churches recognized in the Duchy or authorized by law are insured the right of free public religious worship, they enjoying equal protection by the Government and their followers equal civil rights.

SEC. 212. (2) *Governmental supervision*.—All churches are under the supreme supervision of the Government, based on the eminent authority of the State. The arrangement of purely spiritual matters is left, under this supervision, to the ecclesiastical authorities on the basis of the constitution of each church. In case of doubt the Government decides as to whether a matter is purely spiritual.

SEC. 213. (3) *Ecclesiastical authority in the Evangelical-Lutheran Church*.—In the Evangelical-Lutheran Church the ecclesiastical authority belongs to the Reigning Prince, who exercises it in cooperation and deliberation with the Consistory composed of Evangelical clergymen and laymen.

The exercise of the rights belonging to the various Evangelical communes in regard to ecclesiastical affairs is to be intrusted to a board representing the ecclesiastical commune, and in regard to whose composition and duties a law shall provide further details.

SEC. 214 (continued). If the Reigning Prince should profess another religion than the Evangelical-Lutheran, the consequent restriction in his personal exercise of the ecclesiastical authority shall be determined without delay with the consent of the Estates.

SEC. 215. (4) *Ecclesiastical authority in the other Christian churches*.—The Government shall see to it that those who have the right to exercise the ecclesiastical authority according to the constitutions of the other Christian churches neither abuse nor overstep such right.

General measures which are taken by virtue of the ecclesiastical authority and decrees which are issued by foreign spiritual superiors shall not, whatever may be their nature, be either proclaimed or executed without the previous consent of the Government.

SEC. 216. (5) *Securing of property of churches, schools, and endowments.*—All endowments, without exception, whether for religious, educational, or charitable purposes, shall be insured the full enjoyment and possession of their property and income. Such property and income is under the special protection of the State, and shall not be added to the Government property.

SEC. 217 (continued). The property of churches, schools, and endowments shall never be diverted from its original purpose; if it is to be used for another purpose than that designated in the charter, such other purpose must be a similar one, and the employment can only take place with the consent of the interested private parties and communes, and if it is a question of institutions which concern the whole country, with the consent of the Estates of the realm.

SEC. 218. (6) *Administration of this property.*—In regard to the cooperation of the governing officers of ecclesiastical communes in the administration of the property of churches, schools, and charitable endowments a special provision of law shall be enacted.

SEC. 219. (7) *Monasterial and educational funds.*—(a) *Combination of these funds.*—The monasterial fund shall be combined with the educational fund coming from the former University of Helmstedt and for the sake of simplicity of administration and the greatest possible saving of expense be administered by the ducal exchequer, together with the domanial property, an appropriate contribution being made toward the expenses of administration.

SEC. 220. (b) *Administration.*—A special budget shall be arranged in regard to the administration of the combined monasterial and educational fund, being in the form used for the domanial property, and a separate system of treasury operations and accounts shall be adopted.

SEC. 221. (c) *Employment of the net proceeds.*—The net proceeds from this combined fund shall, in accordance with its allotment, be employed for churches, educational institutions, and charitable purposes. The business of employing it shall be intrusted to the Board of Finance, which must proceed in accordance with the budgets prepared and the rules of the Ministry of State, and keep a special account of all surpluses left from the administration of the fund and flowing into the principal treasury.

SEC. 222 (continued). The expenses for the museum at Brunswick and the library at Wolfenbüttel, which have hitherto been paid from the monasterial and educational fund, shall continue to be paid from

this fund, and these collections, which are inalienable, shall continue to be devoted to the promotion of science and art.

SEC. 223. (*d*) *Cooperation of the Estates*.—The budgets relating to the administration of the combined monasterial and educational fund, as well as those relating to the employment of the net proceeds therefrom, shall be established in common by the Government and the Estates. Furthermore, for the sake of making suggestions, the Estates shall have the right to inspect the accounts relating to the administration and employment of the combined fund after the expiration of the fiscal year.

SEC. 224. (*e*) *Alienations*.—The property and rights of the combined fund may not be alienated in whole or in separate parts without the approval of the Estates, and in this case the same provisions and modifications shall apply as are prescribed in sections 164 and 165 with respect to the domanial property.

SEC. 225. (*f*) *Reservation of right*.—The right is reserved to both the Government and the Estates to cause the monasterial and educational fund to be administered by a special authority if such should be deemed appropriate.

SEC. 226. (8) *Church and school employees—(a) Their appointment and confirmation*.—The church and school employees of all Christian churches in the country, unless they are appointed directly by the Government, shall, before assuming their official duties or drawing their official salaries, require confirmation by the Reigning Prince; all shall be sworn to an observance of the laws and the Constitution before assuming office.

Advowsons and rights of suffrage, as well as the legal powers of the ecclesiastical communes with respect to the refusal, for serious reasons, to accept a pastor assigned to them, are reserved.

SEC. 227. (*b*) *Their protection*.—Church and school employees who have been constitutionally appointed or confirmed are granted the necessary legal protection by the Government for the fulfilment of their vocational duties.

SEC. 228. (*c*) *Their official superiors*.—In everything that concerns the office and its administration, the church and school employees are primarily subordinate to their official superiors according to the Constitution; in all that relates to their civil relations and acts, including criminal proceedings which are not based on merely disciplinary offenses, the church and school employees are subordinate to the secular authorities.

A special judicial status for the legal affairs of churches, schools, and endowments and their employees does not exist, but the ordinary courts have to pass on such matters, and also on marriage questions, as hitherto.

SEC. 229.¹ (*d*) *Their suspension, dismissal, and deprivation.*

SEC. 230. (9) *Solicitude for public instruction.*—The maintenance, improvement, and perfection of the public educational institutions shall remain an object of solicitude of the Government and shall be promoted at all times by all the means at its command.

FINAL PROVISIONS.

SEC. 231. If the Government and the Estates should be of different opinion regarding the interpretation of particular provisions of the Constitution of the land, the Ducal Ministry of State shall first of all convene with a deputation of the Estates in order to seek an agreement.

If this attempt should also be fruitless, both the Government and the Estates shall be at liberty to have the difference settled by law. The decision in this case shall be rendered in first and last instance by a compromise court, which shall be composed in the same way as the joint court which is formed when a motion is made for punishment for a violation of the Constitution.²

SEC. 232. All decrees, prorogations of Diet, “reversals” (promises to uphold the Constitution), and other agreements concluded with the Estates are hereby repealed in so far as they are contrary to this Constitution.

It is our will as Reigning Prince that this Constitution, which we wish to observe, uphold, and protect, shall be most strictly obeyed in all its parts by everybody concerned and everywhere.

In witness whereof we have hereunto set our own signature and affixed the Ducal State Chancelry Seal.

Given at Brunswick, October 12, 1832.

WILHELM, *Duke.* [L. s.]

COUNT V. VELTHEIM. V. SCHLEINTZ. SCHULZ.

2. LAW PROVISIONALLY REGULATING THE AFFAIRS OF THE GOVERNMENT IN CASE OF A VACANCY OF THE THRONE.³ BRUNSWICK, FEBRUARY 16, 1879.

We, Wilhelm, by the grace of God, Duke of Brunswick and Lüneburg, etc., hereby enact the following law as a supplement to the Constitution, with the consent of the National Assembly:

SECTION 1. In order to insure the constitutional administration of the Duchy against disturbances in case of future vacancies of the throne when the duly entitled successor to the throne is prevented in

¹ Section 229 is superseded by law of December 22, 1870, as cited under sec. 157.

² Cf. law of March 19, 1850.

³ Supplemented by law of February 12, 1886, on the changed wording of the oaths prescribed in sections 26 and 132, New Constitution.

any way from immediately assuming the reins of Government, the Constitution of October 12, 1832, is supplemented by the following provisions:

SEC. 2. In the case of hindrance designated in section 1, unless an authorized regent takes possession of the governmental administration immediately after the vacancy in the throne in accordance with the provisions contained in section 20 of the Constitution, a provisional Government of the country shall be instituted under a "Regency Council," to consist of the voting members of the Ducal Ministry of State, the president of the National Assembly, and the presiding judge of the Supreme Court (in future to be called the Supreme Court of the land).

The president of the National Assembly to serve in this connection shall be the president of the last Diet preceding the throne vacancy up to a new election to the Diet, but if the Diet should be in session at the time the vacancy in the throne occurs, then the president of the National Assembly in session. In case of hindrances of long duration the places of the said presidents shall be taken by their representatives, the vice-presidents, who shall be designated to serve by resolution of the Regency Council.

SEC. 3. If the case contemplated in sections 1 and 2 is present, in the opinion of the Ducal Ministry of State, said Ministry shall convoke the members of the Regency Council in order that they may constitute themselves as such.

The Council shall be considered to be constituted when the majority of all the members declare to that effect.

The Regency Council shall make publicly known the fact of its being constituted by publishing a notice in the collection of laws and decrees and in the Brunswick official decrees, and it shall immediately convoke the National Assembly for the purpose of constitutional cooperation in regard to any further steps necessitated by the prevailing conditions.

The right of self-convocation on the part of the National Assembly, according to section 113, no. 1, of the Constitution, remains reserved.

SEC. 4. The Regency Council conducts the Government with all rights and duties of a Government guardianship or provisional administration, but nevertheless—

(1) It exercises the right of constitutional legislation with the restriction that amendments to the Constitution shall not take place during the continuance of the provisional Government, and, furthermore,

(2) It shall not confer orders and titles not connected by custom with an office bestowed.

The Regency Council shall—

(3) Address the necessary request to His Majesty the Emperor in order that the relation of Brunswick to the Empire, especially the

right of voting in the Federal Council for the duration of the provisional Government conducted by the Regency Council, may be regulated in a manner conforming to the Constitution.

The Council shall in particular—

(4) Request His Majesty the Emperor and Federal commander in chief to take such measures as he may deem necessary regarding the exercise of the rights of military sovereignty still belonging to the Reigning Prince during the continuance of the provisional régime.

(5) If, in consequence of the retirement of a voting member of the Ducal Ministry of State, it should become necessary to appoint such a member of the Ministry of State, the appointment shall be made by the Regency Council for the length of the provisional Government, the questions relating to salary and possible pension of the appointees being regulated at the same time.

(6) The sum of money, etc., to be deducted from the net income from the domanial estate for the needs of the Reigning Prince under the Constitution and treaty shall continue to be paid, the Regency Council determining its employment with all possible regard for existing conditions, subject to the rules to be adopted in conjunction with the Assembly in regard to any surpluses.

The constitutional and legal privileges of the Ducal Ministry of State, as the supreme administrative authority of the land, as well as the privileges of the individual ministerial departments (cf. sec. 158 of the New Constitution), shall remain unchanged.

The presence of three members shall be sufficient in order that a resolution may be adopted in the Regency Council, provided they include two members of the Ducal Ministry of State and one of the two other members.

The handling of business in the Regency Council is collegial under the chairmanship of the president of the Ducal Ministry of State, the council being obliged to prepare its own rules of procedure.

The resolutions and decrees of the Regency Council shall not be enforceable until countersigned by a voting member of the Ducal Ministry of State.

Cf. sections 155 and 156 of the New Constitution.

In the case of resolutions which are to be adopted in the exercise of the Evangelical church authority, the members of the Regency Council who do not belong to the Evangelical-Lutheran Church should refrain from participating.

SEC. 5. The provisional Government shall cease as soon as the successor to the throne, now no longer hindered from exercising the functions of government, assumes these functions, gives his "reversal," and commands allegiance, or, in case of prolonged hindrance of the successor to the throne, as soon as a person entitled to do so assumes the regency and proclaims such assumption for the period of the still

continuing hindrance of the successor to the throne by means of a patent accompanied by "reversals."

SEC. 6. If within a year from the occurrence of a vacancy in the throne the Government has not been assumed by the successor to the throne or a provisional administration has not been established by an authorized regent, the Assembly shall choose a regent on the recommendation of the Regency Council from among the adult non-reigning princes of the Sovereign Princely Houses belonging to the German Empire, which regent shall then continue to conduct the governmental administration until the Government is taken over by the successor to the throne.

If it is necessary to repeat the election, it shall take place in the same manner.

All those concerned shall govern themselves accordingly.

In witness whereof we have hereunto set our own signature and the Ducal Secret Chancelry Seal.

BRUNSWICK, February 16, 1879.

WILHELM, *Duke*. [L. s.]

W. SCHULZ. TRIEPS. COUNT GÖRTZ-WRISBERG.

HAMBURG.

CONSTITUTION OF OCTOBER 13, 1879.¹

SECTION 1.—*General Enactments.*

ARTICLE 1. The city of Hamburg and the territory connected therewith form, under the denomination of "the Free and Hanseatic City of Hamburg," an independent separate State of the German Empire.

2. Any alienation of territory is equivalent to an alteration of the Constitution, apart from simple boundary regulations, which may be effected by way of legislation.

3. Every one who has a legal settlement in the State of Hamburg in accordance with the Imperial laws belongs thereto.

4. Citizens of Hamburg are those residents who have taken the oath of fidelity to the Constitution and have not lost their rights.

The laws shall determine the conditions of acquisition and loss of citizenship and the nature of the oath.

5. The exercise of citizens' rights shall neither be conditioned nor limited by religious convictions. Religious convictions shall not hinder a citizen in his duties to the State.

Complete freedom of belief and of conscience is permitted.

6. The highest State authority belongs to the Senate and the Corporation (*Bürgerschaft*) in common.

The legislative power is exercised by the Senate and the Corporation, the executive by the Senate, and the judicial by the courts of justice.

SECTION 2.—*The Senate.*

7. The Senate consists of 18 members, that is to say, of 9 who have studied the sciences of law or finance, and of 9 other members, of whom at least 7 must belong to the mercantile profession.

8. Every citizen who is eligible for the Corporation is also eligible as a member of the Senate, with due reference, however, to article 7.

Every one is excluded from election who is related to a member of the Senate in the ascending or descending line, or as brother, uncle, or nephew, or by marriage, as step-father, step-son, father-in-law, son-in-law, wife's brother, or sister's husband.

In cases of relationship by marriage, it makes no difference whether the marriage through which it arose still exists or not.

¹ Based on the version found in 51 *British and Foreign State Papers*, pp. 1164-1184. Revised and brought up to date by a comparison with Stoerk-Rauchhaupt, pp. 170-187.

9. The members of the Senate are elected by the Corporation from a selection of two persons.

To effect this selection the Senate and the Corporation choose respectively 4 of their members by relative majority of votes as trusty men, who are then sworn to secrecy.

The 8 trustees have to make a selection of 4 persons in the following manner :

Each trustee specifies the persons who appear to him suitable, and from those so proposed a larger selection is then to be made after careful discussion concerning them. From this larger selection 4 persons are to be chosen for the smaller one by secret voting. The Corporation trustees can not be included in the selection. At least 5 votes are required to include any one in the selection.

If these can not be obtained for 4 candidates after repeated voting, then notice is to be given to the Senate and the Corporation that the trustees have not succeeded in making the selection, without stating whether any candidates at all, or how many, have been already chosen for the selection.

Eight new trustees are then to be elected as before, 4 by the Senate, and 4 by the Corporation, and they are to be sworn.

This new commission receives a statement signed by all the members of the first commission, and then sealed up, to be opened by the new one, containing the names of the persons already chosen for the selection; or a communication that no one has obtained the requisite number of votes. The new commission proceeds in the same manner as the first, either to complete the selection or to make it altogether, as the case may be.

Should this second commission also fail to arrive at a satisfactory result, then the two commissions, that is 8 trustees of the Senate, and 8 of the Corporation, unite. These have then to elect the candidates still required. Only one candidate is to be elected at each vote. For this purpose each trustee writes the name of a candidate on a slip of paper. In this the relative majority of the voters is sufficient to include a candidate in the selection. The voting is repeated as often as necessary.

When a chosen selection of 4 persons has been made in this manner, it is delivered to the Senate by its Commissioners, without letting it know how the candidates severally have been included in the selection. Of the four proposed, the Senate presents two to the Corporation, which has to choose one out of those two.

If at the election of the second commission of the Corporation trustees, a trustee is elected who is already included in the selection, this does not prevent his taking part in the further formation of the chosen selection. In such a case notice of the circum-

stance is to be given to the Senate at the delivery of the chosen selection, and if the trustee should be one of the selection which the Senate delivers to the Corporation, notice of the fact is also to be given to the latter.

The observance of secrecy extends so far that neither the trustees on either side nor the members of the Senate may in any way make it known who were the four persons included in the selection; so that is it only the two persons in the smaller selection who are known.

The election, which is to be made by the Corporation immediately after the delivery of the chosen selection, is by means of ballot. In this election the presence of more than 80 members must be determined before the opening of the selection, if necessary, by counting. Thereupon the election is considered complete, irrespective of the number of valid votes cast; the majority is computed on the basis of the number of valid votes cast. It is, therefore, of no importance whether members cast a valid vote or not. In the case of a tie, a second vote takes place, and if the result is the same the issue is decided by lot.

The whole election proceedings take place in one uninterrupted sitting both of the Senate and the Corporation.

The person elected as member of the Senate must undertake the office, on pain of losing his civic rights in the State and the right of carrying on any civic business in the city or territory.

10. The senators fill their offices for life, with the following restrictions:

After holding the office for at least 6 years; every member of the Senate has a right to seek to be relieved from the duty, but without having any claim to a pension.

If the retiring member has completed the 60th year of his age, and has filled the office for at least 10 years, then he is to enjoy a pension to the amount of half his honorarium.

Every member of the Senate who has passed the 70th year of his age is entitled to retire from the Senate with a pension amounting to two-thirds of his honorarium.

11. The law determines the cases in which a member of the Senate must retire.

12. A vacancy in the Senate is to be regularly filled within 14 days.

13. No other public office can be united with that of a member of the Senate. Members of the Senate may continue in another avocation, excepting that of an advocate or a notary, provided that the same does not interfere with the discharge of their official duties.

If members of the Senate should be elected as members of the governing board, board of trustees, or board of supervisors of an

industrial enterprise or of some similar undertaking, the object of which is financial gain, they shall be permitted to accept such a position only with the consent of the Senate. Said consent is also necessary if a newly elected senator wishes to retain such a position.

14. Every member of the Senate must have his regular dwelling in the city, or its immediate environs in Hamburg territory, or must take it up immediately after his election.

15. Every member of the Senate before he enters upon his office, has to bind himself by oath to the faithful performance of his duties, in a joint assembly of the Senate and Corporation. The form of the oath shall be determined by law.

16. The members of the Senate receive an honorarium to be determined by law.

17. The Senate elects by secret vote from amongst its members a first and a second burgomaster as presidents for the period of a year.

No burgomaster shall act for longer than two years in succession.

18. The Senate directs the elections to the Corporation and orders the convocation thereof through its Chancery, after its entire or partial renewal, as well as in accordance with article 50, clause 1.

The Senate also has the right of summoning the Civic Committee.

19. The Senate, as the possessor of the executive power, is the supreme administrative authority; it exercises the supervision over every branch of the administration. To it also belongs the supervision in chief of all the judicial authorities.

20. The Senate has to maintain legal order, and to preserve the security of the State, both within and without.

21. With regard to the Hamburg contingents to the Imperial Army, the rights accruing to the heads of the contingents, according to the Constitution and Laws of the German Empire, shall be exercised by the Senate, unless otherwise determined by special conventions.

22. The Senate represents the State in its relations with the other parts of Germany and with foreign countries.

It conducts the foreign affairs, carries on the negotiations in reference thereto, appoints the plenipotentiaries to other States and to the German Confederation. It concludes commercial treaties and other State treaties, but has to obtain the assent of the Corporation before the ratification thereof.

23. The supervision in chief belonging to the State over civic and religious communities is exercised by the Senate.

24. The Senate has the right of mitigating or remitting a sentence by an act of grace.

An exception occurs in the cases of article 53, in which the Senate can only exercise the right of pardon or mitigation on the application or with the assent of the Corporation.

25. The Legislature will determine what superior officials are to be appointed or confirmed by the Senate, or to be elected by it from a chosen selection to be submitted to it by the deputation concerned. Where the Constitution or the Legislature gives no directions thereon, the appointment belongs to the Senate.

26. The oaths to the State and the obligations in lieu thereof are to be taken before the Senate, in so far as neither the Constitution nor the laws direct otherwise thereon.

27. The members of the Senate are answerable to the State, that neither the Constitution nor the laws of acknowledged validity be violated by their official proceedings.

A law will determine with regard to the extent and the enforcement of this liability, and the participation of the Corporation in such enforcement, as well as in regard to the competent courts in such cases.

Claims by private persons on administrative authorities and official servants are provided for by article 89.

SECTION 3.—*The Corporation (Bürgerschaft).*

28. The Corporation consists of 160 members.

29.¹ Of these 80 members are elected by direct general suffrage and secret vote. In this election all citizens in town and country are called upon to take part. For the election definite election districts may be formed or the electors may be divided into groups, according to the amount of taxes which they pay. Details and the mode of election are determined by the election law.

30.² The other 80 members consist:

1. Of 40 landed proprietors as such, who are elected by secret vote by and from the proprietors of landed estates in the city. All further provisions on this matter are made by law.

2. Of 40 deputies who are elected by secret direct ballot by citizens who are or have been members of the Senate or of the Corporation, judges, commercial judges, members of the board of guardianship, civilian members of the administrative boards, of the Chambers of Commerce, Industry, and Retail Trade. All further provisions on this matter are made by law.

31.³ The following are excluded from the exercise of the suffrage:

1. Those who have not yet completed their twenty-fifth year;
2. Those who pay no income tax or were in arrears therewith at the time of the election, in case they have not proved before the close of the election lists that they have paid their outstanding taxes;

¹ Revised by law of February 12, 1906.

² Clause 2 was revised by laws of June 22, 1894, and March 5, 1906.

³ Clause 2 was modified by law of November 2, 1896.

3. Those who have been deprived of the rights of majority;

4. Those against whom bankruptcy proceedings have been begun;

5. Those who have been deprived of their honorable rights by decision of court during the period in question;

6. Those who are under arrest because of a crime committed or pending examination.

32. Those only are eligible to the Corporation who are entitled to the suffrage, are full 30 years of age, and have possessed civic rights in town or country for at least 3 years.

33. No member of the Corporation can undertake valid engagements with his constituents in regard to his conduct therein; nor can any binding instructions be given to a member of the Corporation by his constituents.

34. Every one elected to the Corporation is bound to accept the post, on pain of losing his civic rights in the State, and the right of carrying on any civic trade in the city or territory for the period of the next 10 years. Exception from this inability, as well as the retirement of an actual member of the Corporation can without prejudice to the provisions contained in articles 35 and 36, only be obtained by resolution of the Corporation.

A person who has been a member of the Corporation for six years may decline reelection for the next election period.

35. Members of the Senate can not be elected to the Corporation. Former members of the Senate are eligible, but may decline the election.

36.¹ Spiritual and paid public officials are permitted to decline election to the Corporation.

37. The Corporation decides upon the validity of the elections.

38. The members of the Corporation are elected for 6 years. Every three years half of those elected by each of the electoral bodies retire.

39. The members retiring from the Corporation in accordance with article 38 can be reelected.

40. The Senate will order the new elections 6 weeks before the partial renewal of the Corporation (article 38), in time enough to permit the elections to take place before the period of renewal.

41. On the partial renewal of the Corporation, as enacted in article 38, the Senate is bound to convene the Corporation within 8 days from the commencement of the period of renewal and completion of the new elections.

On the day that the partially renewed Corporation assembles the functions of the previous Corporation cease.

42. A member of the Corporation who loses his eligibility retires from the Corporation.

¹ Modified by law of February 12, 1906.

43.¹ A new member who enters the Corporation as the result of the departure of an old member holds his seat only for the remainder of the term for which the original member had been elected. The election of a substitute member, necessitated by the departure of an old member, is announced by the Senate. This election may be postponed for some time, especially in the last six months before the period of the partial renewal of the Corporation, according to the Constitution (article 38), if the Senate and the Corporation are agreed thereon.

44. The members of the Corporation serve gratuitously.

45. The Corporation may pass resolutions when more than 80 members are present. A vote and an election are valid, irrespective of the number of votes cast, if during said election a quorum is present.

The order of business determines the quorum necessary for the opening of a session, and for the determination of the order of the day, as well as for deciding other questions concerning business.

Motions of the Senate, which are designated as being of the first importance, must be discussed before all other questions, and in such a case the Corporation may be adjourned only until the next business day, if the said motion has not yet been voted upon.

46. The sittings of the Corporation are public. By way of exception, the Corporation assembles in secret session at the request of at least 10 members, or of the Senate, and then after hearing the motion for which the secret sitting has been requested, it decides whether the sitting for the proceeding on the matter in question shall continue a secret one.

A motion of the Senate for a secret sitting must, when it relates to foreign affairs, or matters concerning the Empire, be at once acceded to by the Corporation. The sittings are also secret, by way of exception, when the Civic Committee accedes to the Senate's motion for a secret sitting. Deputations are not admitted either to the meetings of the Corporation or to the sessions of the Committees.

Communications to the meeting must be submitted or sent in writing and, unless they issue from official sources, this must be done by a member of the meeting, who by this act indicates that he is in sympathy with the contents of the communication.

47.² The business regulations determine the manner of voting in the Corporation; but the voting must be secret in case at least 40 members require it.

48. No member of the Corporation can be made accountable to the State for his speeches or votes in the Corporation or its committees.

¹ Revised by law of February 12, 1906.

² Modified by law of April 6, 1906.

The Corporation has to proceed against its members by way of discipline and in accordance with the business regulations, for non-fulfilment of duties or breaches of order.

49. A copy of the report of the Corporation's proceedings is to be communicated to the Senate as soon as possible.

50. The Corporation is convened through its chancery :

1. On the order of the Senate;
2. On the resolution of the Civic Committee;
3. When more than full 3 months have elapsed since its last sitting, on the requisition of at least 30 members addressed to the president of the Corporation.

In the cases 2 and 3 the order of the day is to be communicated to the Senate two working-days before the sitting.

51. The committees chosen by the Corporation may apply directly to the Senate or to the head of the executive body in question for information required in the preparation of legislative work; they have, moreover, also the right of requiring such information from every State official to the same extent as he is bound to furnish it to the public administrative authorities, in so far as no special official obligations stand in the way, and with the permission of the competent Senator. Such permission can be refused only on special grounds.

52.¹ The Corporation elects for all the administrative boards such members as are not deputed by another college, from a selection of 3 persons for each vacant place, to be submitted by the administrative college concerned, without prejudice to the freedom of election.

In the election to the financial deputation the election order is binding. However, the Civic Committee may add a fourth name to the order by means of a motion passed by a majority of at least two thirds.

The Senate members of the executive bodies in question take no part in drawing up the election order.

53. With regard to the constitutional participation of the Corporation in enforcing the responsibility of the members of the Senate and of the authorities to the State, that no violation of the Constitution or of the laws of recognized validity take place through their official conduct; as also with regard to the extent of that responsibility and the competent courts in such cases, the particulars are to be determined by a law.

In votes upon questions of control or responsibility any members of the administrative deputation concerned, sitting in the Corporation and affected by such questions, or any officials sitting therein and affected thereby, take no part.

¹ Modified by the Senate proclamation of July 6, 1888, and by law of November 2, 1896:

SECTION 4.—*The Civic Committee (Bürger-Ausschuss).*

54. The Corporation elects from its own body the Civic Committee, consisting of 20 members, of whom, however, only 5 may be lawyers.

The President of the Corporation is a member of the Civic Committee. The other 19 members are elected by ballot in such a way that each member of the Corporation present indicates a deputy whom he considers suitable for membership in the committee. Those designated in that way by at least one-fourth of the members present are considered to be elected. This procedure is continued until 19 members have been elected. If more than 19 should be thus designated, the number of votes cast for each name is the deciding factor. In case of a tie, lots are cast. In supplementary elections the same procedure is observed.

55. Those members of the committee who retire from the Corporation also leave the committee and are replaced by a new election, but in case of their being reelected to the Corporation they can also be again elected to the Civic Committee.

56. The members elected to the Civic Committee are, unless excused by the Corporation, bound to accept the election and to discharge the duties of the office until their retirement from the Corporation, with the exception of those who are members of a court of justice or of the finance deputation. The non-fulfilment of this obligation has the same consequences as in election to the Corporation (article 34).

57. The Civic Committee is summoned by its presidents or by the Senate.

58. The Civic Committee may pass resolutions as soon as at least 12 members are present.

59. The sittings of the Civic Committee are not public.

60. The Civic Committee is competent:

1. To give its joint sanction, on the proposition of the Senate, to extraordinary expenses not inserted in the budget, to the total amount allowed in the budget for unforeseen expenses; also to such alienations of the State property, not in the regular way of the administration, as do not exceed the sum of 5,000 marks banco;

2. On the proposition of the Senate, to give its joint sanction in urgent cases to legal dispositions of slight importance, pending the subsequent assent of the Corporation;

3. To require information from the Senate on State affairs; the corresponding obligation of the Senate suffers an exception in pending negotiations on foreign and Imperial affairs;

4. To cause the convocation of the Corporation;

5. The Civic Committee is bound to watch over the upholding of the Constitution and of the enactments bearing upon public law. The Civic Committee has to bring any violations thereof, if applications to the Senate have not already satisfactorily disposed of them, before the Corporation for consideration and for the eventual adoption of further measures in the manner prescribed for the proceedings of the Legislature.

. SECTION 5.—*The Legislation.*

61. The legislation depends on the concurrent resolution of the Senate and the Corporation.

The right of proposal belongs both to the Senate and Corporation.

The Senate promulgates the laws, executes them, and issues the necessary ordinances for carrying them out.

62. The following are specially subjects of legislation :

The enactment, authentic interpretation, amendment and repeal of laws upon matters of public and private right ;

The imposition, prolongation, alteration or repeal of taxes and duties ;

The raising of State loans ;

The alienation of State property, which does not already lie in the regular course of the administration (without prejudice to the provision of article 60, clause 1) ;

The regulation of boundaries ;

The granting of exclusive privileges ;

The expropriation of private property ;

The approval of the total and the items of the estimates of the whole income and expenditure of the State for the next year, which the Senate has to submit to the Corporation with the particulars ; likewise of any supplementary grants ;

The ratification of State treaties ;

Granting of amnesty.

63. After the expiration of each financial year the Senate has to submit, as soon as possible, the accounts of the receipts and expenditure for the preceding year to the Corporation for examination.

64. 1. The assembling of the Senate and of the Corporation may take place independently of each other.

2. The reciprocal official communications are made in writing : in so far as they are intended for discussion in public assembly of the Corporation, they are, as a rule, printed.

3. The Senate can, when it thinks fit, depute Commissioners appointed from its own body or otherwise to the meetings of the Corporation, who are then entitled to take part in the dis-

cussions, and to whom at their request the right of speaking is always to be granted. If a Commissioner is given the floor after the close of a discussion, the discussion is opened again.

4. At the request of the Corporation the Senate is bound to send Commissioners to take part in the deliberations on motions originated in the Senate.

65. The Corporation is entitled to demand information from the Senate on matters of State. The corresponding duty of the Senate, however, is canceled in questions concerning Imperial or foreign affairs. The points on which information is requested must be communicated to the Senate in advance and in writing, and the Senate is then at liberty to communicate the information in writing or orally through Commissioners. If the Corporation describes its query as of pressing importance, the Senate must submit its answer by the next session of the Corporation or give reasons why it is impossible to answer at all or for the present.

66. In the preparation of the motions to be brought before the Corporation the Senate will, as far as possible, consult the respective administrative deputations.

67. Motions made by one or more members of the Corporation can be rejected if they are described as being out of order. This occurs if a member demands a vote on the point of order before the opening of the discussion and if, after the sponsor has been given opportunity to defend his motion, a majority of at least two-thirds of the members present votes against the motion.

Motions of the Senate to the Corporation can not be eliminated in this way, but must be considered.

68. Every proposition which has not thus been eliminated is to be submitted twice to discussion and vote, in case that at the first voting at least two-thirds of all the members who take part therein have not declared in favor of the proposal.

By a simple majority of those present the time of the second deliberation and vote is determined; they may not take place on the same day as the first vote.

A motion is accepted if it receives a simple majority in each vote.

The Corporation passes a motion, which it has already definitively accepted and which the Senate has accepted with modifications, by a simple majority. A second deliberation is not necessary.

69. If the proposition of the Senate be not adopted at once but only with modifications and conditions, and the Senate resolves to agree thereto, this may be done by a simple communication to the Civic Committee and the concurrent resolution of the Senate and the Corporation be thus effected (article 61). The same abridgement of the proceedings may take place when the Senate sanctions without alteration an independent proposal of the Corporation.

When a proposal of the Senate is rejected by the Corporation or a proposal of the Corporation by the Senate, each party is at liberty to renew the proposal in the same or in an altered form, until one party or the other moves for a mediating deputation (article 70). The same is the case when a proposal is adopted with modifications or conditions to which the other party will not agree.

70. If, in the proceedings on the repeated proposals, there appears a persistent difference of opinion between the Senate and the Corporation, a deputation is appointed of 9 members (unless any other number be agreed on) consisting of one-third members of the Senate and of two-thirds members of the Corporation, and this deputation has to discuss and report on propositions for mediation.

71. If the difference of opinion should not be arranged after the Senate and the Corporation have again discussed the matter on the report to be furnished or the proposition to be made by this deputation, the course to be taken is as follows, according to the nature of the subject:

1. If the difference of opinion relate to the interpretation of the Constitution or of laws, or to a right asserted by the Senate or the Corporation by reason of the Constitution or of a law, or to the question whether a member of the Senate, or of any of the boards is to be brought to legal responsibility for a violation of the Constitution or of a law of acknowledged validity, then the dispute is to be decided by the Imperial Court, and both the Senate and the Corporation are entitled to require that this decision be taken.¹

2. If the difference of opinion relate to another subject on which the joint resolution of the Senate and the Corporation is required, then the matter remains unsettled until they come to reciprocal understanding. But if both parties agree that the decision cannot be put off without essential injury to the commonweal, whilst it is only as to the method that they can not concur, then the matter is to be settled by the award of the deciding deputation described in the following articles.

If the question relate to the prolongation or renewal of a law passed only for a fixed period, and if the appointment of a deciding deputation be resolved upon before the expiration of that period, then the law is to be considered as prolonged until the decision be given.

No alteration of the Constitution or of any legal enactments by which rights appertaining to the Senate of the Corporation have been established, can ever be introduced by the award of a deciding deputation.

¹ Cf. the Imperial Law of March 14, 1881.

72. The deciding deputation consists of an equal number of members of the Senate and of the Corporation, and, as a rule, of 16 members, 8 from each side. This number may be increased or lessened by mutual consent.

The members from the Senate are chosen by lot, out of all the members of the Senate present in Hamburg.

The Corporation members are chosen as follows:

The whole of the Corporation members present are separated by lot into so many divisions, as equal in numbers as possible, as there are Corporation members to be chosen for the deputation. Each of these divisions elects from its own body a member for the deputation, by voting papers and an absolute majority of votes. If any chance equality of votes can not be altered by repetition of the voting, the decision is by lot.

The formation of the deciding deputation takes place at a joint sitting of the Senate and the Corporation appointed by the Senate, and the lots for the choice of members of the Senate for the deputation are drawn by the youngest member of the Civic Committee, while those for the electing divisions of the Corporation are drawn by the youngest member of the Senate.

73. At the same joint sitting of the Senate and Corporation, or, if all the members of the Senate, chosen for the deputation, should not be present, at another sitting appointed for the purpose by the Senate, the following oath is administered to all the members of the deputation by the president or vice-president of the Senate, or, if these should themselves be in the deputation, by the oldest member of the Senate who is not therein:

I promise and swear to God Almighty that, in the matter remaining unsettled between the Senate and the Corporation by reason of their difference of opinion, to the decision of which I am constitutionally called, I will in my vote and award have only the general good before my eyes. act only according to the best of my knowledge and conscience, not allow myself to be led or determined either by friendship or by enmity towards the Senate or the Corporation or the individual members thereof, nor yet by the order, authority, or persuasion of any other person whatever, much less then by the private advantage of myself or of those belonging to me, but so do and act as I shall find it in my conscience advantageous to the State, and answerable before God; and also that whatever I myself or my fellow deputies vote, do, and allow in the matter committed to us for decision, I will never reveal it to any man whatsoever in or out of the Senate and the Corporation, but take it all as a strict secret with me to the grave. So help me God.

74. The deciding deputation so chosen and sworn, of which the first member of the Senate belonging thereto is president, has to decide the disputed matter conclusively by a resolution passed by absolute majority of votes in secret session, within 14 days after it has been sworn. The resolution passed by the deputation for such decision has, without anything further, quite the same force and

validity as a resolution of the Senate and Corporation. It is to be written out in two copies of the same tenor, and to be signed by all the members, and, after one copy has been delivered to the president of the Senate and the other to the chairman of the Corporation by a member of the deputation, it is to be published by the Senate.

Should the deputation not succeed, even by putting the question repeatedly, in setting aside any equality of voting that may occur, then a sub-deputation of 5 members is chosen by lot, in such a manner that all the members of the deputation without distinction, whether they belong to the Senate or the Corporation, are included in the lots, and 5 names are drawn therefrom. The majority of the votes of these 5 sub-deputies decides conclusively on the points upon which there was an equality of votes in the deputation.

75. All members of the Senate or of the Corporation, who are chosen as members of the deputation and of the sub-deputation, when there is one, are bound to undertake the functions on pain of losing their civic rights in the State, and the right of carrying on any civic business in city or territory. The obligation of appearing at the sittings can only be excused by illness, medically attested, cases of affliction, and other similar causes of prevention, the validity of which is decided by the members of the deputation who are present. On continued prevention of a member, a substitute is chosen respectively by the Senate in the same way as before, or by the Corporation through the electing division concerned, which assembles again for this purpose.

Neither the deputation nor the sub-deputation can pass a resolution unless all the members are assembled.

No member of the deputation can withhold his vote when the question is put.

Neither the deputation nor any member thereof can be called to account for the resolution that has been passed or the vote that has been given.

76. Should the Senate and the Corporation come to diverse conclusions as to whether the difference of opinion be of the kind to be referred to the Imperial Court, as described in article 71, clause 1, or of that to be referred to a deciding deputation, as described in clause 2, then the decision of the Imperial Court is to be taken thereon; and that court, even when it declares itself competent to entertain the matter, will at first confine itself to that decision only, without entering into the matter itself.¹

77. The laws passed by common accord of the Senate and the Corporation, or enacted in the manner described in articles 72 to 75, are to be promulgated by the Senate within 14 days.

¹ Cf. the Imperial Law of March 14, 1881.

SECTION 6.—*The Administration.*

[Articles 78 and 79 were rescinded by law of November 2, 1896.]

80. The Legislature directs for what branches of the administration there shall be deputations. The latter are composed of the members of the Senate thereto appointed, and a number of citizens. The law determines how far paid officials can be members of such deputations.

81. The civic members of the deputations fill their offices for a number of years to be determined by law, and perform their duties gratis.

The election of these members is regulated by article 52.

82.¹ All those who are not eligible for the Corporation, as well as judges learned in the law, are excluded from election as members of a deputation.

83. Every citizen is, except in the cases described in article 84, bound to accept the election to a deputation and to hold the office for the legal term, with reservation of demission by the Corporation, or by the legislative power, if the member of deputation in question was not elected by the Corporation. The non-fulfilment of this obligation has the same consequences as on the election to the Corporation (article 34).

A member who becomes ineligible for the Corporation must retire from the deputation.

84. Those who on the day of the election proceedings have passed the 60th year of their age are not bound to accept the election to a deputation or a court of law, nor are those who have already been members of the same deputation, of the same court of law, or belong to the Civic Committee. Neither is anyone bound to be a member of two deputations or two courts of law, or of a court of law and a deputation at the same time. The law determines what elections require the retirement of the person elected from other deputations or courts of law of which he is a member, or entitle him to such retirement.

85. A member of the Senate presides over each deputation; this, however, is not necessary in the separate divisions of the deputations.

86. Each deputation passes its resolutions by absolute majority of votes. But the chairman of the deputation is bound, if any resolution runs, in his opinion, counter to the Constitution or to a law, to protest against it and to bring the matter before the Senate, which latter then decides upon the objection raised, without prejudice to the right of the deputation to bring the matter before the Civic Committee for the commencement, if necessary, of the proceedings described in article 60, clause 5.

¹ Revised by law of November 2, 1896.

87. Each member of the deputation is answerable to the State, in accordance with the legal enactments, for the discharge of the official duties incumbent on him individually; the chairman, moreover, that the resolutions of the deputations do not violate the Constitution.

88. The Senate decides in last instance upon complaints in administrative affairs, without prejudice to the judicial decision in the case prescribed in article 89.

89. The administrative authorities may be sued at law for indemnification or satisfaction without any special permission, by anyone who considers himself injured in his private rights by their official proceedings. The law determines the further particulars.

90. The separate deputations have the right of making proposals to the Senate upon the matters falling within their spheres of operation, and are bound to report and give their opinion to the Senate upon such matters when laid before them.

91. Each branch of the administration has to send in its special budget for the next year, and its statements of the receipts and expenditures for the last year to the Senate, in such time that the latter may be enabled to lay the general budget and the complete yearly accounts before the Corporation in due time.

92. The board which has the administration of the principal State funds must never issue to another board a larger sum than the total which has been constitutionally granted to the latter. Exceptional enactments for the beginning of the year of account, in case the budget should not then be settled, are reserved for the Legislature.

93. For the promotion of the interests of commerce the merchants elect a committee, and those engaged in industrial occupations elect a committee for the promotion of industrial interests. The mode of election, the sphere of operation of these committees, and their relations to the State authorities will be settled by the Legislature.

94. The Senate is entrusted with the management and supervision of the entire field of education and instruction through the medium of a Principal School Board. The law determines the particulars.

95. All charitable institutions and philanthropic foundations are under the supervision of the State. The law determines the particulars.

96. Lawfully existing and future religious communities shall administer their own affairs independently but under the supervision of the State.

The law provides for the conditions under which new religious communities may be formed.

SECTION 7.—*The Communes.*

97. Matters pertaining to the communes of the city of Hamburg, similarly to matters pertaining to the State, are administered by

the Senate and Corporation, as far as the laws do not determine otherwise. Questions relating to the suburb St. Pauli and to those parts of the rural district to which the Order for Rural Communes does not apply shall be regulated by special laws.

98. The basis for the constitutions of the rural communities will be determined by law. According to the Order for Rural Communes, the communes affected thereby will determine their own constitutions independently.

99. Each rural commune has the following rights, the exercise of which is supervised by the State:

1. Free election of the chairman and representative of each commune;
2. Independent administration of the communal affairs;
3. Publicity of the transactions of the communal representatives;
4. Self-taxation for communal purposes;
5. Publication of the communal accounts.

100. For the formation of a new rural commune a decision of the legislative power is necessary.

SECTION 8.—*Concluding Enactments.*

101. An enactment for altering the Constitution requires:

- (a). A resolution passed in the way of legislation and by a majority of three-fourths of all the deputies of the Corporation that are present;
- (b). The confirmation of this resolution by a majority of three-fourths of the members present in a meeting attended by at least three-fourths of all the members, at earliest 21 days after the first vote on the subject by the Corporation.

In case less than three-fourths of the members present agree to the resolution, the matter is dropped and the motion is considered to be rejected.

102. In case of a war or tumult the constitutional or legal enactments relating to legal jurisdiction, arrest, domiciliary visitation, the press, and the right of assembly may be temporarily suspended by the Senate. But this suspension requires the immediate concurrence of the Corporation. If the Corporation, upon being summoned, does not meet in sufficient numbers to pass a resolution, the Senate has at once to obtain the concurrence of the Civic Committee.

103. Such a suspension always expires after the lapse of four weeks after the day of passing the resolution. Any prolongation thereof can only be effected in the same way as the original resolution.

Given in the meeting of the Senate,

HAMBURG, *the 13th day of October, 1879.*

HESSE-DARMSTADT.

CONSTITUTION OF DECEMBER 17, 1820.¹

[PREAMBLE.]

Ludwig, by the grace of God, Grand Duke of Hesse and over the Rhine, etc.:

Having learned of the desires manifested by our faithful Estates with regard to constitutional provisions in accordance with article 21, of our edict of March 18 last, concerning the Constitution of the State, and having drawn up our resolutions in pursuance thereof, we now deem it advisable to embody in a single act these resolutions, as well as the constitutional provisions of our edict of March 18, which they have not modified in any respect, and those of the election law, of the rules of the Chambers, the edict on the right of citizenship in the State, and the edict on the service of the State; and we therefore order as follows:

TITLE I.—*The Grand Duchy and its Government in general.*

ARTICLE 1. The Grand Duchy forms one of the constituent parts of the German Confederation.

ART. 2. The resolutions of the Diet concerning the constitutional relations of Germany in general, or the relations between the German States, form a part of the public law of Hesse, and they have legal force in the Grand Duchy as soon as they have been published in the name of the Grand Duke.

The cooperation of the Estates, however, as regards the means of fulfilling the engagements of the Confederation, in so far as such cooperation is founded on the Constitution, is not thereby excluded.

ART. 3. By the union of the old and the new territory the Grand Duchy forms a whole subject to one Constitution.

ART. 4. The Grand Duke is the head of the State. He possesses all the rights of sovereignty and exercises them in conformity with the provisions fixed upon him and embodied in the present Constitutional Act.

His person is sacred and inviolable.

ART. 5. The Government is hereditary in the Grand Ducal House, according to primogeniture and lineal sequence, by virtue of birth resulting from lawful marriage contracted with the consent of the Grand Duke.

¹ Based on the French version of 7 *British and Foreign State Papers*, pp. 386-399. as translated by George D. Gregory. Revised and brought up to date by a comparison with Stoerk-Rauchhaupt, pp. 189-202.

In case of absence of a prince entitled to the succession by virtue of relationship or hereditary affiliations, the Government passes to the female line. In this case the proximity of relationship to the last Grand Duke is the deciding factor, and in case of equal proximity, seniority decides.

After the transition, the prerogative of the male line comes again into force.

Further provisions relative thereto will be determined by the House law, which in this respect forms a part of the Constitution.¹

TITLE II.—*The Domains.*

ART. 6. One-third of all the domains, estimated on the average net revenue, shall, on the selection of the Grand Duke, be applied to the liquidation of the public debt, and they shall be sold successively.

ART. 7. The remaining two-thirds of the domains shall form the property of the Grand Ducal House, inalienable and free from debt.

However, the revenue from this family property, of which special accounts shall be kept, shall be carried in the budget and applied to the expenses of the State after the sums necessary to supply the needs of the Grand Ducal House and of the court have been deducted. No part of this property may be mortgaged without the consent of the Estates.

ART. 8. In case of further acquisitions, the titles of acquisition by virtue of which they are made shall decide the question whether they are to be considered the property of the grand ducal family or the property of the State.

ART. 9. The inalienability laid down by article 7 does not extend to transactions which the Government may have with foreign Governments.

Furthermore, it does not apply to the sale of useless buildings or of lands situated in foreign territory, nor to compromises and exchanges, nor to the dissolution of feudal ties, of ground taxes, or of services.

In all cases there shall be presented to the Chambers a statement of the proceeds of the sales or of the value of the lands received in exchange.

ART. 10. Immovable Government property shall not be disposed of or pawned, nor shall it be burdened with real rights or with duties of servitude.

This prohibition does not, however, apply to the sale or exchange of superfluous highway or railway property, or to the sale or exchange of unessential buildings, or to the cession of parcels of land suitable for building sites whose use for building purposes shall be declared

¹ Par. 4 as revised by article 11 of the law of March 26, 1902.

necessary or desirable by the provincial committee. Nor does it apply to compromises made for the purpose of deciding legal disputes.¹

ART. 11. The Grand Duke has the right to give the investiture of fiefs which are returned to the Crown to new feudatories.

TITLE III.—*The Rights and Obligations of the Hessians.*

ART. 12. Only natives of the Grand Duchy shall enjoy civil rights, both public (or rights of State citizenship) [*Staats-Bürgerrecht*] and private.

ART. 13. Nationality is acquired: (1) by birth by those whose father and mother were natives at the time of the individual's birth; (2) by marriage of a foreign woman to a native; (3) by holding of public office; (4) by naturalization.

ART. 14. The following are citizens of the State: native males who have attained their majority and who are not the subjects of a foreign State, and who have resided in the Grand Duchy at least three years.

The heads of existing noble families who possess one or more manors have the right of State citizenship, even though they be personally the subjects of a foreign sovereign.

ART. 15. Non-Christian subjects have this same right, when the law confers it upon them or when it is granted to them, either expressly or tacitly, by installing them in public office.

ART. 16.²

ART. 17. The right of nationality is lost:

(1) By emigration;

(2) By the marriage of a native woman with a foreigner. Nevertheless, the widow of a foreigner recovers her nationality if she has continued to reside in the Grand Duchy during her married life or if upon the death of her husband she returns to the Grand Duchy with the consent of the Government and declares her intention to make it her residence.

ART. 18. All Hessians are equal before the law.

ART. 19. Birth does not give any person the right to hold any public office.

ART. 20.³ The difference of Christian beliefs in the Grand Duchy does not condition difference in political or civil rights.

ART. 21.³ The recognized Christian confessions are granted the right of free and public exercise of their religious worship.

ART. 22.³ Every inhabitant of the Grand Duchy is guaranteed the exercise of complete freedom of conscience. However, a plea of free-

¹ Article 10 as revised by law of August 1, 1878.

² Rescinded by laws of September 28, 1842, and November 8, 1872.

³ Amended by articles 1 and 2, *infra*, of the law of August 2, 1848.

dom of conscience shall never be a means of evading a duty prescribed by law.

ART. 1. Every inhabitant of the Duchy has the right of free and public exercise of his religious belief.

Under the pretense of religion, however, neither the laws of the State nor those of morality shall be violated, and other persons shall not be prejudiced thereby in their political, civil, or religious rights.

ART. 2. The difference of religious beliefs does not condition difference in political or civil rights.

Every incompetence or restriction with regard to the exercise of political or civil rights or legal actions, which has hitherto existed as a result of difference of religious confession, is abolished.

ART. 23. Individual liberty and property are guaranteed in the Grand Duchy without any other restriction than that imposed by the laws.

ART. 24. All Hessians have the right to emigrate in conformity with the provisions of the law.

ART. 25. In accordance with the laws already in existence on the subject, personal servitude is forever abolished.

ART. 26. Indefinite compulsory labor may never be exacted and definite compulsory labor may be commuted for a consideration.

ART. 27. The Government may not dispose of private property for a useful public purpose except in consideration of compensation, as prescribed by law.

ART. 28. In case of emergency every Hessian is obliged to defend the country and may be called to the colors.

ART. 29. Every Hessian to whom no constitutional exception applies is required to perform ordinary military service. In case of a call to fulfil this obligation, the drawing of lots decides between those who are equally bound by this duty. It is, however, permissible to be replaced by a substitute.

ART. 30. All Hessians are equally bound to defray the expenses of the State unless they are able to urge a constitutional exception in their favor.

ART. 31. No one may be exempted from the authority of his lawful judge.

ART. 32. The machinery for the administration of justice and procedure, within the limits of its legal forms and sphere, an activity desired by the law, are independent of the influence of the Government.

ART. 33. No Hessian may be arrested or punished except by due process of law and according to the forms prescribed by law.

No one must be kept in ignorance for more than 48 hours as to the reason for his arrest, and when this arrest is effected by an authority other than the authority who has jurisdiction over the prisoner, his natural judges are informed thereof as soon as possible.

ART. 34. Judges may not be removed except by a legal judgment. They may not be forced to resign, and in case of transfer, their grade and salary shall remain the same.

However, the directors of the colleges of justice are subject to the provisions of the *service pragmatic* (*Dienstpragmatik*).

ART. 35. The press, as well as book publishing, is free in the Grand Duchy. However, they are both subject to the repressive laws now in existence or that may hereafter be promulgated.

ART. 36. Every Hessian is free to choose his business or profession, and, with the reservation of the provisions of the laws with regard to public officials, everyone is free to prepare for the vocation which he intends to pursue, whether in the Grand Duchy or in a foreign country.

TITLE IV.—*Privileges of the Nobility.*

ART. 37. The rights which members of the landed noble families (*Standesherrn*) enjoy, of not being tried by the ordinary courts, are determined by the edict of February 17, 1820, which edict forms an integral part of the Constitution.

ART. 38. The special rights of the nobility are placed under the protection of the Constitution.

TITLE V.—*Churches, educational and charitable institutions.*

ART. 39. The internal constitution of the churches enjoys the protection of the political Constitution likewise.

ART. 40. [Rescinded by law of April 23, 1875.]

ART. 41. Ecclesiastics are subject to the secular authorities in their civil relations and for acts of wrongdoing that do not relate solely to their functions.

ART. 42. Grievances concerning the abuse of ecclesiastical authority may be laid before the Government at any time.

ART. 43. The property of the churches, that of foundations recognized by the State, charitable, and the various kinds of public educational institutions enjoy the special protection of the State and may in no case be incorporated with the finances of the Grand Duchy.

ART. 44. The funds of charitable institutions having for their object public worship, instruction, and charity may not be used for any other purpose without the consent of the Estates.

TITLE VI.—*The Communes.*

ART. 45. The affairs of the Communes shall be governed by a law whose basic provision shall be the proper and independent administration of their property under the supervision of the State through delegates whom it shall select. The fundamental provisions of this law shall form part of the Constitution.

ART. 46. The property of the Communes may in no case be incorporated with the finances of the State.

TITLE VII.—*The State service.*

ART. 47. No one may obtain a public office unless he has proved his fitness by undergoing a suitable examination.

This rule is subject to exceptions in the case of those who have already proved their fitness in office in foreign countries.

ART. 48. There is no reversion of public office.

ART. 49. The legal provisions granting pensions to State officials and their rights with regard to funds established for widows and orphans are under the guaranty of the Constitution.

The rights of soldiers to legal pensions, governed by the *service pragmatic* (*Dienstpragmatik*), likewise specially enjoy this guaranty.

ART. 50. Investigations of State officials for wrongs committed in office may not be suppressed, and officials who have been removed in pursuance of a judgment expressly stating that they may not re-enter the service of the State shall never be given another office.

TITLE VIII.—*The Provincial Estates.*

ARTS. 51–60. [Rescinded by law of September 3, 1849.]

ART. 61. It is prohibited in the First as well as in the Second Chamber to exercise right of suffrage by proxy or to receive instructions in casting a vote.

ART. 62. The members of the Privy Council of State and the Commissioners appointed for the Estates are free to attend the sessions, but have no right to vote.

ART. 63. The Grand Duke alone has the right to convene, to prorogue, to dissolve, and to close the Assembly of the Estates.

An arbitrary meeting of the Estates, without being convened or after closure, adjournment, or dissolution, is contrary to law and culpable.

ART. 64. The Grand Duke will assemble the Estates annually.¹ In case of a dissolution he will convoke a new Assembly of the Estates within six months.

ART. 65. Dissolution of the Assembly extinguishes all the rights flowing from the preceding elections, and there must be new elections when the Estates are again called to assemble. The deputies chosen before are, however, eligible for reelection.

ART. 66. The Estates are authorized to take up only such matters as the following articles place within the sphere of their powers.

If they exceed their powers the meeting must be considered an arbitrary one.

¹ Originally triennially. Modified to annually by law of June 27, 1900.

ART. 67.¹ Without the consent of the Estates no direct or indirect tax shall be announced or levied.

The fiscal law, which shall be passed annually, shall first be presented to the Second Chamber, together with the statement of Government income and expenditures. In the first place, confidential deliberations shall be entertained between the committees of both Chambers. Thereupon each Chamber shall deliberate independently on the statement and the fiscal law. The First Chamber shall base its decision on the decisions of the Second Chamber, which shall be communicated to it; it may also deliberate separately on single parts of the statement and of the fiscal law.

If the First Chamber does not indorse the decisions of the Second Chamber the fiscal law as well as the statement return to the Second Chamber for further deliberation and decision. As far as the Second Chamber adheres to its decisions the said decisions are again submitted to the First Chamber. If the latter does not indorse it, and if the Second Chamber does not subsequently accede to the decisions of the First Chamber, the disputed points of the statement shall be settled according to the decisions of the Second Chamber. The fiscal law as evolved by the Second Chamber shall then again be submitted to the First Chamber, which may accept or reject it *in toto*.

If the First Chamber should reject the fiscal law, the said law shall be deliberated and voted upon *in toto* in a joint session of the two Chambers presided over by the president of the First Chamber. In this vote an absolute majority shall decide; in case of a tie the vote of the president of the Second Chamber shall decide.

If a matter should require a total expenditure of more than 200,000 marks, which are to be raised by means of a loan, the requisite sum shall not be demanded in the statement, but shall be presented in a special bill to the Estates. This provision does not refer to demands made with regard to obligations due to the State on the basis of the agreement between Hesse and Prussia relative to the joint administration of the railway property of both countries of June 23, 1896, as well as all later additions to this agreement, nor does it refer to the fulfilment of legal obligations with regard to the State treasury, to the execution of legal measures, or to the covering of a deficit of the administration.

ART. 68. Neither of the two Chambers may condition its concurrence in this respect upon the fulfilment of certain specific wishes.

However, the two Chambers are authorized to demand not only a complete tabulation of the needs of the State, accompanied by documents, but also a satisfactory statement of the uses to which the sums previously granted have been put.

¹Article 67 as revised by law of June 3, 1911.

ART. 69. Taxes, unless they have been imposed merely for a temporary purpose that has been fulfilled, shall continue to be levied for six months beyond the period for which they have been agreed to if the Assembly of the Estates is dissolved before a new financial law is passed or if the deliberations of the Estates drag on.

These six months shall nevertheless be counted in the new fiscal period.

ART. 70. The civil list may not be diminished during the reign of a Grand Duke without his consent, nor increased without his consent, nor increased without the consent of the Estates.

ART. 71. In extraordinary cases, when external dangers require that funds be collected promptly and external conditions make it impossible to convene the Estates or to deliberate with them beforehand, the Government may borrow the necessary sums, provided that it justifies the uses to which the money is put, and on the responsibility of the principal authorities of the State.

ART. 72. No law, even though it relate to the police of the country, may be put into effect or abolished or modified without the consent of the Estates.

If the doctrinary interpretation of a law is not sufficient, an authentic interpretation does not take place, but rather does it become necessary to make a new provision by act of legislation.

ART. 73.¹ The Grand Duke, without the cooperation of the Estates, is empowered to issue orders and to take measures necessary for the execution and administration of the laws and in the interest of supervisory and administrative legislation. In urgent cases he may take the necessary steps for the safety of the State.

ART. 74. The Grand Duke alone and without the cooperation of the Estates has the right to dispose of the military force, to regulate its formation, its discipline, and to issue all orders relative to the military service.

The existing military penal code and the code to be promulgated by the Grand Duke for officers can not, however, in so far as they do not relate to the objects designated, be modified in any way in future without the cooperation of the Estates.

ART. 75.² If one Chamber should vote against a bill, the latter is definitely rejected.

However, if such a bill of the Government should again be presented by the Government to the Estates at the next Diet and be accepted by one Chamber but rejected again by the other, the Government may demand that the bill be discussed and voted upon in a joint session of both Chambers at which the president of the First Chamber shall preside. A simple majority of the members of both

¹ Article 73 as restricted by law of July 15, 1862.

² Article 75 as recast by law of June 3, 1911.

Chambers present shall be necessary for passing the bill if the bill originally was accepted by two-thirds of the members of the Chamber which passed it; otherwise two-thirds of the votes of those present at the joint session shall be necessary for passing the bill. In case of a tie the vote of the president of the Second Chamber decides.

ART. 76. Bills shall only be presented by the Grand Duke to the Estates, not by the Estates to the Grand Duke. However, the Estates may by means of petition request new laws or modification or annulment of the existing laws.

ART. 77. Levies to increase the number of troops beyond the contingent prescribed for the Confederation may only be ordered by law; nevertheless the Government has the right in emergencies to take the necessary measures for the preservation of the State.

ART. 78. The entire State debt, which can never be increased without the consent of the Estates, is guaranteed as such by the Constitution. The sinking fund determines the manner of its payment.

ART. 79. The Chambers have the right to lay before the Grand Duke all proposals which, in accordance with a resolution, they deem it proper to submit to him, such as common grievances or desires.

ART. 80. In particular the Chambers have the right to lay before the Grand Duke, in the manner prescribed by the preceding article, grievances which they may consider it necessary to report against State officials.

ART. 81.¹ Individuals and corporations shall only have recourse to the Chambers of the Estates when they consider themselves unjustly or unfairly injured or oppressed and when at the same time they can prove that they have without success taken all legal and constitutional steps to gain relief at the hands of the Government authorities.

Such a petition can afford the Estates the opportunity to make use of the prerogative of complaining, as provided in the preceding articles, unless the said Estates should retract their petition forthwith, or after the receipt of a statement issued by the State Privy Council or the Commissioners of the Diet.

The submission of a petition by individuals and corporations with regard to general political interests, the preservation of which is incumbent solely on the Estates, is not permissible, and meetings of individuals and corporations for such a purpose are in violation of the law and punishable.

ART. 1. Article 81 of the Constitution is rescinded, as far as restrictions of the right of petition therein contained are concerned.

ART. 2. The right of meeting for the purpose of discussing general political or private interests may be exercised freely.

¹ Considerably modified by articles 1 and 2, *infra*, of the law of March 16, 1848.

ART. 82. If one of the Chambers should not concur in a decision of the other upon a petition or complaint, the latter is free to inform the Government of the petition or complaint through the ordinary channels of communication, adding that it has been communicated to the other Chamber but that the latter has refused to concur therein.

ART. 83. The Estates are not accountable for the tenor of their votes freely cast. But the right freely to express an opinion does not protect a member from the charge of calumny which individuals may be moved to make as a result of this expression of opinion.

In such an event individuals preserve the right which the law grants them of bringing complaint against the calumniators. Complaints of this kind must be brought before the college of justice of the province where the Assembly of the Estates is held.

ART. 84. While the Assembly is in session none of its members is liable to any form of arrest, except with the consent of the Chamber to which he belongs, unless he is caught in the act, in which case the arrest must be reported to the Chamber of which the culprit is a member, together with the reasons therefor.

ART. 85. The Grand Duke shall name the first president of the First Chamber for the duration of the Diet.

As soon as one-third of the members who were subject to being called and could have appeared have met, the Government commissioner assembles the Chamber in order to constitute it, whereupon the Chamber, presided over by the president, or if none shall as yet have been named, under the presidency of the commissioner, shall nominate to the Grand Duke three members in candidacy for the office of second president for this Diet and shall thereupon proceed to the election of the two secretaries, who are to hold office for the duration of the Diet.

ART. 86. As soon as 27 *bona fide* members have appeared, the Second Chamber may be tentatively constituted.

This is done by the Introduction Committee. At the time of convocation of a new Diet by virtue of new elections six members are immediately chosen, under the direction of the Committee of Introduction, who are nominated to the Grand Duke as candidates for the first and second presidency. In summoning a Diet without new elections, the Committee of Introduction will temporarily appoint the senior member of the Chamber to the presidency, in order that the Chamber may, with the assistance of two secretaries to be named by the president, proceed to the election of the six members to the presidential positions.

As soon as the presidents have been named for this Diet, the two secretaries are elected.

ART. 87. The final decision as to the validity of selections, admission, refusal to admit, or the removal of members of the Chambers

rests with each of them as soon as the Assembly of the Estates is opened.

ART. 88. The opening of the meeting of the Estates takes place simultaneously in both Chambers, in the presence of the Grand Duke in person or of a commissioner delegated by him for this purpose.

The new members of the Estates shall swear the following oath at the opening of the Estates:

I swear fidelity to the Grand Duke, obedience to the laws, strict observance of the Constitution, and that in the meeting of the Estates I shall consider only the general welfare in accordance with my best personal conviction, influenced by no instructions of any other person.

Members entering after the opening of the Chambers swear the oath to the president of their Chamber.

ART. 89. The proposals of the Government shall be communicated to the Chambers, or to that one of them which is to pass upon it first, by the members of the Ministry of State or by the Commissioners of the Assembly.

ART. 90. Every member of the Estates has the right to make, in the Chamber of which he is a member, motions upon questions falling within the sphere of the Chambers' powers.

ART. 91. Proposals of the Government, those of either of the two Chambers or one of its members, which have been rejected by the other Chamber, may not be reintroduced at the same session.

ART. 92.—The preparations for deliberation are made by chosen committees.

ART. 93. A resolution, in order to gain validity in the First Chamber, must be voted upon by at least one-third of those members who were subject to call and could have appeared; in the Second Chamber the vote of at least 27 members is necessary, and in both Chambers a majority.

In the case of a tie the motion of the Government decides, in other matters the view conforming with the existing conditions, and in the case of complaints against public authorities or individuals the view which is more favorable to the person or persons complained against.

ART. 94. When one of the Chambers is not complete up to the number required by the preceding article, in order to pass upon a valid resolution, the incomplete Chamber is considered as consenting to the resolutions of the complete Chamber.

ART. 95.—The Chambers may not deliberate jointly except in specially determined cases, but they must communicate to each other the resolutions which they have passed.

Nevertheless any committee of either Chamber may confer with the corresponding committee of the other Chamber in the event of a question being submitted to both Chambers, either by a Government

proposal or by the communication of a resolution of the other Chamber.

ART. 96. The Estates may not consult with any other authority than the Privy Minister of State and the commissioners appointed for the Assembly.

The committees must confer with the members of the Privy Ministry and the commissioners for such information as they may require or in order to harmonize differences of opinion.

ART. 97. All the resolutions of either of the Chambers must be communicated to the other, unless they relate to matters with regard to which the resolution of one Chamber may according to the Constitution be put into effect independently of that of the other.

ART. 98. The joint resolutions of the Chambers shall be submitted by a joint deputation to the Grand Duke or to a commissioner appointed by him for that purpose.

ART. 99. The Chambers shall publish their transactions in printed form, in so far as they do not refer to confidential disclosures of the Government or of the other Chambers, or to disclosures intended for one of these bodies.

ART. 100. Under the same conditions they also have the right to admit a certain number of auditors according to the existing or future parliamentary provisions.

ART. 101. The Grand Duke shall close the Assembly either in person or through a commissioner whom he shall appoint for this special purpose, and he shall then cause the minutes of the Assembly to be published after having first communicated them to the Estates.

TITLE IX.—*General Provisions.*

ART. 102. In all relations of private law the treasury has precedence over the courts.

ART. 103. There shall be one Civil Code, one Penal Code, and one Code of Procedure for the entire Grand Duchy.

ART. 104. There shall be no special privileges to commerce and industry by virtue of a special law.

However, the Government shall have the power to grant for definite periods patents for inventions.

ART. 105. The penalty of the general confiscation of an entire fortune is forever abolished.

The law shall provide more fitting penalties, which shall be substituted therefor.

TITLE X.—*The Guarantee of the Constitution.*

ART. 106. Every Grand Duke, upon his accession to power, shall give the Estates, by means of an instrument which shall be delivered

to them, assurance that he will unswervingly uphold the Constitution.

ART. 107. [Rescinded by law of March 26, 1902.]

ART. 108. All citizens of the State, upon establishing their domicile in the country, and upon giving their allegiance and homage, as well as all State officials, upon their assumption of office, are required to take the following oath, unless they have already done so:

I swear to be faithful to the Grand Duke, to obey the law, and to observe the Constitution of the State.

ART. 109. The Ministers of State of the Grand Duchy and all other officials, when they are not acting under the orders of higher authorities, are responsible for strict observance of the Constitution, each within the sphere of his powers.

The law on the responsibility of the ministers and higher authorities of the State forms an integral part of the Constitution.

ART. 110. No changes may be made in or any explanations added to a constitutional act except with the consent of the two Chambers.

For this purpose the support of at least 26 members of the Second Chamber and a majority of at least 12 members of the First Chamber are required.

But if the number of those voting who take part in the deliberations is such that two thirds of this number is in excess of the numbers fixed above, the assent of two-thirds of those voting is necessary for the adoption of the proposed changes.

In declaring by the present act that the above provisions form the fundamental Constitution of our Grand Duchy, we give assurance in the most solemn manner that not only shall we ourselves faithfully and inviolately fulfil the stipulations which it contains, but also that we shall constantly do our utmost to uphold this Constitution and to protect it from all attacks.

In faith whereof we have signed this fundamental law of the State, and we have caused the great seal of the Grand Duchy to be affixed thereto.

Given in our residence at Darmstadt this 17th day of December 1820.

[L. s.] LUDEWIG.

VON GROLMAN.

LIPPE.¹

1. CONSTITUTION OF JULY 6, 1836.²

[PREAMBLE.]

By God's grace we, Paul Alexander Leopold, Ruling Prince of Lippe, noble Lord and Count of Schwalenberg and Sternberg, etc.,

For a long time it has been our wish, by the sanction of a provincial constitution which would be in conformity with the times, to bring about a general representation of the interests of the land, based on ground property, which is the safest and most permanent possession, and to fix the rights and duties of the provincial representation based thereon.

Whereas this important question has now been carefully discussed, in the Diet which closed to-day, with our faithful Estates, we promulgate, with the consent of the said Estates, under abolishment of the Order of June 8, 1819, and of the Election Law thereto appended, as well as of the Order of Business of August 31, 1819, the following

CONSTITUTION AND ELECTION LAW FOR THE SECOND AND THIRD ESTATES.

TITLE I.—*Provisions of the Provincial Estates, their Rights and Duties.*

ARTICLES 1 and 2.³

ART. 3.⁴ To facilitate and to hasten the administration of provincial affairs outside of the Diet each Estate elects a deputy, and if an Estate should consider it proper, also a substitute, both of whom must reside in the land. The three deputies form the committee, and their functions are restricted to 6 years. They may be reelected. The election must in every case be approved by the Sovereign.

ART. 4. The provincial syndic conducts the business of the Provincial Estates. He is chosen by all the provincial deputies, and his nomination is approved by the Sovereign. He must be legally trained and a native; all regulations pertaining to servants of the State apply to him. Until the creation of a general treasury he

¹ Translation by the editor based on the text as found in Stoerk-Rauchhaupt, pp. 204-211.

² According to advices from the Princely Government of Lippe only articles 3 (cf. note sub article 3), 5 (with the exception of the last sentence of paragraph 2), 6 (paragraph 1), 7, 24, 26-29, 35, 38, and 39 are still in force; questions of minor detail regarding this list are here disregarded.

³ Articles 1 and 2 rescinded primarily by the Election Law of October 19, 1912; articles 8-23 and 36 rescinded by the same law.

⁴ Article 3 replaced to a great extent by article 3 of the law of June 3, 1876.

shall receive one-third of his salary from each of the Estates, respectively; the third Estate shall pay its quota from the provincial treasury.

ART. 5.¹ The Provincial Estates are guaranteed those rights which they possessed until 1805, as far as the said rights are not modified by the present law.

In particular, no new tax may be levied without previous deliberation and express consent of the Diet, and no new loan may be floated on the credit of the provincial treasury. In cases where the interest of the State demands unconditional haste, the committee of the Provincial Estates, at least, is to be consulted for deliberation and repartition, and at the next Diet the necessity for having taken such steps shall be shown to the assembled Estates, under reservation of the *jus monendi* of the latter. Moreover the first and second Estates shall always have the right, each for itself, to appoint a qualified deputy to the General High Court of Justice and, if the case should occur, to the provincial guardianship. A deputy appointed to the Court must reside in the land; a deputy appointed to the provincial guardianship must in addition be free from all State services.

The *pactum unionis*, the *pactum tutorium*, and the order of business of the High Court of Justice will be confirmed expressly by us, and the rights of the hereditary lines laid down in the House laws, shall be observed unalterably.

ART. 6. The Government shall at every Diet present a budget of the grants of money considered necessary, said budget to be submitted for careful examination and under observation of the welfare of the land.

With respect to the continuance of taxes which have already been levied or of those to be granted in accordance with article 5, the confederative decision of June 28, 1832, published on August 7, 1832, and printed in volume 7 of the collection of the decrees of the land, shall be carefully observed.

ART. 7.—The Provincial Estates have the right to make proposals in matters pertaining to the welfare of the country and the perfection of legislation, as well as the right of reminder and of notification in case of abuses of the administrative authorities or of crimes committed by individual State servants. The result of these notices shall be reported to the Estates at the next Diet.

TITLE II.—*Composition and Apportionment of the Provincial Estates.*

ARTICLES 8–12.²

¹ Cf. the law of December 8, 1867, printed below.

² Cf. note to article 1.

TITLE III.—*The Election of Deputies of the Diet belonging to the second and third Estates.*

ARTICLES 13–23.¹

TITLE IV.—*The Diets.*

ART. 24. A princely summons published in the Gazette and furnished to the deputies of all the Estates, summons the Diet, usually in the residential city of Detmold.

Meetings of the Diet otherwise called are illegal and void. As to other meetings of the Estates the existing laws remain in force.

ART. 25. The Diet shall assemble every 2 years, but if the Sovereign should consider it necessary, more frequent meetings may be called.

ART. 26.² After the death of the Sovereign the provincial deputies shall be summoned within 3 weeks in order to swear allegiance, or, in case a guardianship must be established, to cooperate in doing so, in accordance with the *pactum tutorium* of 1667.

ART. 27. Whenever a new election of the provincial deputies of the second and third Estates has taken place, a princely commission enters the meeting before the opening of the Diet and administers the oath to those who were newly elected. The latter swear as follows:—

I swear fidelity to the Prince, obedience to the laws, and scrupulous observance of the Constitution, and I swear that in the Assembly of the Estates I will consider only the general welfare according to my own best conviction, which shall be governed by no commission given to me by another.

ART. 28. Each Estate elects its committee-deputy, and all the provincial deputies elect the provincial syndic. The elections are reported to the Government, which secures the consent of the Sovereign, has the elections published, and sees to it that the deputies, as well as the provincial syndic, the latter in accordance with article 39 of this Constitution, are sworn in. In case of vacancy, the election of the deputies and of the syndic may be held outside of the Diet, too.

ART. 29. After the Assembly of Estates has been completely constituted, its solemn opening takes place in the residential palace, as usual.

ART. 30.³ The preparatory deliberations occur in one meeting, but the voting is done in separate curiæ. Only matters concerning general provincial dues shall be deliberated upon until their conclusion in the general meeting. The majority of the total number of delegates decides.

¹ Cf. note to article 1.

² A prolongation of this period was promised, since at the time no regular Diet was in session, by the sovereign decree concerning the oath of allegiance of the Diet, of December 21, 1871.

³ Cf. note to article 5.

ART. 31. If verbal explanations and more detailed evidence are necessary for the propositions of the Sovereign, which are communicated to the provincial deputies 4 weeks before the meeting of the Diet, or for other motions, the Sovereign names a commission which shall attend the deliberative sessions devoted to this purpose.

ART. 32. The Diet must present a report touching on all points of the proposals of the Sovereign, as complete as possible and well considered, whereupon the recess of the Diet follows, as usual. Wishes which have not been fulfilled and propositions of the Provincial Estates which have not been approved may be repeated in the next Diet.

ART. 33.¹ Usually a session of the Diet lasts 2 to 3 weeks. The meetings of the Estates are public, and the results thereof shall be published in printing by the Government after previous consultation with the committee deputies.

ART. 34. Every deputy of the Diet, as well as the provincial syndic, shall receive during the sessions of the Diet and other meetings of the Estates summoned by the Sovereign a daily allowance of 3 thalers, until further notice from the provincial treasury.

ART. 35. The Diet is closed with the same formalities which attend its opening.

TITLE V.—*The Directorate of the Estates, the Committee, and the Provincial Syndic.*

ART. 36.²

ART. 37. The three committee-deputies sign the decisions of the Diet, and the provincial syndic countersigns them; the committee-deputies represent the provincial deputies where the latter have no jurisdiction, in the rights which belong to them according to the relation which the curiæ have to each other (article 30).

However, they can not enter into any permanent obligations for the land and are accountable to the Provincial Estates for their actions.

ART. 38. The deputies form, under the directorate of a member of the Government, the college for the administration of the provincial treasury. It is the duty of this college to examine and to audit annually all provincial treasury accounts. The deputies, who must give account to the Diet for the condition of the treasury in their proposals and observations, receive copies of the bills and of the auditors' report.

ART. 39. The provincial syndic, as secretary of the Diet, keeps a complete record of all details and decisions, takes the minutes in the general as well as curial sessions, preserves the register and keeps it in order. At the same time he must write all statements and other

¹The principle of publicity of the sessions and of conditional exclusion of publicity was introduced on March 24, 1848, and confirmed on August 4, 1869.

²Cf. note to article 1.

documents pertaining to the affairs of the Provincial Estates, without himself having a vote.

ART. 40.¹ Concerning the salary and emoluments of the committee-deputies and of the provincial syndic the Provincial Estates will make proposals, subject to the approval of the Sovereign, at the first Diet.

We desire and decree that this Constitution, together with the Electoral Law for the second and third Estates, connected with it, be considered a basic constitutional law, and that everyone whom it concerns shall act strictly in accordance therewith and observe it faithfully.

Given with our own hand and provided with the official seal.

DETMOLD, *July 6, 1836.*

[L. s.]

LEOPOLD, *Prince of Lippe.*

W. A. ESCHENBURG.

2. LAW CONCERNING THE RIGHTS OF THE PROVINCIAL ESTATES IN RESPECT TO THEIR COOPERATION IN LEGISLATION, DECEMBER 8, 1867.

By God's grace, we, Paul Friedrich Emil Leopold, Ruling Duke of Lippe, noble Lord and Count of Schwalenberg and Sternberg, etc., etc., promulgate with the consent of the Diet the following legal provisions concerning the right of the Provincial Estates in respect to their cooperation in legislation, these provisions being supplementary to article 5, paragraph 1, and modificatory of article 30 of the Constitution of July 6, 1836:

ARTICLE 1. General provincial laws which concern personal freedom, property, or other legally acquired rights of subjects, as well as laws pertaining to the Constitution, may be promulgated, rescinded or authentically interpreted only with the consent of the Provincial Estates.

ART. 2. Decrees concerning the execution or regulation of existing laws, in conformity with the provisions and principles of the latter, or orders issued by the police for reasons of safety or welfare, do not require the consent of the Provincial Estates. In such police orders no penalty may be pronounced which exceeds 14 days' imprisonment or a corresponding fine.

ART. 3. Extraordinary measures requiring by their nature the approval of the Estates but made imperative by the welfare of the State or the maintenance of order, the postponement of which might injure their purpose entirely or partially, are issued by the Sovereign alone without the previous consent of the Estates. Such decrees must, however, be submitted to the Estates at their next meeting for their approval, and if this is not granted, the said decrees again become void.

¹The election rules for the second and third Estates, appended to article 40, were superseded by the Election Law.

ART. 4. Bills presented to the Estates are discussed in the general meetings, and decision is reached by majority of votes of all members present.

In the case of bills which deal with the Constitution itself, the discussion must be conducted in separate curiæ, if the majority of delegates of a curia should demand it, and the approval of both curiæ is necessary for carrying the proposed amendments to the Constitution.

ART. 5. The Government authorities are not permitted to raise the question, in the case of a law duly published, whether the Estates observed the provisions of the Constitution in acting thereon. Only the Estates themselves have the right to decide in a legal manner all questions appertaining thereto.

Signed with our own hand and provided with the princely seal.

DETMOLD, *December 8, 1867.*

LEOPOLD, *Prince of Lippe.*
VON OHEIMB.

3. LAW CONCERNING THE COMPOSITION OF THE DIET AND THE EXERCISE OF THE RIGHTS THEREOF, JUNE 3, 1876.

By God's grace, we, Friedrich Günther Woldemar, Ruling Prince of Lippe, noble Lord and Count of Schwalenberg and Sternberg, etc., promulgate with the consent of the Diet the following provisions with regard to the composition of the Diet and the exercise of the rights thereof:

ARTICLE 1. The Diet of the Principality is composed of 21 delegates elected in accordance with the Election Law, which has been decreed.

ART. 2. Delegates elected in accordance with this law shall exercise, until the promulgation of a new constitution, all rights which have up to the present belonged to the Provincial Estates.

ART. 3. The assembled Diet examines the legitimation of its members, under the presidency of the member oldest in years, on the basis of the election laws communicated to it by the Government, and decides definitely thereon.

As soon as the legitimation of at least one-half of the legal number of deputies has been passed upon, the Diet elects by absolute majority and under the same presidency its president, and then under the presidency of the latter the vice-president, as well as three committee-deputies, who receive the rights and duties of the former committee-deputies of the knighthood, the cities, and the lowlands.

Similarly the provincial syndic is elected by absolute majority in the Diet from among the native jurisconsults. The Diet shall determine the instructions and remuneration of the syndic, subject to the approval of the Government.

In all aforementioned elections a lot will decide in case of a tie.

ART. 4. The president and the vice-president are elected for the duration of the Diet in question and the time intervening until the next Diet.

The committee-deputies and the provincial syndic are elected for the duration of the legislative period (article 8) and remain in office at all events until the convening of a new Diet.

The Government shall be notified of the results of the elections for the purpose of making the elected members responsible.

The other deputies are made responsible by the president of the Diet.

ART. 5. In order to establish a quorum in the Diet, the election must be published at least four weeks in advance in all electoral districts (excepting supplementary elections), and at least two-thirds of the stipulated number of deputies must be present.

The decisions of the Diet require an absolute majority vote, as far as the order of business does not provide otherwise in regard to elections of commissions, etc.

Decisions of the Diet on changes in the Constitution and of the Election Law require a vote of at least two-thirds of the stipulated number of deputies in order to gain validity.

ART. 6. The Diet determines its own order of business; until a new order has been established, the old order is in force, as far as it may be applied to the changed conditions.

ART. 7. State servants require neither leave of absence nor the consent of their superiors to enter the Diet, but must defray their own expenses. If a deputy accepts a position or is promoted in the service of the State during his term, a new election takes place.

Members of the Government and of the exchequer are not eligible for the Diet.

ART. 8. The legislative period of the Diet is 4 years. In case of dissolution of the Diet a new legislative period begins with the publication of the new elections.

The Diet must be summoned at least every two years.

ART. 9. The Government has the right to dissolve the Diet, and the elections must in this case be held at latest within 60 days after the dissolution. The deputies must be summoned within 90 days after the dissolution.

If this does not take place, the committee-deputies are empowered to observe the constitutional rights of the land.

ART. 10. All legal provisions which are in opposition hereto shall be rescinded.

DETMOLD, *June 3, 1876.*

WOLDEMAR, *Prince of Lippe.*
ESCHENBURG.

LÜBECK.

CONSTITUTION OF OCTOBER 2, 1907.¹

TITLE I.—*General enactments.*

ARTICLE 1. The Free State of Lübeck forms under the name of “the Free and Hanseatic city of Lübeck” an independent State of the German Empire.

ART. 2. Anyone whose citizenship has been established according to the laws of the Empire is a member of the Free State of Lübeck.

ART. 3. Citizens of the Free State of Lübeck are those subjects of Lübeck, who have taken the oath of citizenship and have not forfeited the right thereof.

ART. 4. The political power is equally shared by both the Senate and the Corporation (*Bürgerschaft*).

For the execution of this power the provisions of this Constitution are authoritative.

TITLE II.—*The Senate.*

ART. 5. The Senate consists of 14 members. Of these 8 must belong to the learned professions and six of these at least must be jurists.

The other six cannot belong to the learned professions and there must be at least 5 merchants among them.

ART. 6. Everyone, who is eligible for membership in the Corporation of the Free State of Lübeck is eligible as a member of the Senate, with due reference however to article 5, provided he has completed his 30th year.

Excluded from election is anyone whose father, son, brother, half-brother, stepfather, stepson, father-in-law, son-in-law, or recognized business partner is already a member of the Senate.

ART. 7. SECTION 1. When the time arrives for the election of a member of the Senate, this body calls the Corporation together (article 19). When the latter is assembled, the Senate announces through commissioners how many of its members are assembled for the purpose of the election, and invites the Corporation to appoint an equal number of electors from its members. The electors are led

¹Translation by Miss Martha L. Gericke based on the text as found in Stoerk-Rauchhaupt, pp. 212-233.

into the conference chamber by the commissioners while the Corporation is dismissed.

SEC. 2. The members of the Senate and the electors meet for the election, and after the presiding burgomaster of the Senate (article 14) has read that part of the Constitution giving the procedure for election, they take the following oath:

I vow and swear to God that I will follow the prescribed instruction in this election to be undertaken for a member of the Senate, that I will exercise the strictest secrecy concerning all that is discussed in the election rooms, and will only vote for him who, according to my conviction, is the most worthy. So help me God.

The presiding burgomaster reads the oath aloud and all those present say the words: "I swear to it."

SEC. 3. Then 3 electoral committees, each of which consists of 2 members of the Senate and 2 members of the Corporation, are formed by first distributing voting slips among the members of the Senate, with the exception of the presiding burgomaster, and then among the voters of the Corporation.

Two of these slips are numbered I, two are numbered II, and two are numbered III, while the rest are unnumbered.

SEC. 4. Each electoral committee goes into the room assigned to it for the election. The members of the Senate and the voters remaining in the conference chamber elect by ballot from their midst 2 members of the Senate and 2 members of the voters who receive ballots in case of a general election (sections 9 and 10).

SEC. 5. The members of the electoral committee are not permitted to speak in a low tone to anyone, nor to leave the election room until after the election. No communication can take place between the electoral committees or the members thereof, nor can they communicate with any of those remaining in the conference chamber.

SEC. 6. The member of the Senate who has held the office longest is the presiding officer of the electoral committee. The procedure of the election begins with each member of the electoral committee naming such citizens as he thinks especially fitted for the vacant post. No member of the electoral committee can be named in his own committee. They can, however, name members of the other committees.

SEC. 7. The presiding officer, after eliminating from the completed list of persons named those who according to the clauses of the Constitution are not eligible for election, invites the members of the electoral committee frankly to discuss those persons remaining on the list of names.

SEC. 8. After the conclusion of the discussion, they proceed with the election of those nominated by the committee. Every member of the committee writes down the name of him whom he considers most worthy among the remaining candidates. If at least three votes are

recorded for the same candidate, his name must be submitted by the electoral committee. If, however, the votes are divided among 3 or 4 persons and the required number of votes can not be attained after repeated casting of votes, a committee of one is chosen by lot from the members of the electoral committee to decide which of the names receiving only one vote shall be stricken from the list of candidates. Thereupon another vote is taken on the candidates remaining on the list.

If two candidates should receive the same number of votes and this should remain the same after repeated voting, a committee of one is again chosen from the members of the electoral committee, who in this case has to decide which of the two candidates in question shall be nominated by his electoral committee.

SEC. 9. As soon as an electoral committee has concluded its election, the burgomaster presiding in the Senate is notified. After the notification has come from all three electoral committees, the members thereof are again invited into the conference chamber. The presiding officer of each committee then gives the name of the candidate proposed. If all the electoral committees should propose the same candidate, the burgomaster presiding in the Senate immediately declares him elected as a member of the Senate. If, however, two or three different candidates are named, one of these must be chosen without further discussion regarding the candidates by the electoral assembly by secret ballot and with an absolute majority.

SEC. 10. If among the three candidates proposed, the votes are so divided that none of them receives a majority over the combined votes of the other two, the election is continued after eliminating the candidate who has received the smallest number of votes.

If, however, all three of the candidates or two of them should receive the same number of votes, another vote is taken in order to remove the tie; should this not succeed, five men from those taking part in the election are chosen by ballot for a committee which proceeds into a special room. There they decide by majority vote who of the nominees that have received an equal number of votes shall be taken off the list of candidates. Voting then takes place again on the remaining candidates. If the votes for the two remaining candidates are tied, and this is not overcome by taking another vote, a committee of 5 is again chosen by ballot who in this case must, according to majority vote, choose one of the two candidates. The candidate chosen is then declared elected by the presiding burgomaster of the Senate.

If one of the electors is among those chosen by the electoral committee or among those, who after repeated voting, have received an equal number of votes, he can take part in every election, but he can not be chosen as a member of the committee (*Obmann*).

ART. 8. Every vacancy in the Senate must be filled within 4 weeks. Should there be several vacancies in the Senate at the same time, the different elections must take place on different days. The prescribed procedure must be carried out at each election.

ART. 9. There is no obligation for the acceptance of election as a member of the Senate, and everyone has the right to resign at any time from the Senate.

ART. 10. At the next meeting of the Senate after the election, the new member is solemnly inaugurated in presence of the civic committee (article 53) and takes the following oath:

As a newly elected member of the Senate of this free city I vow and swear unto God:

I will conscientiously administer my office, will strive with all my power for the welfare of the State, will faithfully adhere to the Constitution, will honestly hold in trust the public property, and during my term of office, especially at all elections I will not take into consideration my personal interest, nor that of my relatives or friends. I will administer the laws of the State and will be just to all, rich or poor. I will be silent about all that demands secrecy but especially will I hold secret that which I am told to keep secret. So help me God.

ART. 11. The members of the Senate hold their office for life and receive during their term of office salaries as determined by the law.

When and under what conditions a member of the Senate may be retired with the granting of a pension and under what circumstances it becomes the duty of a member of the Senate to resign or to demand his resignation, is determined by the respective laws.¹

ART. 12. Every member of the Senate must regularly reside in the city of Lübeck or in a suburb thereof, in which case he must maintain a business office in the city which is accessible at certain times. If at the beginning of his term he is not a resident of Lübeck, he must take up his abode there within 3 months.

ART. 13. The Senate members elected from the learned professions are not permitted to carry on any trade and can not undertake an additional office or occupation for continuous remuneration without previous consent of the Senate.

This consent is necessary for the entrance of a member, as the head, trustee, or counsel into a company with gainful interests. Consent can not be given if the post brings direct or indirect remuneration.

The consent given can be withdrawn at any time.

ART. 14. The presiding officer of the Senate is chosen from amongst its members for a period of 2 years and has the title of burgomaster during his term of office.

¹ See the act of December 29, 1851, and April 7, 1875, in regard to the retiring of the members of the Senate, and its amendment of July 21, 1879.

He is elected by secret ballot with an absolute majority, and if this is not reached immediately through the first ballot, another election must take place from the two persons receiving the most votes.

If the election results in a tie, the procedure must be according to article 7, section 10, paragraphs 2 and 3.

The retiring presiding officer can not immediately be reelected.

Should the presiding officer withdraw from the Senate during his term of office, his successor is only elected for the remainder of his predecessor's term. The elected member does not, however, lose his eligibility for the next election.

ART. 15. In case of absence the burgomaster is represented by the member of the Senate who has just presided before him in the Senate.

If a member of the Senate who has presided is not present, the Senate elects for the time being a representative of the incumbent burgomaster, according to the method prescribed for the election of burgomasters.

ART. 16. The assignment of business among the members of the Senate (*Ratssetzung*) takes place every two years at the beginning of December; the precedence thus determined goes into force with the beginning of the next year. It is, however, the privilege of the Senate under extraordinary circumstances to make changes in the interim in the assignment of business.

The determination of precedence begins with the election of the burgomaster.

Then the last burgomaster, the newly elected burgomaster, and 3 members of the Senate chosen by an absolute majority meet. These five persons determine, if necessary by majority vote, the assignment of business as well as the chairmanship of the various boards, whereupon the order of precedence is announced at the next session of the Senate and then immediately made public.

ART. 17.¹ The recording in the Senate and the work of the chancery is given to secretaries, while the care of the State archives is entrusted to a custodian of archives.

ART. 18. To the Senate alone is entrusted the administration of various State matters, so far as the instructions following do not exactly demand the cooperation or consent of the Corporation in its entirety, (articles 20-52) or of the civic committee (articles 53-72).

The communal affairs of the city of Lübeck are managed by the Senate, just as the affairs of the State, with the cooperation and consent of the Corporation and civic committee respectively, so long as, and as far as the law does not decree otherwise.

¹ Amendment of February 10, 1909.

TITLE III.—*The Corporation (Bürgerschaft).*

ART. 19. The Corporation consists of 120 members (representatives). Its activity is carried on partly by this body as a whole (articles 20–52) and partly by committees (articles 53–72).

THE CORPORATION IN ITS ENTIRETY.

ART. 20. Anyone can take part in the election who has completed his 25th year, and who has had a permanent domicile in the territory of Lübeck since the beginning of the 4th fiscal year (*Steuerjahr*) prior to the forthcoming election and has yearly paid during this period at least as much income tax as was required on an income of the lowest taxable amount.

Tax payments from which the taxpayer has been exempt for some legal reason are considered as paid.

In the year of the election income taxes must have been paid up to June 30th. At special elections for filling vacancies this day becomes the last day of the quarter of the year just concluded before the setting of the election day by the civic committee.

Honorary citizens residing in Lübeck are entitled to take part in the election even if they do not comply with the provisions set forth in this article.

PROVISIONAL ENACTMENTS.

Citizens who had acquired the civic right by December 15, 1902, and who, according to the enactments in force up to this date, had been entitled to take part in the election of representatives, retain their privilege of electing representatives, even if they do not comply with the provisions set forth in article 20 of the amended Constitution.

Enactments of article 21 also apply to these citizens.

ART. 21. Excluded from exercising the right of election are:

1. Those who are under guardianship;
2. Those whose property has been seized under bankruptcy until the close of the proceedings;
3. Those against whose property, within a period of five years prior to the election, bankruptcy procedure has not been opened or taken on account of deficiency of effects;
4. Those who within the period of 5 years prior to the election have taken the insolvent debtor's oath (civil ruling, paragraph 807) or appealed to it;
5. Those who get aid through public charity funds or have gotten such within the year preceding the election.

ART. 22. The election for the Corporation takes place in sections. The following sections are formed:

(a) City and suburbs.

SECTION I. It includes those citizens who for the 3 fiscal years (*Steuerjahre*) preceding the election have paid at least as much income tax as was supposed to be paid for an income of 2,100 marks during that time, as well as the honorary citizens of Lübeck.

There are elected 90 representatives.

SEC. II. It comprises all other enfranchised citizens. There are elected 12 representatives.

(b) The town of Travemünde and suburbs.

SEC. III. It includes those citizens who manage at their own expense an estate of at least 3 hectares or who have for the 3 fiscal years (*Steuerjahre*) preceding the election paid at least as much income tax as was supposed to be paid for an income of 2,100 marks during that time, as well as the honorary citizens of Lübeck. There are elected 15 representatives.

SEC. IV. It comprises all other enfranchised citizens. There are elected 3 representatives. The regulations of article 20, paragraph 2, can be applied to sections I–III when determining the eligibility of the voter.

ART. 23. The election of the members in sections I and II takes place in the following electoral districts:

(1) Jacobi district and the suburb St. Gertrud.

There are elected in section I 22 representatives.

There are elected in section II 3 representatives.

(2) Marien-Magdalenen district and the northeast section of the suburb St. Lorenz.

There are elected in section I 23 representatives.

There are elected in section II 3 representatives.

(3) Marien district and the southwestern part of the suburb St. Lorenz.

There are elected in section I 23 representatives.

There are elected in section II 3 representatives.

The boundary line between the northeastern and the southwestern part of the suburb St. Lorenz runs along the middle of the Fackenburg Allee.

(4) Johannis district and the suburb St. Jürgen.

There are elected in section I 22 representatives.

There are elected in section II 3 representatives.

The election of members in section III takes place in the following electoral districts:

(5) The town of Travemünde.

There are elected 2 representatives.

- (6) The district of Travemünde (the communities Brodten, Gneversdorf, Teutendorf, Rönnau, Ivendorf, Pöppendorf, Dummersdorf, Kücknitz, Herrenwyk, and Siems). There are elected 2 representatives.
- (7) The district of Burgtor (the communities Gothmund, Israelsdorf, Schlutup, Wesloe, Schattin, and Utecht). There are elected 3 representatives.
- (8) The district of Holstentor (the communities Vorwerk, Krempelsdorf, Schönböcken, Curau, Dissau, Malkendorf, and Krumbeck). There are elected 2 representatives.
- (9) The district of Mühlentor (the communities Strecknitz, Wulfsdorf, Vorrade, Blankensee, Beidendorf, Crummesse, Cronsforde, Niederbüssau, Oberbüssau, Genin, Moisling, Niendorf, Reecke, and Moorgarten). There are elected 3 representatives.
- (10) The district of Ritzerau (the communities Düchelsdorf, Sierksrade, Hollenbeck, Behlendorf, Albsfelde, Giesendorf, Harmsdorf, Nusse, Ritzerau, Poggensee, Gross-Schretstaken, Klein-Schretstaken, and Tramm). There are elected 3 representatives.

For the election of representatives in section IV the districts 5 and 6 together form one voting district; similarly 7 and 8, as well as 9 and 10. In each one of these 3 districts one representative is elected.

ART. 24. Every voter can vote only in person and only in the district where he has his regular domicile.

ART. 25. Whoever has a right to vote can also be elected as a representative if he is not a member of the Senate. The eligibility in a district and in a section is not determined by having a domicile in that district or by belonging to that section.

Members of the Corporation do not represent the electoral district or section in which they are elected, but all the subjects of the State. They are not dependent upon directions but have only to follow their own convictions regarding the welfare of the State.

ART. 26. No obligation exists for the acceptance of the elections. The election is considered as accepted if the candidate chosen has not notified the speaker of the Corporation of his refusal within seven days after notification of his election.

Withdrawal from the Corporation is permitted without a statement of reasons. This is done by a written statement addressed to the speaker of the Corporation.

A representative is obligated to retire from the Corporation if he gives up his domicile in Lübeck or if he, according to articles 21.

and 25 of the Constitution, is no longer eligible for election as member.

The question whether a representative has lost his eligibility is decided by the joint administrative boards of the Corporation and the civic committee.

ART. 27. The representatives are elected for a term of 6 years. Should a member retire before that time, a supplementary election for the remainder of his official term takes place.

On the first Monday in December of every other year those representatives retire who have been elected into the Corporation six years ago, as well as those who have been elected into the Corporation to serve the remainder of the term of their predecessor.

The elections take place regularly every two years. But as soon as the number of present representatives has dropped to 108, a supplementary election must take place at once to replace those retiring before the end of their term, provided a regular election does not take place within the next 6 months.

Outgoing representatives can be reelected immediately.

ART. 28. In the various sections of the municipal and suburban districts and in the various districts of the town of Travemünde and its immediate surrounding territory all candidates for representatives are elected at the same election. Those receiving the majority of votes are considered elected.

If in a section or district representatives are to be elected for periods of different lengths, those receiving the greatest number of votes are elected for the longer terms and the others are elected for shorter terms, varying according to the number of votes received.

In case of a tie, the lot to be drawn by the chairman of the electoral committee, or in the several subdivisions (*Unterbezirke*) (article 30, paragraph 3) a lot drawn by the speaker of the Corporation decides the election.

Supplementary elections for those who have been elected more than once, or for those who have declined, the election proceeds according to the regulations in paragraph 3 of article 27.

ART. 29. The election for the Corporation takes place in the first twenty days of November. It is set for the same day in all the districts and precincts of the town of Travemünde and its immediate surrounding territory and for a later day in all districts and precincts of the city and the suburbs. The days for the election are set by the civic committee in September. The elected members take up their duties in the Corporation on the first Monday in December.

If a special supplementary election becomes necessary (article 27, paragraph 3) the civic committee must set the day for the election

as soon as the possibilities arise. Those elected enter into the Corporation at the meeting following the announcement of the results.

The speaker of the Corporation summons the voters at least 7 days before the election through an announcement in the official bulletin and in addition to this in the rural electoral districts through local notices.

ART. 30. The election is in charge of an electoral committee.

In the districts 5, 6, 7, 8, 9, and 10 an electoral committee is formed for both sections combined, while in the other districts each section has a committee.

The civic committee can establish several subdivisions in an election district. In this case a special committee has to be formed for every subdivision.

The electoral committee consists of 5 members. The civic committee appoints the chairman, who must be a member of the Corporation. The committee chooses a secretary from its midst. In supplementary elections the nomination follows the setting of the election day.

All members of the election committee must be citizens. They are obliged to follow the election if they can not prove that illness or an urgent journey hinders them from it.

ART. 31. The proceedings of the election must be recorded in every precinct and district. The names must be entered of all those who have received votes in the order of their majority and with the numbers of votes received. The record must be signed by the chairman and the secretary and must be immediately sent after the close of the election to the speaker of the Corporation.

The joint business committees of the Corporation and of the civic committee must then decide the result of the election as well as the eligibility of the member.

ART. 32. The speaker of the Corporation must without delay make public in the official bulletin the names of the elected representatives arranged according to precincts and districts. He must notify the Senate of the results and send a written notification to those elected.

ART. 33. The details of the procedure to be followed at elections are set forth in a special mode of election prescribed by law.

ART. 34. At the first meeting called after the biennial supplementary elections (article 27) the Corporation chooses from amongst its members for a term of two years a speaker and two substitutes. Those elected must accept the election and retire from the civic committee if they are members thereof.

The speaker can not immediately be reelected at the end of his term. He must accept a later second election, but can decline all further elections.

If the speaker should leave the Corporation during his term of

office or be retired at his own request, his successor is elected only until the next renewal of the Corporation. However, he does not forfeit his eligibility at the next election.

ART. 35. The Corporation also elects a secretary for a term of 5 years, who is entrusted with the archives of the Corporation as well as with those of the civic committee. He obligates himself to perform faithfully his duties by signing a written declaration in place of an oath, and he receives from the treasury a compensation for his services. The outgoing secretary can be reelected at once.

The secretary of the Corporation must represent the secretary of the civic committee in the absence of the latter (article 56).

ART. 36. The election of the speaker of the Corporation is only considered as decided when the majority of all the votes is for the same person. If this result is not attained, another election must take place from the three persons receiving the greatest number of votes, and if the required majority is not then reached, the choice must be made between the two receiving the most votes at the last election. If several have received an equal number of votes either in the first election or in the one following, the decision is made by lot.

These regulations also apply to the election of the substitute for the speaker as well as to the election of the secretary of the Corporation.

ART. 37. The Corporation meets at the summons of the speaker. Definitely set days are the third Monday in March, July, and September, and the first Monday in December. Meetings of the Corporation must be called whenever the Senate considers it advisable or the civic committee wishes it or when at least 30 members send to the speaker a written request with a statement of the purpose. The time and the place of the meeting must be agreed upon by the speaker and the Senate commissary in charge of transactions with the Corporation.

ART. 38. With the exception of urgent cases every meeting of the Corporation must be announced by the speaker seven days before in the official bulletin of Lübeck. At least three days before the meeting, he must send to every member besides a printed invitation, a copy of the questions to be considered by the Senate.

ART. 39. The speaker of the Corporation presides and conducts the meeting. Should he be prevented or wish to take part in the discussion of a question, one of his representatives takes his place according to the succession determined by the election.

ART. 40. The Corporation can adopt resolutions if at least half of its members are present at the meeting.

ART. 41. Commissaries of the Senate are present at the meeting of the Corporation and are entitled to take part in the discussion. Their presence, however, is not required if it is a question of election

or of matters which the Corporation can decide without the cooperation of the Senate.

ART. 42. The meetings of the Corporation are generally public: the public is excluded when the Senate or the Corporation requests it.

ART. 43. SECTION 1. A free discussion of the matter under consideration precedes every vote. Then follows the voting on definite questions presented by the chairman in such a way that they can be answered by yea or nay.

SEC. 2. The voting is done by rising or remaining seated. The elections to be undertaken by the Corporation are by ballot.

Voting takes place by the calling of names if it is demanded by at least twenty members before the end of the discussion.

SEC. 3. Resolutions are made by the majority of votes of all members of the Corporation taking part in the election. The majority of votes also decides elections.

Should the result be a tie, the question under consideration is rejected, but in an election the decision is made by lot.

SEC. 4. Whoever wishes to propose additions, limitations or other changes must before their discussion send them in writing to the chairman or depose them according to their contents.

ART. 44. Every member of the Corporation is entitled to make motions in regard to the proposals of the Corporation to the Senate. Such motions need only be considered if presented to the chairman in writing and if approved, after the preliminary question has been put, by at least ten members of the Assembly. In this case it behooves the one who made the motion to give further reasons for it, whereupon, after deciding whether or not this matter should be referred to the civic committee, a discussion and voting take place. Should the Assembly decide in favor of the latter, the motion is rejected. Should it decide in favor of the former while the civic committee does not regard the motion suitable to be brought before the Senate in its present or altered form, or if the Senate should reject the suggestions recommended by the civic committee, then the speaker of the Corporation must bring up for decision in the next meeting the question whether or not the motion should be brought before the Senate by the Corporation.

ART. 45. The Corporation is entitled to ask the Senate for information regarding matters of state. However, an exception is made in this obligation of the Senate when it concerns pending transactions of foreign and Imperial affairs. Points regarding which information is asked must be communicated to the Senate in writing, and the latter can decide whether to give the desired information in writing or verbally through commissaries.

ART. 46. A decision must be reached on all proposals of the Senate at the same meeting at which they are made.

However, the Corporation is entitled to submit a motion for approval to a commission chosen from amongst its members and to postpone its decision until their recommendation has been given. If such a commission considers further information on any point necessary, it can request a conference with the commissaries of the Senate. The commissaries of the Senate are entitled to request of the commissioner a statement of its opinion before further discussion of the matter.

Transactions regarding the proposals of the Senate take precedence over everything and can not be interrupted by other business without the consent of the commissaries of the Senate.

ART. 47. The statement of the decisions of the Corporation regarding the proposals of the Senate, signed by the chairman and the recorder must be sent promptly to the commissaries of the Senate so as to bring it before this body.

ART. 48. Procedure in the discussion of the Corporation, if not previously described, is according to an order of business decided on by the Corporation.

ART. 49. A statement of the procedure of the meetings of the Corporation must be sent within three days to the presiding burgomaster of the Senate and must be published in print unless secrecy has been voted.

The joint resolutions of Corporation and Senate are published by the latter in the official bulletin, unless reasons for secrecy in the interest of the State prohibit it.

ART. 50.¹ The consent of the Corporation is necessary:

- I. For every change of the Constitution;
- II. For every acquisition and alienation of sovereign rights;
- III. For the proclamation, authentic interpretation, modification or abolishment of laws, as well as for orders regarding commercial affairs; police ordinances and the execution of regulations in regard to the established laws are, however, decided by the Senate alone, but in the proclamation the law must be specified the execution of which it concerns;
- IV. For the levying, abolition, and modification of direct or indirect taxes, and for duties of all kinds, inclusive of fees.

In matters mentioned in section III, clause 2, the Senate determines the fees alone if they are to be used as compensation for the special service of the State which is set forth in a police ordinance or in a regulation which concerns the execution of existing laws. For further establishment of such fees which are determined by the decision of the council and citizens, the consent of the Corporation is necessary;

¹ Article 50, IV, supplemented by law of March 22, 1911.

V. For the permission to hold public religious exercises when it concerns religious societies to which this privilege has not yet been granted;

VI. For the granting of privileges;

VII. For regulations for which, in accordance with the established law, the boards of directors of private endowments must have the consent of the Senate and the Corporation;

VIII. For decisions which concern the applicability of the expropriation law in regard to the making of an investment;

IX. For the conclusion of political treaties which concern commerce, navigation, or similar questions which are subject to the approval of the Corporation.

ART. 51. The Corporation is also entitled to take part in:

X. The administration of the public funds, of the funds of the Evangelic-Lutheran communities and of public charitable institutions.

In this connection the following regulations must be followed:

1. The administration of public property is assigned in general to the authorities, but is subject to the instructions and supervision of the Senate. No important changes, however, can be made without the consent of the Corporation in the sphere of operation of the different committees and in the traditional administration and use of public wealth. The acquisition and sale of public property is especially prohibited, neither can it be given in hereditary lease nor be mortgaged.

2. The boards of the Evangelic-Lutheran churches and charitable institutions must have the consent of the Corporation for all measures for which, according to the established laws, they have the approval of the Senate and the Corporation.

3. The State budget and the general budget for public charities must be submitted yearly to the Corporation for its approval. But neither the Senate nor the Corporation can on this occasion refuse its consent for the income or expenditure already granted by special decision of the council and citizens.

4. All expenditure of public funds is as a rule subject to the approval of the Corporation. The latter, however, must give its consent when the Senate recommends an increase over the funds allowed in the State budget for its honorary expenditures (*Ehrenausgaben*), or for the defrayment of expenses concerning diplomatic transactions or embassies. In the former case the Corporation is entitled to request from the Senate a statement of payments made from the entire sum. The account for the diplomatic transactions and embassies must be presented to the Senate as well as to the finance department, so as to serve as a supplement to its general statement,

in which capacity it like all other accounts is submitted to the memorandum of the auditing committee.

5. No new Government loan can be made without the consent of the Corporation nor can the old plan for redeeming a State debt be changed.

6. The Corporation is entitled to a statement concerning the yearly administration of the finance department and of the auditing committee. The report of the municipal treasurer can only be audited once a year and by common consent of the Senate and Corporation.

The revised reports submitted within the course of the year by the auditing committee concerning different administrative bills, and those submitted by the higher school boards and by the central charity deputation (*Zentral-Armendeputation*) must be laid before the Corporation with their respective bills.

ART. 52. When a treaty is to be concluded by the State, or when under other extraordinary circumstances the Senate and the Corporation should agree that the question under consideration, on account of its secret nature, is as little suited for the discussion with the civic committee as with the Corporation, a secret commission must be appointed which must exercise the power of the civic committee and the Corporation, unless in individual cases the authority of the commission is limited by the Corporation.

The Corporation determines the number of members to be chosen for this commission, which must be increased whenever the Corporation, be it on its own accord or at the suggestion of the secret commission, considers it advisable.

A decision of the secret commission is valid only when it is formed by the majority of all members.

Should the secret commission have accepted the instruction of the deputy who is authorized to conclude a treaty, the Corporation can only refuse its acceptance, if the secret commission has gone beyond its authority or the treaty has not been concluded according to instructions.

The procedure for the transactions of the secret commission is determined by law.

II. THE CIVIC COMMITTEE.

ART. 53. The civic committee consists of thirty members, who are chosen by the Corporation from amongst its members for a term of two years in such a way that those who received the majority of votes at every election are considered as elected.

The speaker of the Corporation and his representatives are not eligible; all other members of the Corporation are bound to accept the election.

ART. 54. Generally on the first Monday in December 15 members withdraw from the civic committee. The Corporation holds a meeting on the same day on which the new members are elected. These must never number more than half the members of the civic committee. In case of death or other circumstances affecting the regular change, the civic committee chooses individual members who remain in this committee longer than two years, but never longer than three.

The outgoing members are eligible again after a year has elapsed.

New elections take place in the next meeting of the Corporation for all members having retired during the year.

ART. 55. In the first meeting that follows the regular yearly supplementary election (article 54), the civic committee elects from amongst its members a speaker and two substitutes for a term of one year. The elected members are bound to accept the election.

The retiring speaker can be reelected for another year if he remains in the civic committee, but he is not bound to accept this election. If, however, after not having been a member of the civic committee for a time he is elected to it again and chosen speaker, it is his duty to accept this and any other election under similar circumstances. All other elections for speaker of the civic committee he is entitled to decline.

Should the speaker retire from the civic committee during his term of office or be dismissed therefrom, his successor can only be elected for the period until the regular renewal of the civic committee.

ART. 56. The recorder is elected by the civic committee for a term of five years. In taking up his office he must follow the same regulations as those prescribed for the recorder of the Corporation (article 35); he is also paid from the treasury for his services. The retiring recorder can be reelected immediately.

The recorder of the civic committee can not at the same time be the recorder of the Corporation, but he must take the place of the latter in case of absence and also be the keeper of the archives.

ART. 57. For the election of the speaker and his deputies, as well as for the recorder it is necessary that the majority of all votes be for one and the same person. In case another voting should be necessary, the mode of election must be the same as for the speaker and recorder of the Corporation (article 36).

ART. 58. With the exception of the month of August the civic committee meets regularly every fortnight in the town hall at the same time when the Senate convenes. For any special occasion the Senate can have it convoked by the speaker. The speaker himself is entitled to call a meeting of the civic committee whenever he considers such to be necessary, but he is bound to do so as soon as six members of

the civic committee desire it and state in writing the purpose for the summons.

ART. 59. The speaker of the civic committee presides over the meetings and directs the procedure of business. In case of absence one of his deputies takes his place in the succession as determined by the election.

Should the speaker and his two deputies be absent at the same time or have withdrawn from the civic committee before a new election took place, then the speaker of the Corporation and his deputies must summon the civic committee. In the first instance the meeting concerns the election of another speaker.

ART. 60. At least two-thirds of all members of the civic committee must be present in order to form a valid decision.

ART. 61. The motions of the Senate are drawn up in writing and presented to the civic committee by commissaries, after which they discuss them with the latter.

The voting on such motions takes place after the departure of the commissaries of the Senate.

ART. 62. Resolutions of the civic committee on the motions of the Senate must generally be passed in the same meeting in which they were presented. The civic committee can, however, submit a motion of the Senate for approval to a commission chosen from amongst its members, or postpone the discussion of the question until it convenes again. In the first instance the commissaries of the Senate are entitled to information regarding the opinion of the commission before the civic committee discusses the matter any further.

ART. 63. Should the civic commission wish further enlightenment on any point, it is entitled to ask for another discussion with the commissaries of the Senate.

The commission to which has been submitted a motion for approval is entitled to the same privilege.

ART. 64. If in case of voting a tie should result, the question under consideration is rejected, but the lot decides at an election.

ART. 65. A record must be kept of the procedure of every meeting of the civic committee. Should it contain decisions on the motions of the Senate, propositions to the Senate, decisions on appointments and elections, it must be sent in the form of an abstract signed by the recorder to the commissaries of the Senate.

Should the civic committee not accept the motion of the Senate, the reasons therefor must as a rule be stated in the abstract of the record. They may, however, be forwarded later.

ART. 66. The regulations for business procedure of the meetings can be decided upon by the civic committee if not otherwise determined by above-mentioned provisions.

ARR. 67. Unless the nature of the discussion is confidential, the record of each meeting of the civic committee has to be printed and published and a despatch thereof be sent to the speaker of the Corporation within three days. After the conclusions of the transactions with the civic committee, the speaker is entitled to demand for examination all documents sent by the Senate to the civic committee.

ARR. 68 Conclusions formed by common agreement of Senate and Corporation, and the authenticated statement of explanation of the civic committee are communicated by the Senate to the Corporation in the next meeting of the latter.

All conclusions are published by the Senate in the official bulletin, unless secrecy is necessary for reasons of interest to the State.

ARR. 69. The civic committee exercises the authority of the Corporation when it concerns:

1. The appropriating of sums which in a single case, or in case of several appropriations for the same purpose in the same calendar year, does not exceed the total sum of 6,000 marks yearly expenditure, provided the appropriation in the individual case does not prevent the decision of another question, which constitutionally must have the consent of the Corporation;

2. The expenditure of the sums which have already been granted in the State budget, provided the individual administrations are not entitled to the use of these sums;

3. The acquisition or sale of property for the State, for Evangelical-Lutheran Church communities, for public charitable institutions and for private endowments, provided no acquisition or abolition of sovereign rights is connected therewith and the value of the property does not exceed 12,000 marks (article 50, VII; article 51, X, 1 and 2);

4. The change in the administration or use of property of the State, of Evangelic-Lutheran Church communities, of public institutions for charity and of private endowments, if the value is not greater than 12,000 marks (article 50, VII; article 51, X, 1 and 2);

5. The disposition of monuments or of historic relics; lastly,

6. The conclusions which have been submitted to the civic committee by common consent of the Senate and Corporation.

Whenever the civic committee rejects a motion of the Senate, the latter is entitled to bring the same proposition before the Corporation.

ARR. 70. On all questions which the Senate must transact with the Corporation, it is necessary for the Senate first to obtain the opinion of the civic committee before submitting the motion to the Corporation.

ART. 71. The civic committee is competent to submit motions and proposals to the Senate, be it of its own accord, or in consequence of a proposition laid before it by the Corporation (article 44).

ART. 72. The civic committee appoints the members for the secret commission (article 52), the communal participants of joint commissions of the Senate and Corporation, as well as the civic deputies for those administrations for which the Corporation or the civic committee can nominate members. For the election of civic deputies for other administrations the civic committee must propose to the Senate 2 citizens who in its opinion are best suited for that office.

The nominations, as well as the proposals of names can refer to all persons who are entitled to take part in the election for the Corporation.

TITLE IV.—*Procedure in the case of continued disagreement between Senate and Corporation.*

ART. 73. Should there be a continued disagreement in the transactions concerning the propositions of the Senate to the Corporation, or the propositions of the Corporation to the Senate, the following regulations must be observed:

ART. 74. If a disagreement prevails in the Senate and Corporation regarding the authentic interpretation of established laws, especially when the provisions of the Constitution are contested, or a right is disputed which has been claimed by the Senate or Corporation in virtue of the Constitution, an attempt is first made to adjust the disagreement by a mutual understanding.

If this is not effected, the controversy is submitted to the judicial decision of the Hanseatic provisional court of appeals.¹

The procedure to be followed is set forth in a special agreement between Senate and Corporation.

ART. 75. Should the opinion of the Senate and the Corporation differ as to what is necessary for the weal of the State, and should in such a case the Senate and the Corporation mutually agree that a decision cannot be postponed without great disadvantage to the common weal, the disagreement must be adjusted by a decision of an awarding commission. However, changes in the Constitution cannot be made by the award of such commission.

ART. 76. The awarding commission is composed of seven members of the Senate and seven members of the Corporation. They are elected by secret ballot, the former by the Senate, the latter by the Corporation.

¹ See the agreement of the free Hanseatic cities on the establishment of a common provisional court of appeals d. d. Hamburg, June 30, 1878, and the notice of July 21, 1879, concerning the amendment thereof.

ART. 77. This election takes place the same day on which the Senate and the Corporation have come to a perfect understanding that an awarding commission should meet, and what question should be submitted to it.

ART. 78. The members of the Senate by virtue of their oath of council, and the members of the Corporation by virtue of their oath of citizenship, are bound to accept the election. A new election can only be resorted to in case of illness or absence.

ART. 79. The members of the Senate, and the members of the Corporation, elected for the awarding commission, must take the following oath in the presence of the civic committee not later than at the next meeting of the Senate following the election :

I vow and swear to God that in the decision which I am called upon to give on the prevailing disagreement between the Senate and the Corporation I will only be guided by the consideration for the common weal ; that my award shall be to the best of my knowledge and conscience ; that I will never inform anyone in regard to matters discussed in the commission, especially not how the decision was reached, and how I myself and the other members of the commission voted, but that I will keep the most scrupulous secrecy concerning all. So help me God.

ART. 80. The commission elects its chairman from its own members of the Senate by secret ballot.

ART. 81. The lot determines the order in which the remaining members must take their seats and cast their votes. The chairman can give his vote only after the other members have done so.

ART. 82. The majority of all members of the commission is required in order to pass a resolution.

In case of a tie, the commission appoints from amongst its members a committee consisting of three members of the Senate and three members of the Corporation, who must agree on the decision to be pronounced by the awarding committee.

ART. 83. The decision of the awarding commission must be pronounced at the latest a fortnight after the members have taken their oath.

The decision, after having been signed by all the members in the final meeting and having been sealed, is presented by two members of the commission to the presiding burgomaster of the Senate.

ART. 84. Should the awarding commission in its conference have formed the conclusion that the dissension, prevailing in the Senate and the Corporation, should have been presented for decision in a different manner from what it was, and that a proposition by the commission would be more advantageous for the common weal, then its proposal, which is sealed and accompanied by the award concerning the question under consideration, must be submitted to the Senate.

In a case like this, the proposition submitted by the commission must have the precedence over all other transactions of the Senate and the Corporation. The award itself remains unopened in the Senate until the discussion has been concluded.

ART. 85. The award of the commission is opened and read by the presiding burgomaster in the sitting of the Senate and in the presence of the Corporation within eight days after its receipt, or after the contingent proposal for mediation (article 84) has been rejected. The award has in this case the validity of a decision of the council and citizens.

MECKLENBURG-SCHWERIN.—MECKLENBURG - STRELITZ.

The Grand Duchies of Mecklenburg-Schwerin and Mecklenburg-Strelitz have no written constitutions. The following facts concerning the government of the two States are based on the account found in Posener, *Die Staatsverfassungen des Erdballs*, pp. 282-284.

The Grand Duchies of Mecklenburg are monarchies limited by Estates.

According to the constitution of the Provincial Estates, an outgrowth of the long struggles of the Lords and landed proprietors, knights and cities, both States have a common Diet.

The struggles for a constitution on the part of the Estates began toward the end of the 16th century. Simultaneously with the increasing power of the Central Government in exercising the *regalia maiora*, a corporative organization of the landed proprietors was formed for the purpose of lending constitutional support to the Government. This organization of the Estates was instrumental in bringing about the so-called Union of the Provincial Estates in 1523, a league between the prelates, knights, and Estates for the purpose of protecting their rights and maintaining unity.

In the following century the rights of the Estates were further developed. The rulers, in constant pecuniary need, could secure money from the Estates only by guaranteeing privileges and rights to them.

The struggles between the rulers and the Estates continued, until on April 18, 1755, the Hereditary Constitutional Agreement was made, according to which the unity of the constitutions of the Estates was conceded by the rulers to the Estates. This document forms the basis for the present constitutional rights.

After the dissolution of the Holy Roman Empire the Estates again succeeded in asserting their rights. By the so-called Order Patent of November 28, 1817, a compromise tribunal was instituted for deciding all questions arising between the rulers and the Estates.

The Revolution of 1848 aroused especially in those members of the Estates who did not belong to the nobility the desire for constitutional reform. Thereupon a Chamber of Deputies, elected on the basis of a provisional election law, drew up a constitution for Mecklenburg-Schwerin, in conjunction with the Government. It was published for Mecklenburg-Schwerin on October 10, 1849, simultaneously with the abolition of the Estates. The deputies of the

knighthood, however, protested and were instrumental in having a Court of Arbitration summoned on the basis of the Order of November 28, 1817, which decided on September 12, 1850, that the constitution and the Schwerin order concerning the abolition of the constitution of the Estates of October 10, 1849, were invalid, and that it was the duty of the Government, according to the provisions of the Hereditary Constitutional Agreement of 1755, to call a Diet.

On the basis of this arbitral decision the old conditions were restored by the Order of September 14, 1850.

New attempts to reform the constitution of the Provincial Estates failed.

Property ownership and rights connected therewith form the basis of the constitution. The property of the ruler, the domains, is not represented in the Diet.

The representation includes the delegates of the rural property owners (*Ritterschaft*) and those of the cities (*Landschaft*).

The former are composed of all those possessed of equestrian estates, regardless of whether they belong to the nobility or not, about 700 in number, the latter are the authorities (*Bürgermeister*) of the 47 cities and the coast towns of Rostock and Wismar. The knighthood also represents the small-farm tenants and peasants.

Both Estates are made up on the basis of the two former Duchies, Schwerin and Güstrow, or three districts. The Duchy Schwerin forms the Mecklenburg district, while the Duchy of Güstrow is divided into the districts Wenden and Stargard. Each district has a marshal of hereditary lands (*Erblandmarschall*), each duchy has 4 sub-prefects, nominated by the Estates and named by the Grand Dukes. They, together with a burgomaster of Rostock, a total of 72 members, form the directory of the Diet.

Regular diets are convened late every autumn, alternately in Sternberg and Malchin. Extraordinary sessions may be called by the Government. The knights and the commons meet in an assembly in which a majority vote decides. Each property owner possesses the same electoral right as each separate city. Each Estate has the right of making separate decisions, and if the decisions of the two Estates diverge, a decision of the Diet is not reached.

The Estates have a deciding vote in matters pertaining to taxation and to their rights, and in all general questions and laws the favorable opinion (*ratsame Erachten*) of the Estates must be secured. Each Estate may introduce motions; the right of initiative is reserved to the Government.

In the interim between two diets a smaller committee of the knights and commons, having its seat in Rostock, represents the Estates and forms a permanent college. It consists of 2 sub-pre-

fects, 3 deputies of the knights, and 4 deputies of the magistrates of the cities of Rostock, Parchim, Güstrow, and Neubrandenburg. This committee carries out the instructions of the Diet and prepares the business.

Beside the diets, "convocation diets" take place, to which only the Estates of one particular section of the country are called by the ruler in question; also "commissary-deputation" assemblies of government commissaries and deputies of the Estates. Furthermore, the Estates call general and special conventions among themselves.

The Principality of Ratzeburg and the cities of Wismar and Neustrelitz are not included in the constitution of the Estates. They send no representatives to the Mecklenburg diets.

OLDENBURG.¹

REVISED CONSTITUTION OF NOVEMBER 22, 1852.

[PREAMBLE.]

We, Paul Friedrich August, by the grace of God, Grand Duke of Oldenburg, heir to Norway, Duke of Schleswig, Holstein, Stormarn, Dithmarschen, and Oldenburg, Prince of Lübeck and Birkenfeld, Lord of Jever and Knipphausen, etc., hereby make known:

Having agreed with the fifth and sixth general Diets of the Grand Duchy on a revision of the Constitution of February 18, 1849, we now make publicly known hereinbelow the Revised Constitution for the Grand Duchy of Oldenburg in the form of the altered and unaltered provisions of the Constitution of February 18, 1849, as adopted by the fifth and sixth general Diets and approved by us.

In witness whereof we have hereunto set our hand and the seal of the Grand Duchy.

Given at the Palace at Oldenburg, November 18, 1852.

AUGUST. v. RÖSSING. RÖMER.

KRELL. v. BERG. MUTZENBECHER.

PART I. THE GRAND DUCHY, THE GRAND DUKE, AND THE MINISTRY OF STATE.

ARTICLE 1. SECTION 1. The Grand Duchy of Oldenburg consists:

- (1) Of the Duchy of Oldenburg, of which the dominion of Jever constitutes an integral part;
- (2) Of the principality of Lübeck;
- (3) Of the principality of Birkenfeld.

SEC. 2. These component parts of the Grand Duchy constitute an indivisible State, united according to the provisions of the present Constitution and indivisible under the government of the descendants of the Duke Peter Friedrich Ludwig.

ART. 2. SEC. 1. The Grand Duchy is a member of the German Confederation and as such shares all the rights and duties arising under the Federal Constitution.

SEC. 2. Resolutions adopted by the German Federal Power are applicable to the Grand Duchy, and after promulgation by the Grand Duke acquire binding power therein.

ART. 3. SEC. 1. No component part of the Grand Duchy and no right of the State or of the sovereign chief of the State may be alienated without the consent of the Diet.

¹ Translation by Wilfred Stevens based on the text as found in Stoerk-Rauchhaupt, pp. 235-270.

SEC. 2. Even rectifications of the boundary require the consent of the Diet if they involve the necessity of citizens' leaving the jurisdiction of the Grand Duchy, or of Crown or State property being given up, or of communal or private real estate being ceded against the will of the owners.

ART. 4. SEC. 1. The form of government is monarchical, restricted by the provisions of the present Constitution.

SEC. 2. The Grand Duke, as supreme head of the State, unites in himself all the rights of the State power and exercises them according to the Constitution.

SEC. 3. His person is sacred and inviolable.

SEC. 4. He shall sue and be sued, with respect to his private-law concerns, before the courts of the land.

ART. 5. The Grand Duke orders the promulgation of the laws, without ever being permitted to postpone such promulgation, and issues the necessary decrees for their enforcement.

ART. 6. The Grand Duke represents the Grand Duchy externally. He concludes treaties with other States; however, these require the consent or sanction of the Diet if they—

(a) Relate to a subject in regard to which the State Government can not, without the consent of the Diet, adopt measures validly and constitutionally; or

(b) Are commercial or navigation treaties and not simple reciprocity treaties; or

(c) Impose special burdens upon individual citizens of the State.

ART. 7. SEC. 1. The Grand Duke directs and oversees the whole internal administration of the land.

SEC. 2. He appoints or confirms, directly or indirectly, all Government employees, civil or military (officers and military officials).

ART. 8. The whole military establishment is under the supreme command of the Grand Duke.

ART. 9. The rewarding of distinguished services shall devolve upon the Grand Duke.

ART. 10. The Grand Duke exercises the right of pardon; however, in cases which are based on a complaint made by the Diet, only with the consent of the latter.

ART. 11. According to the agreement of June 8, 1825, guaranteed by the German Confederation, the Grand Duke has the lordship over the dominion of Kniphausen, the owner of the dominion, and his family.

ART. 12. SEC. 1. The Grand Duke is not responsible for the exercise of the governmental power.

SEC. 2. The Ministry of State, under the Grand Duke, takes care of the conduct of the Government.

SEC. 3. All governmental decrees of the Grand Duke require, for their validity, the counter-signature of a member of the Ministry of State, whereby this member assumes the personal responsibility.

SEC. 4. Every member of the Ministry of State is responsible for his acts and omissions in State affairs and is under obligation to furnish information to the Diet in regard to them.

SEC. 5. The Grand Duke appoints and dismisses the members of the Ministry of State solely on his own resolution, the above-mentioned counter-signature not being necessary in this case.

ART. 13. The heir to the Grand Duchy, after attaining the age of 18 years, takes part in the deliberations of the Ministry of State.

ART. 14. SEC. 1. The seat of the State Government remains within the territory of the State.

SEC. 2. The Grand Duke is not permitted to take up his main abode outside the country.

ART. 15. SEC. 1. The Grand Duke is not permitted to be at the same time head of a non-German State, nor to be in the service of any other nation.

SEC. 2. The Government of the Grand Duchy can not, without the consent of the Diet, be combined in one person with the Government of another German State.

ART. 16. SEC. 1. If the Grand Duke is prevented from exercising the governmental power, the substitute to be appointed by him shall, during such hindrance, conduct the Government according to the provisions of the Constitution and such rules consonant therewith as the Grand Duke may prescribe to him of his own accord.

However, it shall not be permissible to assign to the substitute any more extensive rights than belong to a regent according to the provisions of this Constitution (article 25).

SEC. 2. The substitute shall likewise not be permitted to take up his main residence outside the land.

ART. 17. SEC. 1.¹ The Government of the land is hereditary in the male line of Duke Peter Friedrich Ludwig according to the right of primogeniture and lineal descent.

After the extinction of the male line of Duke Peter Friedrich Ludwig, the inheritance in the Government of the land passes to the male line of Duke Friedrich of Schleswig-Holstein-Sonderburg-Glücksburg, who died November 27, 1885, according to the right of primogeniture and lineal descent. A prerequisite to inheritance is descent from an equal marriage. Equality of marriage is determined according to the provisions of the family law of the Grand Ducal House.

The provision of article 1, section 2. of the revised Constitution applies also to the descendants of the aforementioned Duke Friedrich of Schleswig-Holstein-Sonderburg-Glücksburg.

¹The law of October 19, 1904, added pars. 2-4 to article 17, sec. 1.

The agreement reached between the Grand Duke and the Diet regarding the separation of the domanial property into Crown property and State property of February 5, 1849, (Appendix I to the revised Constitution) shall remain in force also for the duration of the Government succession provided in paragraph 1 above.

SEC. 2. Inheritance on the female side is precluded even after the extinction of the male line.

ART. 18. If concern should ever arise regarding a successor to the Government in the absence of a prince entitled to succeed under the Constitution, provision shall be made in due time by the Grand Duke and the Diet for a successor to the Government by means of an additional clause in the Constitution.

ART. 19. The Grand Duke is of age as soon as he has attained his eighteenth year.

ART. 20. A regency shall be appointed if the Grand Duke is a minor or is otherwise permanently prevented from exercising the power of government.

ART. 21. With the consent of the Diet, the Grand Duke is authorized to appoint a regency in advance for the case in which his successor might, at the time the Government became incumbent upon him, be prevented from assuming it himself by minority or otherwise.

ART. 22. SEC. 1. In the absence of such an arrangement, or in case the Grand Duke should himself be prevented from exercising the governmental power, the regency shall devolve upon the prince who is next in the line of succession and who has attained his majority and is capable of governing.

SEC. 2. If such a prince is lacking, the regency shall devolve upon the wife of the Grand Duke, then upon his mother, and finally upon his grandmother on the father's side, provided and as long as the latter have not remarried.

ART. 23. SEC. 1. In case the Grand Duke is a minor, the legal regency (article 22) is established *ipso facto*; in the other cases of articles 20 and 22, however, the Ministry of State must, either on its own motion or at the instance of the Assembled Diet or of the permanent Dietary Committee, call a meeting of the princes of the Grand Ducal House who are of age, with the exception of the one upon whom next devolves the regency, and they shall decide in regard to the necessity of a regency after first hearing the opinion of the Ministry of State.

SEC. 2. This decision shall at once be submitted for approval to the Assembled Diet or to a Diet to be called in extra session.

ART. 24. If such a decision is not reached within three months after the invitation has been sent to the princes who are of age (article 23),

the Ministry of State itself shall adopt a resolution regarding the necessity of a regency and transmit it to the Diet for approval.

ART. 25. SEC. 1. The regent shall exercise the governmental power constitutionally in the name of the Grand Duke and as it belongs to him himself. However, he shall not be permitted to recommend an amendment to the Constitution unless he has first obtained the consent of the adult princes of the Grand Ducal House (article 23).

SEC. 2. The provisions of articles 14 and 15 are applicable also to the regent.

ART. 26. A regency which has assumed charge owing to the minority of the Grand Duke shall cease as soon as the latter becomes of age. In the other cases in which a regency takes control, it shall be terminated in the manner prescribed in articles 23 and 24.

ART. 27. With the exception of the mother and grandmother, a regent shall not be permitted to exercise a guardianship over the minor Grand Duke.

ART. 28. SEC. 1. If the last governing Grand Duke has made no arrangements in the matter, the education of the minor Grand Duke shall devolve firstly upon the mother and then on the grandmother on the father's side, provided and as long as they are not remarried.

SEC. 2. In the absence of such, the person to be charged with the education shall be appointed in the manner prescribed in articles 23 and 24.

SEC. 3. In all cases the consent of the Ministry of State shall be required for the acceptance of the other persons necessary for the rearing and education of the minor.

ART. 29. SEC. 1. In other respects the relations of the grand ducal household shall be determined by the Grand Duke according to the family law.

SEC. 2. The family law shall be submitted to the Diet for its information and, as far as necessary, for its approval.

PART II. THE RIGHTS AND DUTIES OF CITIZENSHIP IN GENERAL.

ART. 30. The right of Oldenburg State citizenship (State allegiance) and the consequent local citizenship (communal membership) are acquired and lost according to the more particular provisions of the laws.

ART. 31. SEC. 1. All persons are equal before the law. Privileges of birth or station do not exist.

SEC. 2. The public offices are equally accessible to all persons capable of holding them, provided they fulfil the conditions prescribed by the law.

SEC. 3. Military liability is alike for all; the grounds of exemption existing according to law are to be restricted as far as possible.

The legislature shall regulate military liability on the basis of the foregoing provisions. Until then the hitherto existing laws shall remain in force.

ART. 32. Each citizen has full freedom of belief and conscience.

ART. 33. SEC. 1. The enjoyment of civil rights or of the rights of State or communal citizenship shall be neither determined nor restricted by religious creed.

SEC. 2. Religious creed does not lay the ground for any difference in the duties of State or communal citizenship and is not permitted to detract in anywise from those duties.

SEC. 3. Difference of religion does not constitute a hindrance to civil marriage.

For every marriage that is permissible under the laws of the land the law must provide a valid form of civil wedlock.

ART. 34. SEC. 1. The choice of a religious creed is left to the free conviction of each individual after attaining the age of 14 years.

SEC. 2. In which religion the children are to be reared only those are to determine upon whom devolves the duty of education according to the civil laws.

This applies particularly also to the education of children of mixed marriages.

SEC. 3. Further regulations as to the education of children after the death of the parents will be contained in the laws.

ART. 35. No person shall be compelled to perform any churchly act or ceremony.

Regulations as to the observance of days of rest ordained by the Church will be provided in the laws.

ART. 36. Every citizen is unrestricted in the joint domestic and public practice of his religion and its usages.

Infringements of the law committed during the practice of religion and its usages shall be punishable according to law.

ART. 37. SEC. 1. The form of oath shall in future read: "So help me God!" Additions to this form, as well as special formalities, are permissible in accordance with the laws.

SEC. 2. Instead of an oath a person whose religion forbids the taking of an oath may make a vow in the form which takes the place of an oath according to his religion.

ART. 38. SEC. 1. Personal liberty is inviolable. No person may be sentenced otherwise than according to law, and none may be punished without judgment.

SEC. 2. No person shall be deprived of his lawful judge. Exceptional jurisdictions shall not be allowed.

SEC. 3. The decrees regarding the forced-labor establishments for the Grand Duchy of Oldenburg, of May 29, 1821, and for the Principality of Birkenfeld, of May 30, 1844, shall remain in force for the

time; however, drafts of new laws on this subject shall be submitted to the next regular Diet.

ART. 39. SEC. 1. The arrest or prosecution of a person on suspicion of having committed a crime or misdemeanor shall take place only in the cases and in the manner prescribed by law. Except when the perpetrators are caught in the act, such arrests and prosecutions shall take place only by virtue of a judicial warrant, stating grounds. This warrant must be served upon the arrestee at the moment of arrest or within the next 24 hours, and, furthermore, the arrested person must be given a hearing by a judicial official within 36 hours.

SEC. 2. If the arrest has not been made by the judicial authority competent to take charge of the remainder of the proceedings, the arrestee shall be delivered up without delay to the latter authority.

SEC. 3. A police-court arrest for investigation shall require the approval of the next higher court if it is to last over 48 hours.

SEC. 4. Any person whom the lower police authority has taken into custody in the interest of public order, safety, or morals must either be released within three times 24 hours or, unless he waives this right and his waiver is recorded, said lower police authority must obtain the consent of the next higher police authority in order to continue holding him in custody. Further rules in regard to the procedure will be contained in the laws.

SEC. 5. Every accused person shall be released from custody upon furnishing a bond or bail to be determined by the court, except in so far as the law may stipulate exceptions.

SEC. 6. In case an imprisonment has been ordered or prolonged contrary to law, the guilty party, and if necessary the State, shall be obliged to give satisfaction and indemnification to the sufferer.

SEC. 7. The places of custody or prisons shall not restrict freedom any more, and the arrested party shall not be caused any greater injury or inconvenience than the legal purposes of the confinement and punishment render unavoidably necessary.

SEC. 8. The modifications of the present provisions which are necessary for the army and naval services shall be reserved for special laws. Until such laws are enacted, the existing laws on the subject shall remain in force.

ART. 40. SEC. 1. All dwelling houses are inviolable.

SEC. 2. A domiciliary search shall be permissible only:

(1) By virtue of a judicial warrant stating grounds, which warrant must be served on the interested party either immediately or within the next 24 hours;

(2) In case of prosecution, by the legally authorized officials, of a criminal caught in the act;

(3) In the cases and forms in which the law, by way of exception, allows certain officials to make general domiciliary searches even

without a judicial warrant. The laws existing on this subject are to be subjected to a revision.

SEC. 3. If possible, the search of a house must take place in the presence of members of the household.

SEC. 4. The inviolability of dwellings shall not constitute a hindrance to the arrest of a person judicially prosecuted.

ART. 41. SEC. 1. Except in case of an arrest or domiciliary search, the seizure of letters and papers shall take place only by virtue of a judicial order stating reasons, and this order shall be exhibited to the interested party immediately or within the next 24 hours.

SEC. 2. Pending the enactment of the law mentioned in article 40, section 2, paragraph 3, letters and papers may be seized during general domiciliary searches only by virtue of a judicial order, the rules applicable to the latter being observed.

ART. 42. The secrecy of letters is guaranteed. The restrictions of this rule rendered necessary in criminal investigations and in case of war shall be determined by the laws.

ART. 43. SEC. 1. The death penalty (except where the law of war or martial law prescribes it or the maritime law permits it in case of mutinies), corporal punishment, imprisonment on lath beds, apology and retraction, compulsory reparation, and public exposure are abolished.

SEC. 2. Pending the enactment of further penal provisions, the next milder penalty shall be substituted instead of the abolished death penalty.

SEC. 3. Civil death shall not be inflicted as a penalty or as the consequence of a penalty. Where it has already been pronounced its effects shall cease, in so far as vested private rights are not injured thereby.

ART. 44. The penalty of judicial banishment shall not be imposed against citizens of the Grand Duchy.

ART. 45. The confiscation of the whole fortune or of a proportionate part thereof shall be impermissible.

ART. 46. SEC. 1. Every person has a right to express his opinion freely in word, writing, print, or pictorially, without prejudice to the provisions of law against the abuse of this right.

SEC. 2. The press shall not be placed under censorship, and other restrictions thereon through preventive measures may be introduced only by means of a law.

ART. 47. SEC. 1. Every person shall be entitled, either alone or in conjunction with several others, to make petitions, representations, and complaints both to the competent authorities and to the Diet.

SEC. 2. Every commune and every other corporation recognized by the State shall be free to exercise the same right through its head.

SEC. 3. When unfavorable decisions are rendered by the administrative authorities, the grounds on which they are based shall be stated.

SEC. 4. Reports called for by the lower authorities in order to enable them to decide shall be exhibited to the person who has complained against the decision, in case he so requests.

ART. 48. Every person who believes that he has been injured in his private rights by an administrative measure shall have the courts at his disposal without requiring any special permission, subject to the provision of article 97.

ART. 49. Moratoriums may be granted only by the courts in accordance with the laws.

ART. 50. SEC. 1. The citizens have a right to assemble peaceably and without arms, not needing any special permit for the purpose.

SEC. 2. In case of urgent danger to public order and safety, assemblies of the people may be forbidden.

ART. 51. SEC. 1. The citizens have a right to form societies. This right shall not be restricted by any preventive measure.

SEC. 2. However, the Government is authorized to annul the by-laws of societies and to dissolve such organizations as pursue purposes dangerous to the State, this authority being subject to further regulation by the legislature.

ART. 52. The provisions contained in articles 47, 50, and 51 are applicable to the military in so far as disciplinary regulations do not stipulate to the contrary.

ART. 53. SEC. 1. For the maintenance of internal peace and security and for the enforcement of measures adopted by the civil authorities, the military authority may interfere only at the express request of the competent civil authority responsible for the matter, and no further than this authority requires.

SEC. 2. Before making actual use of arms and unless a case occurs warranting such action in self-defense, the assembled crowd must be given explicit and plain warning in due time that such use is contemplated, in order that the assembled crowd as well as each individual composing it may depart.

ART. 54. SEC. 1. In case of an insurrection, the State Government may, provided the other lawful means of suppressing it are insufficient, restore and protect by extraordinary means the lawful order and the jeopardized freedom of person and property. To this end it may, in the threatened towns or districts, temporarily restrict the exercise of the rights insured by articles 39, 40, 41, 42, 46, 50, and 53, and even declare martial law, though it must announce beforehand at the place that this is to occur, and to what extent.

These measures, however, require the consent of the Diet, if it is convened; otherwise they must be subsequently justified before it.

SEC. 2. In cases of extreme need and urgent haste, where higher orders can not be awaited, the supreme authority of the province may take the measures in question on its own responsibility, except the declaration of martial law.

SEC. 3. It is reserved for a law on sedition to determine otherwise or more particularly in the near future the forms and conditions for such extraordinary measures.

ART. 55. SEC. 1. The freedom to emigrate may be restricted by the Government only according to law and with respect to military liability.

SEC. 2. Emigration taxes shall not be levied.

ART. 56. SEC. 1. The freedom of industry and other modes of livelihood may be restricted only according to law, and only to such extent as is required for the public welfare.

SEC. 2. Restrictions of industries and of industrial establishments on the basis of an alleged royal prerogative shall not take place.

SEC. 3. The restrictions now legally existing shall remain in force until repealed.

ART. 57. The post offices shall not be for the purpose of affording a source of Government revenue.

ART. 58. SEC. 1. Commercial and industrial privileges may be granted only in particular cases, only in accordance with the law, and only to a specified extent and for a fixed period.

SEC. 2. However, patents for inventions or for importation for a maximum of 10 years do not require the consent of the Diet.

ART. 59. SEC. 1. No State prerogative in regard to mills shall exist.

SEC. 2. All rights of compulsion and restraint on the part of mills, including any right attached to a mill to oppose the establishment of new mills or the enlargement of old ones and to protest against the keeping of handmills and querns, are hereby abolished. The entitled parties shall have a claim for damages against the State or against the obligated parties only in so far as their rights are based on special contracts with the State or with the obligated parties.

ART. 60. SEC. 1. Property rights are inviolable.

SEC. 2. Only out of consideration for the common welfare, on the basis of a law, and after just indemnification may they be taken away or restricted.

SEC. 3. This article is to effect no change in the existing right to construct dikes and dams.

ART. 61. Every real estate owner may alienate his property *inter vivos* or for the case of death, wholly or in part, except in so far as future legislation, out of considerations of public welfare and for reasons of political economy, may prescribe restrictions in certain portions of the territory of the Duchy of Oldenburg and in the Principality of Lübeck.

The carrying out of this principle of the divisibility of all real estate is soon to be provided for by legislation, until which time the existing laws and regulations shall remain in force. As regards mortmain, restrictions of the right to acquire real property and to dispose of it are permissible in the way of legislation for reasons of public welfare.

ART. 62. SEC. 1. Patrimonial jurisdiction, the jurisdiction of cities, mark jurisdiction, seigniorial police, and all other rights of sovereignty attaching to a landed domain or to a person, as well as the privileges, exemptions, and taxes of any kind connected with these rights, shall be abolished without compensation and not introduced again.

SEC. 2. With these rights the compensatory services and burdens also disappear which were incumbent upon the beneficiaries in consideration thereof.

ART. 63. SEC. 1. All seigniorial and protectorial conditions, as well as conditions of bondage and subjection, shall cease forever and can not be reintroduced. The places and domains freed from these conditions shall become the property in fee simple of the person who possesses the hereditary farming right at the time of the promulgation of this Constitution. The prerogatives which belonged to a creditor of the obligated party at the time of the abolition of the seigniorial condition on the basis of the consent granted by the lord of the estate shall continue to be enjoyed by him unimpaired. Further legal questions in connection with these places and domains shall be more particularly regulated by law.

SEC. 2. The following things are abolished without indemnification and shall not be reintroduced:

(a) Compulsory domestic service, redemption, heriot, and any other still existing personal taxes and performances arising from the seigniorial and protectorial relation;

(b) The reversionary right of the manor lord;

(c) *Neubruch* (the duty to break new soil) and cattle tithes;

(d) The right to wood on the soil of another or on servient soil, whether this right is derived from a sovereign right or a seigniorial right;

(e) All compulsory service to the State, services following the land (*Landfolgedienst*) or court services to be rendered the State as such, and similar burdens, with the exception of communal services and burdens and emergency duties called forth by war, fire, inundation, and the like. With respect to the services and performances hitherto required on Government roads, a law will make provision as to what roads are Government roads. These services shall nowhere be demanded for the maintenance and construction of pikes and their appurtenances.

In cases where the privileges, taxes, and services mentioned under section 2 (*a*) to (*d*) have been superseded by others since August 2, 1830, these others shall also be abolished without compensation. If they have been redeemed simultaneously with other privileges, and taxes, performances, or cash payments have been accepted for them as a whole, these latter shall, at the instance of the obligated parties and according to fixed rates to be stipulated in the compensation law, be proportionately diminished, or curtailed to the amount of capital represented by 3 per cent interest, but continue to be paid until this has occurred. At the request of the party making the payment, a promise made to refund the amount paid in excess according to the compensation law shall be fulfilled. Where payment has already been made, the amount paid shall be refunded by the State according to the proportion mentioned, with the exception of the indemnification for the abolition of the right to wood under (*d*).

With the abolition of the rights mentioned under 1 and 2, the compensatory services and burdens also disappear which the hitherto entitled parties had to render or bear in consideration thereof.

SEC. 3. All other services, ground rents, and real liens, as well as tithes of any origin, which are not mentioned under no. 2, which arise from a seigniorial and protectorial relation that has hitherto still existed, and which have been attached to real estate, are abolished subject to compensation and to the following provisions, as well as to any other more particular ones which may be embodied in a law to be submitted to the next regular Diet:

(*a*) The seigniorial and protectorial relation is regarded as having hitherto existed only in the case of the *Hofhörigen* ("persons liable to statute labor") and in the cases in which the reversionary right continues to exist up to the present.

(*b*) The obligation to make compensation attaches as a real lien on the hitherto servient domains.

(*c*) The indemnity shall assume the form of capital, which shall in no event exceed 16 times the money value of the annual net proceeds.

If the capital is to be converted into rent, this shall be done by virtue of a contract.

(*d*) The annual net proceeds shall be determined according to the provisions of a law to be enacted, and the money value thereof shall be determined according to the average of the last 30 years.

(*e*) The capital represented by the amount of the indemnity shall bear interest at the rate of 4 per cent from the date of promulgation of the Constitution.

The conversions and redemptions of the privileges, taxes, and performances mentioned herein under no. 3 shall remain in force if they have already been made validly through free agreement, through the mediation or decision of the commission for the regula-

tion of seigniorial relations, or through judicial decrees. However, in cases in which the State was the landlord, those redemptions which have been effected since August 2, 1830, shall be revised at the request of the obligated parties into perpetual rents, amortization rents, or into capital, even if the payment has been completely made, and the money equivalents (which must nevertheless be paid until that time) shall, according to the principles of the compensation law to be enacted, be moderated or curtailed or refunded and amount (capitalized) to 25 times the money value of the annual net proceeds.

SEC. 4. Also all other taxes and performances which attach undoubtedly to the soil (or houses), including in particular long leases, ground hire, mill services, performances for mills, as well as taxes, services, and performances not referred to in the provisions under nos. 2 and 3 and arising from seigniorial relations, and likewise rents of all kinds already fixed or to be fixed for previous seigniorial privileges through contract or decision, and not falling under nos. 2 and 3, are redeemable without regard to the status of the entitled and obligated parties, in so far as the legislation on the subject does not consider justified the abolition of one or the other without compensation.

SEC. 5. Henceforth no real estate shall be burdened by any unredeemable tax or encumbrance.

SEC. 6. This article does not apply to so-called ordinary taxes payable to the State, or to other constant taxes due the State as such, likewise not to communal and corporation taxes or to servitudes proper.

ART. 64. SEC. 1. The royal hunting and fishing prerogative, as well as sovereign hunting rights and all hitherto existing hunting laws are abolished.

SEC. 2. Hunting and fishing privileges on land or in water belonging to others, as well as compulsory hunting services and performances exactable in connection with hunting and fishing, are abolished without compensation.

SEC. 3. Every person is entitled to hunt on his own land and fish in his own waters. It is reserved for legislation to regulate the exercise of the hunting right for reasons of public safety and the common welfare.

SEC. 4. The privilege of hunting on land belonging to others and of fishing in others' waters shall in future not again be established as a fundamental right.

ART. 65. SEC. 1. The existing system of taxation shall be examined and reorganized by law.

SEC. 2. All taxable property and income are subject to taxation for purposes of the State and the commune. The following are excepted:

(1) The grand ducal castles and their accessory buildings and gardens;

(2) Buildings devoted to divine service and cemeteries.

Other necessary exceptions shall be provided for by law.

SEC. 3. All exemptions and favors in connection with contributing toward bearing the burdens of the State and the commune are abolished on and after April 1, 1849, as regards State taxes, and on and after May 1, 1849, as regards communal taxes. Only by way of exception and only for those persons for whom it is proven that something has been paid to the State, or that something is still being paid to or performed for it, shall compensation be granted according to a law to be enacted.

SEC. 4. Henceforth such exemptions shall neither be grantable nor in any wise acquirable.

SEC. 5. In the taxes to be paid to the State, individuals who have heretofore been exempt shall, beginning with April 1, 1849, be classed equally with the taxpayers on the basis of the additional contribution. In the Principality of Lübeck and in the district (*Amt*) of Varel, equality of taxation shall be introduced on the basis prevailing there.

SEC. 6. All communal burdens shall, on and after May 1, 1849, be distributed equally among the residents in the various kinds of communes (*Deichbänden, Vogteien, Sielachten, Kirchspielen, Schulachten*) for which they are to be borne. However, until otherwise provided, the distribution of the ordinary maintenance of dikes and conduits, as well as of public roads, shall remain unchanged in accordance with the foregoing provision.

PART III.—POLITICAL COMMUNES.

ART. 66. SEC. 1. The political commune as such constitutes a subdivision of the State, and to that extent serves its purposes.

SEC. 2. The constitution of these communes is to be rearranged by law, applying the principles enounced in articles 67-71. Until then the existing institutions shall remain in force.

ART. 67. All communes in city and country are to receive as nearly identical a constitution as possible.

ART. 68. Every commune shall have the right of free self-administration in its own affairs and shall not be restricted in this regard otherwise than by law, and then not to any further extent than the purpose of the State absolutely requires.

ART. 69. SEC. 1. The communes shall be allowed free choice of their representatives and officials.

SEC. 2. If the communal officials have functions which go beyond the real affairs of the commune, the State Government shall also take a hand in their appointment.

ART. 70. SEC. 1. The principle of publicity shall prevail for the deliberations of all communes.

SEC. 2. The assemblies, both of the whole commune and of its representatives, shall not, within their sphere of jurisdiction, require any permit from the State authorities.

ART. 71. No commune shall be burdened with duties of performance or with expenses to which it has not given its consent, or to which it is not obligated by law.

ART. 72. SEC. 1. The freedom to move one's residence shall exist among all communes in accordance with the rules to be prescribed by law.

SEC. 2. The law shall fix the conditions for acquiring citizenship in a commune, for the special privilege of carrying on industry, and for the duty of the commune to support individuals. Until that time every State citizen of Oldenburg shall become a member of the political organization of a commune by moving his residence into the commune or by residing therein, provided it is proved that he has not during the last three years been punished for a dishonoring crime or misdemeanor or received support from the pauper funds.

SEC. 3. For the Principality of Birkenfeld the regulations in force therein in regard to removal of residence shall remain temporarily in force.

SEC. 4. For the Principality of Lübeck the regulations which at the time of publication of the Constitution were in force there in regard to removal of residence and the acquisition of communal citizenship shall go temporarily into force again pending further regulation by law.

ART. 73. The communes of a given district shall combine together into a larger organization, whose constitution shall be arranged as far as possible according to the principles and basis of the constitutions of the communes composing it.

PART IV.—RELIGIOUS ORGANIZATIONS.

ART. 74. The Christian religion shall be taken as a basis for all the institutions of the State which are connected with the exercise of religious worship, without prejudice to the freedom of religion guaranteed in articles 35 and 36. However, there does not exist any State church.

ART. 75. The provisions in force in regard to associations and assemblies in general shall not apply to religious societies which have corporate rights.

ART. 76. New religious societies may be formed, a recognition of their creed by the State not being required.

ART. 77.¹ Those religious societies which already have corporative rights (religious corporations) shall have these rights guaranteed them, but others may receive these rights only through a law.

ART. 78. SEC. 1. Every religious corporation shall arrange and administer its affairs independently, without prejudice to the rights of the State.

SEC. 2. The Evangelical Church in the Grand Duchy shall be guaranteed a presbyterian and synodal constitution, subject to the privileges of ecclesiastical rule, which shall belong to the Grand Duke, according to the constitution of the Church, for the preservation of the connection between the Church and the State and for the furtherance of its purposes. The present constitution of the Evangelical Church of the Duchy of Oldenburg is subject to such changes as may be requisite in order to preserve the existence of the Church or its State organization. Until the changes thus necessitated in the constitution of the Evangelical Church of the Duchy of Oldenburg, or the necessary arrangements for the Evangelical Church in the Principalities of Lübeck and Birkenfeld, have been adopted by the Grand Duke in cooperation with the churchly organs, the present constitution of the Evangelical Church of the Duchy of Oldenburg of August 3/15, 1849, and the organic arrangements of the Evangelical Church in the Principalities of Lübeck and Birkenfeld shall remain in force.

SEC. 3. The *placet* and *visum* exercised by the Sovereign of the land in affairs of the Catholic Church are abolished.

SEC. 4. The various religious organizations shall be free to unite with others into larger communities, and their intercourse with the ecclesiastical superiors shall in no wise be trammelled.

ART. 79. The election, appointment, or installation by the religious organizations of their officials and servants shall require the approval of the Government authorities only in accordance with the laws or treaties.

ART. 80. The ecclesiastical communes and religious organizations shall be protected in the possession of their ecclesiastical property as well as in the employment thereof in accordance with the conditions of their foundation, only the same provisions being applicable for the preservation of this property as apply in the case of secular communes.

ART. 81. Every religious organization shall have a right to make its own arrangements for the collection of its taxes and other dues.

¹ Law of December 16, 1902, regarding the interpretation of article 77, defines that the provision of article 77 does not refer to the acquisition of legal capacity in the domain of the civil law.

These taxes and dues shall be treated by the Government authorities the same as the taxes and dues of the secular communes and shall enjoy the same advantages as the latter, provided the principles on which such taxes and dues are collected and distributed are approved by the governmental authority.

PART V.—EDUCATIONAL INSTITUTIONS.

ART. 82. SEC. 1. The educational system is under the supreme supervision of the State.

SEC. 2. The necessary connection between church and school will be regulated by law, taking into consideration confessional conditions. The higher and lower school boards shall include also clergymen and school officials.

SEC. 3. The higher scholastic authorities of the Duchy of Oldenburg shall exist separately, both in the case of the Evangelical and of the Catholic educational institutions, and they shall be so arranged that the church concerned may be insured the necessary influence for the religious training of the youth.

ART. 83. SEC. 1. Adequate provision shall everywhere be made through public schools for the education of the youth.

SEC. 2. All public educational institutions shall constantly be provided with adequate teachers and educational supplies.

ART. 84. SEC. 1. Domestic instruction shall not be subject to any restriction.

SEC. 2. Parents or those representing them shall not be permitted to let their children or those intrusted to their care go without the education which is prescribed for the primary public schools.

ART. 85. Public-school teachers shall have the rights and duties of Government employees. They shall be entitled to an adequate remuneration for their services and to a suitable pension.

ART. 86. SEC. 1. The public schools are communal institutions. The expenses connected therewith shall be primarily borne by the commune, though this shall not preclude the payment of a moderate tuition fee.

SEC. 2. If a commune is burdened beyond its resources by its school expenses, the necessary additional sum shall be appropriated out of the State treasury in accordance with legislative enactment.

SEC. 3. Special pauper schools shall not exist.

ART. 87. All public schools shall be so organized that the youth may receive therein a general human and civil as well as religious education.

ART. 88. SEC. 1. The State shall appoint the teachers of the public schools from among the examined candidates.

SEC. 2. To what extent the communes shall participate in this regard shall be determined by law.

ART. 89. SEC. 1. Provision shall be made for the training of efficient school-teachers by perfecting the institutions existing for that purpose. These institutions must be so organized and supervised as to insure the religious education of the teachers under training.

SEC. 2. Connection with other German educational institutions of the same religious denomination shall be permissible.

ART. 90. SEC. 1. The communes shall be granted adequate extra allowances from the State treasury in order to promote the construction of higher-grade schools and the extension of the ordinary public schools by increasing the subjects of instruction and the teachers at suitable places, taking into consideration industries and agriculture.

SEC. 2. Where an academy (*Gelehrtschule*) or a school of navigation exists the higher-grade public school may be combined therewith.

ART. 91. SEC. 1. The academies and the war and naval (navigation) schools are State institutions. Whether, and if so, to what extent, the colleges (*Realgymnasien*) are raised to this category shall form the subject of legislative enactment.

SEC. 2. No citizen of the State who demonstrates that he possesses sufficient capacity (including, in the case of war schools, also his position in the service according to regulations), shall be refused instruction in these institutions.

PART VI.—THE ADMINISTRATION OF JUSTICE.

ART. 92. All jurisdiction emanates from the State.

ART. 93. SEC. 1. The judicial power shall be exercised independently by the courts. Cabinet and ministerial justice is not permissible.

SEC. 2. The courts shall be entitled to demand the protection of the civil and military authorities and also their assistance in carrying out their decrees.

ART. 94. The organization, jurisdiction, and procedure of the courts are to be regulated anew by law according to the principles set forth in articles 95 to 101. Until then the existing laws shall remain in force.

ART. 95. SEC. 1. There shall be no privileged status of persons or property before the courts.

SEC. 2. The only exception is with respect to military jurisdiction in criminal cases, as well as in regard to offenses against military discipline, subject to the provisions relating to the military establishment.

ART. 96. SEC. 1. The administration of justice and government administration shall be independent of and separate from each other; nevertheless, it shall be left to legislative enactment to determine whether, and if so in what manner, this separation is to be made also

in primary jurisdiction (first instance) with respect to police-court offenses and so-called trivial cases.

SEC. 2. The exercise of judicial functions by the administrative authorities shall cease.

ART. 97. SEC. 1. The competency of the courts and of the administrative authorities shall be determined by law.

SEC. 2. Conflicts of jurisdiction (disputes regarding competency) between the administrative and the judicial authorities shall be decided by an authority to be designated by law.

ART. 98. The administration of civil justice in matters requiring special professional experience shall be exercised exclusively or jointly by expert judges freely chosen by their colleagues.

ART. 99. The question of introducing courts of arbitration is to be taken up for consideration.

ART. 100. Judicial procedure shall be public and oral. Exceptions in which the procedure is not to be public shall be designated by law.

ART. 101. SEC. 1. Criminal actions shall be instituted on the basis of indictments.

SEC. 2. All grave criminal cases, political offenses, and those violations of the press laws which are prosecuted officially shall be tried by jury.

ART. 102. Every public administrative department shall sue before the ordinary courts in all private-law disputes concerning it.

ART. 103. A special law shall be enacted in regard to police-court offenses and their punishment.

PART VII.—THE GOVERNMENT SERVICE.¹

ART. 104. Ordinary bench vacancies shall be permanently filled at once.

This provision, however, shall not take effect until the new code of judicial organization has been introduced according to articles 92 and 94-101.

ART. 105. In future it shall not be permissible to combine a judicial office with a remunerative non-judicial office except in accordance with provisions of law.

ART. 106. SEC. 1. No ordinary judge shall, otherwise than through judgment and process of law, be removed from his office or suffer impairment in his rank or salary.

SEC. 2. Suspension shall not take place without a judicial decree and not without a simultaneous reference of the matter to the com-

¹ See law of January 7, 1879, regarding the organization of offices in the Duchy of Oldenburg; law for the Grand Duchy of January 27, 1877.

petent court. The decision on the matter must be reached by the supreme court of the land.

ART. 107. No ordinary judge shall, against his will, be transferred to another position or retired otherwise than by judicial decision in the cases and according to the forms prescribed by law.

ART. 108. Articles 104 to 107 shall not apply to administrative officials who at the same time exercise judicial functions.

ART. 109. SEC. 1. In the administrative service permanently appointed officials shall not be dismissed without being allowed the lawful pension, and they shall not be transferred without retaining their whole previous salary.

SEC. 2. This pension shall not be diminished or withdrawn except by virtue of a judicial pronouncement.

SEC. 3. With respect to military persons, special provisions shall be made by law.

ART. 110. Government service and courtier service shall not be combined in the same person.

ART. 111. SEC. 1. As to the rest, the conditions of the Government service shall be revised by special laws along lines of popular reform.

SEC. 2. In this connection particular consideration shall be given:

To the diminution of the departments, bureaus, and officials;

To the simplification of the service and shortening of the business routine;

To a supervision of the service by means of the greatest possible publicity of proceedings;

To the alternation of officials by selection among the people in the case of positions suited to them.

SEC. 3. The law must also provide for the following matters in particular:

Prescribe accurate rules regarding pay, pension, the conferring of titles, the disciplinary relations of officials, and the means of enabling the State Government to obtain the necessary knowledge regarding the ability and worthiness of officials, and stipulate that no report on the ability and worthiness of officials shall be withheld from the interested party when requested by him;

Designate the subordinate Government offices the appointment to which takes place by serving notice, though these should be reduced as far as possible in number;

Establish a service court to try the cases in which officials have shown themselves incapable or unworthy of performing their duties. This court shall be formed on the basis of equality of calling, and shall not be bound by positive rules of evidence.

PART VIII.—THE DIET.

1. *Organization of the Assembly.*

ART. 112. SEC. 1. For the Grand Duchy there is a Diet united into one single chamber.

SEC. 2. Besides this, in each of the principalities of Lübeck and Birkenfeld a provincial council shall be organized according to the outlines embodied in Appendix IV.¹ The more particular rules regarding the sphere of activity of the provincial councils, as well as regarding their election and their conduct of business, will be contained in a law to be submitted to the approval of the Diet to be called in session in 1852.

ART. 113.² The Diet shall consist of deputies chosen at general, direct, and secret elections.

ART. 114. SEC. 1. The deputies may be chosen from anywhere throughout the Grand Duchy.

SEC. 2. The number of them shall be determined by law.

ART. 115.² Every male German shall be eligible as a deputy who at the time of the election has attained the age of 25 years and has had his residence in the Grand Duchy for at least three years.

ART. 116.² The following are ineligible:

1. Persons who are under guardianship;
2. Persons against whose property bankruptcy proceedings have been begun, during the continuance of the proceedings;
3. Persons who have received public assistance as paupers, or who, within the last year preceding the holding of the election, have received such assistance and have failed to repay it by the time the list of electors is concluded;
4. Persons who have been deprived of their civil rights of honor by a valid judgment;
5. Persons who, at the time of the election, are under police surveillance or are under arrest pending investigation or for punishment, or are lodged in a workhouse.

ART. 117. The provisions of articles 115 and 116 apply also as the *general* requirements for the exercise of the right of suffrage at the elections for deputies.

ART. 118. SEC. 1. The electoral law shall provide more particular rules in regard to the mode of election, the right to vote, and the election formalities.

¹ See Appendices I-IV, not taken up in this collection, in Zachariae, *loc. cit.*, p. 939 *et seq.*

² Articles 113, 115, 116, 120, 124, and 145 owe their present wording to the law of April 17, 1909, sec. 1.

SEC. 2. The electoral law does not form a part of the Constitution, but nevertheless the provision of article 137, no. 2, can not be applied to it.

ART. 119. Any person elected deputy may decline the election or retire at any time.

ART. 120.¹ Every five years a new election of all deputies shall be held. The previous deputies may be reelected.

The five-year term of office is calculated from the beginning of the first to the beginning of the sixth regular Diet following the election.

ART. 121. SEC. 1. Officials of the civil or military service and school teachers who are elected as deputies require official leave or furlough, and to this end they must immediately notify their superiors of their election and await the granting of the leave.

SEC. 2. The leave shall not be refused unless the Diet is agreed with the State Government that serious service considerations stand against the admission of the candidate-elect to the Diet. The State Government shall at once communicate to the Diet any objections it may have in this line, but if there are no such objections the leave should be granted in due time.

ART. 122. The mandate of the deputies shall be extinguished—

(1) By loss of any of the qualities necessary in order to be eligible as a deputy (article 115);

(2) By resignation, as soon as the latter has been received in writing by the president of the Diet, or, if the Diet is not in session, by the Ministry of State, and as soon as the date specified therein has arrived;

(3) By the acceptance of a salaried office, though the retiring deputy may be reelected;

(4) If the Assembly resolves to exclude a member on the basis of the standing rules.

ART. 123. In the cases contemplated in article 122, or if a deputy has died or is prevented from serving for a longer time than was considered permissible in the leave granted him, the State Government shall at once order a new election, unless this is waived by consent of the Diet.

ART. 124.¹ The qualification of the deputies-elect shall devolve upon the Diet.

ART. 125. After being opened by the Grand Duke (article 151), the Diet elects from its midst by secret ballot a president and one or more vice-presidents, either for its whole period or for a shorter time.

ART. 126. To attend to the clerical work, the Diet appoints one or more secretaries for the length of its session, either from among its

¹ Cf. note to article 113.

own members or from three other persons proposed by the president. In the latter case the secretary receives an adequate compensation.

2. Functions of the Diet.

ART. 127. As the lawful representative of all the citizens and of the whole country in general, the Diet is called upon to enforce their rights based on the Constitution and to promote the welfare of the State in faithful compliance with the Constitution.

ART. 128. SEC. 1. The Diet stands in direct business relations only with the State Government, with the exception of communications between it and the State Court (article 201).

SEC. 2. It is entitled to demand information from the State Government on all government affairs.

ART. 129. SEC. 1. In voting, the deputies shall follow only their own conscientious convictions, not being bound to obey any orders or instructions of any kind or from any source.

SEC. 2. Each individual shall cast his ballot personally.

ART. 130. SEC. 1. Upon first entering the Chamber, each member of the Diet shall take the following oath:

I promise fidelity to the Grand Duke, conscientious observance of the Constitution, and that, in the Diet, I will defend the welfare of the State, without subsidiary considerations and according to my own conscientious convictions, in my motions and votes. So help me God!

SEC. 2. This oath shall be administered to the president of the Diet, by the Grand Duke, or by the members of the Ministry of State designated by him, and to the other members of the Diet by the president in the Assembly.

SEC. 3. If a former deputy comes back through reelection, he pledges himself to his previous oath by joining hands.

ART. 131. SEC. 1. No deputy shall be taken to task or held responsible for his utterances in the Diet otherwise than by the president or by the Assembly.

SEC. 2. Owing to violation of a penal statute through such utterances, judicial proceedings shall not be instituted unless the Diet has referred the case to the court for trial under criminal law.

SEC. 3. No one shall be held responsible for his vote.

ART. 132. During the session of the Diet and during the journey thither and back, the Deputies shall not be arrested for crime or misdemeanor unless caught in the act or with the consent of the Diet or its committee. In the former event the Diet or its committee shall be notified at once of the arrest.

ART. 133. SEC. 1. The Diet has a right, with respect to all State affairs, especially in regard to any defects or abuses in the administration of the Government or of justice, to present its wishes, recom-

mendations, or complaints to the Ministry of State or, in its discretion, to the Grand Duke himself.

SEC. 2. When complaints are found to be well warranted, the wrongs complained of shall be redressed without delay.

ART. 134. SEC. 1. The Diet is furthermore entitled to receive petitions or complaints from private individuals, communes, and recognized organizations, and also to lay them before the State Government for proper consideration, provided the complaints have previously followed the course of lawful appeal up to the highest Government authority.

SEC. 2. In regard to complaints, the rule contained in article 133, section 2, shall apply, and the result of the petitions recommended to be granted shall be made known to the Diet.

ART. 135. Representations of any kind shall be made to the Diet only in writing, and not handed to the Assembly in person or made to it orally.

ART. 136. A law may be enacted, repealed, amended, or authentically interpreted by the Grand Duke only with the advice and consent of the Diet.

ART. 137. The consent of the Diet shall not be required:

- (1) In decrees for the enforcement or application of existing laws;
- (2) In decrees of legal significance which are urgently necessitated by circumstances and neither admit of postponement until the next regular Diet nor permit of the calling of an extra session of the Diet or justify such an act by their importance, and furthermore do not embody an amendment to the Constitution. Decrees of this kind must be countersigned by all the members of the Ministry of State.

If the urgency of the matter is not such as to prevent, the permanent diet committee, or at least those members thereof who reside in the province in which the State Government has its seat at the time, should be asked for their opinion.

The urgency and expediency of such decrees must be proved to the next Diet. If the Diet entertains scruples about granting its sanction to the enacted decree, the latter shall be at once repealed.

A complaint of violation of the Constitution shall not be precluded by the fact that the Diet Committee has rendered a favorable opinion on the enacted decree.

ART. 138. Proposed legislation is transmitted from the Grand Duke to the Diet, but nevertheless the latter also has a right to suggest the enactment of laws and to introduce legislative measures.

ART. 139. A declaration entirely rejecting a bill or suggesting amendments thereto must embody a statement of reasons.

ART. 140. The Grand Duke enacts and promulgates the laws with an express reference to the fact that they have received the sanc-

tion of the Diet or else to the circumstances existing as per article 137, no. 2.

ART. 141. SEC. 1. Laws and decrees are binding when proclaimed in legal form.

SEC. 2. The test of the validity of laws and decrees that have been duly promulgated belongs solely to the Diet and not to the authorities.

ART. 142. In regard to measures which do not require its sanction, as well as in regard to the principles to be followed in connection with contemplated amendments to legislation in general, the Diet may express its opinion at the instance of the State Government.

ART. 143. The Diet possesses the right of granting supplies (appropriating funds) in accordance with the rules prescribed in Part X.

3. Diet and conduct of business.

ART. 144. The convocation of the Diet takes place by virtue of a decree of the Grand Duke, which is published in the law bulletins.

ART. 145.¹ A regular session of the Diet takes place every year.

ART. 146. SEC. 1. The Diet is called into extra session for the purpose of attending to particular matters of legislation or otherwise.

SEC. 2. In the cases mentioned in article 150, section 2, and article 198, section 2, the Diet shall meet in extra session even without being called.

ART. 147. The duration of a session of the Diet shall always be determined in the order of convocation, that of a regular session not being under six weeks, though this shall not preclude an appropriate prolongation.

ART. 148. The Grand Duke shall have the right of suspending, closing, and dissolving the Diet.

ART. 149. A suspension may take place only for a maximum of six months, and only once without the consent of the Diet.

ART. 150. SEC. 1. After a dissolution of the Diet the new elections must be ordered within two months. The Diet must be convoked on a day which comes within the three months following the day set for the elections.

SEC. 2. If any one of these requirements fails to be observed, the members of the dissolved Diet shall be reinstated in their rights until the newly elected deputies convene, and they shall meet as soon as possible without a call, for the purpose of guarding the Constitution.

SEC. 3. The newly elected Diet shall serve out the term (article 120)² of the dissolved Diet.

¹ See note to article 113.

² The law of April 17, 1909, sec. 2, substituted a reference to article 120 instead of the original reference to article 145.

ART 151. The Grand Duke shall open and dismiss the Diet either personally or through an agent empowered for the purpose.

ART. 152. The Diet shall be opened after the qualification of the deputies has first been rectified, and as soon as at least two-thirds of them are present.

ART. 153. No meeting of the Diet shall take place at any time other than that for which it is convoked by the Grand Duke or by virtue of the law.

ART. 154. After the suspension, final adjournment, or dissolution of the Diet, the latter shall not be permitted to remain assembled any longer, except as provided by article 167, section 2.

ART. 155. The Grand Duke may appoint plenipotentiaries to furnish the Diet the necessary information and explanations in case the members of the Ministry of State fail to do this personally, and to facilitate business connections in general with the State Government.

ART. 156. The members of the Ministry of State and the grand ducal plenipotentiaries are entitled to attend every session of the Diet. They may make communications to it at any time before the closing of the debates, and up to that time they must always be granted the floor, provided a speech already begun is not interrupted thereby.

ART. 157. SEC. 1. The sessions of the Diet are public.

SEC. 2. They shall be secret in the following exceptional cases:

(a) If, at the instance of the State Government or on motion of a member seconded by at least five others after the audience has been removed, a majority of the deputies present decides in favor of an executive session;

(b) In case of proceedings regarding treaties with other States, which are submitted to the Diet for its sanction or ratification, provided the State Government requests secret deliberations.

ART. 158. SEC. 1. The audience shall not be permitted to exercise any influence on the Assembly or on the course of the proceedings, nor to indulge in applause or manifest signs of disapproval.

SEC. 2. In this respect the president shall be authorized to maintain order by means of appropriate measures, if necessary removing the audience.

ART. 159. At least two-thirds of the deputies are required to be present in order to constitute a quorum.

ART. 160. Resolutions of the Diet shall be adopted by an absolute majority of the deputies present, except where, with respect to elections, the standing orders provide otherwise.

ART. 161. SEC. 1. The president shall always vote together with the remaining deputies.

SEC. 2. If the first ballot results in a tie, the vote shall be repeated (at the next session if the president deems advisable), and if the

second vote likewise fails to yield a majority resolution, the motion being voted on shall be considered as being rejected.

ART. 162. SEC. 1. The minutes drawn up in regard to the proceedings shall be published in printed form.

SEC. 2. The minutes of secret sessions shall not be printed unless the Diet resolves to have them printed with the consent of the State Government.

ART. 163. As soon as possible after the adjournment or dissolution of each Diet, the Grand Duke shall publish in the law bulletin his declaration sanctioning or rejecting its propositions which have, up till then, not been disposed of, and this in an order proroguing the Diet.

ART. 164. SEC. 1. The deputies receive compensation for their traveling expenses and draw per diem allowances, which they shall not be permitted to refuse.

SEC. 2. The deputies who reside at the place of assembly receive half the per diem pay.

ART. 165. Further details in regard to the conduct of business in the Diet, and in regard to its relations in this connection with the State Government, will be embodied in the standing orders to be issued by way of legislation.

Until such rules are adopted, the standing rules of the immediately preceding Diet shall apply.

4. Permanent Diet Committee.

ART. 166. The provisions regarding the permanent Diet Committee shall be applicable as long as the three-year term for the regular Diet exists (article 145).

ART. 167. SEC. 1. Every regular Diet shall choose from its midst and for the length of its elective term a permanent committee by an absolute majority vote.

SEC. 2. If the selection of this committee has not taken place before the close of the Diet, or before a suspension thereof, it must at the latest take place on the day following.

ART. 168. The activity of the committee is confined to the period between Diets.

ART. 169. The committee consists of a chairman and five deputies, three from the Grand Duchy and one from each of the principalities.

ART. 170. The chairman of the committee is chosen by the Diet from among deputies of the Grand Duchy by a majority vote.

ART. 171. SEC. 1. In case of the loss of a member the committee shall supply his place by selecting another deputy, keeping in view the rules laid down in articles 169 and 170.

SEC. 2. If the chairman dies or resigns, the oldest of the members from the Duchy assumes his duties temporarily and causes the committee to select a new chairman.

ART. 172. SEC. 1. While the committee is assembled, the members thereof have the same rights as the deputies to the Diet (articles 119 131, 132, and 164).

SEC. 2. No person shall be permitted to decline assignment to the committee as long as he is a deputy.

SEC. 3. The privileges granted by articles 131 and 132 to the Diet and its president shall belong also to the committee and its chairman.

SEC. 4. The members of the committee do not require leave from service; however, the chairman of the committee must immediately notify the State Government of the appointment of one of the officials mentioned in article 121.

ART. 173. SEC. 1. The committee is intended:

(1) To prepare various matters of business for the Diet or to execute them, provided it is instructed so to do by the Diet;

(2) To give its opinion in the cases contemplated in articles 137 and 193, as well as in pursuance of article 142;

(3) To see to the carrying out of the prorogations of the Diet and otherwise to guard the interests of the Diet in accordance with the Constitution;

(4) To propose the calling of an extra session of the Diet, stating reasons.

SEC. 2. In regard to matters falling within its sphere of activity, it may at any time request necessary information from the State Government or from the plenipotentiary appointed by the Government for the purpose.

ART. 174. Whether a personal meeting of the members of the committee is required to attend to a certain business or whether their written declaration will suffice is left to the decision of the chairman (see article 175, sec. 2).

ART. 175. SEC. 1. The committee meets in the city of Oldenburg at the call of its chairman, who shall each time give notice of the fact to the Ministry of State.

SEC. 2. A request by the Ministry of State or of two members of the committee that a meeting of the latter be called must always be complied with.

ART. 176. SEC. 1. An absolute majority of the votes decides in the committee.

SEC. 2. The chairman has a vote in all matters, and his vote shall be decisive in case of a tie.

ART. 177. Of the sessions of the committee only those shall be held publicly in which the chairman deems it advisable. Plenipotentiaries of the State Government (article 155) may be delegated to attend a public session.

ART. 178. After the termination of its work the committee shall transmit a written report to the next Diet regarding its activity.

PART IX.—GOVERNMENT PROPERTY, CROWN PROPERTY, AND EMOLUMENTS
DUE THE GRAND DUKE AND THE GRAND DUCAL HOUSE.

ART. 179. The separation of the domanial property into Crown property and Government property was effected by means of the agreement concluded between the Grand Duke and the Diet on February 5, 1849, which agreement is appended to this Constitution under no. I and is to be considered as an essential part thereof.

In the case contemplated in section 9 of this appendix, the German Federal authority is to be requested instead of the German Imperial authority.

ART. 180. SEC. 1. The total existing Government property constitutes an aggregate estate in the possession of the undivided Grand Duchy, but with respect to the burdens and taxes connected therewith and with respect to the enjoyment of its revenues it is divided into three estates, according to the different provinces.

SEC. 2. The enjoyment of the revenues and the bearing of the burdens and taxes connected with the Government domain remain with the province to which the domain belongs.

SEC. 3. The domanial property (Government and Crown domains) must be taken into account in determining the contribution of each of these three divisions of the country toward the total expenses of the Grand Duchy (article 195), and, when the Crown property is eliminated, the assumed average revenue from the eliminated Crown domains of each province to which it belongs shall be taken into account in calculating the quota of the province.

ART. 181. SEC. 1. The Government domains shall be preserved in their essential component parts and utilized in a way insuring a permanent revenue. Deviations from this principle, alienations, or incumbrance with debts or other burdens shall be permissible with the consent of the Diet.

SEC. 2. This consent shall not be required for lawful redemptions, lawful ejections, or the alienation of occasional pieces of land for the promotion of agriculture or industry,¹ the construction of houses or the due removal of nuisances, or the rectification of doubtful boundaries in the interior.

SEC. 3. The proceeds from redemption and alienation shall be placed temporarily at interest. In order to employ them otherwise, it is necessary to obtain the permission of the Diet.

ART. 182. The Government domain is administered by the State financial authorities.

ART. 183. The revenues from the Government domain flow into the State treasury and are employed solely for Government expenditures.

¹The law of December 17, 1902, article 1, orders the insertion of the words "or industry."

ART. 184. Before each regular session of the Diet shall be laid the changes which have occurred meanwhile in the composition of the Government domain.

ART. 185. The provisions relating to the Crown domains and to the emoluments of the Grand Duke and the Grand Ducal House are contained in Appendix no. I (article 179).

ART. 186. The Grand Duke and the grand ducal family shall have free disposal of their private property, according to the more particular provisions of the family law.

The private landed property of the Grand Duchy as existing on February 18, 1849, is described in Appendix no. II.

PART X.—THE GOVERNMENT FINANCES.

ART. 187. SEC. 1. Without the consent of the Diet, taxes can neither be levied nor collected, nor can loans and debts be validly contracted.

SEC. 2. The Diet can not refuse its consent to the continued levying of taxes, provided they are necessary for the conduct of the Government according to the duties of the Confederation and to the Constitution of the land and especially for the meeting of the expenses which are based on obligations under the laws of the Confederation or the Grand Duchy or under private law.

ART. 188. The appropriation of the necessary funds must not be made contingent upon any conditions or presuppositions, except such as concern the purpose and use of the funds or the extent or magnitude of the need, or the manner of distribution and collection, or the duration of the taxes or performances to be exacted.

ART. 189. SEC. 1. All the receipts and expenditures of the Government must be estimated in advance.

SEC. 2. The entire needs of the Government are determined for each financial period with the advice and consent of the Diet.

SEC. 3. The estimates fixed with the consent of the Diet constitute the basis for the budgetary law to be enacted.

ART. 190. SEC. 1. Before each regular Diet shall be laid the estimates of the necessary expenditures for the next ensuing financial period (a calendar year¹) and of the funds intended to meet them.

SEC. 2. The estimates shall be prepared with the greatest possible completeness and accuracy according to the main branches of administration.

SEC. 3. They must particularly demonstrate the need of the estimated expenditures, specify the mode of raising the funds, and be accompanied by the corroborative documents and explanations necessary for verification.

¹ The law of December 17, 1902, article 2, introduces the one-year instead of the three-year period.

ART. 191. SEC. 1. If, after the expiration of an appropriation period, the preparation of a new budgetary law is delayed for some reason or other, the direct taxes levied for the ordinary needs of the Government shall continue to be collected for six months longer. These six months shall be included in the new financial period.

SEC. 2. The continued collection of the indirect taxes is not limited to any period. However, the proceeds therefrom which have come in after the expiration of the aforementioned six months' period shall be deposited for the time being in the Government treasuries, and no disposal shall be made thereof without the consent of the Diet.

SEC. 3. The existing taxes shall not continue to be collected any longer than until the termination of the next Diet.

SEC. 4. If the Government and the Diet fail to agree about certain of the expenditures mentioned in article 187, section 2, or about the means required for meeting them, it shall be permissible, until a decision has been reached according to article 209, to continue to collect the taxes levied for the ordinary needs of the Government during the last financial period, though they shall be used, under ministerial responsibility, only for the purpose of covering the ordinary expenditures designated in article 187, section 2, and appropriated for during the last financial period.

SEC. 5. If a decision has been rendered according to article 209 by the concurring court of arbitration or by the State court, it shall be binding with regard to the expenditures until a modifying decision of the Federal arbitration court has been rendered.

ART. 192. SEC. 1. The permanent needs of the military establishment and for the salaries and operative expenses of the judicial and administrative service shall be determined by rules jointly with the Diet. As regards the needs of the military establishment, this provision shall not take effect until a definite decision has been reached regarding the composition of the Oldenburg Federal contingent.

SEC. 2. Until otherwise arranged between the State Government and the Diet, these regulations shall serve as a guide for the appropriations made by the Diet, though they shall be subject to revision at any time at the instance of the Diet and shall be treated as a subject of legislation.

ART. 193. SEC. 1. In urgent and unforeseen cases the State Government may, under the conditions and anticipations mentioned in article 137, no. 2, provisionally adopt the absolutely necessary financial measures to meet an extraordinary exigency. However, these measures must, together with a statement of the sums expended, be laid before the next Diet in order that it may give its constitutional sanction thereto.

SEC. 2. The last two paragraphs of article 137 are applicable also in this connection.

ART. 194. The remission of delinquent domanial revenues, taxes, fees, and emoluments in individual cases is left to the discretion of the State Government.

ART. 195. SEC. 1. The revenues of the Duchy of Oldenburg, the principality of Lübeck, and the principality of Birkenfeld are administered separately and employed only for the expenses of the province concerned.

SEC. 2. Until further notice the contributions to the total expenditures of the Grand Duchy shall be as follows:

Duchy of Oldenburg, 80 per cent;

Principality of Lübeck, 13 per cent;

Principality of Birkenfeld, 7 per cent.

SEC. 3. Every six years this arrangement of quotas shall be subjected to a reexamination at the regular session of the Diet then to be called, and it shall be reregulated in view of the taxable resources and the domanial property (article 180) of each province according to the experience gained meantime, such reregulation taking the form of legislation. Until that time the quotas provided in section 2 shall remain in force.

SEC. 4. The total expenditures mentioned in the foregoing sections shall be made for all affairs and institutions which are common to the three provinces of the Grand Duchy, to wit:

In connection with (1) the relations arising from the joint nature of the supreme head of the State, especially the emoluments of the Grand Duke; (2) the relation to the German Confederation and representation abroad; (3) the Diet, the permanent Diet Committee, and the provincial councils, unless the latter are called together at their own instance; (4) the State Court; (5) the Ministry of State; (6) the general archives of the land; (7) the authorities making examinations for the State service; (8) the supreme joint court of the land; (9) matters connected with war; (10) the widows' fund; (11) the administration of the collective debts of the Grand Duchy; (12) those matters which are, moreover, declared by law to be joint in nature.

ART. 196. SEC. 1. The Diet and the Diet Committee supervise the collection and employment, according to regulation, of the Government revenues within the limits set by the financial law, for the observance of which limits the Ministry of State is responsible, even to the extent of seeing that savings effected under one expenditure head are not employed under another head.

SEC. 2. To this end the accounts of the main treasuries and of the subsidiary treasuries belonging thereto, which have been rendered up to the time the estimates are taken up and which have been audited

by the Government shall, together with the necessary vouchers and explanations, be presented to each regular Diet in company with the estimates.

PART XI.—GUARANTEE OF THE CONSTITUTION.

ART. 197. SEC. 1. In case of a vacancy in the Government, the successor to the Government shall take his position as head of the Grand Ducal Government by virtue of a patent in which he promises under oath:

To uphold the Constitution inviolably and to govern in accordance with the provisions of the Constitution and with the laws.

SEC. 2. The same rule applies to the regent in assuming the regency.

SEC. 3. Until such a patent is issued, the Government administration will be attended to by the Ministry of State existing at the time of the vacancy, under constitutional responsibility.

SEC. 4. The original patent, bearing the signature of the successor to the Government or of the regent, as well as the Government seal, shall be filed in the archives of the Diet. •

ART. 198. SEC. 1. The Assembled Diet shall then take an oath of allegiance to the successor to the Government, whereby at the same time his constitutional accession to the Government is recognized.

SEC. 2. If the Diet is not assembled when the vacancy in the Government occurs, the Diet which was last assembled convenes on the fourteenth day after the occurrence of the vacancy, even without a call.

SEC. 3. The Diet shall not be suspended, adjourned, or dissolved against its will within four weeks after the occurrence of a vacancy in the Government or after its assembly.

ART. 199. In the oath of service of civil Government officials the oath shall be taken on the Constitution.

ART. 200. SEC. 1. The Diet is authorized to impeach the members of the Ministry of State who have become guilty:

a. Of a violation of the Constitution, purposely or through gross negligence, whether by act, omission, or mere permission;

b. Of high treason, abuse of their office in order to commit a common-law crime, bribery, breach of official faith, violation of their official duties with the intention of securing their own advantage or with the intention of injuring the State or individual citizens thereof.

SEC. 2. In order that a resolution to make such an impeachment may be valid, it must be repeated at a second session held at least a week after the first vote.

ART. 201. As long as a general German court for this purpose is lacking, a special State court shall act. The provisions regarding its organization and procedure are contained in Appendix III.

ART. 202. The competency of the State court extends also to the accomplices.

ART. 203. The Diet may waive its right of impeachment and may at any time drop a charge that has been already preferred.

ART. 204. The right to prefer a charge becomes barred in four years from the date when the fact on which the charge is based became known to the Diet.

ART. 205. SEC. 1. A law to be submitted to one of the Diets of the near future will embody the necessary provisions relating to the penalties to be imposed by the State court. Until then the State court shall—

(1) Impose dismissal from the service as the penalty for a violation of the Constitution;

(2) Impose the legal penalty for any other official crime or misdemeanor purposely committed; and if the accusation comprises a common-law crime or misdemeanor coexisting with the main charge of the complaint, also the legal penalty therefor;

(3) Sentence the guilty party to payment of costs.

SEC. 2. Any claims for damages shall be decided by the ordinary courts.

ART. 206. In cases in which the charge is not solely a violation of the Constitution, the State court shall be authorized to decree the temporary removal of the accused from the service, provided there is certainty or strong probability of a crime or misdemeanor of a dishonoring nature in popular opinion.

ART. 207. SEC. 1. The sentence shall either be a conviction or an acquittal, a dismissal from trial not being permissible.

SEC. 2. Until the law referred to in article 205 exists, the court may, in rendering judgment, release the accused wholly or partially from payment of costs, and it may also order the allowance of a pension of stipulated amount, though the pension shall not exceed half the salary.

ART. 208. SEC. 1. The Diet has the authority to order a judicial investigation against other officials not belonging to the Ministry of State on account of violation of the Constitution and, until the law contemplated in article 111 has been enacted, also on account of another official crime or misdemeanor, the request for the investigation being presented to the Ministry of State. The latter shall immediately communicate the request to the competent court, notifying the Diet that this has been done and how it has been done.

SEC. 2. The permanent Diet Committee has the same privilege.

ART. 209. If a difference of opinion exists between the State Government and the Diet as to the interpretation of the Constitution or as to the limits of the cooperation of the Diet under the Constitution, and if an understanding fails to be reached, the question shall, at the instance either of the State Government or of the Diet, be settled by a united court of arbitration or by the State court as a court of arbitration, and, in case the State Government or the

Diet do not wish to abide by the decision of the arbitration court, then by the German Federal Arbitration Court in last instance.

ART. 210. SEC. 1. Each party shall present a written statement of its case to the court of arbitration, which statement shall be mutually communicated by the parties to each other and answered in a second document, all within the periods to be fixed by the court of arbitration.

SEC. 2. The procedure before the Federal Arbitration Court shall be governed by the forms established by the German Confederation.

ART. 211. The award rendered by the arbitration court shall be publicly made known and then have the force of an authentic interpretation or of a valid judgment.

ART. 212. SEC. 1. A resolution of the Diet proposing or sanctioning a modification of or an addition to the Constitution shall require—

(1) To be adopted at two successive Diets between which an election of deputies has taken place;

(2) That the date of voting shall have each time been announced eight days in advance;

(3) That at least three-fourths of the deputies assembled shall take part in the vote.

SEC. 2. This article shall not be applicable to those provisions whose amendment is reserved to legislation in this Constitution.

PART XII.—GENERAL PROVISIONS.

ART. 213. Feudal tenure, entailed estates, and ancestral domains (*Stammgüter*) are abolished.

ART. 214. The keeping of the records of marriages, births, and deaths (registers of civil status) shall be reorganized.

ART. 215. The introduction of the notarial system, the improvement of matters relating to guardianship, particularly by participation of the family, and the improvement of conditions connected with mortgages in accordance with the principle of specialty, as well as the improvement of the pauper regulations, shall be provided for by legislation.

ART. 216. SEC. 1. The property and income of institutions, foundations, and funds existing for purposes of education or charity shall not be employed for purposes other than those specified in the charter.

SEC. 2. Only in case it is no longer possible to attain the purpose specified in the charter shall it be permissible to utilize the property and income for other similar purposes with the consent of the interested parties and, as far as Government institutions are concerned, with the sanction of the Diet.

ART. 217. The organizations which have hitherto been independent of the existing political communes and whose legal reorganization is necessary, particularly hydraulic-construction associations, shall be

regulated by law, as far as possible according to the principles in force with respect to the political communes. Cooperation shall be given to the hydraulic-construction associations in the appointment of their officials.

ART. 218. SEC. 1. The conditions of the marks and of the mark associations in the counties of Vechta and Cloppenburg shall be regulated anew by a law to be submitted to the next Diet.

SEC. 2. The right hitherto exercised by the State, by the lord of the manor, or by the mark judge of appropriating to themselves the so-called *tertia marcalis*—that is, a third of the areas of the marks, in the case of the mark lands in the former Münster counties, and likewise the traditional claims of the mark judges to the soil in the marks formerly under Hanoverian dominion—shall be abolished by law and the detailed legal regulations regarding their employment shall be adopted, taking into special consideration the landowners not having mark privileges and the non-landowners.

SEC. 3. Until such a law is enacted the existing conditions, especially the mark privileges referred to, shall remain in force to the extent to which they are at present exercised.

ART. 219. For the sake of rendering uncultivated areas utilizable, and particularly for the purpose of facilitating the acquisition of land by persons without means, an office shall be created which for the Duchy of Oldenburg will be directly subordinated to the Ministry of State.

This office shall be intrusted with the management of the institutions and establishments which have been created for this purpose by the State. The law shall specify to what extent the office is to have charge of the allotments of the uncultivated areas belonging to the State. It shall also be enabled to afford adequate assistance to cultivators from Government funds.

ART. 220. Pending the enactment of the laws which are necessary or are already contemplated for the enforcement of the principles set forth in the Constitution, the existing rules, founded on law and tradition, shall remain in force, except in so far as they may be contrary to the provisions of the Constitution.

ART. 221. Provision shall be made for the broadest possible dissemination of the knowledge of the Constitution.

The following appendices are added:

I. Agreement between the Grand Duke and the Diet in regard to the domanial property.

II. List of the interior tracts of land belonging to the private domain of the Grand Duke.

III. The establishment and procedure of the State court.

IV. The provincial council.

PRUSSIA.¹

CONSTITUTION OF JANUARY 31, 1850.

[PREAMBLE.]

We, Friedrich Wilhelm, by grace of God, King of Prussia, etc., hereby declare and make known that, whereas the Constitution of the Prussian State, promulgated by us on the fifth of December, 1848, subject to revision by the ordinary process of legislation, and accepted by both chambers of our Kingdom, has been submitted to the prescribed revision, we have finally established the provisions of that Constitution in agreement with both Chambers.

We therefore promulgate the same as a fundamental law of the State, as follows:

TITLE I.—*The territory of the State.*

ARTICLE 1. All parts of the monarchy in its present extent form the territory of the Prussian State.

ART. 2. The boundaries of this territory can only be altered by law.

TITLE II.—*The rights of Prussians.*

ART. 3. The Constitution and the law determine under what conditions the quality and rights of a Prussian citizen may be acquired, exercised, or forfeited.

ART. 4. All Prussians shall be equal before the law. Class privileges shall not be permitted. Public offices, subject to the conditions imposed by law, shall be uniformly open to all who are competent to hold them.

ART. 5. Personal freedom is guaranteed. The forms and conditions under which any limitation thereof, especially arrest, shall be permissible, shall be determined by law.

ART. 6. The domicile shall be inviolable. Intrusion and search therein, as well as the seizing of letters and papers, shall be allowed only in the manner and in the cases prescribed by law.

ART. 7. No one shall be deprived of his lawful judge. Exceptional tribunals and extraordinary commissions shall not be permitted.

ART. 8. Punishments shall not be prescribed or inflicted except according to law.

¹ In preparing this text use has been made of the translation which appeared in the *Annals of the American Academy of Political and Social Science*, September, 1894. The latter has been revised and brought up to date by a comparison with Posener, *Die Staatsverfassungen des Erdballs* (1909), and Stoerk-Rauchhaupt, *Handbuch der Deutschen Verfassungen* (1913).

ART. 9. Property is inviolable. It shall only be taken or interfered with from considerations of public weal, and then only in a manner to be prescribed by law and in return for a compensation to be previously determined. Even in urgent cases a preliminary valuation and compensation shall be made.

ART. 10. Civil death and confiscation of property as punishment shall not be permitted.

ART. 11. Freedom of emigration can only be limited by the State, with view to military service. Migration fees shall not be levied.

ART. 12. Freedom of religious confession, or association in religious societies (articles 30 and 31), and of the common exercise of religion in private and public is guaranteed. The enjoyment of civil and political rights shall not be dependent upon religious belief. But the exercise of religious liberty shall not be permitted to interfere with the civil or political duties of the citizen.

ART. 13. Religious and ecclesiastical associations which have no corporate rights can only acquire those rights by special laws.

ART. 14. The Christian religion shall be taken as the basis of those State institutions which are connected with the exercise of religion without prejudice to the religious liberty guaranteed by article 12.

ARTS. 15, 16, and 18. [Repealed June 18, 1875.]

ART. 17. A special law shall be enacted relating to church patronage and to the conditions on which it may be abolished.

ART. 19. Civil marriage shall be introduced in accordance with a special law, which shall also regulate the keeping of a civil register.

ART. 20. Science and its teachings shall be free.

ART. 21. The education of youth shall be adequately provided for by public schools. Parents and their representatives shall not leave their children or wards without that education prescribed in the public elementary schools (*Volksschulen*).

ART. 22. Everyone shall be at liberty to give instruction and establish institutions of learning, provided he shall have given proof to the proper State authorities of his moral, scientific, and technical fitness.

ART. 23. All public and private educational institutions shall be under the supervision of authorities appointed by the State. Teachers in the public schools shall have the rights and duties of public officials.

ART. 24. In the establishment of public elementary schools confessional differences shall be considered as far as possible.

Religious instruction in the elementary schools shall be superintended by the religious organizations concerned.

The charge of the external affairs of the elementary schools shall belong to the community (*Gemeinde*). With the statutory cooperation of the community in the manner and to the extent determined by

law, the State shall appoint the teachers in the public elementary schools from the number of those qualified.

ART. 25. The means for establishing, maintaining, and enlarging the public elementary schools shall be provided by the communities, which shall, however, be assisted by the State in proven cases of pecuniary inability on the part of the community. The obligations of third parties, based on special legal titles, shall not be impaired.

The State shall accordingly guarantee to teachers in the elementary schools a steady income suitable to local circumstances.

In public elementary schools education shall be imparted free of charge.

ART. 26. A special law shall regulate all matters of education. Until another statutory regulation is enacted the present law in regard to all matters of education shall remain in effect.

ART. 27. Every Prussian shall be entitled to express his opinion freely by word, writing, print, or pictorial representation.

Censorship of the press may not be introduced; and no other restriction on the freedom of the press shall be imposed except by law.

ART. 28. Offenses committed by word, writing, print, or pictorial representation shall be punished in accordance with the general penal code.

ART. 29. All Prussians shall be entitled to meet in closed rooms, peacefully and unarmed, without previous permission from the authorities.

But this provision does not apply to open-air meetings, which shall be subject to whatever restrictions the law may prescribe, even with respect to previous permission from the authorities.

ART. 30. All Prussians shall have the right to form associations for such purposes as do not contravene the penal laws.

The law shall regulate with special regard to insuring the public security the exercise of the right guaranteed by this and the preceding article (29).

Political associations may be subjected by law to restrictions and temporary prohibitions.

ART. 31. The law shall determine the conditions on which corporate rights may be granted or refused.

ART. 32. The right of petition shall belong to all Prussians. Petitions under a collective name shall be permitted only to public authorities and corporations.

ART. 33. The privacy of the mails shall be inviolable. The necessary restrictions of this right, in cases of war and of criminal investigation, shall be determined by law.

ART. 34. All Prussians are bound to military service. The extent and character of this duty shall be determined by law.

ART. 35. The army shall include all divisions of the standing army and the militia (*Landwehr*). In the event of war the King can call out the reserve militia (*Landsturm*) in accordance with the law.

ART. 36. The military power can only be employed for the suppression of internal troubles and the execution of the laws in the cases and manner specified by statute and on the requisition of the civil authorities. In the latter respect exceptions may be made by law.

ART. 37. The court-martial of the army shall be restricted to penal matters and shall be regulated by law. Provisions with regard to military discipline shall remain the subject of special ordinances.

ART. 38. The military forces shall not deliberate, whether in active service or not; nor shall they otherwise assemble than when commanded to do so. Thus, assemblies and meetings of the militia (*Landwehr*) for the purpose of discussing military arrangements, commands, and ordinances, are forbidden, even when they are not in active service.

ART. 39. The provisions of articles 5, 6, 29, 30, and 32 shall apply to the army only in so far as they do not conflict with military laws and rules of discipline.

ART. 40. [As amended by law of June 5, 1852.] The establishment of feudal tenures is forbidden.

The feudal bond (*Lehnsverband*) still existing with respect to surviving fiefs shall be dissolved by law.

ART. 41. [As amended by law of June 5, 1852.] The provisions of article 40 do not apply to Crown fiefs or to fiefs situated in other countries.

ART. 42. [As amended April 14, 1856.] In accordance with special laws already passed, the following are abolished without compensation:

(1) The right to exercise or delegate judicial power connected with the possession of certain lands, together with the fees and exemptions accruing from this right;

(2) The obligations arising from manorial or patriarchial jurisdiction, from serfage, and from former tax and industrial organizations. (*Steuer- und Gewerbe-Verfassung.*)

With these rights are also abolished the counter-services and burdens devolving upon those enjoying these rights.

TITLE III.—*The King.*

ART. 43. The person of the King shall be inviolable.

ART. 44. The King's ministers shall be responsible. All official acts of the King shall require for their validity the counter-signature of a minister, who shall thereby assume responsibility for them.

ART. 45. The executive power shall belong to the King alone. He shall appoint and dismiss the ministers. He shall order the promulgation of the laws and issue the necessary ordinances for their execution.

ART. 46. The King shall be commander-in-chief of the army.

ART. 47. The King shall fill all posts in the army, as well as in other branches of the public service, in so far as it is not otherwise ordained by law.

ART. 48. The King shall have power to declare war and make peace and to conclude other treaties with foreign governments. The latter require for their validity the assent of the Chambers in so far as they are commercial treaties or impose burdens on the State or obligations on the individual subjects.

ART. 49. The King shall have power to pardon and to mitigate punishment.

But in favor of a minister condemned for his official acts, this right can only be exercised on the motion of that Chamber whence his impeachment emanated.

Only in virtue of a special law can the King suppress inquiries already instituted.

ART. 50. The King may confer orders and other distinctions, so far as they do not carry privileges with them.

He shall exercise the right of coinage in accordance with the law.

ART. 51. The King shall convoke the Chambers and close their sessions. He may dissolve the two Chambers together or either one. In such a case, however, the electors shall be assembled within a period of 60 days, and the Chambers summoned within a period of 90 days, respectively, after the dissolution.

ART. 52. The King shall have power to adjourn the Chambers. But without their assent this adjournment may not exceed a period of thirty days nor be repeated during the same session.

ART. 53. The Crown is, in accordance with the laws of the royal family, hereditary in the male line of that house following the law of 30 days, nor be repeated during the same session.

ART. 54. The King shall attain his majority on completing his eighteenth year.

In presence of the united Chambers he shall take the oath to observe the Constitution of the monarchy steadfastly and inviolably and to rule in accordance with it and the laws.

ART. 55. Without the consent of both Chambers the King can not also be ruler of foreign realms.

ART. 56. If the King is a minor or is otherwise permanently prevented from ruling himself, the regency shall be undertaken by that agnate (article 53) who has attained his majority and stands next in succession to the Crown. He shall immediately convoke the Cham-

bers, which, in united session, shall decide as to the necessity of the regency.

ART. 57. If there be no agnate of age, and if no legal provision has previously been made for such a contingency, the Ministry of State shall convoke the Chambers, which shall then elect a regent in joint session; and until the assumption of the regency by him the Ministry of State shall conduct the Government.

ART. 58. The regent shall exercise the powers vested in the King in the name of the latter. After the establishment of the regency he shall take the oath before the Chambers in joint session to observe the Constitution of the monarchy steadfastly and inviolably, and to rule in accordance with it and the laws.

Until this oath is taken the whole Ministry of State for the time being shall remain responsible for all acts of the Government.

ART. 59. The annuity drawn from the income of the forests and domains and set apart by law of January 17, 1820, shall remain attached to the entailed fund of the Crown.

TITLE IV.—*The ministers.*

ART. 60. The ministers, as well as the State officials appointed to represent them, shall have access to each Chamber and must at all times be heard upon their own request.

Each Chamber can demand the presence of the ministers.

The ministers shall be entitled to vote in either one of the Chambers only when members of it.

ART. 61. On the resolution of one Chamber the ministers may be impeached for the crime of violating the Constitution, for bribery, and for treason. The decision of such cases shall lie with the supreme tribunal of the monarchy sitting as one body. As long as two Supreme Courts exist they shall be united for the above purpose.

Further details as to matters of responsibility, procedure, and punishment are hereby reserved for a special law.

TITLE V.—*The Chambers.*

ART. 62. The legislative power shall be exercised in common by the King and the two Chambers.

Every law shall require the assent of the King and of the two Chambers.

Money bills and the budgets shall first be laid before the Second Chamber. The budgets shall either be accepted or rejected as a whole by the First Chamber.

ART. 63. In the event only of its being urgently necessary to maintain public security or deal with an unusual state of distress when the Chambers are not in session, ordinances, which do not contravene

the Constitution, may be issued with the force of the law, on the responsibility of the whole Ministry. But these must be immediately laid before the Chambers for approval at their next meeting.

ART. 64. The King, as well as each Chamber, shall have the right of proposing laws. Bills that have been rejected by one of the Chambers or by the King can not be reintroduced during the same session.

ARTS. 65-68. [As amended May 7, 1853.] The First Chamber shall be formed by royal ordinance (*Anordnung*) which can only be altered by a law to be issued with the approval of the Chambers.

The First Chamber¹ shall be composed of members appointed by the King, with the right of hereditary transmission or only for life.

ART. 69. [As amended April 30, 1851; May 17, 1867; June 23, 1876; and June 28, 1906.] The Second Chamber shall consist of 443 members.

The electoral districts shall be determined by law. They shall consist of one or more circles (*Kreise*) or of one or more of the larger towns.

ART. 70. Every Prussian who has completed his twenty-fifth year, and is qualified to take part in the elections of the commune where he is domiciled, is entitled to act as a primary voter (*Urwähler*).

One entitled to take part in the election of different communes can only exercise his right as primary voter in one commune.

ART. 71.² For every 250 souls of the population, one elector (*Wahlmann*) shall be chosen. The primary voters shall be divided into three classes in proportion to the amount of direct taxes they pay, and in such a manner as that each class shall represent a third of the sum total of the taxes paid by the primary voters.

This sum total shall be reckoned:

(a) By communes, in case the commune forms of itself a primary electoral district;

(b) By districts (*Bezirke*), in case the primary electoral district consists of several communes.

The first class shall consist of those primary voters, highest in the scale of taxation who, taken together, pay a third of the total.

The second class shall consist of those primary voters, next highest in the scale, whose taxes form a second third of the whole.

Each class shall vote apart, and shall choose each a third of the electors.

These classes may be divided into several voting sections, none of which, however, must include more than 500 primary voters.

¹ By law of May 30, 1855, the First Chamber received the designation of House of Lords (*Herrenhaus*).

² Article 71 ineffective until the promulgation of the election law, as far as it is in contradiction to "aforementioned" provisions: article 2, law of June 24, 1891; and article 7, law of June 29, 1893.

The electors shall be chosen by each class from the number of the primary voters in their district without regard to the classes.

ART. 72. -The deputies shall be chosen by the electors.

Further details relating to the elections shall also make the necessary provision for those cities where flour and meat duties are levied instead of direct taxes.

ART. 73 [as amended May 27, 1888]. The legislative period of the Second Chamber shall be five years.

ART. 74 [as amended March 27, 1872]. Every Prussian is eligible as deputy to the Second Chamber who has completed his thirtieth year, who has not forfeited his civil rights in consequence of a valid judicial sentence, and who has been a Prussian subject for three years.

The president and members of the Supreme Chamber of Accounts can not sit in either house of the Diet (*Landtag*).

ART. 75. After the lapse of a legislative period the Chambers shall be elected anew, and the same in the event of dissolution. In both cases previous members are reeligible.

ART. 76 [as amended May 18, 1857]. Both houses of the Diet of the Kingdom shall be regularly convened by the King in the period from the beginning of November in each year till the middle of the following January, and otherwise as often as circumstances may require.

ART. 77. The Chambers shall be opened and closed by the King in person, or by a minister appointed by him for this purpose in a joint session of the Chambers.

Both Chambers shall be simultaneously convened, opened, adjourned, and closed. If one Chamber shall be dissolved, the other shall be at the same time prorogued.

ART. 78. Each Chamber shall examine the credentials of its members and decide thereupon. It shall regulate its own order of business and discipline by its rule of order, and elect its president, vice-president, and secretaries.

Members of the public service shall require no special permit (*Urlaub*) in order to enter the Chamber.

If a member of the Chamber shall accept a salaried office of the State, or is promoted in the service of the State to a post involving higher rank or increase of salary, he shall lose his seat and vote in the Chamber, and can only recover his seat in it by reelection.

No one can be a member of both Chambers.

ART. 79. The sittings of both Chambers shall be public. On the motion of its president, or of 10 members, each Chamber may meet in private session, at which the first motion taken up shall be the question continuing the secrecy of the session.

ART. [80 as amended May 30, 1855]. Neither of the Chambers can take action unless there is a majority of the legal number of its

members present. Each Chamber shall take action by absolute majority of votes, subject to any exceptions that may be determined by the rules of order for elections.

The House of Lords shall not take action unless at least 60 members of the house holding seats and voting in accordance with the provisions of the ordinance of October 12, 1854, shall be present.

ART. 81. Each Chamber shall have the separate right of presenting addresses to the King.

No one may in person present to the Chambers, or to one of them, a petition or address.

Each Chamber can transmit to the ministers the communications made to it, and demand information of them in regard to any grievances thus presented.

ART. 82. Each Chamber shall be entitled to appoint for its own information commissions of inquiry into facts.

ART. 83. The members of both Chambers are representatives of the whole people. They shall vote according to their own convictions, and shall not be bound by commissions or instructions.

ART. 84. For their votes in the Chamber they can never be called to account, and for the opinion they express therein they can only be called to account within the Chamber itself, in virtue of the rules of order (article 78).

No member of either Chamber can, without its assent, be had up for examination, or be arrested during the parliamentary session for any penal offense, unless he be taken in the act, or in the course of the following day.

Assent shall alike be necessary in the case of arrest for debt.

All criminal proceedings against a member of the Chamber, and all arrests for preliminary examination or civil arrest, shall be suspended during the parliamentary session on demand from the Chamber concerned.

ART. 85. The members of the Second Chamber shall receive out of the State treasury traveling expenses and a salary to be fixed by law. Renunciation thereof shall be inadmissible.

TITLE VI.—*The Judicial Power.*

ART. 86. The judicial power shall be exercised in the name of the King by independent tribunals, subject to no other authority than that of the law.

Judgments shall be issued and executed in the name of the King.

ART. 87. The judges shall be appointed for life by the King, or in his name.

They can only be removed or temporarily suspended from office by judicial sentence, and for reasons previously prescribed by law. Temporary suspension from office, so far as it does not occur in

consequence of a law, and involuntary transfer from one position to another, or to the superannuated list, can occur only from the causes and in accordance with the forms prescribed by law, and only in virtue of a judicial sentence.

But these provisions do not apply to cases of transfer rendered necessary by changes in the organization of the courts or of their districts.

ART. 87*a*. [Added February 19, 1879.] In the formation of courts common to the territory of Prussia and to that of other Federal States, deviations from the provisions of article 86 and of the first clause of article 87 are permissible.

ART. 88. [Abrogated April 30, 1856.]

ART. 89. The organization of the tribunals shall be determined by law.

ART. 90. To the judicial office only those shall be appointed who have qualified themselves for it as prescribed by law.

ART. 91. Courts for special classes of cases, and, in particular, tribunals for trade and industry, shall be established by statute in those places where local needs may require them.

The organization and jurisdiction of such courts, as well as their procedure and the appointment of their members, the special status of the latter, and the duration of their office, shall be determined by law.

ART. 92. In Prussia there shall be only one supreme tribunal.

ART. 93. The proceedings of the civil and criminal courts shall be public, but the public may be excluded by a publicly announced resolution of the court when order or good morals may seem endangered (by their admittance).

In other cases publicity of proceedings can only be limited by law.

ART. 94. [As amended May 21, 1852.] In criminal cases the guilt of the accused shall be determined by jurymen in so far as exceptions are not introduced by a law issued with the previous assent of the Chambers. The formation of the jury court shall be regulated by a law.

ART. 95. [As amended May 21, 1852.] By a law issued with the previous assent of the Chambers there may be established a special court, the jurisdiction whereof shall include the crimes of high treason as well as those crimes against the internal and external security of the State, which may be assigned to it by law.

ART. 96. The jurisdiction of the courts and of the administrative authorities shall be determined by law. Conflicts of authority between the courts and the administrative authorities shall be settled by a tribunal indicated by law.

ART. 97. A law shall determine the conditions on which public officials, civil and military, may be prosecuted for wrongs committed by

them in exceeding their functions. But the previous assent of superior officials shall not be required as a condition of bringing suit.

TITLE VII.—*Public officials not belonging to the judicial class.*

ART. 98. The special legal status (*Rechtsverhältnisse*) of public officials, including advocates and solicitors (*Staatsanwälte*) not belonging to the judicial class shall be determined by a law which, without unduly restricting the Government in the choice of its executive agents, shall secure to civil servants proper protection against arbitrary dismissal from their posts or deprivation of their pay.

TITLE VIII.—*The finances.*

ART. 99. All income and expenditures of the State shall be estimated in advance for every year and be incorporated in the budget.

The latter shall be annually fixed by a law.

ART. 100. Taxes and contributions to the public treasury shall be collected only in so far as they shall have been included in the budget or authorized by special laws.

ART. 101. In the matter of taxes there shall be no privileges.

Existing tax laws shall be subjected to a revision and all such privileges abolished.

ART. 102. State and communal officers can levy fees only when authorized by law.

ART. 103. The contracting of loans for the State treasury can only be effected in virtue of a law, and the same holds good of guaranties involving a burden to the State.

ART. 104. Any violation of the provisions of the budget shall require subsequent approval by the Chambers.

The accounts relating to the budget shall be examined and audited by the Supreme Chamber of Accounts. The general budget accounts of every year, including the tabular view of the national debt, shall, with the comments of the Supreme Chamber of Accounts, be laid before the Chambers for the purpose of discharging the Government of responsibility.

A special law shall regulate the establishment and function of the Supreme Chamber of Accounts.

TITLE IX.—*The communes, circuits, districts, and provincial bodies.*

ART. 105. [As amended May 24, 1853.] The representation and administration of the communes, circuits, and provinces of the Prussian State shall be determined by special laws.

GENERAL PROVISIONS.

ART. 106. Laws and ordinances shall be binding when published in the form prescribed by law.

The examination of the validity of properly promulgated royal ordinances shall not be permitted within the competence of the Government authorities (*Behörden*) but of the Chambers solely.

ART. 107. The Constitution may be amended by the ordinary method of legislation, and such amendment shall merely require the usual absolute majority in each Chamber on two divisions between which there must elapse a period of at least 21 days.

ART. 108. The members of both Chambers and State officials shall take the oath of fealty and obedience to the King and shall swear conscientiously to observe the Constitution.

The army shall not take the oath to observe the Constitution.

ART. 109. Existing taxes and dues shall continue to be raised, and all provisions of existing statute-books, single laws, and ordinances which do not contravene the present Constitution shall remain in force until altered by law.

ART. 110. All administrative authorities holding appointments in virtue of existing laws shall continue their activity until the issue of organic laws affecting them.

ART. 111. In the event of war or revolution and pressing danger to public security therefrom ensuing, articles 5, 6, 7, 27, 28, 29, 30, and 36 of the Constitution may be suspended for a certain time and in certain districts. The details shall be determined by law.

TEMPORARY PROVISIONS.

ART. 112. [Repealed July 10, 1906.]

ART. 113. Prior to the revision of the criminal law a special law will deal with offenses committed by word, writing, print, or pictorial representation.

ART. 114. [Repealed April 14, 1856.]

ART. 115.¹ Until the issue of the electoral law contemplated in article 72, the ordinance of May 30, 1849, touching the election of Deputies to the Second Chamber shall remain in force.

ART. 116. The two supreme tribunals now existing shall be combined into one. The organization shall be prescribed by a special law.

ART. 117. The claims of State officials who received a permanent appointment before the promulgation of the Constitution shall receive special consideration in the new laws regulating the civil service.

ART. 118. Should changes in the present Constitution be rendered necessary by the German Federal Constitution to be drawn up on the basis of the draft of May 26, 1849, such alterations shall be decreed

¹ The laws of April 30, 1851, also pertain to the electoral law. Until the promulgation of the election law, the provisions of article 115 of the Constitution remain ineffective, as far as they are at variance with this law (article 4 of the law of June 28, 1906).

by the King, and the ordinances to this effect laid before the Chambers at their first meeting.

The Chambers shall then decide whether the changes thus provisionally made harmonize with the Federal Constitution of Germany.

ART. 119. The royal oath mentioned in article 54, as well as the oath prescribed to be taken by both Chambers and all State officials, shall be taken immediately after the legislative revision of the present Constitution (articles 62 and 108) shall have been completed.

In witness whereof we have hereunto set our signature and royal seal. Given at Charlottenburg the 31st of January, 1850.

[L. s.] FRIEDRICH WILHELM.

COUNT V. BRANDENBURG.

V. LADENBERG.

V. MANTEUFFEL.

V. STROTHA.

V. d. HEYDT.

V. RABE.

SIMONS.

V. SCHLEINITZ.

REUSS, OLDER LINE.

THE LAW CONCERNING THE CONSTITUTION OF MARCH 28, 1867.¹

[PREAMBLE.]

We, Heinrich the twenty-second, by God's grace, Sovereign Prince of Reuss, Older Line, Count and Lord of Plauen, Lord of Greiz, Kranichfeld, Gera, Schleiz, and Lobenstein, etc., etc., etc., hereby make known to all men by these presents:

In the conviction that the hitherto existing Constitution is no longer adequate for the advanced demands upon the administration, and inspired by the sincere wish to meet the often expressed expectation of a change therein to accord with the times, and to satisfy it in a manner truly conducive to the good of the country, we do hereby make known and publish with avowed consent of the representative body of the Principality the following

CONSTITUTION OF THE PRINCIPALITY OF REUSS, OLDER LINE.

PART I.—*The Principality and its Government in general.*

ARTICLE 1. The Principality of Reuss, Older Line, forms one indivisible State of the North German Confederation, united under one Constitution.

ART. 2. No constituent part of the Principality and no administrative right of the Prince can be alienated in any way, without consent of the Diet. Regulation of the boundary lines with neighboring states is not hereby included, unless subjects of the State would be transferred thereby.

ART. 3. The Prince is the hereditary Lord. His person is inviolable. The right of succession to the Government follows, according to the House and family compacts of Reuss, the principle of first born and the lineal agnatic descent in the male line. He shall exercise the sovereignty in constitutional manner, the administrative powers in cooperation with the Diet; the executive powers he wields alone. He shall appoint the State officials and represent the country in its external relations.

ART. 4. The Sovereign shall maintain his principal residence within the country.

¹ Translation by Mrs. H. N. Taylor based on the text as found in Stoerk-Rauchhaupt, pp. 287-303.

ART. 5. The administrative transactions of the preceding ruler are to be recognized and followed by each Sovereign in so far as they are undertaken without exceeding the constitutional and legal power.

ART. 6. The Sovereign and the Princes of the reigning House shall become of age and authorized to govern at the end of their 21st year of age. The Sovereign may, at the end of his 18th year, be declared of age and authorized to govern by his appointed regent, with consent of the reigning Prince of the House of Reuss, Younger Line.

Majority may be granted at the same age by the reigning Sovereign to the Prince of the House.

ART. 7. A regency shall be established for the minority of the Prince. If this has not been decided upon by his predecessors in agreement with the Diet, then the regency shall belong first to the Prince's mother, and if she is no longer living or is married again or otherwise prevented, it shall then go to the nearest agnate of the princely line who is of full age and capable of ruling.

ART. 8. If the Prince who has reached his majority is prevented for any considerable length of time from succeeding to the Government, or after having succeeded, is unable to continue it, a regency shall be established for the duration of such hindrance.

This regency shall go first to the Prince of the Royal House, Older Line, who has reached his majority and is entitled to direct succession.

If such a one is not available, the regency shall go to the wife of the said Prince who has been debarred from the Government, or if he is unmarried, to his mother, and if she is no longer living or married again or otherwise prevented, to the nearest eligible agnate of the princely family who is of full age.

ART. 9. Upon the necessity of setting up such regency, when the case is doubtful, the Government shall immediately decide, with the Diet to be summoned for this purpose.

ART. 10. In case the Prince next in succession to the ruling Prince is affected by such mental or physical condition as to be forever incapable of conducting the Government, a temporary decision shall be made in regard to the future establishment of the regency.

ART. 11. The Government shall establish a regency council whose opinion is to be consulted in all important matters.

In default of instructions provided by the Prince, the plan for the education of the successor is to be determined only after consultation with the regency council.

The Government decrees of the regency require for their validity the counter-signature prescribed in article 36.

ART. 12. The administrative acts of the regency are to be recognized by the Sovereign on his assumption of the Government after reaching his majority and respectively after the adjustment of

previously existing hindrances, as equally valid with those of his other legitimate predecessors in the Government.

PART II.—*Public Property and Crown Property.*

ART. 13. The public property comprises the total of those means from which the general expenses of the country, including the liquidation of debts, are supplied, as well as all that is permanently devoted to the general need of the State. The principal part of the State funds is composed of the taxes of the citizens, which are levied in the constitutional manner by vote of the representatives and consent of the Prince, and are paid into the State treasury.

The land taxes are inalienable. Annulment thereof on the basis of entire or partial destruction of the property, temporary exemption on account of damages by fire or water, scarcity of crops, etc., can only be authorized by the Prince, with favorable verdict of the Government, and in case of annulment, with consent of the Diet.

ART. 14. The general State funds are liable for the public debts hitherto incurred with consent of the Diet (article 13).

New public debts, i. e., those whereby the amount of present indebtedness would be increased or the constitutional discharge of same would be arrested or restricted, are invalid and not binding without the express agreement with the Diet, and in the exceptional case of article 73, without their subsequent consent; those who raised such loans and executed the vouchers of debt remain personally responsible therefor.

On assuming indebtedness, safe provision must be made for the discharge of the capital within a period of 50 years at the longest.

ART. 15. The revenues of State properties form the State treasury from which are supplied with retention for the present of its hitherto existing departments and branches, all actual State expenditures; these are under the oversight and direction of the Government.

The annual amount needed for the different branches of the administration shall be determined in the future for every three-year period, with the cooperation of the Diet and consent of the Prince as designated in articles 70–73. Other than budgetary expenditures may not be ordered.

A complete summary of the public accounts shall be published annually by the press for general information.

ART. 16. The Crown property shall consist of:

(a) Domain property in residences and other castles and buildings belonging thereto, gardens, meadows, ponds, forests and woods, fisheries, manorial estates with their premises and technical farm institutions, of tile works and lime kilns;

(b) The collective inventory of stock found in the Crown castles and buildings according to the records taken thereof and deposited in the royal archives;

(c) The income and revenues previously shown to be in the Crown treasury, accruing from the princely prerogatives and from the territorial rights and the taxes in farm produce, and also other prerogatives;

(d) The payment of such service and compulsory labor as still exists after previous redemption, at the need of the Crown administration until redemption thereof;

(e) The redemption sums and revenues accruing from such and similar prerogatives;

(f) The suzerainty and revenues coming therefrom until their complete exemption, until which time any reverting fees shall be incorporated into the Crown funds.

ART. 17. The Crown properties are the Crown and family estate (family entail) of the Sovereign House; the rights and revenues connected therewith can not be withdrawn without compensation.

The agreement signed June 30, 1851, concerning the transference of the usufruct of the Crown property to the State for concession of a fixed emolument (*Civilliste*) is hereby again abolished.

In consequence of this the State has no further claim on the revenue of the usufruct of this property; on the contrary the State is also freed from every obligation to pay taxes and duties based on this property (e. g., dowry, emoluments), and the Prince renounces every subsidy for defraying these out of public funds and in particular also renounces the so-called maintenance fund granted earlier.

ART. 18. The administration of the Crown properties shall belong from now on exclusively to the officials summoned by the Prince for this purpose and responsible to him alone, without any competition whatever of the State Government or any other public authorities or the Diet.

With regard to the arrangements concerning the substance of the Crown properties, as well as in regard to the use and administration of the same, there are for the Prince no other obligations than those founded on the agnatic relationship and on the family agreements of the entire House of Reuss. The conflicting provisions of the fundamental law of March 15, 1809, are hereby annulled.

Aside from these restrictions further stipulations for the administration of the Crown properties, and conditions of service for the officials intrusted with this administration or single parts thereof are left to the Prince; the manner of severance of relations of these officials and of the survivors of such deceased officials, with the pension fund founded for civil servants, under protection of acquired

rights, shall be agreed upon between the State Government and an authorized agent to be named by the Prince.

ART. 19. Although the payments made to the Crown treasury during the time of the usufruct of the Crown property by the State, and paid from the funds of the latter, have not reached the amount of the contribution from the State funds formerly agreed upon, nevertheless, in consideration of the increase made during this administration period to the principal of the Crown funds, a corresponding reimbursement to the State Treasury shall be agreed upon with the Estates.

ART. 20. The private funds (income) of the Sovereign shall be estimated according to the principles of civil law; savings and earnings from any private civil title shall increase the same. The Sovereign shall have free disposition thereof while living, and in case of death, in default of testamentary direction, the provisions of abintestate heir shall take effect.

PART III.—*Citizens, their general rights and duties.*

ART. 21. The rights of domicile, settlement, and franchise shall be governed by State legislation in as far as has not already been so done, and brought into agreement with the respective Federal legislation.

ART. 22. Residence in the Principality obligates to the observation of its laws and insures legal protection.

ART. 23. Citizens when in another country owe obedience to the laws of that land also in so far as that country is concerned therein, and they are to be judged according to said laws in regard to acts committed while there, unless treaties of legal redress with other States founded on full reciprocity or general Federal laws determine an exception thereto.

ART. 24. Citizens are equal before the law.

ART. 25. Freedom of person is subject to no other restrictions than those prescribed by law.

Every subject is free to remove from the country under the legal provisions.

Additional taxes and emigration taxes must no longer be levied.

ART. 26. Difference in rank and birth shall make no difference in appointment to any position in the civil service, but membership in one of the recognized Christian denominations is required therefor.

ART. 27. Every citizen has the right to carry a written complaint to his superiors in regard to illegal or irregular proceedings of the local authorities.

If he believes it impossible to be reconciled to the adverse decision of the highest authorities he may take his complaint to the Diet (*Stände*) for constitutional procedure.

ART. 28. Seizure of letters and papers, except in case of arrest or search warrant, may be undertaken only by virtue of a judicial command provided with the reasons, which shall be served on the accused immediately, or at the latest within 24 hours.

Privacy of letters is guaranteed.

Criminal examinations, and in case of war necessary restrictions, shall be determined by legislation.

ART. 29. Matters of the press, rights of associations and meetings, unless already provided for, shall be regulated by legislation.

ART. 30. Property is inviolable. Expropriation can only be undertaken on the basis of law, for considerations of the common good and with adequate compensation.

ART. 31. Patrimonial jurisdiction and likewise all feudal obligations are abolished. The manner of the same shall be determined by legislation.

ART. 32. All personal taxes and duties arising from manorial and protectoral association shall cease with its abolition and without compensation.

All taxes and duties attached by civil law to the ground and soil are redeemable. In so far as not already redeemed the necessary provisions shall be made by law.

No piece of property shall henceforth be burdened with an unredeemable tax or duty.

ART. 33. Military service is for all alike. Substitution therefor can not be made. Further particulars shall be determined by legislation.

ART. 34. Every citizen must contribute to the public taxes according to the principle of equality and in proportion to his means and power. No one may be incumbered with taxes or other duties to which he is not obligated by virtue of law or special legal title. Release from public taxes can in no way be granted or acquired.

PART IV.—*Civil service.*

ART. 35. Every one in the civil service is responsible for the service he renders.

Previous consent of superior authorities is not necessary in order to prosecute legally a public official for his official acts.

If the loss of property, which was caused to the person concerned through illegal or unconstitutional procedure of a civil servant in the province of his official activity, can not be settled by the respective civil servant, the State shall step in to his aid.

ART. 36. All orders in administrative matters which the Sovereign signs must be countersigned on the part of the superior civil authorities who are concerned in the operation of such decision, by the chief

official, or his substitute, in order that their liability for the agreement of the order with the laws and Constitution of the country may be publicly manifested.

An order not provided with this counter-signature is not valid.

Further details in regard to the relations of civil servants are contained in the Civil Service Law.

PART V.—*Administration of justice.*

ART. 37. All jurisdiction proceeds from the State (article 31). The judiciary and the civil administration shall be independent of each other. The judicial power shall be exercised by the courts within the limits of their competency, independently and absolutely.

Cabinet and ministerial justice is unlawful.

ART. 38. The judiciary shall be exercised in a manner in conformity with equality before the law, to such a degree that courts of privilege shall cease, unless single exceptions, depending on treaties or special circumstances, remain further necessary.

Further details are reserved for legislation.

ART. 39. For criminal cases, the procedure of indictment shall be conducted publicly and orally. In so far as the reconstruction of the constitution of the law courts makes it necessary to enter into relations with other states, and especially with those for which the Superior Appellate Court¹ at Jena is the general superior court, the conduct of the procedure in such cases shall remain in the province of the State administration.

The establishment of justices of the peace, as well as the introduction of free court days, shall be taken into consideration in accordance with constitutional procedure.

ART. 40. The arrest of a person shall only take place by virtue of a judicial command accompanied with reasons therefor, unless he be taken *in flagranti delicto*. This order must be presented to the arrested person at the moment of arrest, or, at latest, in the course of the following day.

In case of an illegal or protracted imprisonment, the person actually guilty, or, if necessary, the State, is obliged to give satisfaction and compensation to the injured party.

The modifications of these provisions required in respect to military persons are reserved for a special law.

ART. 41. A domiciliary visit is permissible only:

- (1) By virtue of a judicial order accompanied with reasons, which shall be presented to the person concerned at once, or, at latest, within 24 hours;

¹ Appellate court since the law of judicial organization of November 21, 1871.

(2) In case of pursuit on commission of the act by persons qualified in pursuance of their official duty;

(3) In cases and forms where the law has granted the same by exception to certain officials even without judicial order.

The domiciliary visit must, when possible, be performed in the presence of the residents of the house.

ART. 42.¹ Judicial process is open to every one who believes himself injured in his rights through an act of the administration.

The provisions required to prevent the abuse of this privilege are reserved for a special law.

The complaint is to be directed against the State, but when it concerns an act of a communal board, it is to be directed against the commune. Sections 3 and 4 of the law of November 1, 1899, shall have corresponding application to the execution of the Imperial code of civil procedure.

The legal provisions of Empire or State shall remain intact according to which the State or Commune becomes responsible only temporarily or as security for damage caused by its officials in the exercise of the public authority entrusted to them.

ART. 43. Confiscation can only take place in respect to single articles which have served as the object or tool of an offense.

ART. 44. Moratoria may not be granted for State reasons.

ART. 45. The Prince shall have the right in criminal cases to stop proceedings, as well as to change, decrease, or release from penalty, but not to increase a penalty which has been decreed.

PART VI.—*Church Relationships, Schools, and Religious Bequests*

ART. 46. Every citizen is unrestricted in the private exercise of his religion. Free public worship is granted only to the recognized Christian denominations. The Evangelical-Lutheran is the established Church.

ART. 47. The members of the Christian denominations shall enjoy equal civil and political rights. Those of other creeds shall have only such share in civil rights as has been hitherto granted them, or shall be legally granted them in the future.

ART. 48. The Prince shall possess the Episcopal rights over the national Church as established in the church constitution. He shall exercise the supreme power over the churches, the supervision and right of protection over the same.

ART. 49. Sufficient provision shall be universally provided through public schools for the education of the young. Parents and guardians must not permit their children or foster children to be deprived of the instruction prescribed for the lower elementary schools.

¹ Supplemented by paragraphs 3 and 4 by law of July 25, 1912.

All matters of instruction and education shall be under the oversight of the highest church authorities.

ART. 50. The church and school officers shall be subject to the laws of the State in their civil relations and business.

Complaints in regard to their administration (disciplinary misdemeanors) shall be settled through the Supreme Church Board. Upon charge of exceeding their ecclesiastical authority, the same Board shall make corresponding provisions after previous discussion. If the latter are considered inadequate the complaints can be taken to the Prince.

ART. 51. All religious bequests (Foundations) without exception, whether intended for religious institutions, instruction, or purposes of welfare, shall be under the protection of the State, and the funds or income from the same may not be withdrawn into the State funds under any pretext whatever, nor be applied to any other purposes than those in accordance with the conditions of the bequest.

Only in case where the purpose of the bequest can no longer be attained may an application to other similar purposes ensue with consent of those interested, and where general public institutions are concerned, with consent of the Diet.

ART. 52. Legacies and gifts for the benefit of a religious foundation do not require for their validity previous ratification by the Prince.

Private bequests, so long as their purpose is consistent with the laws of the country, shall not be changed.

PART VII.—*The Diet.*¹

ART. 53. The entire Principality of Reuss, Older Line, shall have a Diet (*Landesvertretung*), through whose assistance, within the sphere prescribed in this Constitution, strength and continuity may be maintained in the administration and greater safety of general legal conditions shall be assured.

The Diet shall consist of 12 deputies.

To it shall be chosen, together with a substitute for each deputy:

Three chosen by the Prince;

Two chosen from their own number by the nobility hitherto eligible to the Diet, who possess a manor in the country, and by the other owners of restricted estates with an area of at least 150 *Morgen* (acres);

Seven chosen by the other enfranchised subjects, namely,

Two from the city Greiz;

One from the city Zeulenroda;

¹ See in this connection the law of April 24, 1867, concerning the election of deputies.

Three from the parishes of the manor of Greiz;
 One from the parishes of the manor of Burgk,
 all chosen for six years each.

ART. 54. The election of the deputies and substitutes with exception of those to be named by the Prince shall take place only upon the order of the Government according to the provision of the Order of Election.

Upon the basis of this Constitution, half of the deputies and substitutes first elected shall retire by lot after three years, namely, one deputy and substitute each of those named by the Prince and those elected by the nobility and estate owners, as well as four of the deputies and substitutes chosen by the election districts. Each time after a further 3 years, the half retires from office which had previously remained in position.

The foregoing procedure also applies in regard to the newly elected deputies and substitutes after the dissolution of a Diet (*Landtag*).

In place of those who retire from office other deputies and substitutes shall be elected by the respective associates or named by the Prince.

If before the expiration of the six-year period the position of a deputy or substitute is vacated by death or in any other manner, the Government shall immediately arrange for a new election.

The deputy-elect shall assume the position of his predecessor in every respect, but particularly in respect to the duration of his office.

ART. 55. For the exercise of the franchise is required:

- Citizenship;
- Completion of the 25th year of age;
- Blamelessness of reputation;
- Possession of one's own household;
- Payment of a direct tax.

ART. 56.¹ The franchise shall not therefore be granted to:

- (1) Those who are under guardianship for any reason;
- (2) Those over whose property bankruptcy proceedings have been begun, during the duration of such proceedings;
- (3) Those in receipt of charity from the public funds, or who have received such aid in the last year preceding the election;
- (4) Those under arrest for sentence or examination;
- (5) Those who, on account of unpleasant incidents while in office, have forfeited their right to public office, or forfeited the freedom to the Bar, or have been suspended from public offices, in the latter case for the duration of suspension;
- (6) Those who do not pay direct taxes or are two years in arrears therewith;

¹ New draft of article 56, nos. 2, 4 and 5, by law of December 21, 1911.

(7) Those who have been declared as deprived of the right of franchise (article 57).

ART. 57. Whoever shall buy votes at an election or sell his vote or cast the same more than once at an election intended for one and the same purpose, or whoever has tried to influence the elections of others by the use of unlawful means or has misused his position as an official in order to influence elections, shall—aside from any penalty imposed according to penal law—upon such motion be declared by the proper court as having forfeited his franchise for at least four and not longer than twelve years.

ART. 58. Whoever possesses the franchise is also eligible to election in case he has completed his 30th year.

ART. 59. When elected he may decline the election only for important reasons.

ART. 60. State and Court officials, military men, preachers, and teachers must have the permission of their superiors in order to accept the position of deputy or substitute and must themselves bear the necessary expense of substitutes for their own positions.

This permission must never be refused without an important official reason, but it can be limited to a definite period of time, if deemed advisable at the time of granting it.

ART. 61. The Diet shall make the final decision in regard to the qualifications of the deputies elected.

Further particulars in regard to the manner of election are given in the Order of Election.

ART. 62. The following rights in general belong to the Diet:

Cooperation in the legislation and regulation of the administration of revenue;

Right of consent to the taxes and increase of public debt;

Right of legislative proposals and of complaints and charges against civil officials (article 89).

The limits for the exercise of these rights are prescribed in this constitutional charter.

ART. 63. The deputies are not representatives of the election district with reference to the constituency to which their electors belong, but rather are to be guided in their official transactions solely by consideration for the general welfare of the citizens as a whole. They must not accept instructions from their electors or election districts, nor commission anyone to vote in their name.

They may bring the wishes and complaints of their electors, the citizens of their respective election districts, or of single individuals in the latter, to the consideration of the Diet only when they can and will undertake the recommendation of the same.

ART. 64. At their first entrance into the Diet every member must take the following oath:

I swear to observe faithfully the Constitution of the country, and as a member of the Diet always to defend by motion and ballot, to the best of my knowledge and conscience, the inseparable welfare of the Prince and the Fatherland. So truly help me God and His Holy Word. Jesus Christ, Amen.

This oath shall be taken in the assembly of deputies before the Head of the Government (*Vorstand*) or his substitute. A deputy who has once taken the oath, when again elected to this duty, needs simply to promise by means of a handshake and refer to the oath he formerly took.

ART. 65. The expression of opinion in the Diet is free. No deputy can be persecuted by court or discipline on account of his vote or utterances in the Diet, nor be held responsible elsewhere outside of the Diet, unless the case bears evidence of an injury, slander, or other offense punishable under the law.

The maintenance of order in the Diet assembly shall be the duty of the Chairman (*Präsidium*), in accordance with the Order of Business. The Diet itself, however, has the right to exclude its members for a time or forever, on account of unworthy behaviour. Temporary exclusion can only be decided by at least two-thirds of the total votes, permanent exclusion only by means of a unanimous vote.

In case of exclusion, the excluded member may have recourse to the highest court of justice in the land for the final decision.

Deputies are personally inviolable for the duration of the Diet, and cannot be arrested without consent of the Diet, except in case of apprehension in the very act of a criminal offense, and in connection with the procedure relating to bills and notes (*Wechselverfahren*).

ART. 66. Projects of laws can be submitted only by the Prince through the Government to the Diet, not by the latter to the Prince. The Diet can, however, propose new laws as well as propose abolition or amendment of the present ones. Without its consent no law may be issued, amended or authoritatively interpreted.

ART. 67. The Prince shall issue and announce the laws with due regard to the consequent consent of the Diet. He shall give the orders and decrees necessary for their fulfilment and application as well as all orders proceeding from the right of supervision and administration.

The Prince shall also issue orders requiring the consent of the representative body according to their nature, with exception of amendments to the Constitution, orders which are urgent on account of the country's welfare and the purpose of which would be either entirely or partially frustrated by delay. Such orders must, however, be submitted to the Diet for approval at its next meeting, and the members of the Prince's administration who voted for the issuance of said orders must guarantee that the country's welfare de-

manded the haste, and all of them must therefore also sign the extraordinary orders.

ART. 68. For the execution of the decrees of the North German Confederation, ratification by the Diet is not required unless the Federal legislation designates otherwise. The expense necessary for said execution must be provided; the constitutional cooperation of the members of the Diet shall be given with reference to provision for this expense.

ART. 69. The Diet shall be obliged to take into consideration the subjects submitted by the Prince before all other matters, unless the urgency of a motion to the Diet from the State Government shall be admitted. In case this admission by the Diet is lacking, the urgency should be decreed by a vote of a majority of two-thirds and said matter must be brought up for consideration at least during the current session.

The Prince may cause the matters submitted by him to the Diet to be withdrawn during the session and presented in a changed form at another time. The same matter in an unchanged form can only be submitted again to a later Diet.

ART. 70. The direct and indirect taxes may not be imposed and levied without consent of the Diet, with exception of the case cited in article 72; a change in the existing taxes is only permissible with consent of the Diet, unless such has ensued in consequence of laws already promulgated.

It shall be the duty of the Diet to provide for the raising of ordinary and extraordinary necessities of the country by appropriation of the fund necessary thereto. It shall have authority, moreover, to examine the necessity, expediency and amount of charges, to deliberate thereon and to decide upon the manner of providing therefor, the application and assessment of taxes, their duration and the manner of increasing them.

For this purpose the Diet shall be given at every regular session a summary of the receipts and expenditures of the past three years and an estimate of the amount needed for the next three years, as soon as possible after the opening of the session, and the necessary explanation shall be handed in by the Government with bills and vouchers.

ART. 71. The bills for the three years preceding the session of the Diet shall be carefully examined by it with reference to the respective budget and checked with the latter according to the results of the discussion previously held by it in cooperation with the Government.

The budget for the following three years, in proportion to the current transactions of the Government, shall be decided upon with the Diet and with the Prince's approval.

Proposals for decreasing the amount demanded for State expenses can only be taken into consideration when the reasons therefor are

given definitely and in detail with proof of the manner in which a retrenchment can be made without disregarding the public good. The grant of appropriations must not be connected with conditions which do not concern these or their application.

The grant shall only then be considered as rejected when under the proposals specified, at least two-thirds of the deputies present have voted to reject them.

ART. 72. When the rejection or decrease of grants proposed is considered by the Government entirely incompatible with the interests of the country, and an agreement with the Diet is not reached after another deliberation, then the Prince shall have the right one year after the expiration of the time for the grant, on the basis of this paragraph of the constitutional charter, by means of an order publicly announced, to allow the present taxes to continue to be proclaimed and collected; in this case, however, not later than six months before the expiration of the one-year period, an extra session of the Diet must be convened. If the grant is also rejected by this extraordinary Diet, the Federal decision must be obtained.

With the single exception of the case cited above, the ratification of the Diet must be expressly stated at the time the taxes are assessed; without such statement neither the collectors are authorized to demand them, nor the citizens obliged to pay them.

ART. 73. The assumption of new national indebtedness (article 14) can only be ordered when foreign relations make the summons of the Estates impossible, or when extraordinarily urgent and unforeseen events make hasty financial regulation unavoidable, and such regulation must be ordered by the Prince with the responsibility of the members of the Government voting therefor, in order to cover the immediate necessity; the requisite bill, however, is to be proposed to the Diet at its meeting which shall be summoned as soon as possible for the granting of its constitutional consent thereto and for giving direction as to the expenditure of money raised.

ART. 74. The Diet is authorized to lay before the Prince in suitable form its common wishes and proposals in reference to all matters pertaining to its competency, in particular in regard to the removal of known defects in the civil and judicial administration.

Every individual deputy is permitted to submit his wishes and proposals to the Diet, which shall decide whether and in what manner the matter is to be presented to the Prince.

ART. 75. The Diet is authorized to bring complaint to the Prince against the civil authorities in regard to the application of laws in the civil and judicial administration. Unlawful transactions or gross neglect of duty by officials subject to the supreme civil authorities can only then be a subject of complaint on the part of the

Diet, when the individual directly injured thereby has first brought complaint to the proper superior authorities in vain.

ART. 76. The Diet may only make complaint against citizens in writing, not through deputations. In case such complaint has not yet reached the proper superior authorities in the constitutional manner, it shall not be taken into consideration. If the contrary is the case, and if the complaint seems to the Diet well substantiated, said complaint shall be commended to the Prince for proper consideration. The result is to be reported to the Diet by the Government.

ART. 77. All resolutions of the Diet in civil matters shall only become effective through the express sanction of the Prince; the decision of the Prince on proposals submitted to him shall, wherever possible, be given during the sessions of the Diet.

ART. 78. The Diet can only exercise its rights and duties in full Diet assembly. It shall, therefore, be summoned once in three years for a regular session, and in addition to this, as often as necessary for an extraordinary session in Greiz, or in some other place of the Principality. Summons shall be by the Prince, through the Government, by means of a public announcement and by special written invitation.

At the beginning of a change in Government, the deputies shall be summoned within the next three months to an extraordinary session by the Government.

The Diet shall be opened by the Prince in person or by an authorized agent.

The Diet may be closed or adjourned at any time by the Prince. The adjournment may not continue longer than six months without consent of the Diet.

When during a Diet period an adjournment has already continued for an interval of six months, a further adjournment can only continue with consent of the Diet.

The Prince shall have the right to dissolve the Diet according to his pleasure and order new elections; in this case the summons of the newly elected deputies must follow within four months from the aforesaid dissolution.

The outgoing deputies can be reelected.

ART. 79. The Diet shall elect a chairman and a substitute. The chairman shall conduct the affairs of the Diet, represent its rights in accordance with the Constitution, prepare all business for the Diet, ordain the sessions and the order of business, preserve order and dignity in the deliberations, collect the votes, determine the results thereof, and present the same to the Government in suitable form.

Further details are contained in the Order of Business. The latter shall be determined by the Diet, and brought to the knowledge of

the Government, and is valid for all following Diets, except as changes may be made by their decisions.

ART. 80. The Diet shall choose a secretary from the native jurists, who shall be bound by oath by the Government for his function.

He shall keep the minutes of the Diet transactions and registrations, prepare reports, communications and explanations, and keep the documents in order and preserve them. His salary shall be determined by the Diet with the Prince's approval and assumed by the State treasury.

ART. 81. The transactions of the Diet shall regularly be public; they may be secret upon motion of the Diet commissioners in case of communications and matters which they consider necessary to keep secret. The transactions may be secret on motion of the Diet when, after the audience has been dismissed, at least half of the members vote therefor.

ART. 82. Deliberations of the Diet can only take place in the presence of at least half of the statutory members; the presence of at least two-thirds of the members is required for valid decisions.

Simple majority is decisive, unless something different is expressly designated in this Constitution.

In case of a tie the decision shall be postponed till the next session, but this time in case of another tie, the vote of the chairman shall decide. Each member has only one vote. In expressions of the Diet which are only by way of opinion, the sentiment of the minority shall be reported at its request, together with the sentiment of the majority.

ART. 83. The proposals and resolutions of the Diet shall be obtained by the Government from the chairman with whom alone the Diet is in direct business relation. The Prince may name special commissioners for transactions with the Diet. All sessions of the Diet are open to these commissioners as well as to the members of the Government; they may participate in the transactions, and take a word therein at any time, as well as in the apparently necessary explanations, elucidations and corrections, and after the decision of the matter, they may demand another hearing. The chairman can, of course, exercise no disciplinary authority over them. It is the duty of aforesaid commissioners also to answer, either at once, or in one of the next sessions, questions put to them in regard to information, in so far as important considerations do not forbid.

ART. 84. The transactions of the Diet are as a rule to be published through the press. The manner of such presentation is reserved to the decision of the Diet in agreement with the Government.

ART. 85. The definite results of each Diet shall be recorded in a formal document, the Diet Memorial, which shall contain the Prince's

commentary on the transactions with the Diet, signed by the Prince in his own hand, delivered to the deputies on their dismissal, and published in the code of laws.

The prorogation of the Diet shall take place in the same way as its opening.

ART. 86. During the continuance of the Diet, deputies shall draw their daily fees, which have been fixed by the Government, in agreement with the Diet. Those deputies who live out of the city or assembly place shall also be reimbursed for the trip back and forth, the sum of one day's fee each way.

PART VIII.—*The Protection of the Constitution.*

ART. 87. The present Constitution is binding upon all citizens immediately after its promulgation by the Prince.

The successor to the sovereignty, and in case of a regency, the administrator, on entering upon their governmental duties, in the presence of the superior civil authorities and the chairman of the preceding Diet, or his substitutes, shall promise upon their princely word to defend the Constitution of the land and conscientiously fulfil it.

The document to this effect to be executed by the successor or the administrator, under his own hand, shall be delivered to the chairman of the Diet, published in the code of laws and deposited in the archives of the Diet.

A report shall be drawn up of this act of delivery of the document and signed by every one present.

ART. 88. Before the oath of allegiance has been constitutionally taken by the successor or regent, the administrative power shall be exercised by the highest responsible civil authorities; the latter shall meantime take the place of the successor or regent in government transactions and proclaim them by the signature of their director (*Vorstand*) upon the decrees promulgated.

ART. 89. In regard to indictment of those in civil service on account of guilt in violation of the Constitution, the regulations corresponding thereto shall be ordained and specified by legislation (article 62).

ART. 90. Resolutions concerning amendments, explanation or supplements of the Constitution, require for validity the presence of at least three-quarters of all deputies, taking of the votes twice, between which there must be an interval of at least one week, and a majority vote of at least two-thirds of the deputies present.

ART. 91. If constitutional disputes arise between the Government and the Diet, in which both sides seem unable to agree, each side is free to carry it to the decision of the Confederation (*Bund*).

ART. 92. The previous Constitution of the Estates now becomes invalid. All laws, ordinances, and rules which are inconsistent with an express provision of the present Constitution, are in so far abolished and invalid.

Given under our own signature and the impress of the princely seal.

GREIZ, *March 28, 1867.*

[L. S.]

HEINRICH XXII.
Dr. HERRMANN.

REUSS, YOUNGER LINE.

REVISED CONSTITUTION OF APRIL 14, 1852.¹

[PREAMBLE.]

We, Heinrich, the sixty-second, the oldest ruling Prince of the Younger Line and the whole family of Reuss, Count and Lord of Plauen, Lord of Greiz, Kranichfeld, Gera, Schleiz, and Lobenstein, etc., etc.

A revision of the Constitution having been made necessary by reason of the changes in the public circumstances of the entire German Fatherland resulting since the publication of the Constitution of November 30, 1849, and this revision having been undertaken in accord with the first regular Diet opened November 10th of last year, we therefore announce, at the same time expressly abrogating the above-mentioned Constitution of November 30, 1849, the following new Constitution agreed upon on the basis of discussions carried on for that purpose:

SECTION I.—*State Territory.*

ARTICLE 1. The Principality of Reuss, Younger Line, forms an indivisible, independent part of the German Confederation.

ART. 2. The constitutional decrees and laws of the German Confederation are statutable for the Principality and receive binding force through publication prescribed by the Prince.

ART. 3. The organization which shall become necessary for the administration of the State shall result by law.

ART. 4. The boundaries of the State can be changed only by force of a law.

The rectification of boundaries with a neighboring State, by which only individual parcels are exchanged or ceded for the establishment of a well-adjusted demarcation, but by which subjects are not transferred, can take place without the consent of the National Assembly.

SECTION II.²—*The Reigning Prince.*

ART. 5. The Reigning Prince unites in himself all the rights of supreme power, and exercises these according to the Constitution.

¹ Translation by Richard Jente based on text as found in Stoerk-Rauchhaupt, pp. 305-320.

² The changed wording printed here of sections II and III, and of article 53 in section IV and article 107 in section XI of the Constitution of April 14, 1852, was authorized and published by law of June 20, 1856, regarding the change of some parts of the Constitution issued on April 14, 1852.

His person is sacred and inviolable.

ART. 6. The extent to which the Reigning Prince is bound to the cooperation with the National Assembly in the exercise of governmental rights, will be determined by the Constitution.

ART. 7. The Reigning Prince can pardon and mitigate punishments and also stop legal proceedings.

ART. 8. The Government of the land with all its present and future parts, as well as the princely possessions belonging to primogeniture, are hereditary in the male line of the Princely House in conformity with the family laws according to the right of primogeniture and agnatic succession.

ART. 9.¹ If the Prince is under age, or permanently prevented from ruling in person for some other reason, a regency will intervene.

The regency will fall to the agnate next in succession who is capable of governing.

With the acceptance of the regency the regent has to draw up a document of asservation, that he will upon his princely word and honor maintain the Constitution of the State, and govern in accord with the Constitution and the laws.

The original of this document of asservation will be deposited in the archives of the Diet.

ART. 10. The detailed provisions of the family compacts and the family traditions will apply regarding the attainment of majority, the equality of birth, the division of the princely family and private possessions, the position of the princely family and private possessions, the position of the princely widows, the posthumous children and other members of the Princely House.²

ART. 11. The changes in the family laws arising in accordance with the Family Constitution shall be established only with the consent of the National Assembly, if they affect the order of succession, the guardianship over a Prince subsequently appointed to the Government, the regency existing during such guardianship, and the majority of the latter.

SECTION III.³—*The Rights and Duties of Subjects.*

ART. 12. The rights and duties of subjects are in general determined according to existing laws.

ART. 13. Nationality (the rights of natives) belongs to a person by reason of birth or is especially acquired by express admission, and is forfeited by emigration or similar act.

¹ A rewording of article 9 by law of November 9, 1893.

² The Family Statute of December 1, 1858, fixes for the attainment of majority for all members of the Princely House the completed twenty-first year. Cf. H. Schulze, *Hausgesetz*, vol. 2, p. 357 *et seq.*, for family statute *sub* supplementary statute of August 6, 1861.

³ Cf. note to section II.

ART. 14. The enjoyment of local civil rights, whether in cities or communities, can belong only to citizens.

ART. 15. Citizenship is acquired by admittance into the civil and municipal society of a local community of the country, and by taking the oath fixed in article 105 of the revised Constitution with the intention of such admission.

ART. 16. Citizenship ceases:

1. With the loss of nationality;
2. With the legal sentence to a dishonoring punishment, irrespective of a probable subsequent rehabilitation;
3. By the legal decision of a competent judge expressly pronounced in such case.

ART. 17. The lack or loss of citizenship is in itself without influence upon nationality as well as upon the mere civil rights and duties, unless special laws establish an exception.

ART. 18. Every subject has the right of free emigration with observation of the legal provisions.

Permission to emigrate may not be connected with the condition of the payment of emigration taxes.

ART. 19.¹ The enjoyment of civil and political rights is independent of religious creed.

ART. 20.¹ Every inhabitant of the land has the complete freedom of conscience and the exercise of religion. Religion may, however, never be used as a pretext to escape any legal obligation.

The Christian religion will be established as the basis of those institutions of the State which are connected with the exercise of religion.

ART. 21. Property and other rights and prerogatives can be claimed for purposes of the State or of a community or of such persons who are exercising rights of the same, only in cases and forms determined by law and with full previous indemnification.

ART. 22. It shall be free to everyone to lodge a complaint regarding the conduct or procedure of a public authority disadvantageous to his interests and contrary to the Constitution, law or order, with the office directly superior to that authority, and to prosecute such a complaint if necessary even to the highest authorities. If the complaint lodged is deemed unfounded by the superior authority, the latter is obliged to reveal to the complainant the reasons for his decision.

ART. 23. Likewise in every case where anyone believes himself injured in his rights, legal complaint shall remain open to him, and also in proper cases the liberty to request an appeal to the Diet.

¹ Articles 19 and 20 of the Constitution were brought into valid form by law of July 19, 1867. Cf. also the Federal Law of July 3, 1869, regarding the equality of confessional rights.

Aside from cases in which according to express legal injunction the taking of legal steps may result, legal complaint is in general not open in cases where the alleged violation of rights rests upon an application of prerogatives of the State or Sovereign, performed at the decree of the State authorities, and where a right can not be proved violated by the same, which is based upon a definite title and by which, excepting the field of civil law, the application of the above-mentioned State prerogative is limited in the individual case.

ART. 24. In general it is open to the individual subject, as well as to whole communities and corporate bodies to deliberate and prefer their wishes and requests by legal means.

ART. 25. Exclusive trade and industrial privileges shall no longer be granted without the consent of the Diet. Patents for inventions can be granted by the Government for a definite period, however not longer than for ten years.

ART. 26. Laws now existing for such cases and the provisions of the laws of the Confederation shall decide conditions of the press and book trade as well as questions pertaining to the right of union and assembly, and in fact as regards conditions of the press and book trade they shall remain in force until that time when a generally binding Federal press law shall be promulgated for the German Federal States and also in our own lands.

ART. 27. The secrecy of letters is to be kept inviolable.

The wilful indirect or direct violation of such secrecy shall be penally punished.

Exceptions occur only in criminal investigations and cases of war.

ART. 28. Every person capable of bearing arms is obliged to defend the Fatherland in case of need, and the laws in question determine the details of obligation to military service.

ART. 29. The independent administration of their community affairs under the supervision of the State shall be assured the communities in legal manner.

ART. 30. The property and the income of the communities and their institutions may never be united with the State property or State income.

ART. 31. The special relations of State officials are directed according to the laws and rules of service dealing with the rights and duties of such persons.

ART. 32. A regulation absolutely excluding an application for discharge from service is illegal.

ART. 33. Every State official is responsible for the performance of his official duty unless he has been directed to undertake it by his superior authority.

ART. 34. The administration of justice is separated from the State administration.

ART. 35. The taking and prosecution of prescribed legal steps before the courts of the country may not be prevented.

ART. 36.¹

ART. 37. No one may be deprived of his regular judge, whether in civil or criminal cases, unless it occur in the regular way according to the principles of existing law through the competent higher court.

Accordingly, extraordinary commissions and courts of justice may not be introduced, unless the state of war has been declared, in which cases military-court jurisdiction can take place within the prescribed limits against civilians also.

ART. 38. No one may be subjected to trial, placed in custody, detained there, or punished otherwise than in the cases and forms determined by law.

ART. 39. Every person in custody must be informed of the cause of his arrest and be examined by a court official of the court arresting him or of that court to which he is to be delivered, if possible at once, or at latest within forty-eight hours after his arrest or delivery.

Every person taken into custody for trial must be delivered without delay to the competent court.

ART. 40. Domiciliary visit takes place only at the direction of a competent court or police authority.

ART. 41. No accused person may be denied the right of statement of grievances during trial, the right of defence or the decision, if he demands it.

ART. 42. The person in custody is permitted under proper legal supervision to conduct family affairs with his relatives in word and writing, and also to procure during trial from his own means better food than the ordinary.

This permission can be denied by the court because of abuse or other justified reasons.

ART. 43. The courts for civil and criminal law are independent in all instances within the limits of their judicial qualifications. Such courts decide according to the existing rights and laws without any outside influence. They shall be protected in their procedure, especially also in the execution of their decrees and decisions—however, without encroachment upon the decrees of the higher court authorities and without detriment to the Prince's right of pardon—and suitable assistance shall be herein performed by all civil and military authorities.

ART. 44. In the future, confiscation can take place only in the case of individual things which have served as objects or implements of a crime. A general confiscation of property will occur in no case.

¹ Article 36 rescinded by law of September 12, 1879; cf. also the note to articles 113-115.

ART. 45. Moratoriums may be conferred only under prerequisites and conditions established by common law, as the case may be.

ART. 46. As regards the exercise of hunting and the conditions to be fulfilled thereby, provisions may be issued by statute, which however may not affect the rights of the land-owners as such in respect to hunting.

ART. 47. The indirect and direct exercise of ecclesiastical power over the Evangelical-Lutheran State Church remains as heretofore, in the hands of the Prince.

In liturgical matters decrees are issued by the consistory, and no essential innovations shall in general be cultivated before an especially convoked synodal assembly is questioned on such matters.

ART. 48. Provision is to be made at all times as far as possible for public education, as well as for the maintenance and development of the lower and higher institutions of learning.

ART. 49. All institutions without exception, whether determined for religion, education, or benevolence, are under the special protection of the State, and the property or income of such institutions may under no circumstances be included in State property.

SECTION IV.—*The National Assembly.*

ART. 50. The rights of the people are represented by freely elected deputies without class distinction.

ART. 51.¹

ART. 52. No representative of the people can have his vote exercised by proxy, nor receive instructions for his vote.

ART. 53.² Upon entrance into the Diet Assembly each member of it solemnly swears as follows:

I promise that faith toward the Prince, the Princely House, the country and the Constitution shall guide me in my motions and voting as a member of the Diet, and that I will support in the Diet Assembly the welfare of the Sovereign and the welfare of the Fatherland as inseparably connected with one another, by averting all injury and by furthering all advantage, without personal considerations and without all other secondary considerations, to the best of my knowledge and conscience.

SECTION V.—*The Rights and Duties of the National Assembly.*

ART. 54. To the National Assembly there belong in general the following rights:

(a) Cooperation in taxation, especially the right of granting supplies;

(b) Cooperation in the regulation of the State finances, as well as

(c) in legislation;

¹ Article 51 rescinded by law of January 17, 1871.

² Cf. the note on section II.

(d) The right of proposing laws, the right of complaint, the right of address, as well as the right of impeachment of a minister.

SECTION VI.—*The Granting of Supplies and the Administration of Finances.*

ART. 55. The National Assembly has the duty, besides supervising the whole State property, to cooperate in such a way that the contributions of the citizens are not only demanded with economy and distributed with justice for the purposes required for the administration of the country and for the common weal, but also that the entire State income is applied with exactness and conscientiousness according to its precise indication.

ART. 56. For this purpose an exact estimate (budget) shall be presented to the National Assembly for deliberation regarding what is necessary for the purposes of the State in their various relations, and the requirements shall be examined and established in common with it; the manner in which this amount is to be raised shall be determined with it; without its express consent no new taxes of any sort may be imposed and no assessment may be demanded after the period of grant has expired.

ART. 57. However, expired appropriations, unless they were determined for a temporary object already attained, must also be continued in the meantime up to the constitutional period of the next Diet and after the opening of the Diet up to the determination of the new budget and the establishment of the means necessary for its security.

However, this further levy may not continue beyond the next financial period, for then the approval of the National Assembly will be absolutely necessary.

ART. 58. The granting of supplies may not be joined by the National Assembly to the condition of fulfilment of definite motions not connected with the budget. It can, however, always demand a complete survey and attestation of the needs of the State and the State income.

ART. 59. If the State Government and the National Assembly are in accord with the budget and the public assessments necessary for its defrayment for the next financial period, and with the amount and the ways and means of levy, these assessments shall be imposed and made known by means of princely patent as sanctioned by the National Assembly.

ART. 60. A complete account will be made annually regarding the application of the supplies and assessments granted, as well as the entire State income.

To the National Assembly there belongs the right to examine the accounts regarding the requirements of the State covered by the State treasury and to demand information regarding objections noticed in them.

See articles 98, 99, 100, and 101 on the Diet Committee.

Items for gifts of honor and other similar expenses can only occur when a written assurance of the Prince countersigned by the Prime Minister and the other members of the Ministry testifies that the application has taken place or will take place to the real advantage of the country. To avoid formalities the resulting expenditure is to be communicated to the Diet Committee.¹

ART. 61. The entire national debt is placed under the responsibility of the National Assembly.

The consent of the National Assembly is necessary for the assumption of new national debts and the creation of treasury certificates.

The counter-signature of the Diet Committee is necessary on debentures issued by the State—article 99b—.

Neither those advances assumed for the liquidation of former national debts nor the issuing of new debentures in place of former obligations (conversion) are to be regarded as new national debts.

ART. 62. In extraordinary cases, for example, in times of war, in the necessity of prompt fulfilment of duties toward the Confederation, when the requirements of the State can be met neither by the regular nor extraordinary contributions of the citizens without too great burdening of them, but when the convoking of the Diet does not seem immediately feasible, the Ministry can raise the sum on its own responsibility and with the obligation that it will give an account regarding the necessity and application of the same to the next Diet Assembly.

SECTION VII.—*Legislation.*

ART. 63. Legislative power is exercised in common by the Prince and the National Assembly.

The agreement of the Prince and the Diet is necessary for every law.

ART. 64. Drafts of laws are presented by the Prince to the National Assembly; likewise the latter has the right to make motions regarding new laws as well as changes or annulment of existing laws, and to present drafts for this purpose.

ART. 65. The Prince sanctions laws and makes them known. In the announcement reference is made to the given consent of the National Assembly (article 42).

¹The insertion of paragraph 3 (or rather paragraph 4) resulted through a sovereign decree of March 15, 1860, dealing with revised wording and completion of several provisions of the Constitution.

ART. 66. The Prince also issues such decrees which by nature require the consent of the National Assembly, but are urgently demanded by the welfare of the State, and the object of which would be frustrated by delay, with the exception of each and every change in the Constitution and election law. The Ministry is responsible for the fact that the welfare of the State demanded haste.

ART. 67. All decrees issued in such manner are to be presented to the next Diet for the subsequent passing of a resolution.

If the consent of the Diet is denied such a decree it does not follow that the latter shall be ineffective during the time passed since its issuance.

ART. 68. The Prince can not be prevented, and the necessary means can not be denied by the National Assembly, in the execution of the constitutional resolutions of the authority of the Confederation.

The cooperation of the National Assembly is necessary respecting the manner and method for the raising of means.

ART. 69. In all relations to other States the Prince represents the State alone.

ART. 70. No part of the national territory and national property can, however, be disposed of by treaties with other States, no burden can be taken over upon the land or its citizens, and no national law can be changed or annulled, and also no obligation can be entered into which would encroach upon the rights of the citizens, without the consent of the National Assembly, which must be requested and given before definite agreement.

ART. 71. Treaties already concluded are excepted from this consent for their stipulated duration.

ART. 72. The Prince can withdraw a draft of a law presented to the National Assembly while the discussion of it is still going on.

ART. 73. The declaration of the Estates, whereby a proposed law is either entirely rejected or in which changes are suggested, must contain the statement of motives.

ART. 74. Proposed laws, which have been rejected by the Prince or by the National Assembly, can be presented again to a subsequent Diet unchanged, but only in changed form during the same Diet.

ART. 75. Motions made by the National Assembly for the perfecting of legislation and the Constitution, or drafts of laws introduced, are to be taken into consideration during the Diet at which they were presented.

SECTION VIII.—*The Supervision of Administration.*

ART. 76. The National Assembly is permitted to report abuses which are known to it in the various branches of the administration, for the purpose of redress.

ART. 77. Upon request complete information shall be imparted to the National Assembly regarding the complaints which are mentioned in part by the deputies and in part by petitions of others, and each complaint presented by the National Assembly shall be investigated with exactness and care and be remedied, in so far as it is found to be valid.

ART. 78. Individuals, societies and corporate bodies can apply to the National Assembly with complaints regarding the violation of rights suffered, only after they have unavailingly taken the legal and constitutional course with the State authorities to receive redress of their complaints.

ART. 79. Complaints and petitions may not be presented personally either by a private person, or by societies, or by corporate bodies, but they must rather be introduced to the Diet directors either directly or through a member of the Diet Assembly.

SECTION IX.—*Provisions regarding the Exercise by the Diet of Rights belonging to the National Assembly.*

ART. 80. The rights belonging to the National Assembly, with the exception of the particular rights and powers transferred to the Diet Committee in section X, are exercised exclusively by the same in the Diet.

ART. 81. The Diet shall be convoked by the State Government either according to its own judgment or at the suggestion of the National Assembly every three years in the month of January¹ and besides this as often as it is considered necessary for the settlement of urgent and important State affairs.

ART. 82. The appointment of the convocation of the Diet is issued by the Prince.

ART. 83. Every deputy called is obliged to appear personally in response to the summons on the day before the opening of the Diet and to report his presence to the Ministry.

ART. 84. If the deputy is prevented from being present at the Diet, he has to report and excuse his absence to the Ministry in writing, so that his substitute can be summoned in time, or a new election be instituted if need be.

ART. 85. A Government official who has been elected national representative does not need any leave of absence; a mere report of the matter to the superior authority is sufficient.

A law shall be issued with reference to the substitution in the office of a deputy already elected, and also, on the manner in which the expenses of this substitution are to be met.

¹ In the place of "in the month of October" since the law of May 7, 1910.

The entrance of a deputy into Government service, as well as the advancement or amelioration of a Government official in office, who has been elected deputy, makes a new election necessary.

The retiring deputy is eligible to reelection.

ART. 86. If at least two-thirds of the deputies are not present, the Diet can neither be opened nor can preparatory negotiations be otherwise undertaken with legality.

ART. 87. The Diet examines the elections of its members and decides them; it regulates its course of business by an order of business and elects its president, vice-president and secretary.

ART. 88. The Diet negotiates with the Prince by means of the Ministry. Therefore the National Assembly has to apply to it alone for all information, or for the materials which it needs for its business. The Ministry receives declarations and decisions, which are to be delivered by the National Assembly as well as its other protests, petitions, and complaints.

ART. 89. At least one member of the Ministry or its commissioners must be present at the meetings of the Diet to impart information and to represent the National Government in every respect.

ART. 90. The opening of the Diet results through the Prince or at his direction through the Ministry.

ART. 91. The discussions of the Diet are as a rule public. But they are changed to secret discussions at the motion of the Government commissioners or individual members of the Assembly.

The order of business shall determine the details of this matter.

ART. 92. The presence of at least two-thirds of the deputies is necessary for the legality of a decision in the Diet.

ART. 93. A decision of the Diet can be prevented neither by protestation, nor by appeal to highest judgment, nor by any other means.

The minority must submit to the majority.

ART. 94.¹ No member of the Diet can without its consent be brought to trial or be taken into custody during the period of session for an act liable to punishment, except if he be apprehended in the perpetration of the act or in the course of the days immediately following thereupon.

No member of the Diet may be prosecuted by law or censured at any time because of his manner of voting in the Diet, or because of remarks made in the exercise of his duties, nor can he be otherwise called to account outside of the Assembly.

The maintenance of order in the interior of the House belongs to the president according to the order of business.

ART. 95. All deputies enjoy for the period of their stay at the Diet from the day before opening up to and including the day of

¹ Paragraph 2 of article 94 was substituted for the former limiting provisions by law of June 18, 1868.

closing of the Diet a daily allowance, regarding which an especial regulation will be agreed upon with the Diet.

These daily allowances, as well as the entire expense for the Assemblies of the Estates will be defrayed by the national treasury.

No deputy may renounce his daily allowances.

ART. 96. The Diet is closed by a prorogation of the Diet, with which the Assembly is dismissed by the Prince himself or by the Ministry.

ART. 97. To the Prince belongs the right to adjourn or dissolve the Diet by a statement of reasons.

Without the consent of the Diet the adjournment may not exceed a period of thirty days and may not be repeated during the same Diet period.

In case of the dissolution of the Diet the mandates of all the deputies are automatically out of force; however, the members of the dissolved Diet are still eligible to election.

The period for the meeting of the newly elected Diet may not be extended beyond sixty days after the dissolution has taken place.

A deputy who has resigned his mandate without the permission of the Diet is not eligible to election again for the current Diet period.

SECTION X.—*The Diet Committee.*

ART. 98. During the period between two regular Diets a committee exists, which is composed of the last president of the Diet and two deputies to be elected from the Assembly by simple majority of votes, in which election provision must be made that each of the three former principalities of Reuss, younger line, are represented.

ART. 99.¹ The obligations and powers of this committee are:

(a) To maintain the rights of the National Assembly, to supervise the execution of decisions passed by the Sovereign and the Diet, to report to the National Government in urgent cases and present protests and complaints to it, and, if it should seem necessary, to suggest a convocation of an extraordinary Diet with statement of reasons;

(b) To countersign Government bonds on funds raised in national exchequers by constitutional means;

(c) To examine the accounts regarding the finances, to inspect especially the vouchers, to draw up memoranda, to see that the fixed budgets are adhered to, and to negotiate with the Princely Ministry on this matter in writing;

¹ Articles 99, subdivisions c and d, and 100, together with those unnumbered supplementary provisions incorporated only generally in section X, regarding the functions of the Diet Committee as a commission of the Estates for the administration of the national debt (article—following article 101) received their present wording by the sovereign decree of March 15, 1860, cited under article 60.

(d) To desire or receive from the Princely Ministry confidential verbal statements regarding special personal or material circumstances which have come up or are coming up for discussion (cf. article 60).

ART. 100.¹ Before convocation of a Diet through sovereign decree a statement of accounts rendered by the Princely Ministry to the Sovereign regarding each past financial period must be presented to the Diet for examination. Upon such a report of the Diet Committee the Diet makes its constitutional declaration.

ART. 101. The allowances of the members of the committee result each time for the period of conference according to article 95.

ART. —.¹ Besides the sovereign commissioner the Diet Committee is the commission of the Estates for the administration of the national debt. With this end in view, the member of the Diet Committee from the principality of Gera is in every case the chairman of the former and, as delegate of the Diet Committee, commissioner of the Estates for the administration of the national debt.

The Diet Committee must always retain its members, regardless whether they have been elected deputies or not, until a new election of the committee has resulted through the Diet. Likewise the Diet Committee must during an assembled Diet act as commission for the national debt.

Substitutes can be elected by the Diet in cases of hindrance for the chairman of the committee and commissioner of the Estates for the administration of the national debt, as well as for the two other members of the Diet Committee.

SECTION XI.—*Guarantee of the Constitution. Obligations of State Officials to it. Responsibility of the Ministry.*

ART. 102. The present Constitution is binding for all citizens after its proclamation by the Prince.

ART. 103. Upon his accession to the Government the Prince has to draw up a document of asseveration that he will upon his princely word and honor maintain the Constitution of the State, and govern in accordance with it and the laws.

The original of this document of asseveration will be deposited in the archives of the National Assembly.

ART. 104. All servants of the State and officials, all magistrates and local courts, swear upon appointment to conscientious observation of the National Constitution.

ART. 105. All citizens upon their reception into the civil and community rights are obliged to perform the following oath:

¹ Cf. note to article 99.

I swear fidelity to the Prince, obedience to the laws, and observation of the National Constitution.

ART. 106. Every State official is responsible for the legality and constitutionality of his official activity.

ART. 107.¹ A member of the Ministry has to countersign the orders and decrees issuing from the Prince and referring to the Government and the administration of the State as a sign that the affair in question has been treated in constitutional manner, and the counter-signer is personally responsible for the constitutionality and legality of the contents thereof.

By the counter-signature in question such orders and decrees receive general authenticity and possibility of execution.

This legal course is authoritative without exception for the courts, as well as for all other State authorities, so that it is reserved for the National Assembly alone to enter into negotiations with the Government in reference to the question of the legal force of decrees which have been issued.

The above-mentioned responsibility can not be abrogated or diminished by orders of the Prince.

ART. 108. The National Assembly is empowered to set forth this responsibility by complaint or by formal accusation.

ART. 109. Unallowed actions or faults and neglects of subordinate State officials can give the National Assembly occasion to exercise this right, only after complaint has been unavailingly made to the competent higher authority and finally to the Ministry, and after the latter has made itself guilty of an act contrary to its duty by the very fact that such action has been unavailing.

ART. 110. Only a statement of grievances, but not formal accusation, is allowed against a higher official, whenever the inadequacy of a decree or other measure urges the National Assembly to use its right; on the other hand, formal accusation takes place whenever an intentional violation of the Constitution is committed.

ART. 111. If the complaint is raised, the State official or authority affected is brought to account.

If this is not sufficient, but if the complaint raised is established wholly or in part by the National Assembly, a notice will be issued by the Sovereign regarding improvement of the fault, removal of the deficiencies, and abolition of abuses, without detriment to the introduction of a formal investigation, if, upon further penetration into the matter, worse faults present themselves.

ART. 112. The National Assembly must be given information each time regarding the success of its statement of complaint.

¹ Cf. note to section II.

ART. 113.¹ If formal accusation is raised, the joint High Court of Appeal in Jena is exclusively competent for its investigation and decision. It is free to the accused, as well as to the National Assembly, to demand the sending of the proceedings to another German court of arbitration with a view to a decision on the accusation, in place of to the High Court of Appeal.

ART. 114. Therefore the Prince has the complaint handed over to the joint tribunal at Jena. If it finds the complaint sufficiently established and suitably supported by statement of evidence, it has to introduce procedure according to legal forms, pronounce judgment with reasons in the name of the Prince and, if legal means have been instituted against it, to observe the same procedure as in other matters which reach the High Court of Appeal through compromise (article 41 *f* of the regulations of the High Court of Appeal).

ART. 115. The National Assembly, or if it is not in session, the Diet Committee, will be informed of the transfer of the accusation to the High Court of Appeal. In general it is open to the National Assembly to commission an attorney for the prosecution of the complaint lodged and for the protection of the interests of the Estates at the High Court of Appeal.

If in a procedure the interests of the State treasury are in question, civil action is to be instituted and prosecuted besides this.

It rests upon the organization of the federal tribunal whether the accusations against a minister are to be immediately raised and tried there, or whether only an appeal to the federal tribunal from the decisions of the High Court of Appeal will result.

ART. 116. Investigations against State officials for violation of the Constitution or crimes committed in the discharge of office, which have been arranged in the accusation sent to the Prince, can not be suppressed without the consent of the National Assembly, and the right of pardon can not without such consent be construed to mean that a State official condemned by legal judgment to removal from office shall be left in his former position or be otherwise appointed to Government service again, unless the legal judgment contains an express reservation in favor of the convicted man respecting reappointment.

ART. 117. If doubt arises regarding the interpretation of individual provisions of the Constitution, and if this can not be removed by agreement between the Government and the National Assembly, the decision of the Federal court of arbitration shall be sought.

¹ The provisions of articles 113, 114, and 115 have been changed, in that the Supreme Court in Jena is exclusively competent for the investigation and decision of a formal accusation against a responsible member of the Ministry in the first and second instance. The first judgment is to be pronounced by the criminal court, the second by the plenary assembly of the Supreme Court. Law of September 12, 1879.

ART. 118. The present Constitution is placed under the guarantee of the German Confederation.

We shall observe this Constitution in all, as well as in its individual parts, faithfully and conscientiously, protect it against attacks and violations, and direct our officials and servants to live inviolably in accordance with it.

Legally attested under our own signature and the affixation of our princely seal.

So done at the castle of Schleiz, April 14, 1852.

[L. s.] HEINRICH THE SIXTY-SECOND,

Prince of Reuss, of the Younger Line.

Dr. HERMANN ROBERT VON BRETSCHNEIDER.

SAXONY.

CONSTITUTIONAL LAW OF SEPTEMBER 4, 1831.¹

[PREAMBLE.]

We, Anton, by the grace of God, King of Saxony, etc., etc., etc., and Friedrich August, Duke of Saxony, etc., hereby proclaim, that, in consequence of the repeatedly expressed wishes of our faithful Estates, and from a due regard to those regulations which have already been adopted and approved, from experience, in other countries of the Germanic Confederation, we have, with the advice and consent of the Estates, arranged the Constitution of our country in the following order:

SECTION I.—*On the Kingdom, and the Government of it generally.*

ARTICLE 1. *Indivisibility of the Kingdom.*—The Kingdom of Saxony is an indivisible State, united under one Constitution.

2. *Inalienability of the essential parts and privileges of the Crown.*—No essential portion of the Kingdom, and no privilege of the Crown, shall, in any manner, be alienated, without the consent of the Estates.

Arrangements as to territory, concluded with neighboring countries, shall not be liable to this regulation, if no transfer of any subjects, who have subsequently belonged to the State, should thereby be made.

3. *Form of government.*—The form of government shall be monarchical, and there shall be a Constitution of the Estates.

4. *The King.*—The King shall be the Sovereign Chief of the State, shall unite in himself all the right of supreme authority, and shall exercise it according to regulations laid down in the Constitution. His person shall be sacred and inviolable.

5. The King shall not become the Sovereign of another state, except in case of inheritance, nor reside permanently out of the country, without the consent of the States.

6. *Hereditary succession of the family of the Saxon Sovereign.*—The Crown shall be hereditary in the male line of the reigning family, by the right of primogeniture and descent from married parents of equal birth.

7. In default of a prince, privileged to succeed to the sovereignty, either by relationship, or by a reciprocal compact of inheritance, the crown shall pass to the female line of the family, without restriction

¹ Based on the version found in 20 *British and Foreign State Papers*, pp. 47-77. Revised and brought up to date by a comparison with Stoerk-Rauchhaupt, pp. 322-347.

as to sex, the parents having been of equal birth. The right of succession, in such cases, shall be decided by the closeness of relationship to the last reigning monarch, by the priority of claim of such branch of relations, and by the age of the person. After this transfer of the right of inheritance, the preference shall again be given to the male line, in the order of primogeniture.

8. *Majority of the King.*—The King shall attain his majority upon completing the 18th year of his age.

9. *Regency.*—The Government shall be conducted by a regent during the minority of the King, or when he shall no longer be capable of directing it, and has not made, or can not make, the necessary provisions himself for the administration of public affairs.

In both cases, the regency shall devolve upon the King's nearest male relative, who shall have attained his majority.

It shall continue only so long as the King shall be incapable of exercising the supreme authority; and legal notice shall be given of the commencement and conclusion of the discharge of the kingly office by a regent.

10. *Appointment, during the King's reign, of a regent for his successor.*—Should the member of the royal family next in succession to the throne display any cause which would render it impossible for him to undertake the administration of the country, the future regent shall, nevertheless, be appointed, prospectively, by a law of the State, during the reign of the King.

11. *Appointment of a regent for the King.*—If the King, during his reign, or upon his accession to the throne, should be incapacitated from governing the country himself, and the above-mentioned appointment should not have been previously made—an assembly, consisting of the whole of the princes of the royal family at the time of the Kingdom, who shall have completed the 21st year of their age (with the exception of the prince entitled thereto by relationship and about to be appointed regent), shall be convoked by the chief authorities of the State (article 41), at the latest within 6 months, who shall decide, by an absolute majority of votes and under the previous opinion of the latter authorities, upon the nomination of the regency; and such decision shall be communicated to the Estates then assembled, or to be specially summoned for the purpose, for their confirmation.

Should there not be 3 princes, at least, of the reigning branch of the family present at that assembly, the oldest ruling heads of the Ernestine line shall be invited, in order to complete that number.

12. *Authority of the regent.*—The regent shall exercise the supreme power agreeably to the Constitution, and to the extent to which it is exercised by the King, and in His Majesty's name.

Alterations in the constitutional law shall neither be proposed by the regent, if the States should have suggested them, nor approved by him, unless with the advice of the council of his family, appointed in pursuance of article 11, and in consequence of a decision adopted in the manner therein prescribed. Alterations so made shall then, however, acquire lasting validity.

13. *His residence and maintenance.*—The regent shall generally reside within the Kingdom, provided he be not the Sovereign of another country. His expenses shall be defrayed out of the civil list (article 22).

14. *Council of the regency.*—The chief authorities of the State (article 41) shall form the Council of the Regent, who shall be bound to consult them on all matters of importance.

15. *Education of the King during his minority.*—In the absence of any regulation of the King upon the subject, the education of the Sovereign during his minority shall be entrusted to his mother, or, should she have again married or not be living, to his grandmother on his father's side; but the appointment of a tutor and instructor and the arrangement of the plan of education shall be settled with the concurrence of the regent and his council. In case of a difference of opinion the regent and his council shall decide the point; and they shall exclusively superintend the education of the King, whilst a minor, in the event of the marriage or death of his mother or grandmother.

The regulations upon this subject shall be carried into effect by the Council of the Regency, under the direction of the regent, who shall have one vote only upon any resolution proposed, but shall decide in case of an equality.

SECTION II.—*On the Property of the State, and Property and Income of the Royal Family.*

16. *Public property.*—The property of the State, as an indivisible whole, shall consist of whatever is possessed or inherited by the Crown in territories, domains of every description, lands, buildings, etc., belonging thereto, estates, forests, mills, mines, and foundries, and works connected therewith; shares in mining establishments, capital stock, revenues, pecuniary privileges, royal prerogatives, public institutions, rents, mortgages, etc., and stores of every description, and shall be transferred in its fullest extent to every successor to the throne. The property of the State shall also include the property of the Royal House held in trust. From both the above descriptions of public property the private property of the King and of the royal family shall be kept distinct.

17. The property of the State shall be administered by a financial authority, appointed according to the principles of the Constitution, and shall be appropriated solely to public objects; the revenue arising from it shall, as heretofore, be transferred to the treasury of the State.

It shall, however, be free for the King to take for his own use, and under his own personal management, one or other of the domains, deducting in consequence from the civil list (article 22) a specified sum, calculated upon the average revenue thereof during the preceding 10 years. Certain castles, palaces, buildings, gardens, etc., (mentioned in the Appendix,) shall also be reserved for the use of the King.

So long as the feudal connection between the Sovereign, as chief feudal lord, and his vassals shall exist, the fiefs which may fall in shall become the property of the State; but the right to permit changes with respect to inheritances, to grant feudal pardons, and to exercise all other privileges appertaining to him as chief feudal lord, shall continue to the King. Reversions of fiefs shall not, however, be granted.

18. The property of the State shall be constantly maintained entire, and shall not, without the consent of the States, be either diminished by alienation, or burdened with debts or otherwise.

The prohibition with respect to alienation, shall not, however, extend either to those transfers which may be found necessary or beneficial on particular estates, in order to promote agriculture, or remove absolute disadvantages, and which may be effected by sale, exchange, or redemption, or to those which may be made in consequence of judicial decisions, or for the settlement of doubts as to territories.

So soon as an advantageous opportunity shall offer, the produce of any sale shall be laid out in the purchase of landed property, and until such purchase is made, shall be invested in some other profitable way.

The proceeds, in the form of property, privileges, incomes, or purchasing money, shall acquire the character of alienated property and shall take its place.

An account shall be rendered to the Estates during every ordinary session (article 115) of that portion of the public property which may have been alienated since the preceding session, for what purpose it was alienated, the terms, and in what manner the money received has been disposed of.

19. All rents, dues, and receipts, of the royal exchequer shall be paid into the public treasury; and the latter department shall, in return, be answerable for those debts and payments of every description for which the exchequer may be liable.

The rights of creditors shall remain undisturbed.

20. *Entailed property of the King.*—The property of the Royal House held in trust, shall consist:

(a) Of whatever is required for the keeping up, or ornament of the royal palaces, castles, buildings, and gardens, set apart for His Majesty's use; of the furniture or movables which are confided to the care of the officers and superintendents of the Court, and are destined to supply the wants, or to contribute to the splendor of the Court; of stables, horses, carriages, etc.; of things necessary for the chase; of the costly articles, gold and silver utensils, and porcelain, deposited in the royal collections; of the picture gallery; of the cabinets of prints, natural curiosities, coins, etc.; of the library; and of the repositories of the arts, armour, and arms;

(b) Of property which is added to the same, according to article 21.

The possession of the said entailed property of the Royal House belongs to the said House, but shall be transferred, according to the order of succession to the Crown, laid down in articles 6 and 7, to the lawful sovereign regent of the Kingdom of Saxony. It shall not be separated or alienated, from the State; but such transfers as it may be deemed requisite to effect, by the sale or exchange of any particular part of it, shall not be included in such prohibition; and the value obtained, in money or otherwise, by such transfers or exchanges, shall be invested in the same description of property as that of which the objects transferred consisted; and shall supply their place.

The proceeds of sales shall be employed as favorable opportunities offer, in increasing the entailed property of the Royal House; and every Sovereign or regent shall be allowed the privilege, with the consent of the States, of pledging, for public purposes, and in cases of extraordinary necessity, those articles of value belonging thereto, to the amount of 1,000,000 thalers, but the articles so pledged shall be redeemed as soon as possible.

In the cases of extraordinary emergency, referred to in article 105, when the assembling of the Estates is rendered impossible in consequence of existing circumstances, such articles may be so pledged by the King, under the responsibility of the minister concerned, without the consent of the Estates; subject, however, to the conditions above mentioned.

21. *Private property of the King.*—The private property of the King consists of whatever His Majesty may have possessed previously to his elevation to the sovereignty, and have acquired subsequently by means of such property; of which he shall have the free disposal, either during his lifetime, or in anticipation of his death.

Such part thereof as he shall not have so disposed of shall be added at his decease to the entailed property of the Royal House.

The King shall also be allowed the free disposal, during his lifetime, of any property which he may acquire, as Sovereign, by virtue of any private rights, or from economy in the expenditure of the civil list; but, at his death, the property remaining of this description shall, in like manner, be added to the entailed property of the Royal House.

22. *Civil list.*—The King shall enjoy, and dispose of freely, during his reign, a certain annual sum, as a civil list, to be agreed upon with the Estates, and to be payable in advance by monthly instalments out of the public treasury.

This sum shall be considered as an equivalent for the advantages to be derived from the possession of the royal domains, which have been transferred to the public treasury, during the King's reign, and shall not be diminished without his concurrence, or increased without the approbation of the Estates; and as this sum is essentially necessary to maintain the dignity of the Crown, it shall not at any time, nor in any manner, be burdened with debts.

The revenues resulting from the royal domains in question shall be transferred to the public treasury, so long as a civil list shall be granted, which shall never be of a less amount than that now agreed upon, viz, 500,000 thalers.

The civil list shall, upon the death of the King, continue of the same amount for his successor, until another shall be fixed, or at latest till a new budget shall be agreed upon.

Out of the sum allowed as a civil list, there shall be paid: The amount allowed for the privy purse of the King and Queen; also the expenses incurred, in the maintenance and education of their children, in the support of all the officers and servants of the Court, and in the payment of pensions to them, their widows, and children; as well as the total amount expended on the royal household, the stables, hunting establishments, etc., in the performance of divine worship, according to the Roman Catholic and Evangelical creeds (for the latter to the same amount as the former contributions), on the royal chapel and theatre, and on the castles, palaces, buildings, and gardens, reserved for the free use of the King, agreeably to article 17: in short all the other ordinary and extraordinary expenses of the Court, the payment of which is not expressly charged upon the budget of the State, shall be defrayed out of the civil list.

23. *Appanage and other allowances to the members of the royal family.*—The appanage, jointures, and other constitutional allowances, for bounties, and for wardrobes, granted at any time to members of the Royal House, shall not be altered during their lives, provided the regulations relative to second birth be observed; and they shall be defrayed out of the budget.

With respect to the appanage, jointures, marriage portions, and other similar allowances, which may be granted hereafter, under a condition as to second birth, a permanent arrangement shall be entered into with the Estates, which shall be inserted in the domestic law on the subject, and shall afterwards, in every individual case, be fulfilled.

These allowances shall never be altered without the approval of the Estates, nor the use of them secured by the transfer of landed property.

The payment of them shall be made out of the public treasury, and shall not be charged on the civil list.

SECTION III.—*On the General Rights and Duties of Subjects.*

24. *Relative position as to the laws, in consequence of residence in the Kingdom.*—Residence within the territory of the State shall require an observance of the laws, and command, in return, legal protection.

25. *Rights of natives and citizens of the State.*—The regulations as to the rights of natives and citizens of the State are reserved for a special law.

26. *Protection of rights.*—The rights of all the inhabitants shall be in an equal degree protected by the Constitution.

27. *Freedom of the person and of property.*—The freedom of persons, and their right to dispose of their own property, shall be subject to no other restrictions than those which law and justice prescribe.

28. *Choice of occupation.*—Every one shall be unrestricted in the choice of his calling and occupation, and may qualify himself accordingly, either in Saxony or in a foreign country, so far as the public laws or private rights do not expressly prevent it.

29. *Emigration.*—Every subject shall be allowed to quit the country without paying any emigration duty, provided he be not bound to render military service, or be otherwise prevented, by any obligation to the State, or to a private individual.

30. *Service of arms.*—The compulsion to assist in the defence of the country, and to engage in military service, shall be general, and no exemptions but those expressly mentioned in the laws shall be allowed.

31. *Appropriation of private property to public purposes.*—No one shall be forced to surrender up his property, rights, or privileges, for public purposes, except in those cases appointed by the law, or imperiously required by a pressing necessity (which latter shall be declared by the chief authorities of the State), nor without immediate and full indemnification.

Should any dispute arise, as to the amount of the indemnification, and the proprietor or privileged person be indisposed to abide by the decision of the Government authorities, he shall be at liberty to bring the affair forward for settlement in the usual course of law; but, in the mean time, the appropriation shall not be stopped, and the amount decided upon by the authorities shall be paid without loss of time.

32. *Relative position as to the laws, in matters of faith.*—Every inhabitant shall enjoy perfect freedom of conscience, and be protected in the exercise of his religion and faith, in the manner already secured, or to be hereafter enacted, by the laws.

33.¹ The enjoyment of civil and political rights is independent of religious faith.

No religious faith shall hinder the exercise of civil and political duties.

34. *Eligibility to public service equal, according to law.*—A difference in birth and station shall not justify any preference in the appointment to a public situation.

35. *The press and the book-trade.*—The affairs of the press and of the book-trade shall be regulated by a law; which shall establish the freedom of the same, upon condition of the observance of guarantees affording security against the abuse of them.

36. *Right of complaint against the authorities.*—Every one shall enjoy the right of complaining, in writing, to the superior authorities, of the illegal or unconstitutional proceeding of a subordinate officer, or of his delay in pronouncing a decision.

If the complaint be considered by the superior authority to be unfounded, the grounds of his decision shall be communicated to the complainant. Should the latter be dissatisfied with the decision of the superior officers, he may prefer his written complaint to the Estates, requesting their interference, who shall decide whether or not the complaint is of such a nature as to justify a representation by them to the Throne.

All persons shall, moreover, be free to bring their petitions and complaints immediately before the Sovereign.

37. *Payment of taxes.*—No subject shall be called upon for the payment of any taxes or duties to which he is not liable according to law, or by virtue of special rights.

38. All persons shall contribute to the relief of the public burdens.

39. A new system of taxation shall be adopted, in which the duties upon those articles, which are subject to the direct or indirect payment of them, shall be arranged with the utmost possible regard to justice and to an equitable assessment.

¹ Version of law of December 3, 1868.

Privileges hitherto enjoyed of exemption of the payment of taxes shall be abolished in consideration of a suitable indemnification, the particulars of which will be arranged in a future law by an agreement with the Estates.

40. No new or permanent privileges of exemption from participating in the public burdens shall on any account be granted or permitted.

SECTION IV.—*On the Public Service.*

41. *Ministerial departments. Council of ministers. Council of State.*—The ministerial departments are those of Justice, Finance, the Interior, War, Religion, and Foreign Affairs, the heads of which shall be responsible to the Estates, and form the Cabinet or Council of Ministers, as the Chief Board of Public Authorities.

The direction of spiritual matters shall be transferred to the Minister of Religion, who must invariably profess the Evangelic Faith, assisted by at least 2 other members of the Council of Ministers of the same faith; and to his jurisdiction shall appertain the affairs of the professors of every faith mentioned in article 57.

A Council of State may also be formed, in addition to the heads of the ministerial departments, which shall consist of such persons as the King may deem fit.

42. *Responsibility of official persons.*—Every public servant shall be responsible for his official acts.

43. *Orders emanating immediately from the King to be countersigned.*—All regulations relative to affairs of Government which are signed by the King shall be countersigned by the head of a ministerial department, who must have been present when the regulation was resolved upon, in token of his being responsible that the same is suitable for the object proposed, and in accordance with the laws and Constitution of the country.

Every regulation not countersigned as required shall be considered as surreptitiously obtained, and therefore invalid.

44. *Further regulations as to public servants reserved for future legislation.*—The relative duties of public officers, among whom, however, are not comprehended those engaged about the Court, shall be defined in a special law, in which the necessary independence of judicial officers shall be particularly regarded.

SECTION V.—*On the Administration of Justice.*

45. *Administration of justice.*—Justice shall be administered according to an ordinance, legally issued, relative to the prosecution of suits in the judicial courts.

46. *Grounds of judicial sentences to be given.*—Every tribunal shall make known the reasons for its decisions.

47. *Jurisdiction of the tribunals.*—The members of every tribunal shall, in the exercise of their judicial duties, and within the limits of their jurisdiction, be independent of the authority of the Government; and a special board, to be organized by a law, and of which half the members must be counselors of the Chief Court of Justice, shall decide, in the last instance, relative to doubts between the judicial and executive authorities, as to the extent of their jurisdiction respectively.

48. No subject shall be deprived of his ordinary judge, except in the cases pointed out by law.

49. *Legal remedy against acts of the Government.*—Every one who shall consider himself aggrieved in his rights, by any proceeding of the administration, may have recourse to a judicial investigation.

A special law shall provide for the necessary exceptions and regulations in order that the free progress of the Government may not be prevented by the exercise of this concession.

50. *Judicial privilege of the exchequer.*—Law suits instituted by the exchequer before the ordinary tribunals shall have precedence of all others.

51. *Legal prosecution.*—No one shall be prosecuted, apprehended, or punished, or kept in ignorance of the cause of his apprehension, for more than 24 hours, without legal reasons being assigned for the same.

52. *Right of pardon.*—The King shall have the right, in penal cases, of abolishing, as well as changing, mitigating, or remitting a punishment, but he cannot increase the sentence.

53. *Confiscations.*—Those articles only which have served as the objects or instruments of offences, shall in future be confiscated.

A general confiscation of the property shall, in no case, take place.

54. *Moratoria.*—Moratoria shall not be declared for State purposes.

55. *Further regulations as to the administration of justice reserved for future legislation.*—Justice shall be administered in such a manner as to secure equality in the eye of the law, so that judicial privileges shall cease, unless individual exceptions, founded upon treaties or peculiar relations, shall any longer be necessary.

Further regulations upon this subject shall be contained in a special law.

SECTION VI.—*On Churches, Schools, and Charitable Institutions.*

56. *Public worship.*—Persons professing those Christian doctrines only, which are already or may in future be tolerated in the Kingdom by special laws, shall be allowed the free public exercise of their religion.

New monasteries shall not be established, nor shall Jesuits, or any other spiritual orders, ever be tolerated in the country.

57. *Supremacy of the King in ecclesiastical matters.*—The King shall exercise his political authority over the churches (*jus circa sacra*) and superintend and defend them according to the ecclesiastical laws. The spiritual authorities, therefore, of every creed shall be subjected to the superintendence of the Department of Religion, but it is reserved for the members of the various confessions to make regulations relative to internal church government, according to the ecclesiastical constitution of each. The Episcopal jurisdiction of the Sovereign over those professing the Evangelical Faith, shall moreover continue to be exercised in the same manner as heretofore by the ministerial authorities pointed out in article 41, so long as the King shall belong to another confession.

58. *Representations of abuses of the spiritual authority.*—Any abuse or ecclesiastical power may be represented to the chief lay authorities of the State.

59. *Political relations of spiritual servants.*—The churches and schools, and the officers belonging to them, shall be subject to the laws of the State in civil transactions and affairs.

60. *Public institutions.*—All establishments without exception, whether devoted to religion, instruction, or charity, shall be under the immediate protection of the State, and the property or income derived by them shall not, under any pretense whatever, be added to that of the State, nor applied to other purposes than those for which the establishments were formed. An appropriation to other similar purposes can be made, only in those cases in which the objects of the institution shall be no longer attainable, when it may be made with the consent of the persons interested, and, so far as the ordinary public establishments of the country are concerned, with the approbation of the Estates.

SECTION VII.—*Of the Estates.*

1. ORGANIZATION OF THE ASSEMBLY OF THE ESTATES.

61. *The Estates divided into 2 Chambers. Representative constitution of the provinces.*—There shall be for the whole of the Kingdom of Saxony one General Assembly of the Estates, divided into 2 Chambers.

In addition to the same, the peculiar representative constitution of Upper Lusatia, and that of the ancient hereditary possession, shall be retained, with a reservation as to the introduction of those modifications which may become necessary, with reference to both.

62. *The 2 Chambers to have equal rights, and to act in unison.*—Both Chambers shall enjoy the same rights and privileges, and the time and place of their meetings shall invariably be the same.

63.¹ *The First Chamber and the members of it.*—The following shall be members of the First Chamber :

1. The princes of the Royal House, who shall have attained their majority;

2. The deputy from the Chief Canonical Establishment at Meissen, who may be chosen by the members from their own body;

3. The possessor of the feudal principality of Wildenfels;

4. The plenipotentiaries of the 5 Schönburgian feudal principalities, of Glaucha, Waldenburg, Lichtenstein, Hartenstein, and Stein, who may be chosen by the members from among their body;

5. A deputy of the University of Leipzig, who may be chosen by the University from among its senior professors;

6. The possessor of the feudal principality of Königsbrück;

7. The possessor of the feudal principality of Reibersdorf;

8. The principal Lutheran Chaplain of the Court;

9. The Deacon of the Ecclesiastical Institution of St. Peter, at Budissin, in his capacity as superior Catholic clergyman; or, in case of his being prevented from taking his seat, or of office being vacant, one of the 3 capitular members of that establishment;

10. The superintending, or principal Protestant clergyman, at Leipzig;

11. The representative of the Collegiate Establishment at Wurzen, who may be chosen by the chapter;

12. The plenipotentiaries of the 4 Schönburgian feudal principalities of Rochsburg, Wechselburg, Penig, and Remissen, who may be chosen by the possessors from among themselves;

13. 12 representatives of the possessors of equestrian feuds, and other larger rural estates;

14. 10 possessors of equestrian feuds, appointed for life by the King, according to his free choice;

15. The chief magistrates of Dresden and Leipzig;

16. The chief magistrates of 6 towns, to be selected by the King, with the utmost possible regard to the interests of every part of the Kingdom;

17. 5 members appointed for life by the King, according to his free choice.

64. *Regulations relative to the possessors of princely feuds.*—If the possessors of the feudal domains mentioned in article 63, clauses

¹ Article 63, clauses 13 and 17, were revised by law of December 3, 1868.

3, 4, 6, 7, and 12, should be prevented, by their being minors, or by any circumstance which the Chamber shall approve of, from taking part personally in the business of the session, the nearest heirs of such possessors, if they be not ineligible, according to article 74, may be admitted to the Chamber in their stead; but the possessors of the principality Wildenfels and of the Schönburgian princely feuds, may at all times appoint their plenipotentiaries in the Chamber by right of their hereditary votes; which plenipotentiaries must not be disqualified, according to article 74, and must possess an equestrian feud in the Kingdom of Saxony.

65.¹ *Regulations relative to the possessors of equestrian feuds.*—The election law makes further provisions with regard to the delegates mentioned in article 63, clause 13.

Only those property owners are eligible who possess in the Kingdom of Saxony one or more equestrian estates, which, inclusive of the appurtenances, are assessed at 4,000 thalers, at least, or those who possess some other estate in the lowlands assessed at 4,000 thalers, at least.

Each of the 10 possessors of equestrian feuds, to be appointed by the King, according to article 63, clause 14, shall derive a clear annual revenue of at least 4,000 thalers, from one or more feuds situated in the Kingdom of Saxony; and the King may select them even from among the possessors of the Schönburgian feuds, as far as they do not already belong to the Chamber, according to article 63, clauses 4 and 12. Ministers in actual service and paid officers of the Court shall not be nominated.

The delegates specified under article 63, clauses 14 and 17, must always be named.

66. *Duration of functions in the First Chamber.*—The members of the First Chamber, who belong to it by virtue of their office, shall retain their seat so long as they may continue to fill such office.

The representatives of the University, and of the public establishments, and also the plenipotentiaries of the princely feuds of Schönburg, and that of Wildenfels, shall retain their seats until their successors can be lawfully admitted.

The possessors of equestrian feuds, chosen from among their own body, and those nominated by the King, shall continue to be members of the Chamber, so long as they retain the qualifications by virtue of which they were nominated or chosen, as the case may be; but those possessors of equestrian feuds who may be chosen members, and shall be afterwards employed in a public capacity, or promoted to a higher office, or become paid servants of the Court during the

¹ Articles 65 and 66 were revised by law of December 3, 1868.

performance of their duties, as members of the Assembly of the Estates, shall vacate their seats, but may be reelected.

Possessors of equestrian estates appointed by the King remain members of the Chamber as long as their landed property satisfies the requirements prescribed in article 65.

67.¹ *The president and his substitute.*—The president of the Upper Chamber shall be appointed by the King, for every session, from among those members who belong to it, in consequence of their possessing feudal domains; and he shall not reside out of the Kingdom.

The Chamber elects one or more vice-presidents.

68.² The Second Chamber of the Estates is formed of 91 deputies, of whom 43 are elected in municipal electoral districts and 48 in rural districts.

Future incorporation of communes or changes of the communal constitutions of individual localities have no effect on the membership of said localities in the election districts.

[Articles 69 and 70 were rescinded by law of December 3, 1868.]

71.² The deputies of the Second Chamber of the Estates are elected for 6 years. After expiration of the 6 years the Chamber is newly elected.

When a deputy resigns before the expiration of the six-year period, the election of a substitute is valid only for the rest of the election period.

The delegates cease to be members of the Chamber if—

(a) they lose their eligibility;

(b) they are employed in the service of the State, or are advanced to a higher position, or accept a paid position at Court;

(c) the King dissolves the Chamber, or

(d) they resign voluntarily.

In the cases specified under *b* to *d* they may be reelected immediately.

72.³ The Second Chamber elects its president and one or more vice-presidents.

73. *Regulations common to both Chambers. Ages of electors and candidates.*—An elector, in order to participate in the privilege of electing a member of the Assembly of the Estates, must have completed the 25th, and a candidate the 30th, year of his age.

74.⁴ The election law makes further provisions relative to eligibility to vote and to be elected.

Those persons who have, according to the election law, been deprived of the voting privileges in general and without difference

¹ Paragraph 2 revised by law of October 12, 1874.

² Revised by law of May 15, 1909. Similarly, article 71.

³ Revised by law of October 12, 1874.

⁴ Revised by law of October 19, 1861.

of the various classes can not enter the First Chamber or retain their seats therein, in accordance with article 64, as substitutes of landed proprietors named in article 63, clauses 3, 4, 6, 7, and 12.

75.¹ *Election of servants of the State and of other officers.*—If a public servant shall be elected a member of either of the 2 Chambers, or a member's substitute, he shall communicate the same to his superior official authority in order that he may consider whether the election can be approved and provide, if it be approved, for the temporary execution of the duties of the person elected. The approval shall not be refused except for weighty reasons, applying solely to the character of the office, which reasons must be communicated to the Estates.

This provision applies also to all other officials, to members of the clergy, teachers, as well as military persons. Municipal officials must secure the consent of the municipal councils, which may be withheld only for the same reasons.

The Government shall decide upon the validity of any representations, with respect to the refusal to grant consent.

76.² *Order of sitting.*—The arrangement as to precedence, in sitting in the Upper Chamber, shall be regulated, so far as regards the members named in article 63, clauses 1 to 12, according to the order therein pointed out; and as regards the other members, and those of the Lower Chamber, it shall be regulated by lot, which shall be decided at the opening of the Chamber. The president shall draw for those members who may not be present upon the occasion.

The plenipotentiaries take the places of those whom they represent.

77. *Law of election and proceedings of the Estates.*—Further regulations relative to the proceedings at the election of both Chambers, and to the qualification required by electors, to entitle them to vote for members of the Lower Chamber, shall be contained in the election law which, although not composing an integral part of this Constitution, shall not be altered without the consent of the Estates.

2. EFFICIENCY OF THE ESTATES.

78. *General duty of the Estates.*—The Estates shall be the constitutional organ of the collective body of the subjects and citizens, and as such they shall be required to maintain the rights guaranteed to them by the Constitution, in their position, as therein fixed, with reference to the Government of the State, and also to promote to their utmost ability the inseparable prosperity of their King and country, with a strict adherence to the principles of the Constitution.

79. *Jurisdiction of the Assembly of the Estates.*—The affairs which belong to the Assembly of the Estates, are clearly pointed out in the

¹ Paragraph 2 revised by law of October 19, 1861.

² Revised by law of December 3, 1868.

present Constitutional Law, and they shall in no case be submitted to committees of the Estates, or to any other corporate body.

The Assembly of the Estates may, however, on its part, occupy itself with those affairs, only when they are referred to it, or with such subjects as may be specially referred to it by the King.

80. *Priority of matters referred to the Estates by the King.*—The Estates shall be bound to discuss those subjects which may be referred to them by the King, before they deliberate on any other matters.

81. *Personal exercise of their functions by the Estates.*—The members of both Chambers, with the exception of the cases mentioned in article 64, relative to the possessors of certain princely fiefs, shall attend in person; and shall not authorize any individual to vote in their name; nor shall they receive any instructions from their constituents, they being guided in their conduct by their own conviction.

They shall be at liberty to present to the Assembly of the Estates any petitions specially transmitted to them for that purpose, and to promote the interests thereof, if they shall deem it expedient.

82. *Oath of the Estates.*—Every member of the Assembly of the Estates shall, upon his first admission into the Chamber, take the following oath:

I swear, by Almighty God, faithfully to maintain the Constitution of the Kingdom, and, in my propositions and votes in the Assembly of the Estates, invariably to promote the inseparable welfare of my King and country, according to the best of my ability. So help me God.

The Presidents of both Chambers shall deposit the oaths subscribed by them in the hands of the King, and those of the other members thereof shall be delivered to the member presiding over their respective Chamber.

Upon the introduction into the Chamber of a member who has been reelected, he shall bind himself to the performance of his duty, by a solemn handshake with reference to the oath formerly taken by him, in token of his adherence to its contents.

[Article 83 rescinded by law of October 12, 1874.]

84. *Personal inviolability of the members of the Estates, during their session.*—The Estates shall enjoy, during the period of the session, perfect inviolability of person, as well in their collective, as in their individual capacity. No member shall, therefore, on any account, be arrested during the session, without the express consent of the Chamber to which he may belong, except in case of his being detected in the actual commission of a criminal offence, or in consequence of any proceedings connected with the fraudulent issue of bills of exchange.

85. *Legislative functions of the Estates, and propositions relative to the laws.*—Projects of law may be submitted by the King to the Estates, and by the Estates to the King.

The Estates may also deliberate upon the adoption of new laws, as well as upon the repeal or alteration of existing laws.

The motives shall be affixed to every project of a law.

86. *Assent of the Estates to the laws.*—No law shall be passed, amended, or authentically interpreted, without the acquiescence of the Estates.

87. *Power of the King, with reference to laws and ordinances, particularly in urgent cases.*—The King shall issue and promulgate the laws, provided they have received the sanction of the Estates; he shall also publish the orders and regulations which may be necessary for the due execution and observance of them, as well as such other regulations and directions as may be requisite, in the exercise of his superintending and administrative authority.

88. The King shall also issue those regulations, which, from their nature, require the acquiescence of the Estates, but which are of such pressing importance to the welfare of the community, that their temporary object would be frustrated by delay; with the exception, however, of any alteration whatever in the Constitution, or in the election law.

The ministers shall be responsible, collectively, for the urgent necessity which required the adoption of such measures, and they shall severally countersign the ordinances issued upon the occasion, which must be submitted to the Estates at their next meeting for their approbation.

89.¹ The right of the Estates to adopt measures for the requirements of the State, provided for in article 97 of the Constitution of September 4, 1831, is subject to the limitations made in articles 2 and 70 of the Constitution of the German Confederation.

90.² *Withdrawal of projects of law submitted by the King.*—The King shall be at liberty to withdraw any project of law which he shall have submitted to the Chambers, even pending the discussion thereof by the Estates.

91. *Mode of proceeding when the Chambers differ in opinion upon a project of law.*—If the Chambers should be divided in opinion as to the acceptance of a project of law, they shall have recourse, previously to delivering their report, to the measures prescribed in article 131, with a view to effect an agreement upon the subject.

92. *Rejection of a project of law.*—Should the two Chambers, after having recourse to those measures, still differ in opinion, it shall be necessary, in order to reject the project of law, that at least two-thirds of the members present in one of the 2 Chambers, shall have voted for its rejection.

93. *Specifications of the reasons for rejecting or altering a project of law.*—The report of the Estates, in which they either entirely re-

¹ Revised by law of December 3, 1868.

² Article 90, sentence 2, rescinded by law of December 3, 1868.

ject, or suggest alterations in, a project of law, must contain a statement of the reasons thereof.

94. *Form of proceeding when a project of law, accepted with amendment by the Estates, shall not be approved by the King.*—If a project of law, which shall have been accepted by the Estates, but amended by them, should not be approved by the King, it may be entirely withdrawn; or it may be again submitted to the Estates, during the same session, in its former shape, accompanied by the grounds of disapproval, or with the alterations proposed by the Government. In the two last cases, the Government shall be at liberty to require the unconditional acceptance or rejection of it.

95. *Form of proceeding when a project of law shall be absolutely rejected by the Estates.*—A project of law, which shall have been absolutely rejected by the Estates, may be again submitted to them, in the same form, in the succeeding session, or in an amended shape, during the same session.

96.¹ *Jurisdiction of the Estates in matters of finance. Consent of the Estates to the imposition or alteration of taxes.*—The existing direct or indirect taxes shall not be changed without the acquiescence of the Estates, nor shall such taxes be imposed and levied without their approbation, except in the cases stated in articles 1, 5, 6, and 8 of this law.²

97. *Investigation and decision of the Estates, with respect to the sums required for the public service.*—It shall be the duty of the Estates to provide the necessary means for defraying the ordinary and extraordinary expenses of the State; and they shall be authorized to inquire into the necessity for, and destination of, the sums to be voted, and to offer suggestions thereupon; and also to decide upon the granting of the proposed sums, the mode of providing them, the equitable principles according to which the duties and imposts shall be levied, upon persons and things, as well as the mode of levying them, and the length of time during which they shall continue to be levied.

98.³ *Statements of the ways and means for the Estates.*—A complete account of the income and expenditure during the next to last fiscal period, and an estimate of the amount required for the succeeding 2 years, together with suggestions thereupon, shall be submitted to the Estates in every ordinary session (article 115), as soon after its commencement as possible.

99. *Vouchers and explanations of accounts, for the Estates.*—In order that the Estates may be enabled to decide thereupon, there shall be laid before them, by the principal authorities of the State, and.

¹ Article 96 revised by law of May 5, 1851.

² This refers to articles 89, 103, and 105 of the Constitution.

³ Revised by laws of May 5, 1851, and of December 3, 1868.

should they require it, by the heads of the respective departments, the requisite explanations, concerning the accounts and vouchers.

Estimates for secret services shall not be entertained, unless accompanied by a written assurance on the part of the King, countersigned by at least 3 of his ministers, that the expenditure of the same has been, or shall be, made for the true interests of the country.

100. *Declaration of the Estates, as to the sums required for the public service.*—After having carefully examined, agreeably to their duty, the before-mentioned accounts, vouchers, and appendices, the Estates shall report to the King the sums to be raised according thereto; and should they propose a diminution of the amount required, the reasons for the same must be distinctly detailed, and the objects stated, as well as the form and manner in which the reductions can be effected, without detriment to the interests of the State.

101. *Mode of proceeding, if the Chambers differ as to grants.*—If the 2 Chambers should be divided in opinion as to grants of money, recourse shall be had to the arrangement prescribed in article 131, for the purpose of effecting an agreement.

102.¹ *Considerations upon which the grants of money are to depend.*—The voting of taxes by the Estates shall never be made to depend upon considerations which do not immediately relate to the taxes themselves, or to the application of them.

103. *Mode of proceeding, when an agreement with the Estates, as to a grant, can not be effected.*—The propositions, and the reasons upon which they are founded, as submitted by the Estates to the Government, agreeably to article 100, shall be thoroughly investigated, and their compatibility with the interests of the State invariably kept in view.

But should they be found objectionable, and should the Estates, notwithstanding a new discussion, and the explanations given to them upon the subject, continue to refuse to vote a grant, in the manner proposed, the King shall cause the taxes, necessary for the service of the State, provided they have not been voted expressly for a temporary object already attained, to continue to be imposed and levied by the chief authorities, by virtue of an ordinance, to be inserted in the collection of the laws, for a year, after the expiration of the term for which they had been previously granted.

In the proclamation to be issued for this purpose, the peculiar nature of the circumstance shall be described, and reference made to the present article of the Constitutional Law.

The proclamation so issued, for prolonging the period for collecting the taxes, shall be in force only for one year; in consequence of which an extraordinary session of the Estates shall be convoked by the King, 6 months at the least before the termination of that period.

¹ Articles 102–105 were replaced by articles 4–8 of the law of May 5, 1851.

A grant shall not, however, be considered as refused, unless two-thirds, at least, of the members present shall, in one of the Chambers, have voted for its rejection.

1.¹ If the period of appropriation should expire before a new appropriation has been made, and if none of the cases foreseen in article 5 of the law of May 5, 1851, should occur, and if the budget bill has not been delayed by the Government in violation of the provision of article 3 of the aforementioned law, the existing taxes and revenues shall be continued in force for another year, as far as they were not intended for a temporary purpose which has already been attained, and subject to the provisions of the budget for expenditures.

2. This continued levy of old taxes shall be permissible without the consent of the Estates only if, beside the stipulations mentioned in 1:—

(a) the Estates have been assembled at least 7 weeks before the expiration of the appropriation period, and soon after the opening of the session a law has been submitted to them on the provisional continuation of the tax, and if this law has been rejected or not yet passed within two weeks before the expiration of the appropriation period, or

(b) if conditions make a speedy convocation of the Chambers impossible, which impossibility must subsequently be proved before the Chambers.

104. *Reference to the consent of the Estates, in proclamations relative to taxes.*—With the exception of the case provided for in articles 1, 2, 5, 6, and 8 of this law (articles 89, 96, 103, 105), the acquiescence of the Estates shall be expressly stated in the proclamations concerning the taxes; the collectors shall not otherwise be authorized to demand them, nor the public be bound to pay them.

105. *Mode of proceeding, when urgent financial measures are necessary.*—No loan shall be valid without the acquiescence of the Estates.

If unforeseen circumstances of an extraordinary and urgent nature should occur, requiring the immediate adoption of financial measures, for which the consent of the Estates will be necessary, an extraordinary session shall be summoned.

Should, however, any particular circumstance render such a session impracticable, the King may, under the responsibility of the heads of the ministerial departments, who shall recommend such a course, adopt such provisional measures as may be indispensable for meeting the exigency of the moment, and may even, as an exception, contract for a loan, if indispensable; but the measures so adopted shall be submitted to the Estates as soon as possible, and, at the latest, at their next ordinary session, in order to obtain their constitutional consent; and they shall also be made acquainted with the appropriation of the sums which it may have been necessary to disburse.

106. *Reserve fund.*—A reserve fund shall be formed, and be invariably included and voted in the budget, in order that the Govern-

¹ 1 and 2 were added by law of November 27, 1860.

ment may be provided with the extraordinary resources that may be necessary, in case of unforeseen occurrences.

107. *Sinking fund.*—A sinking fund, subject to the administration of the Estates, shall be established for the special purpose of discharging the interest of the national debt, and of providing the means for its extinction.

It shall be managed by a committee of the Estates, assisted by certain officers appointed by the members and approved by the King; the committee shall continue to act, in the event of the dissolution of the Second Chamber, until the opening of the succeeding session of the Estates, and the appointment of a new committee.

The Government shall be at liberty, at all times, by virtue of its privilege of supreme superintendence, to take cognizance of the state of this fund.

The annual accounts of the same shall be examined by the chief authorities of the Board of Accounts and be laid before the Estates at every ordinary session (article 115) in order that they may audit and approve them. The result shall afterwards be printed and published, in the name of the Estates.

108. *Duty of the Estates, with reference to the property of the public, and the hereditary entailed property of the Reigning House.*—The Estates shall be authorized and bound to watch over the administration of the property of the State, and of the hereditary entailed property of the Royal House, in the manner pointed out in articles 18 and 20.

109. *Right of the Estates to petition.*—The Estates shall be entitled to submit to the King, in a suitable form, their common opinions and propositions, relative to matters within their jurisdiction.

Herein shall be included proposals for the remedying of any defects which may be found in the general government of the country, or in the administration of justice.

In like manner, every individual member of the Estates shall be authorized to submit, to the Chamber to which he may belong, his own opinions and propositions upon the same subjects, and such Chamber shall decide whether, and in what manner, they shall be further considered. If the Chamber shall proceed in the matter, after an investigation shall have taken place in consequence of the proposition, the cooperation of the other Chamber shall be invited and the matter shall be submitted to the King, provided that the 2 Chambers shall concur in the resolution.

110. *Right of the Estates to prefer complaints.*—Each Chamber, provided the two Chambers can not unite upon the subject, may, separately, prefer complaints against the principal authorities of the State, and the chiefs, individually of the ministerial departments

(article 41), relative to the execution of the laws, with respect to the government of the country, or the administration of justice.

The ordinances and other regulations appertaining to the affairs of the Government, which require the signature of the King, and which may be necessary in order to establish such complaints, shall be countersigned, agreeably to article 43.

The illegal proceedings, or gross neglect, of public servants, belonging to the ministerial departments, shall be made the subject of complaint on the part of the Estates, only when the conduct of the individual, immediately affected thereby, shall have been complained of to the department concerned, or other legal measures shall have been taken without effect.

111. *Right of the Estates to receive the complaints of their fellow-subjects.*—The Estates may receive the written complaints of their fellow-subjects, but not deputations from corporate bodies. If it shall appear that a complaint has not reached the ministerial department concerned, in a constitutional manner, and has remained there without redress, it shall not receive consideration; but in the contrary case, if the complaint shall appear to the Estates to be well founded, they shall be at liberty, according as they may deem fit, to refer the same either to the department concerned, or to the chief authorities of the State, or to take the matter into their own hands, and, after discussing it in both Chambers, to recommend it to the King for suitable consideration. The rejection of such complaints, or the result of the investigation of them, shall be communicated to the Estates.

112. *Decrees of the Estates requiring the approbation of the King.*—All decrees of the Estates, which refer to any public matter, shall require, in order to be valid, the express sanction of the King.

113. *Decision of the King upon proposition of the Estates.*—The King shall decide upon every proposition submitted to him by the Estates, and his decision shall be communicated to them, if possible, during the same session. If the proposition be rejected, the reasons for its rejection shall be stated; and this regulation shall be more particularly observed when the proposition shall relate to the passing, repeal, or alteration, of a law.

114.¹ *Committees of the Estates appointed to act during their recess.*—The Assembly of the Estates may, with the approbation of the King, for the preparation of certain defined matters of discussion, and for the execution of decrees, relating to the business of the Estates, which may have received the royal assent, appoint committees, to assemble and act for these purposes, during the interval between one session and another, and also during the adjournment of a session.

¹ Revised by law of October 12, 1874.

3. SESSION OF THE ESTATES, AND MODE OF CONDUCTING THEIR PROCEEDINGS.

115.¹ *Time and place of the session of the Estates, and mode of summoning the same.*—The King shall appoint an ordinary session of the Estates at least once in every 2 years, and extraordinary session whenever circumstances requiring legislation, or that may be otherwise important, shall render it necessary.

An extraordinary meeting of the Estates shall invariably take place, upon a change in the Supreme Government, and within 4 months after that event.

The part of the Kingdom to be appointed for holding the session, shall always depend upon the pleasure of the King. The Estates shall be summoned to every session by a proclamation, which shall emanate from the chief authorities of the State, and be inserted in the collection of the laws, and by a circular notice transmitted to each member.

116.² *Adjournment and closing of the session, and dissolution of the Second Chamber.*—The King shall order the former closing of the Assembly of the Estates. He may also adjourn it, or dissolve the Second Chamber, by which latter proceeding the First Chamber is likewise declared to be adjourned.

The adjournment shall not continue beyond 6 months without express consent of the Estates.

Upon the dissolution of the Second Chamber, the election of the new representatives for the same, and the summoning of the Estates, shall also take place within 6 months.

117. *Opening and closing of the Assembly of the Estates.*—The King shall open and close the Assembly of the Estates, either in his own person, or by a commissioner specially authorized for that purpose.

118. *Prohibition to meet without authority.*—The Chambers shall neither assemble of their own accord, nor continue to meet and debate after the closing, or adjournment, of the session or the dissolution of the Second Chamber.

119. *Document to be presented by the King to the Estates, at the close of each session.*—The definite results of the session shall be collected in a formal document (*Landtagsabschied*), which shall contain the report of the King of his transactions with the Estates, and, being authenticated by the royal sign manual, shall be presented in original to the Estates at the time of their closing, and inserted in the collection of the laws.

¹ Revised by law of December 3, 1868.

² Paragraph 2 revised by

120.¹ *Allowances for the daily and traveling expenses of the Estates.*—The Estates, with the exception of those members of the Upper Chamber, mentioned in article 63, clauses 1–7, 9, 11, and 12, shall receive an allowance, as a remuneration for their daily extra and traveling expenses, according to the law fixing the proceedings of the Estates (*Landtagsordnung*).

121. *Each Chamber to act and vote separately.*—Each Chamber shall carry on its proceedings separately, and vote separately upon representations to be made to the King.

122. *Communications from the King to the Chambers.*—The communications from the King to the Chambers, which relate to taxes and grants, shall be made, in the first instance, to the Lower Chamber; in other cases it shall be left to the pleasure of the King, as to which of the 2 Chambers his communications shall be first submitted for consideration.

[Articles 123–126 were rescinded by law of October 12, 1874.]

127. *Deliberations of the Chambers.*—The Chambers shall not deliberate upon any subject, unless one-half, at least, of the number of members appointed by the Constitution be present.

128.² *Their votes and decisions.*—Resolutions shall be adopted by the Chambers only when one-half, at least, of the constitutional number of members are present at the sitting.

Each member, including the president, shall have 1 vote.

Questions shall be decided by an absolute majority of votes, except in the cases stated in articles 92, 103, and 152.

If the votes shall be equal, the question shall be again brought forward at the next sitting, and if an equality shall again occur, the president shall then have a casting vote.

Should the subject of discussion be one requiring merely the opinion of the Estates, every member who shall dissent may, if he think fit, annex such dissent to that opinion.

[Article 129 rescinded by law of December 3, 1868.]

130. *Communications between the 2 Chambers.*—The propositions, projects of law, and explanations, submitted by one Chamber to the other, shall be returned with the amendments, which must, however, have been considered by a committee.

131. *Negotiations between the 2 Chambers, if differing in opinion, and proceeding, if a mutual understanding be not attainable.*—If the 2 Chambers should be unable to agree upon a subject submitted to them, after the first consideration of it, they shall appoint a joint committee to deliberate, under the directions of the presidents of the 2 Chambers, upon the means of effecting a unanimity of opinion, shall lay the result of their

deliberations before each Chamber, for further consideration. If the Chambers be still unable to agree, and the question under discussion relate to matters connected with the passing of the laws or the voting of grants, the regulations contained in article 128 shall be observed, but if the affair be merely of a deliberative character, a written declaration, duly signed by the presidents respectively, in the name of the Chambers shall be immediately presented by each of the chief authorities of the State.

132.¹ *Documents common to both Chambers.*—The propositions and resolutions, upon which both Chambers have agreed, shall form one document, signed by the presidents of the two Chambers, in the name of the Assembly of the States, and deposited with the chief authorities of the State.

Special petitions of the Estates, coming from one Chamber or the other, are, with the exception of articles 110 and 131, only admissible when one of the Chambers wishes to address a petition to the King.

133. *Relative position of the Estates to the chief public authorities.*—The intercourse between the Crown and the Estates shall be carried on only through the medium of the chief authorities of the Kingdom, and with those authorities alone shall the 2 Chambers, separately, be in immediate communication, with reference to matters of business.

[Article 134 rescinded by law of October 12, 1874.]

135. *The deliberations of the Chambers to be public.*—The sittings of both Chambers shall be public. They shall however be secret, upon the proposition of the royal commissioners, when relating to matters which they may consider to require secrecy; and also at the desire of 3 members of the Government, to whom shall be added, after the withdrawal of the spectators, at least one-fourth of the members of the Chamber, who must coincide in the necessity of a secret deliberation.

[Article 136 rescinded by law of October 12, 1874.]

137. *Ordinance, regulating the proceedings of the session.*—Additional regulations, relative to the session of the Estates and to the form of their proceedings, during its continuance, shall be contained in their special ordinance intended to provide for these subjects.

SECTION VIII.—*On the means of maintaining the Constitution.*

138. *Engagement of the King, and of the regent, upon their accession to the Government.*—The successor to the throne, on his accession thereto, shall promise, upon his word as a Prince, and in the presence of the collective council of ministers and of the presi-

¹ Paragraph 2 was added by law of October 12, 1874.

dents of the last Assembly of the Estates, that he will, during his reign, observe, uphold, and maintain entire, in all its provisions, the Constitution of the country, as agreed upon by the King and by the Estates.

A similar promise shall also be made by the regent (article 9). The declarations to this effect, a copy of which shall be inserted in the collection of the laws, shall be handed over to the presidents of the two Chambers, who shall lay them before the next Assembly of the Estates, and, in the meantime, deposit them among the archives.

139. *Oath to observe the Constitution.*—The oath of the subjects of the State, generally, as well as of the civil officers, and of the clergy of every Christian confession, shall, after promising fidelity and obedience to the King and to the laws of the country, contain an engagement to observe the Constitution.

140. *Complaints of the Estates against the ministerial and other public authorities, for violations of the Constitution.*—The Estates shall have the right to represent to the King, in the usual manner, any violation of the Constitution committed by His Majesty's ministers or by the other authorities of the State.

The King shall forthwith redress the grievances complained of, or should any doubt prevail on the subject, he shall cause an investigation to be made according to the nature of the grievance, either by the chief authorities of the State or by the principal judicial tribunal.

If the investigation shall be entrusted to the chief authorities of the State, they shall communicate their opinion thereupon to the King for His Majesty's decision, but if the principal judicial tribunal shall be charged with the investigation, that tribunal shall decide the matter. The result, in either case, shall be laid before the Estates.

141. *Accusations of the Estates, of the same description, against the chiefs of the ministerial departments.*—The Estates shall, moreover, have the special right formally to accuse the chiefs of the ministerial departments who may have been guilty of a violation of the Constitution.

Should they at any time feel it their duty to bring forward such an accusation, the acts complained of shall be accurately described, and the matter investigated, in both Chambers, by a special committee.

Should the 2 Chambers concur in passing resolutions confirming the accusation, the matter shall be referred, with all the documents relating thereto, to the judicial court of State specially appointed for the purpose in the following article.

142. *Judicial Court of State. Its jurisdiction.*—A Judicial Court of State (*Staatsgerichtshof*), shall be established for the legal pro-

tection of the Constitution; this Court shall take cognizance of those acts of the chiefs of the ministerial departments which may be considered to have been directed to the overthrow of the Constitution, or to have tended to a violation of any particular part thereof.

Recourse may, moreover, be had to the same Court, in the cases mentioned in articles 83 and 153.

143. *Its organization.*—The Judicial Court of State shall consist of a president, selected by the King from amongst the chiefs of the higher courts of justice, and of 12 judges, 6 of whom shall be chosen by the King out of the members of those courts, and 3 of whom, as also 2 substitutes, shall be chosen by each Chamber, but not from amongst the members of the Assembly of the Estates. Two, at least, of the members chosen by each Chamber shall be of the legal profession, and they may be selected from amongst the servants of the State, subject to the approbation of the King.

The first of the judges appointed by the King shall perform the duties of the president, in the event of his being prevented from attending to them.

The period for which the members are to be appointed, shall be from one ordinary session to another, and their appointments shall take place at the close of each session. In case of an adjournment of the session, or of the dissolution of the Lower Chamber, the Court appointed at the close of the previous ordinary session shall continue in authority, until the closing of the next Assembly of the Estates.

144. The president and the whole of the judges shall be specially bound to the performance of their duties as members of this Court, and shall be released from their oath as subjects, or as public servants, with reference to those duties.

Neither the King nor the Chambers shall recall the appointment of any members during the time for which they may have been nominated; but if a judge chosen by one of the Chambers should accept an official employment he shall forthwith cease to be a member of the Court, but may be reelected by the Chamber concerned.

145. *Meetings of the Judicial Court of State.*—The Court shall assemble at the summons of the president, who shall issue such summons, upon the receipt of an order to that effect from the King, countersigned by the chief of the Ministerial Department of Justice, or of a requisition stating the object, subscribed by the presidents of both Chambers.

The functions of the Court shall cease as soon as the trial is ended. The president shall see to the execution of the decrees of the Court, and reassemble it in case of any delay of the same.

146. *Forms of its proceedings.*—The president shall nominate one of the members, appointed by the King, and one of those of the legal profession, appointed by the Estates, for the purpose of superintending the investigation of any matter submitted to the Court.

At the time of deciding any question of importance, 2 members shall be chosen by a majority of the whole number, including the president, for the purpose of reporting to the Court the case submitted to it.

If the judge who is to report first should be one of the members appointed by the King, the other reporter shall be a member appointed by the Estates, and *vice versa*. In case of an equality of votes at this election, the president shall decide.

147. An equal number of the members appointed by the King, and of those chosen by the Estates, shall be present whenever a resolution is passed.

Should there by chance be an unequal number, which can not be rectified immediately, by another nomination, or by the admission of a substitute, the last member on the side of the majority shall retire, but the number of judges shall never be less than 10.

The President shall not vote, except in the cases stated in articles 146 and 153. In the event of an equality of votes, the decision shall be in favor of the accused person.

The acts of the Court shall be printed and published.

148. *Penal authority of the Court.*—The authority of the Court in awarding punishments shall extend only to an express disapprobation of the proceeding complained of, or to a removal from office.

If the Court shall have decreed a punishment which it is competent to award, without expressly excluding a further one, not only shall it be reserved for the ordinary judge to cause further proceedings to be taken against the condemned person, but the Judicial Court of State shall communicate to the judge of the ordinary court the result of the proceedings consequent upon the accusation.

149. *Legal remedy against its decrees.*—No appeal against the sentence of the Judicial Court of State shall be allowed, but an application may be made for another sentence. In this case, 2 other members shall be chosen, as reporter and co-reporter, in such manner, that, if the reporter in the first instance shall be one of the members appointed by the King, the reporter in the second instance shall be one of those chosen by the Estates, and *vice versa*. In order to be enabled to pass another sentence, the Court shall be increased by the addition of 2 members; one of the members of a Superior Court of Justice being appointed for the occasion on the part of the King, and one of the substitutes, chosen according to article 143, being summoned on the part of the Estates.

150. *Proceedings of the King, in cases of indictment.*—The King shall never, on any account, interrupt an investigation, nor exert the right of pardon granted to him, in such manner that a public servant, condemned by the Judicial Court of the State to be displaced from his position, shall be reinstated or appointed to another office, connected with the political or judicial administration of the country; provided that the sentence of the court did not contain an express reservation in favor of the condemned person, relative to his reinstatement.

151. *Resignation of the accused person.*—The resignation of the accused person shall have no influence upon the proceedings instituted against him, or upon the sentence of condemnation.

152. *Propositions for altering, or explaining the Constitutional Law, or for adding thereto.*—Propositions for altering, explaining, or extending the stipulations of this Constitutional Law, may be submitted by the King to the Estates, or by the Estates to the King.

In order to pass a valid resolution, in the event of such propositions being made, the consent of the 2 Chambers shall be necessary, and the presence of three-fourths of the constitutional number of members, as well as a majority of two-thirds of those present, shall be necessary, in each Chamber. Such propositions shall not, however, be submitted by the Estates to the King, until resolutions to that effect shall have been agreed to, in both Chambers, at 2 ordinary and successive sessions of the Estates; but during the first session which shall be held after the publication of this Constitutional Law, no alteration, explanation, or addition, thereto, shall be proposed or resolution adopted.

153. *Settlement of doubtful points in the Constitutional Law.*—Should doubts arise, with respect to the meaning of any particular points of this Constitutional Law, and the same be not removed by an understanding between the Government and the Estates, the conflicting opinions, as well on the part of the Government as on that of the Estates, shall be submitted to the Judicial Court of the State for decision.

For this purpose, each party shall submit to the Court a written paper, containing a statement of the arguments and reasoning thereupon; which document shall be communicated by each party to the other, and replied to in another written paper, so that each party shall be in possession of 2 documents. In case of an equality of votes at the time of settling the doubtful points, the president of the Court shall give the casting vote.

The interpretation decided upon in this manner shall be regarded as authentic, and be respected accordingly.

154. *Repeal of laws, ordinances, and observances at variance with the Constitutional Law.*—All laws, ordinances, and observances,

which are at variance with an express stipulation in the present Constitutional Law, shall be invalid.

Whilst we hereby declare the foregoing articles to be the Fundamental Law of our Kingdom, we, at the same time, and upon our princely word, publish the assurance that we will, ourselves, not only faithfully comply with the stipulations therein contained, but also, to the utmost of our power, defend this Constitution against every attack and violation.

In testimony whereof, we have subscribed with our own hands the present Fundamental Law of the State, and caused it to be sealed with our royal seal.

Done and given at Dresden, on the 4th of September in the year of Christ, our blessed Saviour and Redeemer, 1831.

[L. s.]

ANTON.

FRIEDRICH AUGUST,

Duke of Saxony.

GOTTLLOB ADOLF ERNST NOSTIZ UND JÄNCKENDORF.

JOHANN DANIEL MERBACH.

SAXE-ALTENBURG.

CONSTITUTION OF APRIL 29, 1831.¹

[PREAMBLE.]

We, Friedrich, by the grace of God, Duke of Saxony, Juliers, Cleve and Berg, also Engern and Westphalia, Landgrave of Thuringia, Margrave of Meissen, Count of Henneberg, invested with princely dignity, Count of the Mark, and Ravensberg, Earl of Ravensstein, etc., extend our most gracious greeting to all our loyal subjects and impart to them: We have resolved to grant our Duchy a Constitution, and after deliberating with our loyal Provincial Assembly and with its consent we ordain as follows:

FIRST PART.—THE DUCHY, THE SOVEREIGN, AND THE DUCAL HOUSE.

SECTION I.—*The Duchy.*

ARTICLE 1. The Duchy of Saxe-Altenburg, as it appears and is defined by the treaties of partition of the Joint House of Saxony and subject to further treaties to be negotiated with other states, represents a unit, and the Constitution applies to this in its entirety.

ART. 2. Of this constitutional territory no part can be sold. In the event of partition of inheritance in the Joint House of Saxony, the rules of the Joint House of Saxony must be applied.

If an exchange of territory seems advisable or necessary for the settlement of disputes regarding boundary lines, or questions of sovereignty, and if a transfer of domain property is essential, the Provincial Deputation is to be heard before the approval of the Sovereign is granted.

ART. 3.² The present assets of the country, the public property contained in the domains and castles (with the exception of the investments made by the present ruler or his successors from privy purse) are to be inherited undiminished by the succession in the reign of the Ducal Special Line of Saxe-Altenburg. Under no pretense

¹ Translation by George C. Zeydel based on the text as found in Stoerk-Rauchhaupt, pp. 349-390.

² Compare the law of April 29, 1874, concerning regulations as to legal questions relating to domanial property. In accordance with the provisions of this law, the entire domanial property has been divided in such a way that the Ducal House received two-thirds as its absolute property and the country one-third. The privilege of the ruling Duke to receive a civil list was hereby revoked and this right expired on October 1, 1874 (article 5). Compare note to articles 18 ff.

can a portion—if not procured by proceeds of privy coffers—be claimed from the succession by the heir of an allodial estate during the reign of the present Special House. A privy domain or private possession can not be taken away from the sovereignty.

SECTION II.—*The Sovereign.*

ART. 4. The Duke as Sovereign is the head of the State, combines in his person the entire undivided State authority and exercises it subject to the provisions laid down in the Constitution.

His person is sacred and inviolable. He can not transfer the seat of government under any circumstances outside of the State.

ART. 5. The laws enacted under the Constitution will only be announced by the Duke as head of the Government or with his approval and in his behalf.

ART. 6. The Duke is the head of the entire State authority and represents the State in all its relations toward other states.

ART. 7. The entire administration of justice and all police functions will be exercised in the name of the Duke directly or indirectly and shall be carried on under his supreme supervision.

ART. 8. No death sentence can be inflicted without the approval of the Duke. The Duke has the right of pardon in penal cases. This, however, does not bar civil procedure in regard to private claims emanating from violations of law.

ART. 9. The Duke alone can levy taxes and assessments subject to provisions prescribed under Fifth Part, articles 201–209.

ART. 10. The Duke has exclusive power over the military force. Only with his consent and in his behalf can the arming of the residents be ordered.

SECTION III.—*Relations toward the Joint House of Saxony and the German Confederation.*

ART. 11. The Duke is at the same time a member of the German Confederation and the Joint House of Saxony. In this respect he has in accordance with the Federal and House laws rights and duties which can not be altered by domestic legislation.

ART. 12. The resolutions of the Federal Assembly concerning the relations of the German Confederation, its members and the German citizens in general, are a part of the State laws of the Duchy Altenburg, and are legally binding and in force after their proclamation by the Sovereign. This, however, does not exempt the provinces of the Duchy from the contributions to meet the Federal obligations as far as is prescribed in the Constitution (article 204.)

SECTION IV.—*Successor to the throne.*

ART. 13. The succession to the Government is by virtue of the rule of primogeniture of June 24, 1703, and the testamentary order of January 11, 1705, hereditary in the direct male descendency of the present ruling Duke according to the rules of primogeniture and lineal succession, in such way that after the extinction of the ruling line the nearest related line and among it the first born male descendant is entitled to preference.

This also settles for the Ducal Special House the State hereditary succession for all territories and possessions which may hereafter be incorporated and for all cases of succession for which the treaties and the traditions in the Joint House of Saxony of the Ernestinian and Albertinian line offer a criterion.

At the same time it is provided that an assignment of the debts of new possessions to the ducal main land can not be made without the consent of the Provincial Diet.

ART. 14. The government acts of the predecessors are to be recognized and carried out by the successor as long as they have not been enacted in violation of the Constitution and the House laws.

SECTION V.—*Majority.—Guardianship.*

ART. 15. The Duke and all princes of the Ducal House become of legal age when attaining 21 years and are then respectively eligible to rulership. The Duke can declare princes of the House after they have attained the age of 18 years as being of legal age at the request of their original guardian or a guardian appointed for that purpose.

The Duke himself can when he attains the age of 18 be pronounced of legal age by the oldest among the rulers of the Joint House of Saxony of all lines with the consent of the guardianship and the regency.

ART. 16. During the minority of the successor to the throne the rightful mother of the future ruler will assume the guardianship and regency in case no other dispositions have been made by the deceased ruler. If she is not living any more or is remarried or incapacitated, the regency shall be conducted by the oldest of the princes among the agnates of the Ducal House when of legal age. If no such prince is living, the oldest ruler of the Joint House of Saxony of the Gotha line shall assume the regency.

ART. 17. Associated with the guardianship is a council of regency, consisting of at least three members of the Ministry, advising the guardian as to all government matters.

If no other provision has been made in this respect by the late ruler, the Ministry which served under him will act as council of regency.

The latter will at the same time take charge of the management of the private revenues and the privy purse of the minor and his accounts.

SECTION VI.—*Domanial property.—Family private funds.—Private purse.—Civil List.*

ARTS. 18–22.¹

SECTION VII.—*Wife of the Sovereign.*

ART. 23. The wife of the Duke assumes the title and coat of arms of her husband. Her rank is higher than that of all other members of the family directly after the ruler.

ART. 23, PAR. 2.—ART. 24.²

SECTION VIII.—*Hereditary prince.—Later-born princes and princesses.*

ARTS. 25, 26.²

ART. 27. No prince whose father is still living shall as a rule maintain an own household unless he derives an income through foreign service or other sources until he marries.

ART. 28. No prince or princess of the house can marry without the approval of the ruling Sovereign. All marriage settlements of princes and princesses are null and void if not confirmed by the ruling Duke.

A marriage performed without the Duke's consent has therefore no legal standing in regard to rank, title, and coat of arms.

No claims as to succession to rulership, princely emoluments, dowry or dower rights can be made in such case. The children issued from such marriage or their mother can claim during the lifetime of the prince only the right of alimony from his private purse. In case he dies intestate his children and their mother are entitled only to one-sixth or one-fourth of the personal estate, according to whether the deceased leaves legitimate children from another marriage or not.

ARTS. 29–33.²

¹ "On the date set in article 3 (October 1, 1874) the right of the ruling Duke in regard to a Civil List (revenue from the domanial property) expires, as well as all other contributions which the State previously had to make for the maintenance of the ducal court. Renouncing these privileges for us and our successors, we consider the property rights and emoluments provided for our Ducal House by the present law as ample indemnity and compensation. All obligations heretofore met by the Civil List (domanial revenues), especially those which the ruling Duke incurred in regard to the members of the Ducal House, are now to be defrayed from the proceeds of the domain entail. The Constitution and the House laws govern the existing obligations of that nature and the amounts to be paid." Article 5 of the law of April 29, 1874. "All provisions conflicting with the present law are suspended." Article 25 of the law cited.

² Cf. note to articles 18 ff. and to article 3.

SECTION IX.—*Private rights.*

ART. 34. The members of the Ducal House must make disposition in regard to their private estate in accordance with the law of the land, and by the law of the land the succession also is settled.

ART. 35. All complaints against a member of the Ducal House in regard to property or contracts are to be filed with the judicial department of the country. The ruler has, however, to be notified of the prospective litigation in advance, and a copy of the complaint is to be submitted to him giving him an opportunity for a settlement of the case.

In regard to all other personal legal matters of the princes and the princesses of the House the ruler has to decide on the mode of procedure after a conference with the family council consisting of the princes of legal age not concerned in the matter and the Ministry, as well as the court officials of higher rank.

SECTION X.—*Responsibility for governmental acts.*

ART. 36. The Sovereign himself stands above reproach and is not personally responsible for any of his government acts. He exercises these functions under the responsibility of the Ministry consisting of a number of counselors.

For that reason every official act bearing the signature of the ruler must contain the counter-signature of a member of the Ministry as evidence that the act has been duly considered in the privy council and that the legality of the matter has been deliberated upon.

ART. 37. The responsibility for each unlawful act rests first on the one from whom it emanated. Orders of a superior official, even of the Sovereign, cover such acts only in case the order has been given in proper form by the superior official, in which case he bears the responsibility.

The charge against higher State officials in regard to unlawful acts countersigned by them or orders of that nature can be brought by the Provincial Diet after the party aggrieved by such act has tried in vain to secure from the authorities and the Sovereign a repeal of the measure in question and the payment of indemnity for damages sustained. Before such steps can be taken the complaint is, however, to be submitted to the Sovereign for the purpose of a review of the matter on the part of the administering officials. If the complainant can get no satisfaction in the matter he may take the case before the Court of Appeals under the provision of article 39 of the rules of the Court of Appeals.

SECOND PART.—GENERAL RIGHTS AND DUTIES OF SUBJECTS.

SECTION I.—*Status of subjects and their civic rights.*

ART. 38. All residents dwelling under the protection of the ducal State authorities are by virtue of their outspoken or tacit submission to be considered as subjects (State citizens). Their relation toward the State authority and the country as life-long residents is permanent, while others residing in the country only for a time are termed as temporary subjects, and their relations toward the State are considered only as temporary (article 94).

ART. 39. If a subject establishes a household within the boundaries of the Duchy, or belongs by marriage or parental authority to a household therein, he assumes as inhabitant all personal and real rights and duties of a subject as well as for his person as for his kinsmen, and his estate.

If a person acquires property in the Duchy but does not personally take possession of same, he is considered as a foreign estate holder, settler (*Forenser*) in the broader sense of the word (article 91.)

ART. 40. The right of citizenship is closely connected with the status of subjects. Those entitled to it enjoy besides legal protection special State rights and personal privileges.

ART. 41. In order to claim the right of subjects it is only necessary to establish their home right (right of residence, naturalization) in the Duchy. These rights can be secured as follows:

(a) By birth from a mother who lives in marriage with a subject of Altenburg or (in case of an illegitimate birth) a mother being a subject. In both cases it is immaterial whether the birth took place in the country or during a temporary stay of the mother in a foreign state. Provisions regarding the domicile of children of a native born in a foreign country and of children born by a foreigner while being in this country are governed by special agreements of the various states.

(b) By a marriage of a female foreigner with a subject, performed according to the laws of the land.

(c) By the appointment to a position in the State ecclesiastical or school administration, by entering the military service and permanent assignment in the service of the Ducal Court.

(d) By being admitted as member of a township.

(e) By land grants.

Concerning the naturalization of those being without a domicile the treaties made with other Federal states and those still to be negotiated have to be considered (article 98).

ART. 42. In order to be admitted to the citizenship of the Duchy of Altenburg it is required that the applicant be of the Christian faith;

the particular denomination of the applicant does not make any difference as to his political or civic rights.

The admission is to be effected by the respective township under the supervision of the Government in accordance with the legal forms.

ART. 43. The rights of the subject cease (*a*) by the marriage of a female resident with a foreigner, (*b*) by joining the court or military service of a foreign state as well as by accepting an ecclesiastical or school position in a foreign country, (*c*) by emigration (article 69). In the latter two cases the citizenship may continue if a petition to that effect is made to the Sovereign.

SECTION II.—*Rights of subjects who at the same time are residents.*

ART. 44. Every subject of Altenburg who likewise is a resident (article 39) has, irrespective of rank and birth, the same claim to the civic rights laid down in the Constitution (article 81). In the same way all the rights and duties connected with the citizenship and residence are defined by the present Constitution and concern all alike, irrespective of rank or birth.

The rights of the resident subjects are, beside the personal freedom of faith and conscience (article 129), as follows:

1. LEGAL PROTECTION.

ART. 45. No subject who likewise is a resident shall be deprived of justice in civil or criminal matters, except in cases especially defined by law, and shall not be tried under foreign laws as long as he has not subjected himself to them. Therefore, no extradition or summoning to foreign countries is permitted unless state treaties of reciprocity, especially in regard to identifications and misdemeanors, as violation of forest laws, provide otherwise.

The presiding judge of the Supreme Court has the power to refer cases coming under his jurisdiction to a lower court in order to relieve the work of the higher tribunal or in case the judge is a relative to one of the parties in the case.

The State Government has in case of an open revolt or apparent resistance toward the authorities the power to create special criminal courts for trial also for such persons who do not belong to the military force. The authorities are also empowered to appoint in such event a court martial forthwith.

Should other conditions not as serious but still endangering the public safety and welfare prevail, the consent of the Provincial Deputation for the appointment of special criminal courts shall be sought.

In both cases the criminal judges must take the oath of office.

ART. 46. The judicial proceeding and judgment within their legal form and effect prevail and are independent of all arbitrary influence of the State Government.

It is, however, the duty of the Government to provide speedy, impartial and less expensive administration of justice and establish such by virtue of its power of supervision and discipline.

Every official of the judiciary bench, whether appointed by the State or chosen from a city council and confirmed by the State Government (article 121) (taking the oath as judge or actuary) is considered appointed for life and can not be impeached without the judgment of a court, nor assigned to another position without maintaining his rank and salary and being reimbursed for moving expenses (article 83).

In view of the patrimonial courts the consolidation of several courts and their merging into one tribunal shall in the future be considered, likewise a reassignment of judges and an equalization as to their appointment for lifetime.

Concerning disputes between the judiciary and executive officials the highest official in authority in the State has to render decision.

ART. 47. No new law shall have retroactive force. For each final judgment reasons must be given in the decision rendered, and the finding must be explained.

ART. 48. The Sovereign has the right to commute a sentence and to pardon the convicted (article 8), but no authority to pronounce a more severe fine or sentence than the one imposed by the trial judge. In case, in rendering a sentence, a penal provision is overlooked or not properly applied, the judicial department may give an opinion to that effect and make a motion for instituting certiorari proceedings.

The fine providing for the confiscation of an entire estate is, without prejudice to article 55, to be abolished and is to be substituted by other punishment.

ART. 49. All State or domanial treasuries and funds have to answer complaints made by subjects before the judiciary.

Before the complaint is filed, the case must be presented and considered by the administration and a detailed statement of the claim must be given either to the highest authority or, if it concerns a lower treasury, to the authorities having supervision over same.

ART. 50. The communes must seek the permission of the Government before they can file an action, and a hearing of the case must take place before the authorities proceed to the lawsuit (article 125).

2. FREEDOM OF THE INDIVIDUAL. LEGAL ANNULMENT OF PRIVATE COMPULSORY METHODS TOWARD PERSON AND PROPERTY.

ART. 51. No subject shall be arrested without being suspected of the commission of a crime, the suspicion to be substantiated by facts or owing to other legal causes. He should have a hearing one day after his arrest or as soon as the establishment of facts warrant it, and he should likewise be informed of the reason for being deprived of his liberty.

In case he is held in custody for more than three times 24 hours the judge is subject to a fine (*Sachsenbusse*) for every further day of unjustifiable delay.

ART. 52. The prisoners shall be treated moderately, and a confession shall not be exacted by compulsory methods. Only stubborn refusal to answer and evident lies make the defendant liable to lawful punishment.

ART. 53. All compulsory measures restraining the freedom of the individual and property, no longer in accordance with the higher state of civilization of the country (as the levy of socage and services detrimental to agriculture and forestry, the right of levying tithes, the order pertaining to milling obligations, and other privileges—shall be redeemed or abolished after the payment of proper indemnity in accordance with the law. This shall, however, not apply to services to be rendered to the State and its head by the subjects and communities (as to State socages, quartering, carting, services for churches and schools, street, and road work, etc.).

3. SAFEGUARDS FOR PROPERTY.

ART. 54. The State provides for the safety of private property. No private property can be seized by the State or a township unless it is used for important purposes, and in such a case an adequate compensation must be paid the owner for the loss. Such an obligation for the surrender of private property exists for instance in case of the building of new streets and roads, for the widening and extension of such, for the improvement of public thoroughfares and highways, the widening of rivers and streams, for cutting through or digging for the improvement of waterways, for the extension of cities, villages, and public buildings, the erection of market-places, and the replacing of destroyed buildings. The Government has jurisdiction, in case the owner disputes the necessity of the seizure, and appeal against the decision of the authorities can be made to the Sovereign.

If there is no judicial finding as to the amount of indemnity, an appraisal has to be made by three experts who must ascertain the

market value of the property. The owner appoints one of the appraisers, the State or the township another, and the third is to be appointed by the court having jurisdiction in the matter. All three appraisers must be sworn in before they take up their task.

ART. 55. The State Government has the right to seize such pieces of personal property, whose possession, use, or unrestrained circulation may under prevailing circumstances become injurious to the welfare of the State either permanently or temporary by means of police ordinances. Thus the surrender of arms may be demanded in case of a misuse threatening public safety has occurred or is to be feared. Further, the surrender and destruction of objects tending to spread contagious disease in times of an epidemic may be demanded.

Every subject is in this event held to give up such objects and will be indemnified if he possessed them before the ordinance was enacted but will receive no indemnity if the things were procured after the order had been announced.

Furthermore there have not been revoked orders in regard to fiscal and police confiscations regarding the regulations of market and guild-privileges (especially as to the adulteration of food, as wine, beer, etc.).

4. RIGHT TO DISPOSE OF PROPERTY.

ART. 56. Every subject can dispose of his property without restraint as soon as he becomes of legal age and is not subject to a guardian for his person and estate. The assignment of property is unlimited, but the buyer can not claim the right of citizenship by virtue of the purchase.

ART. 57. The subject can also have property in foreign countries provided this does not require him to settle there. In such case the permission of the Sovereign has to be sought.

5. FREEDOM IN THE PURSUIT OF TRADE.

ART. 58. Every subject of Altenburg who is likewise a resident enjoys the privilege to pursue a trade and the right to use his physical and mental powers to earn a living. He has, however, to obey the present laws, the police regulations and furthermore the private grants and privileges of others. The pursuit of a corporated trade is especially subject to the rules of the respective guild as to apprenticeship, etc.

ART. 59. Monopolies (exclusive privileges) shall hereafter not be granted or renewed.

As a reward for new inventions or important improvements of old inventions, patents can be obtained for the term of several years. These entitle the inventor to the exclusive right to dispose of the

inventions and receive all the profits emanating from such invention for the time specified.

ART. 60. The subject is also at liberty to invest and take part in foreign business enterprises, factories, etc. This, however, does not release him of his duties as a subject of this country.

6. ELIGIBILITY FOR OFFICES IN THE STATE, CHURCH, AND SCHOOL SERVICE.

ART. 61. No subject of Altenburg is barred in consequence of his birth or rank from the eligibility for State and other public offices, nor from the ecclesiastical or school service. Every applicant is, however, subject to a proper examination in regard to his knowledge and fitness.

In case of equal efficiency the native is to be considered first.

The Sovereign appoints and confirms all servants of the State, if he does not entrust the authorities with the appointing power.

7. FREE CHOICE IN REGARD TO EDUCATION AND SELECTION OF INSTITUTIONS FOR THAT PURPOSE.

ART. 62. The subject has therefore also the right to select his profession or trade and to secure his education and training in this or a foreign country under the provisions made to that end, especially as to preparations for the State service.

ART. 63. All schools and other educational institutions of the country are open to all subjects, unless their rules and regulations contain restrictions in regard to admission.

8. RIGHT TO MARRY AND ESTABLISH A HOUSEHOLD.

ART. 64. A male subject can after attaining the age of 21 marry a resident or foreigner and establish an own household as soon as he proves that (*a*) he has established a voluntary domicile in the country, that (*b*) he has been released of military service, and (*c*) that he has not been a public charge. The wife secures by the marriage the right of home, and the children of such persons are considered as subjects (article 39).

Petitions regarding marriages of minors can only be granted when the aforesaid conditions (*a*, *b*, *c*) have been complied with and the declaration of majority has been sought and granted by the Sovereign.

In reference to the marriage of attendants in the service of the Ducal Court and members of the military force special provisions have been made.

The restriction as to the age of marriage does not apply to the subjects of the female sex, but after marrying a foreigner they lose their home rights.

9. RIGHT OF MAKING COMPLAINTS.

ART. 65.¹ The subject has the right to file a complaint with the superior authorities about the unlawful or improper action of an official or about the delay of a decision. A final appeal can be made to the Duke. Even if the complaint has been found unwarranted, an explanation for the rejection of the same is to be given to the complainant.

The manifest abuse of making complaints can, irrespective of a prosecution for any slander committed by the plaintiff, render him liable to pay costs, however in no case to the chancery of the highest authority.

ART. 66. Complaints that concern the affairs of a community must be filed first with the township, if it is not directed against the latter, and after being considered by the same with the superior officials and finally with the Sovereign. Requests and petitions of the subjects relating to the welfare of a community must also first be submitted to the town authorities. Well meant suggestions and observations of benefit to the whole country or parts thereof can be sent directly to the highest authority who will always consider them. They can however also be submitted to the Provincial Diet.

10. RIGHT OF THE USE OF THE PRINTING PRESS.

[Article 67 has been eliminated.]

11. AID FOR THE NEEDY.

ART. 68. Subjects of Altenburg who cannot earn their living any more shall be supported under the law by their next of kin and their consort. The obligation for the proper support of such needy persons rests in the first place on those persons and further on the community to which the pauper belongs. The pauper laws contain further provisions.

12. RIGHT OF EMIGRATION.

ART. 69. The right to emigrate to a foreign country admitting emigrants is subject to the presumption that the emigrant has performed all his obligations as subject and citizen, and depends on the treaties made in that respect with the various States.

A permit from the State Government is required for emigration.

Without prejudice to judicial attachments of property of the emigrant for debts incurred, the granting of the permit shall not be declined. The right of citizenship of the emigrant expires, as well as that of his wife and children who are in the father's care; likewise that of illegitimate children being in their mother's care (article 43).

¹ By law of March 18, 1912, the right to make complaints has been limited by excluding all decisions in which an appeal can be made (article 7).

ART. 70. Fees (*Abzugsgeld*) are never levied in case of emigration to another German Federal state, and for emigration to a state outside of the Confederation only within the bounds of legal reprisal (*Rechtserwidernng*) (article 96).

SECTION III.—*Duties of subjects.* .

ART. 71. The duties of subjects who are likewise residents are as follows:

1. LOYALTY AND REVERENCE TOWARD THE SOVEREIGN.

Every subject owes the Sovereign, whose person is sacred and inviolable, and who combines in his person the whole State power (article 4), loyalty, reverence, and obedience.

The presumptive successor and the other members of the ruling House are also entitled to particular respect on the part of the subjects.

2. OBEDIENCE TOWARD LAW AND AUTHORITIES.

ART. 72. The laws prevailing in the Duchy of Altenburg, and in addition thereto the resolutions of the Confederation announced by the Sovereign, offer a criterion in accordance with which each subject and resident has to conduct himself. He is also subject to them outside of the State limits and shall be prosecuted for violations of law committed in another state after the return to the fatherland, provided he has not been dealt with accordingly in the country where he transgressed the law. Should the penal laws of the other state provide for a lighter sentence for that particular felony than the domestic laws then the defendant should have the benefit of the milder foreign law and be punished in accordance herewith.

ART. 73. The present Constitution is to be considered the fundamental law of the statutes of Altenburg. It is binding on every subject, and every official oath and official allegiance has to embody an assurance to obey the Constitution; a violation of the same, especially as to one of the duties of citizenship defined herein is considered a breach of loyalty and a crime against the State.

3. SHARING IN TAX BURDENS.

ART. 74. Appropriations are necessary for the maintenance of the State institutions and their various purposes. It is the equal duty of all subjects to raise the necessary means, and they have therefore to meet the obligations as laid down in the Constitution (as to taxes and assessments) at the specified terms, until the levy of one or the

other tax has been repealed by law. It is not only provided that in the future all real estate without exception (estates under feudal tenure included) should be proportionally assessed, but at the same time all privileges as to tax exemptions and releases shall be repealed by a special law and indemnity paid for the revoking of tax exemptions. It shall be the aim of the new law to provide for an equalization and the taxing of all subjects.

At the time when the estates held under feudal tenure shall be included in the tax-roll the domains and privy estates will be also made subject to a taxation.

Hereafter parts of the former domains (not only such as domanial estates) shall be assessed provided they are now under private ownership, and, on the other hand, estates heretofore being in private possession and in the meantime purchased by the Sovereign shall be continued as taxable property.¹

ART. 75. In order to establish a fair valuation of real estate, a review of the tax list will take place (if it has not already been ordered), and the amounts of assessment shall be revised. Whenever an increase of taxes shall be deemed proper it will take place, but the owner has no claim for indemnity against his predecessor in the ownership.

ART. 76. The subjects have the right to take part in the regulation of the tax system through their representatives in the Provincial Diet (articles 201-209), and the subjects must be informed from time to time about the affairs of the State treasury (article 247).

4. PROTECTION OF THE COUNTRY BY THE MILITARY SERVICE.

ART. 77. One of the most important functions of the German Federal States is the determining of a quota for military service in proportion to the population of the various states.

The subjects are held, irrespective of rank and birth, to perform military service in accordance with the provisions of the conscription law and to meet the appropriations to be made for that service.

ART. 78. No subject of Altenburg may leave the country until he has fulfilled his military duties (article 69) or has secured special permission from the Sovereign.

ART. 79. However, no subject is obliged to perform military services in a foreign country outside of the purposes of the German Confederation.

ART. 80. Furthermore, subjects are obliged, in order to maintain public safety and civic order in accordance with the regulations prescribed by the head of the State, to perform police and military

¹ "The entire present domain entail (*Fideikommissvermaegen*) is subject to taxation. The obligation to pay State taxes has been suspended, however, as long as a member of the Joint House of Saxe-Gotha is ruling the country." Law of April 29, 1874, article 16.

duties, to act as civil guards, and to obey strictly their superiors, whether the latter be chosen by themselves or otherwise appointed, as well as to comply immediately with the military summons of the authorities, the police, or the president of the commune. Disobedience entails, besides legal punishment, the duty of bearing the disadvantages arising from such disobedience.

SECTION IV.—*State rights of citizens.*

1. RIGHTS.

ART. 81. The State rights of citizenship involve political rights and make the citizen eligible to occupy the following offices:

- (a) Town judge and associate judge;
- (b) A State or town office in accordance with the statutes governing such appointment;
- (c) Elector to choose a representative in the Provincial Diet or to be chosen himself a delegate to that body in accordance with the Constitution.

2. ACQUISITION OF CITIZENSHIP.

(a) BY MAJORITY AND THE HOME RIGHT.

ART. 82. In general every subject secures the State citizenship through settlement, admission to the township, declaration of allegiance, but it is understood that a resident vested with the rights of such citizenship must be of legal age and enjoy a good reputation (article 89).

(b) BY SERVICES TO STATE, CHURCH AND SCHOOL.

ART. 83. By entering the service of the State, the Church or the educational administration as well as the permanent employment as court official, the resident secures the citizenship. For this reason the public officials and servants especially have the obligation to perform their services conscientiously and efficiently as an example for all citizens. Every servant of the State, every public, temporal and spiritual official is responsible. Therefore they can be suspended for incompetency and neglect of duty, and as far as it concerns the temporal officials they can be degraded to a minor position. Gross violation of the official oath may after investigation lead to dismissal.

ART. 84.¹ Charges against public officials, against attendants of the ecclesiastical or school administrations are to be presented to the highest authority, who will order a thorough investigation. If the matter seems to be urgent, the necessary steps for the investigation have to be taken by the superior authority.

¹ The restriction of the right of pardon of the Sovereign according to article 84 has been annulled by the law of October 8, 1861, article 49.

Investigations of that kind are never to be dropped before the charge has been thoroughly examined, and officials who are found guilty and dismissed can never be reinstated.

ART. 85. On the other hand, if the State and Church employees and servants are incapacitated by old age or sickness without any fault of their own, they are entitled to an adequate pension, sufficient for their support. To lighten the burden of the State in that respect a pension-fund has been created for the civil employees (article 34 of the second supplement of the Constitution).

For the aid of widows and orphans of civil employees and clergymen, institutions have been endowed and will as far as possible be enlarged (article 33, second supplement).

3. LOSS OF THE STATE CITIZENSHIP AND RIGHT TO STATE SERVICE.

ART. 86. The State citizens' rights (and consequently also the position held in public, church, or school service) are forfeited:

- (a) By giving up the rights of subject by emigration;
- (b) By accepting foreign service or pay without consent of the Duke;
- (c) By a valid conviction to State prison or corporal punishment, or if loss of civic rights is embodied in a sentence (for violation of civic duties);
- (d) By dishonorable discharge from military service proclaimed by court martial.

ART. 87. As far as the expulsion from military service is concerned, the delinquent may be reinstated as citizen in case another investigation shows the innocence of the party. Decision in such case is made by the Duke, but in that event the oath of allegiance has to be renewed.

ART. 88. The rights of suffrage and representation are forfeited for the voter as well as the person elected to the Provincial Assembly in case of evidence of bribery, no matter whether the guilty party receives punishment (article 5, election rules) or not.

4. TEMPORARY SUSPENSION OF CIVIC RIGHTS.

ART. 89. The State rights of citizenship can not temporarily be exercised:

- (a) While the citizen is in charge of a committee or custodian.
- (b) While he is in bankruptcy or in financial troubles until his creditors have been paid in full or after a court of justice finds that a great misfortune such as a fire or theft or robbery is the cause of the troubles and that the bankrupt is not to be blamed. In that event he can be reinstated as citizen and assume his rights again.

(c) While being in service of another private person or attached to his household, receiving board and wages. During this state of dependency the right of citizenship is suspended.

(d) Furthermore during a penal investigation until a not dishonorable fine (article 86 *c* and *d*) or an acquittal has been pronounced. Even after an acquittal, mainly procured by means of the own sworn testimony of the defendant, he is not reinstated as citizen in case he has been charged with a serious crime until he is able to prove his innocence and is fully exonerated.

ART. 90. Public officials, attendants of the church and school service are suspended from office as long as they are deprived of their citizens' rights.

Dispositions about the payment of salary during the suspension is to be made by the State Government.

SECTION V.—*Non-resident subjects.*

ART. 91. Inhabitants (*Forenser* in the broader sense of the word) are those who possess real estate in the country but have no home-rights. They do not enjoy any rights of State citizenship but are entitled to protection for their property and (in case of a temporary stay in the country) the personal protection of the State. They must, however, in view of that take the oath of allegiance without securing thereby the State right of citizenship or the right of home.

ART. 92. They have to pay taxes in proportion to the value of their property to the State and the township and they have further to procure in the township where their property is located a bondsman for the payment of all assessments and charges for said estate.

ART. 93. These inhabitants have to answer complaints in regard to property rights before the judges of the country, but in personal cases the disposition depends upon whether the treaty with the state where this inhabitant has a permanent domicile requires his presence in the place of trial.

SECTION VI.—*Foreigners.*

ART. 94. Temporary subjects (aliens) are such who stop temporarily in the country without being admitted to citizenship. During their stay they enjoy the protection of the laws and have the same private rights as the subjects. They are, therefore, subject to the laws during their stay (with the exception of foreign sovereigns and their families and the foreign ambassadors to the Ducal Court). They are bound to meet any obligation which may be prescribed by law or the rules of the township.

For their conduct in the country they may be held liable, and in case any charge is made against them they can be tried according to the domestic laws and regulations. Their conviction will be as a rule followed by expulsion; an extradition to the authorities of their own country for the purpose of prosecution for a felony committed here shall only take place if a State treaty calls for it.

ART. 95. Foreigners will be arrested for crimes committed in other countries but only held for investigation if they are charged with a crime in this country as well. Otherwise their extradition to the place where the felony has been committed or to the State to which they belong will be ordered.

ART. 96. If in another state a foreigner in general, or a subject of Altenburg in particular, should be deprived of the legal private rights of its residents, residents of that state during a stay in Altenburg may be dealt with accordingly, but only with the consent of the Sovereign.

ART. 97. Foreigners are at liberty to come to the Duchy of Altenburg to study science or art or to learn a trade or profession, and they enjoy during their stay the protection of the State, but do not secure thereby the rights of a subject any more than persons being in board and service of a citizen do.

It is of course understood that they shall respect the laws of the country during their stay.

ART. 98. Those foreigners who stay in the country for some time to transact business or for some other reasons have to apply for a permit to the town authorities, who will issue to the stranger of independent means a card. Petty authorities are not allowed to issue these cards for a longer period than six months, but the Government may grant the foreigner an extension.

The stay as such without an admission to the township does not entitle to any home-rights (article 41).

THIRD PART.—CORPORATIONS IN THE STATE.

A. IN GENERAL.

ART. 99. The cooperation of several of the subjects for a common purpose can only acquire the character of a corporation when the said association receives the sanction and recognition of the State Government. The authorities have to determine what functions and powers shall be granted to such a corporation if no provision covering the particular case is made in the Constitution.

B. COMMUNES.

SECTION I.—*Organization of same by citizens and neighbors.*

ART. 100. The most important corporations in the State are the communes inasmuch as they promote through joint action and co-operation the welfare in general, as well as in a special way, within the social bounds of the town. They form hereby the foundation of the whole State organization.

With the exception of the State officials, the employees of church and school (whose relations to the estate holders under feudal tenure are to be especially provided for), nobody within the Duchy of Altenburg can exercise the State rights of citizenship or acquire the rights of a subject who does not belong to a domestic township as a citizen or neighbor. Thus physicians, lawyers, and notaries and other persons not directly serving under the State Government are to be considered as members of the commune.

ART. 101. The members of a city or commune consist of three classes:

(a) The class of regular citizens (full rights of citizenship and rights of neighbors, living in the vicinity of a town) (article 102–105);

(b) The class of non-resident subjects (*Forenser* in the narrower sense of the word) and citizens pursuing a trade (articles 106, 107), and

(c) The class of persons under special protection of the Government (article 108).

1. FULL RIGHTS OF NEIGHBORS.

ART. 102. The civic rights of townsmen (full rights of neighbors) include the power to take part in all activities of the commune, and the holder is also entitled to all private as well as political and honorable rights as follows:

(a) Protection of commune and its court, if there is any within the limits of it;

(b) Right to pursue a free or corporated trade;

(c) Right to purchase real estate in the town or its vicinity without any restraint;

(d) Taking part and having a share in the estate of the commune, its statutes, privileges, and endowments;

(e) Taking part in the direct or indirect representation of the commune;

(f) Eligibility for town offices, and

(g) Claim for lawful aid on the part of the commune in case of need.

ART. 103. On the other hand the communal and neighbor rights are subject to certain duties and obligations, as loyalty and obedience toward the communal authorities and the taking part in guard and other services. At the same time the citizens are held to pay all taxes levied by the Sovereign as well as all fees which are collected by the commune.

Disputes as to assessments and fees and about the apportionment of the tax levying among the members of the commune will be taken up by the administrating officers and not by the court, as they are matters coming under their jurisdiction, and the proceeding can be taken as a last resort before the Sovereign.

ART. 104. The communal rights can only be acquired by birth or by admission, in accordance with the laws governing this matter. The rights are forfeited, as provided by law for certain reasons which are about the same as those provided for the loss of the civic rights for the State (article 86). These reasons are: Emigration, entering foreign service and receiving pay without official consent, being sentenced to prison or corporal punishment, the expulsion from military service by a decision of the court martial, depriving a person of the civic rights. In this case the rights of the resident are only to be limited and the individual may be later reinstated in all his rights.

ART. 105. Exercising an undue influence in communal elections especially through bribery will lead to the punishment of voter and candidate and also to the loss of the honor, rights, and citizenship, especially in regard to the active and passive right of suffrage and the eligibility for a position in the town service.

2. NON-RESIDENTS (*Forenser* IN THE SPECIAL SENSE).

ART. 106. Non-residents (*Forenser* in the special sense of the word) are those who possess real estate in the vicinity of a town but exercise their home right in another part of the Duchy. They have not the personal rights of the citizens of the town, are entitled however to the protection of their property as well as to their person during a temporary stay on their estate. They have about the same relations toward the State as the property owners (*Forenser* in the broader sense of the word) (article 91).

In view of the protection which he enjoys, the non-resident has to bear his share of taxation; he can, however, not be assessed any higher for his real estate than the other members of the commune.

ART. 107. The citizens pursuing a trade enjoy somewhat limited rights in the community in some parts of the country, but they have the right to membership in guilds being incorporated in other communes. In regard to the latter they enjoy no civic rights, and their

relations to this township are governed by the rules of the guild. They have, however, to pay the usual fees to the commune in which the guild is incorporated.

3. INHABITANTS BY SPECIAL GRANT.

ART. 108. (*Schutzverwandte*) Inhabitants under the protection of the Government are those who without acquiring the right of neighbors settle in a certain community and secure the right to pursue certain trades or other functions by paying a fee (*Schutzgeld*). They enjoy during their stay for their person as well as in regard to business, defined and limited by law, the full protection of the communal authorities, and have the use of communal institutions, without, however, assuming any rights as citizens or neighbors.

Foreigners can, however, only be admitted as such inhabitants (*Schutzbuenger*) if they can prove that they will be reinstated as citizens of their native town after their return and if they belong to a Christian denomination.

ART. 109. In general the rules for citizens and neighbors are consequently defined as follows:

(a) Through the granting of the town and neighbor rights the rights of State citizenship are also granted (article 100).

(b) Every commune is held to admit to citizenship every employee of the State, church or school service (article 82).

(c) The protective citizenship (*Schutzbuengerrecht*) can be only granted to Christian foreigners who can show that they will eventually be reinstated as citizens of their native town.

(d) Foreigners who want to remain temporarily in a town for a certain purpose can secure in accordance with the provision of law a card entitling them to remain in the country for a specified period of time.

SECTION II.—*Rights of communes.*

1. SEPARATE PREROGATIVES.

ART. 110. The rights of communes comprise the rights of the individual, and these are considered as a unit in the legal sense of the word. They are namely: (1) the right of being represented by persons from their midst; (2) the enjoyment of legal benefits of minor in regard to their property and privileges; (3) the right to use a joint seal; (4) the right to acquire real estate and franchises; (5) the management of town property by officials chosen from among themselves; (6) the establishment of special institutions for town or other common purposes, and also especially (7) the admission of citizens and neighbors into the commune. All this is to be carried out under the legal provisions and forms.

2. RESOLUTIONS OF COMMUNES.

ART. 111. To make a decree of the township valid, it is required to call a gathering, and to carry the resolution a majority of those present is necessary, provided that two-thirds of those present cast their vote. Only those duly authorized can take part in the vote.

The decree is binding upon all members of the commune, but the resolution shall not interfere with the private rights of individuals or corporations.

3. DEBTS OF COMMUNES.

ART. 112. The commune, above all, is liable for debts of the community, and if necessary the members can be held responsible with their property; especially when the obligation could have been met by a levy of assessment. Members joining after the debt has been incurred are also liable.

4. ESTATE OF COMMUNES.

ART. 113. No State authority has the right to dispose of the funds of a commune without the consent of its trustees, and town property shall never be merged with State funds.

SECTION III.—*Duties of communes.*

ART. 114. The communes have no right to undertake anything whereby the general rights of the State are interfered with or restricted. They shall on the contrary endeavour to further everything that answers State purposes and is beneficent for the State.

To their duties belong the following: The furtherance of public safety in all its relations, especially within their bailiwick; the maintenance of public institutions and works (as bridges, pavements, wells, aid of the sick and poor, etc., and not belonging to other officials); the maintenance of fire apparatus and arms necessary for guarding of property.

SECTION IV.—*Classes. Village and municipal corporations.*

1. VILLAGE CORPORATIONS.

ART. 115. In regard to the various village corporations, the existing rules and institutions will remain in force until a general order of village organization shall be enacted.¹

¹ This village rule was enacted on September 16, 1851.

2. MUNICIPAL CORPORATIONS.

In respect to municipal corporations the following, to be considered as foundation for further municipal legislation, is prescribed herewith:

ARTS. 116-124.¹

SECTION V.—*Supervision and administration of the municipal and village corporations by the State Government.*

ART. 125.² In view of the fact that each corporation can only exist with the sanction of the State, it is essential that they should be subject to supervision on the part of the State also.

This will be exercised as follows: (1) by the organization of the local police; (2) by sanctioning the order of justice in the corporation; (3) by examining and supervising the accounts and treasuries; (4) by giving the consent in case of a sale or attachment of property and franchises, the levy of special or regular assessments, important expenditure for building and other purposes, loans contracted for communal purposes, introduction of new statutes, and new organic institutions; (5) by confirmation or declining of the election of officers and the fixing of salaries of officials.

ART. 126. The special supervision over the village corporations will be conducted by the ducal departments and the patrimonial courts under the guidance of the Government.

The Government has charge of the supervision of city corporations and their special affairs (articles 116-124), and this power can be delegated to a single official or body of officials. The Government has the right from time to time to conduct examinations and investigations, especially when irregularities have been noticed, and these revisions are either ordered by the State authorities at their own discretion or following a request of the city or village deputies. In case any misconduct on the part of city or village officials shall be discovered, a disciplinary proceeding will follow and the discharge of the unfaithful officer pronounced, in case he should be found guilty. The reasons for the dismissal must be embodied in the decision, and appeal can be taken to the higher authority and as a last resort to the Sovereign.

The removal from office will be followed forthwith by a new election.

The reelection of the dismissed official is null and void.

¹ Articles 116-124 have been repealed by the municipal regulation of June 10, 1897; also article 127, article 125, and the law of March 16, 1868, as far as they concern cities.

² The supervising functions of the Government as laid down in article 125 were amended in many respects by the law of March 16, 1868. Compare note to article 116.

In respect to the judicial authorities in the cities, the higher court has jurisdiction as to investigation of misconduct.

ART. 127.¹

FOURTH PART.—CHURCHES AND SCHOOLS.—RELIGIOUS ENDOWMENTS.

SECTION I.—*The State Church and other denominations of the Christian faith.*

ART. 128. The Evangelical-Protestant Church is the church of the land.

ART. 129. The members of other Christian sects enjoy the protection of the State and are at liberty to worship according to their faith under reservation of the rights of the Sovereign. They have claim to the same civic rights as the members of the Evangelical-Protestant Church; no faith, however, releases any worshiper from the duties toward the State or the community where he resides.

SECTION II.—*The Duke as regent of Church and State.*

ART. 130. The Evangelical-Protestant ruler is the head of the Church of the land and he has at the same time, as head of the State, the right of supervision and the obligation to protect the Church. In case the ruler changes his faith, the supreme ecclesiastical rights will be transferred to an Evangelical-Protestant ministry, consisting of two members.

ART. 131. All ecclesiastical laws are enacted in his behalf and require his confirmation.

SECTION III.—*Concerning the power of the Church.*

1. ITS FOUNDATION.

ART. 132. The power of the Church is based on the teachings of the Holy Scripture, the principles of the Evangelical-Protestant Church and the existing laws of the land.

2. EXERCISE OF ITS POWERS.

ART. 133. The power of the Church will partly be exercised with the cooperation of representatives of the Church and partly under the supervision and authority of the Sovereign by the Consistory; by the latter especially in regard to executive functions and the administration of the Church.

(a) *Under cooperation of representatives of the Church.*

ART. 134. The various functions of the Church, requiring the cooperation of the representatives of the Church are as follows:

¹ Compare note to article 116.

The order of public divine services;—provisions in regard to public teaching and the general Church constitution:—the former as far as they are deemed in accordance with the principles of the Evangelical-Protestant Church.

SYNODS.

ART. 135. Ordinances of that kind (article 134) shall be prepared by oral or written statements in the Synod deliberations.

The General Synod consists of the counselors of the Consistory, the superintendent, the local associates, as well as some clergymen (chosen by the superintendent and his associates of the various parochial districts) of the Duchy. The president of the Consistory acts as chairman of the synod. Special synods consist of the superintendent of each district—the associates and several ministers of the parishes included—they serve to gather written opinions from the various parishes in order to present them to the Consistory.

ART. 136. Synods meet with the knowledge and the consent of the Sovereign at the request of the Consistory. The cost of Synods will be defrayed by the State treasury, but strict economy must be adhered to.

ART. 137. In case a subject of the character described in article 134 be prepared for legislation, an opinion has to be secured from the Synod in advance. In the General Synod a majority of the votes of the members present carries a resolution, and in the Special Synods opinions are approved by a majority of the members voting.

Such an opinion or resolution will be presented by the Consistory to the Sovereign and with his consent submitted to the Provincial Assembly. If the Synod and the Assembly approve the measure, it becomes a law, and will be binding upon all members of the Church.

(b) *By the Consistory.*

(1) IN GENERAL.

ART. 138. The functions of the Church power, exercised by the Consistory either directly or subject to the decision and approval of the Sovereign, are as follows:

(1) The right to appoint teachers and servants of the Church and the schools, to supervise them as to their teaching and their conduct and to dismiss them;

(2) The right to admonish the members of the Church to perform their duties toward Church and school;

(3) To carry out the existing provisions as to divine services and the school instruction; to manage all matters of engagement, marriage, and burial;

(4) Jurisdiction over the employees of churches and schools, management of church and school property and privileges belonging thereto;

(5) The right to enact orders in accordance with the existing organic laws;

(6) And in regard to the present fundamental laws governing the church organization.

(2) ORGANIZATION AND OBLIGATION OF THE CONSISTORY.

ART. 139. The Consistory consists of clergymen and laymen as counselors, and it is responsible to the Church and the Sovereign for its action.

(3) SEVERAL FUNCTIONS.

(a) *Preservation of the true teaching of the Gospel.*

ART. 140. The Consistory must see to it that the true teachings of the Gospel are pronounced and that thereby faith, allegiance and a pious conduct of life, especially also obedience toward the authorities and the civic laws shall be promoted and inspired; that the sacraments are respected as holy and preserved and that the rules of the Church shall for edification be adhered to and that public vices shall be wiped out.

(b) *Supervision of schools.*

ART. 141. It supervises the schools of the land and takes care that no child shall remain without proper instruction as to the word of God and without useful knowledge, that no incompetent young man of the country shall go to a university, and it shall keep itself informed as to the advancement of those of the natives studying at universities.

(c) *Functions in regard to appointment and dismissal of ministers and school teachers.*

ART. 142. It examines the students of divinity and curates applying for a position as clergyman and has to see to it that nobody publicly or in church teaches or preaches or administers communion without being properly prepared for such a position of trust.

ART. 143. The Consistory presents to the Sovereign names of applicants for vacancies in the clergy in cities and in the country, except for ecclesiastical patronages, and these will be appointed after the confirmation by the Duke. If an applicant has been found by the Consistory as not efficient or unworthy, he can neither be proposed nor appointed.

The members of a Church are at liberty as heretofore to make a statement as to the minister about to be appointed to serve in their Church.

ART. 144. In case a vacancy occurs in an ecclesiastical patronage in another way than by the assignment of the clergyman to a position under the jurisdiction of the Consistory the new clergyman must be presented by the patron to the Consistory, which will conduct an examination as to the fitness of the man and his moral standing, in case he comes from outside the State. The Consistory is bound to reject every applicant not considered proper to occupy the pulpit of the patronage.

Nobody can be proposed for a patronage who has studied in a country or was born in a country which does not admit natives or subjects of this country to a patronage.

In case a clergyman has been assigned from a patronage to a position of minister who is under the jurisdiction of the Consistory, the regular mode of procedure will prevail.

ART. 145. The transfer of clergymen to other positions and the pensioning of same is also to be performed by the Consistory.

ART. 146. It has also charge of investigations against clergymen in regard to their conduct in office and private life. Dismissal of ministers can only be pronounced by the Consistory after a judicial finding embodying the reasons for such decision. The minister is entitled to a proper defence in the preceding trial of the case.

ART. 147. Appeal against such dismissal can be made within three weeks to the Sovereign, who will take the matter up in privy council and who may in certain cases ask for an opinion from another department. If he confirms the finding of the Consistory, the discharge of the clergyman takes effect.

ART. 148. If the Sovereign is in doubt as to the guilt of the clergyman, the opinion of the Synod—without the cooperation of the Consistory and under the chairmanship of the oldest special superintendent—is to be sought and will be rendered by means of oral or written decision. If this body approves the dismissal it will prevail, while otherwise the case will be referred back to the Sovereign for final decision.

ART. 149. Clergymen charged with a common crime will be suspended and be tried in regular court proceedings.

When they have been convicted and sentenced to a dishonorable punishment (State prison or corporal punishment) they lose their position and right of pension. In case such clergymen shall be acquitted on the strength of their own sworn testimony or if they are only sentenced to a term in the penitentiary, and in case the reason for their guilt is not considered dishonorable, the papers will be referred to the Consistory, which has to decide whether the reputation

of the clergyman has been impaired by the proceedings to such an extent that his usefulness as a preacher of the Gospel has come to an end. The Consistory has to decide in a regular proceeding whether the preacher should be reinstated or dropped with or without pension (articles 146, 148).

ART. 150. This concerns also the school teachers and the other employees of the Church who will be treated in the same manner as preachers, no matter whether they have been appointed with the consent of the Sovereign or not.

ART. 151. They have however the same right of appeal to the Sovereign in case of their dismissal.

(d) *General inspection.*

ART. 152. The Consistory must provide for a regular inspection of the churches and schools in the whole country, and these will be visited in rotation in certain intervals. The finding and the result of these inspections, will be reduced to writing and the attention of the clergymen and teachers will be called by the Consistory to any shortcomings and faults that have been discovered. The findings will also be submitted to the Sovereign.

(e) *Preserving of morality.*

ART. 153. It exercises supervision and has to see that the subjects lead a religious life and that the benefits of religion are spread and properly utilized. It should under the laws prohibit the printing and the sale of all literature injurious to religion and good morals.

(f) *Conference with the Synods.*

ART. 154. The written or oral deliberations with the members of the Synods will also be resorted to in cases not covered by article 134.

SECTION IV.—*Funds of churches, schools and endowments.*

ART. 155. The endowment funds of churches and schools can not be diminished in value or income or seized as long as these institutions exist. They enjoy the same rights as a minor. The property of abandoned churches or schools can only be used for the same purposes as heretofore.

ART. 156. In case a church or school has not an income sufficient to cover the necessary expenses, the members of the parish or the school district will be called upon to cover the deficiency. If it is shown that the members of such parish or district have no means, the State (if possible through an appropriation of the Provincial

Assembly) will come to the aid of said church or school, but only in very urgent cases.

ART. 157. The necessary assessments and contributions for the purposes of churches and schools, for church and school buildings, etc., will be levied among the members of the parish or school district with the consent of the Consistory. Disputes about this taxation will be decided according to the principles laid down in article 103. The Consistory has supervision over the matter of building in the parochial districts and over the accounts of same.

ART. 158. Real estate or privileges of churches and schools can only be sold with the consent of the Consistory and the Sovereign but can never be leased.

ART. 159. The charitable endowments are, unless provided otherwise, under the supervision of the Consistory and enjoy the special protection of the State.

ART. 160.¹

ART. 161. The interest accruing from religious endowments can not be used for any other purpose. Only when the change of conditions makes it advisable that the fund be used for other purposes than those specified by the donator, disposition can be made accordingly, but only with the consent of the appointed trustees, patrons, and the township affected by it.

FIFTH PART.—PROVINCIAL DIET.

ARTS. 162–198.²

SECTION V.—*Functions and duties of the Provincial Diet.*

1. GENERAL OBLIGATIONS.

ART. 199. The Provincial Diet is bound to represent the interests of all classes and ranks of subjects and not the interests of the class or district to which the separate members belong in their other relations.

ART. 200. They pledge their loyalty and obedience toward the Sovereign and the law; they also promise conscientious consideration of the subjects brought up before them and pledge to cast their vote according to their own conviction and according to the requirements of the law, and for the benefit of Sovereign and country.

2. COOPERATION IN REGARD TO LEGISLATION AND ADMINISTRATION.

(a) IN REFERENCE TO LAWS, CONCERNING THE FREEDOM OF THE PERSON AND PROPERTY, ESPECIALLY TAXATION.

ART. 201. In regard to new common laws concerning the freedom of the persons or the property of all subjects, as well as matters

¹ Annulled by law of May 4, 1899, annex to civil code, article 13.

² Articles 162–198 (sections I–IV) revoked. Compare laws of April 10, 1848, August 3, 1850, March 12, 1855, May 1, 1857, December 27, 1865, and May 31, 1870.

relating to the Constitution and military conscription, their co-operation is necessary. They take part to such an extent that without their consultation and their consent no new laws relating to such matters can be enacted, no existing law can be altered interfering with the rights of subjects, and no law can be revoked.

ART. 202. Especially do they take part in tax matters and in the task to regulate the system to provide sufficient means for State purposes.

ART. 203. They consider jointly with the State Government the needs of the various branches of the State administration. It is required that the budget covering the expenditures of the various departments for a term of three years¹ (the legally fixed fiscal period) shall be agreed upon by the Government and the Diet. In this way no chapter of the appropriations can be increased for any length of time without the consent of the Diet, and no chapter of the appropriations can be reduced for any length of time without the consent of the Government, unless the purpose of the appropriation has become invalid.

ART. 204. The Provincial Diet is bound to make adequate appropriations and provide for the raising of the necessary means, but no new tax can be levied or assessment be decreed without the consent of the Diet.

The Provincial Diet can not attach any condition in connection with an appropriation to cover a certain item of the budget and can not embody any conditional clause in a measure for the raising of new taxes. All such clauses attached to appropriation bills would be null and void, except as to purpose and length of time (*modus et dies*) which may have been considered in the deliberations preceding the passage of the bill.

ART. 205. All appropriations are solely made at the request of the Sovereign and immediate appropriations made for individuals or departments without such motions on the part of the Sovereign are illegal.

It is, however, the privilege of the Provincial Diet to request the making of such motions on the part of the Sovereign.

ART. 206. In case that no agreement can be effected about the future budget and the term of appropriation expires, the Sovereign has the power to prescribe the appropriations for another year according to the amount of the last budget for that period, pending an agreement in regard to the new budget before the expiration of the year.

¹ Law of September 16, 1850. The original budget term of four years had been temporarily reduced to two years by law of October 21, 1840.

ART. 207. Every time the motion of the renewal for budget for a term of three years is made, the estimates for the future expenses and the estimated receipts for the new period are to be presented to the Diet, as well as a statement regarding the moneys spent during the expiring term.

ART. 208.¹ The detailed principles of the financial administration of the country and the domains are contained in the two supplements of the Constitution and form a part of same.

ART. 209. Whenever the Provincial Diet sees fit to withhold its consent to a law which can not be enacted without its approval, it is bound to show cause and give its reason to enable the Sovereign to reconsider the subject.

(b) CONCERNING LAWS OF DIFFERENT CHARACTER.

ART. 210.² General laws of the country not affecting the freedom of the individual or the property of all subjects will be brought before the Diet simply to get its opinion on them. The Sovereign will consider the suggestions made and make use of them if he sees fit to do so.

ART. 211. Regulations for the carrying out of existing laws, ordinances in connection with supervising and administration laws, police orders (as long as they do not interfere with the freedom of the individual or the property of all subjects or tend to alter the Constitution (article 201)), as well as regulations for the safety of the State, are not subject to the opinion of the Provincial Diet, and the Sovereign can enact them without the consent of the Diet.

ART. 212. The administration of the military council is responsible to the Provincial Diet as well as to the Sovereign for the expenditures; the Diet is to be heard and its consent is required in regard to conscription laws. It has also the right to make complaint when this law is violated.

ART. 213. The influence of the Provincial Diet in matters of churches and schools is described in the fourth part of the Constitution.

(c) DEFECTS IN THE LEGISLATION AND THE CONSTITUTION.

ART. 214.³ The Provincial Diet has the right and the obligation to call the attention of the Sovereign to all defects in the legislation, noticed by it and to request the making of alterations or annul-

¹ Compare notes to articles 3 and 18 ff.

² The law of October 21, 1848, altering articles 210 and 266 in order to extend the functions of the Provincial Diet in regard to competency and initiative was revoked on February 11, 1854, and the original provision of the Constitution was reinstated. Thereby article 214 of the Constitution was framed as it appears now.

³ Compare note to article 210.

ment of such laws, giving reasons for its suggestions. The Sovereign will then cause a consideration of the subject and order the draft of another bill or act as he sees fit. The bills are to be presented by the State Government.

(d) DEFECTS IN THE ADMINISTRATION.

ART. 215. It is also its duty to call the attention of the Sovereign to any irregularity discovered in any of the branches of the administration which may not have been noticed by the supervising authorities. It is the desire of the ruler to be informed of all improper conduct in the affairs of the State over which he presides.

(e) PRESENTING OF COMPLAINTS OF SUBJECTS, CORPORATIONS, AND TOWNS.

ART. 216.¹ The Provincial Diet has the obligation to submit complaints of single individuals, corporations, and towns to the Sovereign. These have to be put in writing before they are presented to the Provincial Diet, and they shall not be accepted, unless the petitioner can show that he complained before in vain to the proper department and the highest authorities (article 37).

No petition or complaint can be brought before the Sovereign before a majority of the Diet approves the step.

(f) EXTRAORDINARY COMMISSIONS.

ART. 217. In all such cases where, in view of the extraordinary character of the matter, commissions are appointed and all subjects may be affected by appropriations to be made, some delegates of the Diet will be appointed as members of the commission.

SECTION VI.—*Mode of procedure of the Provincial Diet.*²

ART. 218. The Provincial Diet exercises its functions as laid down in the Constitution either in full session or through an executive committee—the Deputation (*Landesdeputation*).

1. SESSION OF DIET.

(a) ITS CONVOCATION; OPENING.

ART. 219.³ The Diet meets at least every three years at the call of the Sovereign. To that end the presiding officer of the Provincial Diet receives a ducal summons (rescript) and each delegate receives

¹ Compare note to article 65.

² The order of business of the Provincial Diet of December 23, 1858 (proclaimed as law), amended by a ducal order of October 27, 1868, completes the section on the mode of procedure of the legislature. It concedes to the Provincial Diet the power to determine whether delegates have been properly chosen. Two-thirds of the full membership must take part in voting to pass bills.

³ Compare note to article 203.

an announcement of the Ministry to that effect. The call will also be published in the official gazette of the Duchy.

ART. 220.¹ In case one of the members called should at the time for some reason be unable to appear, he is held to notify the ducal privy council at once, so that the substitute can be called to attend. Petitions for leave of absence during the session can be disposed of by the Provincial Diet, but in case the call for the substitute shall be deemed necessary, the highest authority is to be notified to that effect.

ART. 221. On the morning of the day set for the opening of the Provincial Diet, as soon as the Sovereign has been advised as to the arrival of the delegates, he will designate a commissioner for the purpose of administering the oath to the new delegates. The contents of the oath is given in article 200.

ART. 222. Hereafter the Sovereign will proceed to the church followed by the delegates, to pray for the blessing of God Almighty. After the services the Provincial Diet will be opened with the announcement of the subjects proposed for approval. The opening will either be performed by the Sovereign in person or by commissioners in his behalf.

(b) OFFICERS OF THE PROVINCIAL DIET.

ART. 223. The officers of the Provincial Diet are the president, his associate, the secretary (*Syndikus*), and the clerk to take the protocol.

ART. 224.² The president is appointed by the Sovereign from among the delegates and substitutes of the knighted estate holders before the Provincial Diet reconvenes, and he serves until the next session of the Provincial Diet has been called.

ART. 225. The associate of the president is chosen from the members of the Provincial Diet by absolute majority and must be confirmed by the Sovereign.

The election takes place in the second week of the session and is valid until the beginning of the next session, unless the Provincial Diet be dissolved.

He takes the place of the president whenever the latter is unable to be present, and the conduct of business merely in writing is not deemed proper. He assists the president in the exercise of his functions and is member of the Provincial Deputation.

ART. 226. The president is the chairman of the legislative body; he opens all documents and correspondence to be submitted to the Provincial Diet, affixes along with the associate his signature to the drafts and the minutes, signs all petitions and communications, presides over all deliberations, conducts the ballot, and represents the Provincial Diet at all public functions as speaker.

¹ The institution of substitutes has been done away with by law of October 22, 1873.

² Article 224 was set aside by law of April 10, 1848, which was annulled by law of August 3, 1850. Compare also law of May 31, 1870.

ART. 227. The Provincial Diet can never gather without his call and his attendance. He is above all responsible for the compliance with all legal provisions.

The secretary (Syndikus).

ART. 228. The secretary prepares all documents containing the resolutions passed by the Provincial Diet; he is not only the secretary but also the custodian of the Estates. In case a public servant of the State is vested with these functions, he will be absolved of his duties toward the Sovereign during the session, and the legal act required in that event will be performed at the time the delegates take their oath of office. He can be elected for the first time at the beginning of the session of the Provincial Diet and hereafter chosen to serve for life, but his election is to be confirmed by the Sovereign.

Minutes and clerical work.

ART. 229. The Provincial Diet elects for each session a clerk to take the minutes. If this is a servant of the State, the choice will be orally communicated to the Privy Ministry, whereupon the man chosen, if his services can be dispensed with, will be absolved during the session from his duties toward the State.

Other clerical work will be done by men in each case specially hired for that purpose and they will be paid for their services.

(c) ORDER OF BUSINESS.

ART. 230. The president sits at the head of the table and next to him the associate, while the other members of the Provincial Diet take the seats following in such order that from the three classes of membership those that entered last and (in view of a continuous change of the personnel) those whose term expires last shall occupy the last seats. The members of each section irrespective of the class to which they belong draw by lot the order of seats. No distinction shall be made as to the number of newly entering members.

ART. 231.¹ The form of communication between the Sovereign and the Provincial Diet is established by means of direct announcements of the highest authority or by communications of the Ministry.

The Ministry has to answer questions and interpellations made in the meetings of the Provincial Diet, either immediately or in the next meeting of that body. If the Ministry is at the time not in the position to give the desired information and does not deem it fit

¹ Secs. 2 and 3 enacted on April 7, 1849, to explain article 231.

to respond at all, it must give reasons for such refusal or determine when it will give the information sought.

Interpellations not responded to immediately should, if requested, be submitted to the Ministry in writing by the president.

ART. 232.¹ The Sovereign designates commissioners to give expression to his wishes and to take part in the meetings of the Provincial Diet. To that end the president shall inform the chairman of the Ministry, four hours before the meeting is opened, of the order of business of the day.

ART. 233. The ducal commissioners must be heard as often as they demand it. In case they insist upon the presenting of evidence and data regarding a matter, the vote upon a certain measure must be postponed in order to give them a further chance to substantiate their contentions.

In case vital changes have been made by the Provincial Diet in regard to proposed bills and appropriations asked for, the consultation and a conference with the commissioners is required.

They retire from the Diet room when a vote is taken, but the discussion on the subject in question can not be taken up again after their return.

ART. 234. With the exception as to the deliberation on cases in which the consultation of the ducal commissioners is required, the Provincial Diet can hold confidential meetings, to which the commissioners are not admitted, but in such meetings no resolutions can be passed. The passing of bills and resolutions is preceded by a discussion in which the commissioners take part.

The deliberations and minutes of confidential meetings can not be published.

ART. 235. It depends on the president whether he will present those subjects proposed for discussion personally or through a referee appointed by him, or whether he wishes to have them approved by a commission. The last step can also be proposed by the Diet.

Such commissioners will be chosen by election or, with the consent of the Provincial Diet, appointed by the president.

ART. 236.² Vouchers of the Department of Taxes and of the State Bank will be submitted to the Provincial Diet by members delegated for that purpose or by the presiding officials of those bureaus. In case vouchers and papers from other departments are asked for by the Provincial Diet, the president applies for them at the Ducal Ministry.

¹ By article 31 of the order of business of December 23, 1858, four hours were set instead of two.

² Compare law of December 3, 1855, and order of business of December 23, 1858, article 59.

ART. 237. The declarations of the Sovereign have always to be considered first. While they are discussed, a committee of the Provincial Diet gathers the resolutions, petitions, and complaints to be submitted. The debate over the budget must be concluded and the result be announced in time so that in case of any necessary alterations to be suggested further deliberations can be held.

ART. 238. Nobody can without being authorized by the president present his own petition personally to the Provincial Diet. It must be submitted to the president in writing and he can at his discretion bring it up before the body or not.

ART. 239. Motions of the various delegates have to be handed to the president in writing or must before or after the meeting be imparted to the secretary, who will reduce them to writing. It depends on the president whom he will select to present such documents to the Provincial Diet.

No discussion will be held or vote taken in reference to occasional remarks and motions made during a debate.

ART. 240. After the opened and completed free discussion the vote is taken. Every delegate casts his vote solely according to his own conviction: instructions are out of order. In important matters, or if the majority desires a postponement, the vote will be taken at a later meeting. The question will be put by the president.

ART. 241.¹ The referee has the first vote, then follow the president and vice-president, and the further vote will be cast in alphabetical order of the delegates, but in such a way that the principle of rotation will determine the first voter in each ballot.

ART. 242. Only the ducal commissioners, the president, as well as the referees and the members of committees are privileged to read speeches and reports from manuscript, while the other members of the Provincial Diet must speak without notes before them.

ART. 243. Resolutions are passed by an ordinary majority.

ART. 244.²

ART. 245. The delegates are obliged to speak without restraint but it is of course understood that their utterances must be within the limits of the law.

ART. 246. All delegates receive reimbursement for their traveling expenses, namely a total of 1½ thalers, figuring per mile for the journey from their estate (or their residence in case it is located in the Duchy of Altenburg) to the place where the Provincial Diet or the Deputation meets. They also receive for the period of the session daily allowances, namely 1 thaler for those living at the place of meeting, and the others 2 thalers.

¹ Article 244 repealed; compare note to article 224 and law of May 31, 1870. article 47, section 3.

² Article 244 repealed; compare note to article 224 and law of May 31, 1870.

The entire expenditures for these meetings are defrayed by the funds of the Tax Department.

The president and the secretary receive regular salaries.

ART. 247. A résumé of the deliberations of the Provincial Diet will be publicly announced by that body.

The estimate and the accounting of the Chief Tax Fund, as well as the results of the administration of the chancery (the latter during the maintenance of the present financial system) will be announced by the State Government at the beginning of every new financial period (article 76).

All proclamations of the Provincial Diet require the sanction of the Sovereign.

(d) CLOSING OF THE PROVINCIAL DIET.

ART. 248. No session of the Provincial Diet can convene without the call thereto on the part of the Sovereign, and likewise the adjournment of the same depends on the action of the Sovereign. As soon as it is pronounced by him the session will be closed.

2. PROVINCIAL DEPUTATION.¹

(a) PURPOSE.

ART. 249. The Provincial Deputation assists the Provincial Assembly in the execution of the resolution and enactments of the latter body, as far as this can be done by the body; it aids the Finance Department in the straightening out of difficulties which may arise during a financial period and at the suggestion of the Government makes preparations for the next session of the Provincial Diet.

(b) ITS ORGANIZATION.

ART. 250. The Deputation consists of the president, his associate, and six members of the delegates, which are chosen from each Provincial Assembly for the time of the adjournment to the opening of the future Diet, namely two to be elected from each of the three classes of delegates, subject to the confirmation of the Sovereign.

Two deputies of the total membership must be from the Kahla-Eisenberg district.

To provide for vacancies caused by resignation of members, the Provincial Diet must choose for the Deputation several substitute delegates from among its own ranks.

¹ Articles 249-265 mostly rescinded by laws of December 3, 1855, March 14, 1866, article 9, section 6; April 29, 1874, article 21; and May 29, 1883, article 11.

(c) FUNCTIONS.

ART. 251. Its functions are as follows:

1. In legislation.

The Sovereign can present to the Deputation bills which shall later be submitted to the Provincial Diet in order to get the views of the deputies and facilitate the deliberations of the Provincial Diet.

ART. 252. Drafts for new bills prepared by the State Government at the suggestion of the Provincial Diet can be brought up before the Deputation, and in case this body approves such bills they may be enacted by the Sovereign.

2. Administration of Finance.

ART. 253. In case unexpected expenditures are to be made or deficiencies arise in the administration of the Chancery, Tax, Military, or Banking Departments, and a delay in the settlement of the matter is deemed injurious, the Provincial Deputation can act (although not having the power of making permanent appropriations) by special appropriation to relieve the embarrassment and provide for the rest of the financial period. If this is not deemed feasible, the Deputation can make other suggestions to straighten out the difficulties.

ART. 254. When such claims are submitted by the administrative authorities to the Deputation, they must be established by the said authorities.

3. The other branches of administration.

ART. 255. The Provincial Deputation has the obligation to call the attention of the Sovereign to unlawful occurrences and ask for relief when it is convinced that the delay of such notice to the next session of the Provincial Diet may cause serious loss.

4. Other powers.

ART. 256. It has the right to fill positions in the Magdalenen Endowment and the Caroline School for Girls for which the Provincial Diet has the appointing power, but this can be done in the way of correspondence if at the time of appointment no meeting of the Provincial Deputation is held.

ART. 257. By a resolution of the Provincial Diet passed by an absolute majority other powers can be assigned to the Deputation, but with the consent of the Sovereign and only for a certain period.

(d) SUMMONING.

ART. 258. The Sovereign may summon the Provincial Deputation for the reasons aforesaid, but also for other reasons, to secure its

advice and opinion in regard to important subjects. The call to assemble is extended by a proclamation to the president and, in his absence and in case of urgency, to his associate.

ART. 259. In cases described in articles 253 and 255 the president has the authority to request the Sovereign to call the Deputation or the Provincial Diet.

(c) RELATIONS TO THE PROVINCIAL DIET AND RULES OF BUSINESS.

ART. 260. The resolutions and findings of the Provincial Deputation should as much as possible be in accordance with the resolutions passed previously by the Provincial Diet sanctioned by the Sovereign and shall only differ in regard to a change of conditions which took place in the meantime. If the matter is not very urgent, it should be reconsidered after an appeal of three members and a consultation with members of the Provincial Diet.

ART. 261. It is within the discretion of the Provincial Deputation, in case appropriations extending for more than a year are asked for, to demand that the matter, if it is not very urgent, be referred to the Provincial Diet either by having it called into session or having its members express themselves on the question in writing.

Before such a proceeding can be resorted to, the consent of the Sovereign has to be applied for, and he must be informed at the same time of the reasons for the proposed call.

ART. 262. To make the resolutions and bills of the Provincial Deputation effective, the whole membership has to vote upon the measure; in case of absence, the deputies vote in writing or are represented by others named by the president.

The majority prevails also in this body.

ART. 263. In case one of the deputies is unable to appear between the legislation periods of the Provincial Diet and can not perform his duties, the president calls upon the first substitute from the class of the absentee (article 250) and submits to the Sovereign the request to confirm his appointment.

ART. 264. The Provincial Deputation has to report to the Provincial Diet at its next session about the meetings held in the meantime. The Provincial Diet has to respect and is bound to comply with the resolutions and bills passed by the Deputation in the meantime and confirmed by the Sovereign.

If the Provincial Diet is dissolved, the Deputation has also to be disbanded.

ART. 265. The taking of the minutes and clerical work of the Provincial Deputation is in charge of the secretary (*Syndikus*).

GENERAL PROVISIONS IN REGARD TO THE CONSTITUTION.

ART. 266.¹ The provisions of the Constitution go into effect after their proclamation and can only be altered with the consent of the Sovereign and the Provincial Diet. The present Provincial Diet, however, remains in power until a new one has been chosen under the Constitution.

In case of differences of opinion between the State Government and the Provincial Diet upon which no agreement can be reached, especially regarding points of the Constitution, an arbitration proceeding analogous to the one provided in the rules of the highest Court of Appeals will be resorted to, but before such procedure is instituted, a last effort should be made to reach an agreement. The future successors to the reign are bound by the Constitution and shall affirm this in every case when taking charge of the Government.

Every official and subject of the country, the present and the future, are bound to respect the Constitution and may be punished in case they violate any of its provisions, even if they have not taken an oath of allegiance.

Given in Altenburg, April 29, 1831.

[L. S.]

FRIEDRICH,

Duke of Saxony.

JOSEPH,

*Duke of Saxony, Hereditary Prince
of Saxe-Altenburg.*

KARL JOH. HEINR. ERNST V. BRAUN.

KARL CHR. V. WUESTEMANN.

CHR. GOTTFR. HERMANN.

¹ Compare note to article 210.

SAXE-COBURG-GOTHA.¹

POLITICAL CONSTITUTION OF MAY 3, 1852.

[PREAMBLE.]

We, Ernst, Duke of Saxe-Coburg and Gotha, Juliers, Cleves, and Berg, also Engern and Westphalia, Landgrave in Thuringia, Margrave of Meissen, princely Earl of Henneberg, Earl of Mark and Ravensberg, Ruler of Ravenstein and Tonna, etc., in order to provide an harmonious constitution for our lands, have ordained the enactment of a common Political Constitution for the Duchies Coburg and Gotha, and accordingly with the advice and consent of the Estates of our Duchy Coburg and of the House of Deputies of our Duchy Gotha, we decree as follows:

PART I.—*The State, the Duke, the Succession in the Government, and the Government Administration.*²

SECTION 1. The Duchies of Coburg and Gotha shall form one united, inseparable body, with the following Constitution.

SEC. 2. The united Duchies as a German Federal State shall share all rights and duties proceeding from the Federal Constitution.

The decrees passed by Federal authority within their competence in constitutional form are authoritative for the united Duchies and acquire binding power after their proclamation by the Duke (sec. 22).

¹ Translation by Mrs. H. N. Taylor based on the text as found in Stoerk-Rauchhaupt, pp. 391-415.

² On July 15, 1899, the law was amended and executed concerning the succession to the throne in the Duchies Coburg and Gotha.

ARTICLE I. In case the present Ruling Duke dies without eligible descendents, the Duke Carl Edward of Albany and his male line shall next be summoned to succeed to the Government, and in case he shall die without eligible descendents or his male line should be extinct, Prince Arthur, son of the Duke Connaught and his male line shall be called to rule in the Duchies.

Should Prince Arthur also die without eligible children or his male line be extinct, the right of succession shall then fall to Prince Albert Edward of Wales and his male line.

The stipulation of section 4 of the Political Constitution shall apply to the Duke of Albany also as long as he is the prospective successor to the throne.

ART. 2. In case the present ruling Duke should die during the minority of the successor, the regency shall then be incumbent upon the present guardian until the majority of the Duke.

If a change is made in the person of the guardian, the consent of the Joint Diet is necessary for the assignment of the administration to the new guardian.

In case the Diet refuses its consent, and the present Reigning Duke is deceased, the regent shall be chosen by the mother of the minor Duke and the State Ministry together with the Joint Diet. In such case the guardianship shall pass to the regent in accordance with section 14 of the Political Constitution.

The regent must fulfil the provisions of section 20 of the Political Constitution.

SEC. 3. The Duke is the head of the State and shall exercise as such the rights of supreme power according to the Constitution.

SEC. 4. The Duke must maintain his principal residence within State territory with exception of the cases designated in sections 8 and 9.

SEC. 5. The seat of Government must not be transferred outside the country.

SEC. 6.¹ The right to the throne is hereditary in the male line of the ducal family, according to the right of the first born and lineal descent.

For eligibility to the succession is required legitimate descent from a marriage contracted with one of equal rank, with the approval of the Duke.

SEC. 7.² If the present Reigning Duke shall die without leaving eligible descendants, or the eligible descendants left by him shall die and thereby the succession in the Government shall pass to his brother, Prince Albert, in regard to his eligible descendants the following special stipulations are made (secs. 8-10).

SEC. 8. In case Prince Albert at the time of accession to the throne, should be prevented from taking up his principal residence in the Duchies, the exceptional privilege shall be granted him of conducting the Government through the agency of a governor.

SEC. 9. The reigning king of England and the prospective successor (heir apparent in the English law) are debarred from succession in the Government of the Duchies, and the sovereignty shall pass on to the prince next entitled.

If, however, at the time of succession no eligible descendant from the special line of Prince Albert is available except the ruling king of England, or except the hereditary prince, or except the king and the prince, then in the first and third cases the king of England and in the second case the hereditary prince shall succeed to the sovereignty of the Duchies and cause them to be ruled by a governor until such time as they can be taken over by an eligible prince of full age and of the special line of Prince Albert.

SEC. 10. Provided that in event of the extinction of the reigning line, two equally near lines should be available, the older shall take precedence over the younger.

¹The following sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are also inserted in the new "Family Law for the ducal family of Saxe-Coburg-Gotha" of March 1, 1855, in which they form articles 5-19 in Part II. See this together with supplements and appendices: A. Deed of Renunciation by the Prince of Wales of April 19, 1863; B. supplement to Family Law of December 6, 1866; C. law concerning the Greinburg entail of March 29, 1873, in H. Schulze, *Hausgesetze*, Vol. 3, p. 265 ff.

²The renunciation of Albert Edward, then Prince of Wales, of April 19, 1863, made known by ducal decree of November 10, 1863.

SEC. 11. The age of majority and the age of accession to the throne shall be for the Duke, as well as for every prince, of the ducal family in general, the completion of the twenty-first year of age.

SEC. 12. If the Duke is in his minority, or on account of physical or mental weakness or any other reason is incapable of conducting or continuing the Government, a Government administration shall ensue.

SEC. 13. During the minority of the Duke, unless otherwise ordered by the deceased Duke by means of a law decreed with consent of the Joint Diet, the Government administration shall pass to the Duke's own mother so long as she does not marry again; after her, to the nearest eligible agnates, according to the right of accession.

SEC. 14. The administrator shall likewise be the personal guardian of the Duke.

SEC. 15. Should there appear in the case of a prince designated to succeed the reigning Duke, such mental or physical characteristics as to make him unsuitable to succeed to the Government, decision shall be made during the reign of the Duke by a formal law concerning the future administration and the person of the administrator.

SEC. 16. If in the case provided for in section 15 the law prescribed therein should not have been enacted, or should the Duke become subject to the designated unfitness after his succession to the Government, or otherwise prevented from carrying on the Government itself, then the State Ministry shall call a council of the family, consisting of three members, in which, however, shall not be included the agnate nearest to the succession who has attained his majority. This family council shall decide according to a majority vote the question whether an administration is necessary. If the question is decided in the negative, the matter must end there; if in the affirmative, this verdict requires for its validity the consent of the Joint Diet.

SEC. 17. In case of section 16, if the family council, with consent of the joint Diet, does not designate some one else, the administration shall go to the wife of the Duke, unless from his marriage with her a prince of full age, entitled to direct succession, is available, otherwise to the nearest eligible agnate according to the succession.

SEC. 18. The repeal of the administration decided upon according to section 16, on account of the return to fitness for administration, can only be made through the decision of a family council summoned according to the provisions of section 16 and with the consent of the Joint Diet.

SEC. 19. The State administration can not be passed over to the occupant of a throne outside of Germany with exception of the case provided in section 9.

If a Duke ascends a throne outside Germany, it will be taken for granted that he thereby renounces his claim to reign over the Duchies.

SEC. 20. The governor, as well as the administrator, must be of the Protestant faith; both must take up their principal residence in the Duchies.

SEC. 21. The person of the Duke is inviolable; for his official acts he is not subject to any accountability.

The same provisions obtain in regard to the administrator.

The governor is responsible to the Duke.

SEC. 22. The commands of the Duke, the administrator, and the governor are only then official when they are announced in writing and as has been decreed by a special law, when they have been countersigned or ratified by a member of the State Ministry.

PART II.—*The subjects and citizens and their general rights and duties.*

SECS. 23–26. [Sections 23–26 and 60 were repealed by section 1 of the law of April 8, 1879, and replaced by the following provisions.]

SEC. 2. Those persons are subjects of the united Duchies of Coburg and Gotha who have acquired nationality in one of these Duchies according to the provisions of the Imperial laws.

SEC. 3. All rights which are assigned to citizens or subjects in the Political Constitution or otherwise belong to and are incumbent upon subjects as defined by the preceding section 2.

SEC. 4. The Imperial laws determine the rights and duties of Germans who are not subjects of these States.

SEC. 27.¹ The civil rights established according to Constitution and law can not for the time be exercised:

(a) By those who are undergoing imprisonment or are under legal detention;

(b) By those under parental authority or under any guardianship whatever;

(d) By a bankrupt, against whom bankruptcy proceedings have been opened, during the duration of bankruptcy and within the next 10 years, unless full satisfaction of the creditors has sooner resulted;

(e) By a bankrupt who has made a legal agreement with his creditors, pending satisfaction of the latter in accordance therewith;

(f) By those who are relieved by the public or community funds.

As charity relief in the sense of this provision should not be considered:

(1) Sick relief;

(2) Institutional relief granted a subject on account of physical or mental deficiency;

(3) Support for the care of a child or for vocational education or training;

(4) Other support when it is granted only in the form of a single act for the relief of a temporary need.

¹ Sec. 27 (e) repealed, (f) recast, by law of March 17, 1911.

SEC. 28. Every citizen upon attaining his eighteenth year must take the following oath:

I swear loyalty to the Duke, obedience to the law, and compliance with the Constitution. So help me God.

SEC. 29. Freedom of emigration is limited for State reasons only for the duration of a military service already entered into. Emigrant tax shall not be levied upon emigrants.

SEC. 30. Before the law there shall be no difference of rank. Preferences of rank shall not exist. Public offices are alike accessible to all competent citizens under restriction of the conditions determined by law.

SEC. 31. No one may be deprived of his lawful judge. Special tribunals shall not exist.

SEC. 32. The conditions and forms under which the arrest of a person, the search of a dwelling, the confiscation and search of letters may take place may be determined only by law.

SEC. 33. The freedom of religious creed, the freedom of assembly for religious societies, whose principles do not conflict with the penal laws or the moral code, and the freedom of ordinary private and public worship is guaranteed.

SEC. 34. The enjoyment of civic rights shall not be conditioned nor restricted by religious creed. The latter must not interfere with political duties.

SEC. 35. No religious society more than any other shall enjoy privileges in ecclesiastical consideration. On the contrary, the State accords equal protection to all. Decrees of church authorities may neither be announced nor executed without preceding the approval of the State Government.

SEC. 36. Differences in religion are no civil obstacle to marriage.

SEC. 37. Matters of instruction and education are under the general superintendence of the State.

SEC. 38. Every citizen is free to found and to conduct institutions for instruction and education, and to give instruction in the same if he has shown the proper civil authorities his moral, scientific, and technical ability.

Private instruction is subject to no such restriction.

SEC. 39. Sufficient instruction for the young shall be universally provided in the public schools.

The State shall provide that those without means may also obtain their share of necessary instruction in the public elementary schools.

Parents and guardians must not allow their children and wards to do without the instruction which is prescribed in the public elementary schools.

SEC. 40. The teachers of the elementary schools, who have proved their moral, scientific, and technical ability before the proper civic

authorities, shall be appointed by the State in conjunction with the commune. This position shall be regulated by law.

SEC. 41. The legal status of these public teachers as State officials to whom the civil service law does not apply, as well as their legal relations to the commune, shall be regulated by law.

SEC. 42. The means for erection, support, and extension of the public elementary schools shall be furnished by the communes, and in case of insufficient funds they shall be supplemented by the State.

In regard to responsibilities of third parties based on special legal circumstances, nothing shall be changed by the foregoing provision.

SEC. 43. The right to free expression of opinion by word, writing, print, or pictorial form shall be granted in full measure, unaffected by repressive laws against the abuse of this right.

The press must not be placed under censorship.

Offenses which are committed by word, writing, press, or picture are to be handled according to existing criminal procedure until section 139 comes into effect.

SEC. 44. All subjects are entitled without previous permission to assemble peaceably and without weapons.

For outdoor gatherings the director or leader must notify the district police authorities 24 hours in advance, who may forbid the assembly if there is sufficient reason for the assumption that it would be dangerous to the public safety or order.

SEC. 45. The manner in which armed troops may be used in order to maintain lawful conditions, what authorities and under what forms they have to give their orders, is to be governed by legal provision.

SEC. 46. All subjects shall have the right to form unions for such purposes as do not conflict with the penal laws or public morals. Further information is reserved to the legal regulations.

The granting of corporate rights belongs to the State administration.

SEC. 47. Participation in gatherings and unions on the part of active military men, including those on furlough, may take place only in so far as provisions of military discipline do not prevent.

SEC. 48. Every citizen shall have the right to appeal in writing with requests or complaints to the civil authorities or to the Diet, either alone or in company with several others.

Petitions and complaints under a general name are granted only to civil authorities or corporations.

In the case of a person in active military service, including those on furlough, the right of petition and complaint may only be exercised according to the provisions of military discipline.

SEC. 49. Property rights are inviolable. Forcible expropriation, out of regard for the common welfare, can only be undertaken on the basis of the law and in return for just compensation.

Intellectual property shall be protected by law.

SEC. 50. The penalty of confiscation of property is forever abolished.

SEC. 51. The provisions for alienation and division of landed property, both among the living with respect to the deceased, as well as concerning property boundaries, are left to legal regulations.

SEC. 52. It is admissible in the case of property locked in mortmain to pass legislation concerning restriction of rights of inheritance and disposition of real estate for reasons of public welfare.

SEC. 53. Every relation of vassalage or dependence is forever abolished.

SEC. 54. The possession of property covers the right to hunt on one's own property. The exercise of the hunting license is subject to legal provisions.

The right to hunt on another's grounds may not again in the future be construed as a prerogative attached to the land.

SEC. 55. The establishment of new fiefs is forbidden.

SEC. 56. All civil taxes and services attaching to the land according to civil law are redeemable.

No property shall be burdened henceforth with unredeemable taxes or services according to civil law.

SEC. 57. Letters of protection, monopolies, and exclusive trade and manufacturing privileges, with exception of patents of invention, may not be granted.

SEC. 58. The taxes shall be so regulated that preference for particular ranks and properties shall not ensue.

Permanent exemption from responsibility in assuming State taxes must not be granted.

SEC. 59. All citizens are subject to military service. The extent of this duty, as well as the manner of enlistment and the time of service, are fixed by law.

PART III.—*Communes and Foundations.*

SEC. 60. [Sec. 60 is abolished by law of April 8, 1879; cf. note to sec. 23.]

SEC. 61. Every piece of property is under the jurisdiction of a commune. Exception on account of State and Crown properties, as well as forests, shall be determined by law.

SEC. 62. The relation of franchise and service for possessors of such property as have not hitherto belonged to a communal association with reference to others of the commune shall be decided by law.

SEC. 63. The rules for the formation and disorganization of communes shall be fixed by law.

SEC. 64. The constitution of the communes shall be so regulated that they shall, under the supervision of the State:

(1) Choose their officers and representatives;

(2) Independently govern their affairs and their funds and publish the decisions of their communal administration of revenue.

The competency of the communes in respect to the local police shall also be fixed by law.

SEC. 65. The communal funds and revenues can under no assumption be incorporated in the State capital.

SEC. 66. All foundations which are destined for religious purposes, for instruction, or for charitable purposes shall be under the protection of the State. Their funds or income may not be incorporated in the State funds; nor can they be disposed of against the will of the founder.

Only in a case where the purpose of the foundation can no longer be fulfilled can its appropriation be made for other similar purposes, with previous knowledge and consent of the parties interested, in case they are known, and when it concerns general public institutions, with consent of the Diet concerned.

PART IV.—*Civil service.*

SEC. 67. The position of the civil officials in the Duchies shall be regulated by law.

SEC. 68. For losses caused to a citizen through deceit or insolent offense of State officials as such, the State must be answerable, unless special laws in certain cases determine a direct responsibility, and the injured party may not demand damages from the guilty official.

Such claims for damages on the State shall be considered void after the expiration of five years after the date of the damaging circumstance.

PART V.—*The Diets.*

SEC. 69. Citizens shall exercise their constitutional rights as a whole through the Diets, or through selected committees of the latter (cf. Part VI).

Assemblies of the delegates chosen in constitutional manner form the Diets.

SEC. 70. For each of the Duchies of Coburg and Gotha there shall exist a special Diet. In reference to those relations, circumstances, and organizations which are declared common for both Duchies, a Joint Diet shall exercise the rights accruing to the representatives in the manner more exactly defined in Part VII.

All privileges accruing constitutionally to the Diets (sec. 69), in so far as these are not expressly assigned to the Joint Diet, shall be exercised through the Diets of both Duchies.

SEC. 71. As joint matters for both Diets (sec. 70) are to be considered:

(1) The relation of the united Duchies to the Duke, with exception of the receipts of the Duke and the ducal family from the State or Crown funds;

(2) All relations of the Duchies to the State organism and to foreign States;

(3) The Political Constitution (cf., however, sec. 112);

(4) The Joint Diet;

(5) The State Ministry (cf., however, sec. 132, *sub* 1);

(6) The State Tribunal;

(7) Military Affairs;

(8) The Supreme Court of Appeals and the Common Court of Appeal to be established according to law, together with the arrangements in connection therewith;

(9) Postal affairs;

(10) Taxes, and

(11) The public archives.

SEC. 72.¹ Other matters and arrangements also, besides those designated in the preceding paragraphs, may be declared joint issues on the authority or with the consent of the Duke by a unanimous vote of the Diets of both Duchies, or by a vote of the Joint Diet taken with consent of the majority of the delegates of each of the two Duchies.

SEC. 73.² The Diet of Coburg shall consist of 11, and that for Gotha of 19 members, for the election of whom detailed provisions are contained in Part VIII, particularly the Election Order, Appendix I.

The members of these two Diets form the Joint Diet.

SEC. 74.³ The election of the deputies to the Diets shall take place once in four years.

For the reckoning of this election period the end of the preceding election period is a guide in that the one shall directly follow the other.

Supplementary elections shall take place for the remaining portion of the election period.

¹ Secs. 72, 73, 75, 79, 81, 83, 112, and 114 received their present legal form through the law of January 31, 1874, concerning some amendments to the Political Constitution of May 3, 1852.

² For secs. 73, 75, 79, 81 cf. note to sec. 72.

³ Sec. 74, par. 2, was newly worded by law of April 14, 1902.

In case the dissolution of the Diet ensues (cf. sec. 78), the legal term of the new Diet shall likewise extend only for the remaining portion of the election period.

SEC. 75.¹ With the termination of the legal terms, or with the dissolution of the Diet of one of the two Duchies, the authority of its members with respect to the Joint Diet also expires (cf., however, secs. 95 and 158).

SEC. 76. The Duke shall summon the Diets and designate the place of meeting in the respective Duchy.

The Joint Diet is however as a rule to be summoned for the holding its sessions, alternately to Coburg and Gotha, unless special reasons given in the summons demand single exceptions.

SEC. 77. The Duke shall open the Diets either in person or by an authorized agent especially designated therefor.

SEC. 78. The Duke shall have the right to adjourn or to dissolve the Diets.

SEC. 79.¹ If the Diet of one of the two Duchies shall be dissolved, a new election must be held within 14 days, and the new Diet must be opened with six months at the longest from the date of election.

The dissolution of the Joint Diet shall cause likewise the dissolution of the two individual Diets, and the preceding provision also applies in this case to the conduct of the new election of the deputies and the reopening of the Diet.

SEC. 80. The Diet shall be regularly summoned in the first and last years of the four-year period for which the deputies are elected (cf. sec. 74).

Extraordinary summons shall take place whenever urgent circumstances demand it.

SEC. 81.¹ The Diets of the two Duchies must inspect the legality of the election of their members and give final decision thereon, for which purpose the election reports of the Government are to be sent them.

Further information in this matter is contained in the Order of Business (Appendix II).

SEC. 82. The Diet shall choose its officers from its own members.

Further information is contained in the Order of Business (Appendix II).

SEC. 83.¹ The deputies upon their entrance into the Diets shall take the following oath:

I swear that I will protect the Constitution faithfully and watch over the welfare of the Duke and the State according to my best knowledge and conscience. So help me God.

¹ Cf. note to sec. 72.

A repetition of this oath is not necessary at the entrance of the two Diets into the Joint Diet.

SEC. 84. The deputies are representatives of the citizens in general, not of their own election districts as such, or of single classes of people. They shall vote according to their free conviction and are not obliged to take any instructions from their electors. The legal duration of their term of office may not be restricted at the will of their electors.

SEC. 85. No deputy can be called to account outside of the Diet for any utterances in the exercise of his duties.

On account of any offense or misdemeanor committed through such utterances, the Diet can formally express its disapproval or on proposal of the interested party, and it may refer the case to court for criminal procedure.

No one may be called into question on account of his vote.

SEC. 86. No deputy may be arrested during the assembly of the Diet without its consent, except in case he is apprehended in the very act. In such case notice must be given to the Diet of said arrest.

SEC. 87. Exit from the Diets is at all times free to the deputies (cf. sec. 85 of the Order of Business, App. II).

SEC. 88. For the validity of a decree passed by one of the Diets, unless for special cases something different is designated, there are required the presence and participation of at least two-thirds of the total statutory number of members of the respective Diet and the majority vote of more than half of the votes cast.

In order to insure a quorum of the Diet when such quorum is not present, the deputies present, in case they form the majority of the total statutory members of the Diet, shall be authorized to summon the members who are absent without sufficient excuse to appear after a short interval appointed, and after the lapse of this interval they may transact the business of the Diet.

The members present shall decide upon the importance of the excuses offered.

SEC. 89. The sessions of the Diet shall ordinarily be public.

Exceptions may be made when a Diet so decrees on request of the State Ministry, or of a third of the members present, or of the president, or of a commission, in accordance with the Order of Business (App. II. sec. 47).

SEC. 90. The deputies of the Diet shall draw fees and traveling expenses. Details are stated in the Order of Business (App. II).

PART VI.—*Diet committees.*

SEC. 91. For every Diet there shall exist a committee whose duties begin when the respective Diet is no longer in session.

SEC. 92. The committee of every Diet shall consist of: (1) The president and secretary; (2) three other members.

The latter and three substitutes therefor shall be elected by majority vote by every Diet during its first meeting.

The election of these three members and their substitutes for the committee of the Joint Diet shall be so arranged that three of the five members shall always belong to the Duchy of Gotha and two to the Duchy of Coburg.

The president of the Diet shall be likewise chairman of the committee.

His substitute in case of his withdrawal or absence for any reason shall be chosen by the committee from their own number.

SEC. 93. The sessions of the Coburg committee shall be held in Coburg, those of the Gotha committee in Gotha.

The committee of the Joint Diet shall hold its sessions with as regular an alternation as possible in Coburg or Gotha.

SEC. 94. The activity of each committee ceases with the convening of the respective Diet. Unless this Diet is a newly elected one, the authority of the committee members expires with its opening. The new Diet is authorized to require information and accounts of its business from the previous committee.

SEC. 95. The committee continues even when the dissolution of the respective Diet ensues.

SEC. 96. The members of the committees, during the assembly of the latter, have the same rights which appertain to the deputies of the Diet according to sections 85 and 86.

SEC. 97. The duties of the committees, each within the competency of its respective Diet, shall be:

(1) To watch that nothing shall take place contrary to the Constitution, and for the support of the same to exercise all rights accruing constitutionally to the Diet;

(2) To declare their opinion on the rules of the administration in the cases noted in sections 118 and 131;

(3) To express an expert opinion at the request of the Government upon objects of legislation and administration and in general to prepare the business of the Diets;

(4) To detect the exceeding of individual items in the budget of the State Treasury, and also to take account of the final balance and the annual reports of the latter and to give a definite opinion on the Government bills relating thereto, unless at least two members of the committee consider it necessary for the respective Diet to examine and decide thereon;

(5) To exercise the right of submitting petitions, proposals, and complaints within the limits assigned to the Diets.

SEC. 98. The committees shall meet at the call of their chairmen.

Every committee has the right to meet once a year after previous notice to the Duke.

The prolonging of this session beyond four weeks, as well as further meetings, can only take place upon the order or with the consent of the Duke.

It is moreover left to the chairman to dispatch single items of business on receipt of the written statements of the committee members unless objection is raised thereto by one or more of them.

SEC. 99. The meetings of the committees are not public. The keeping of the minutes shall be the duty of the respective recorder (cf., sec. 29 of the Order of Business, App. II).

SEC. 100. In voting, majority of votes cast shall be decisive, reckoned according to the total statutory number of committee members, assuming the proper summons of all members and the presence of at least three of them (cf., however, sec. 97, par. 4).

SEC. 101. The business relation between the administration and the committees shall be provided through the chairmen of the latter.

SEC. 102. Every committee must give a report of its activity to the Diet by which it was chosen at its next meeting, if requested thereby (cf. also sec. 94).

SEC. 103. At the meetings of the committees all their members may claim their compensation for traveling expenses and the fees due the deputies. The chairmen shall receive a corresponding compensation for their unavoidable additional expenditure in time and money, the amount of which the administration and the respective Diet shall agree upon.

PART VII.—*The exercise of supreme power.*

SEC. 104. The legislative power shall be exercised by the Duke jointly with the Diets, in accordance with provisions contained in the Constitution.

SEC. 105. Both the Duke and the Diets shall have the right to propose laws.

SEC. 106. For the validity of a law is required the conformity of its contents with the decisions of the respective Diet.

No law can, without consent of the respective Diet, be suspended, repealed, amended, or authoritatively interpreted by the Duke.

SEC. 107. Every decision of a Diet must have the ratification of the Duke in order to acquire legal force.

SEC. 108. The Duke shall publish the laws.

The essential form of the law requires mention of the consent of the Diet thereto in the words of the publication.

SEC. 109. The ratification of the laws passed by the Diets shall be considered as refused when the publication of the same shall not

follow within eight weeks from the time when the administration was notified thereof.

SEC. 110. Every law shall go into force on the fourth day after that on which its publication appeared in the Government paper unless another date is expressly fixed.

SEC. 111. Within the competency of the Joint Diet belongs the following legislation:

(a) That dealing with the general matters and provisions mentioned in section 71, and furthermore the subjects declared as joint matters (sec. 72) (cf., however, secs. 112 and 113);

(b) That dealing with civil service, and

(c) pertaining to changes in the organization of local administrative boards, if in consequence one board might be moved from one Duchy to another, or with reference to functions which, although belonging to a board in one Duchy, might have been transferred to a board in the other Duchy (cf., however, sec. 112).

SEC. 112.¹ The consent of the majority of deputies of each of the two Duchies is required for the validity of decisions of the Joint Diet in regard to amendments to the Political Constitution and to other constitutional provisions designated as integral parts of the same, as well as decisions in regard to changes in the organization of boards (sec. 111, *sub c.*)

The foregoing provision has, however, no application to the election order (App. I), to the order of business (App. II), and likewise to the law for civil service.

SEC. 113. The alienation of single pieces of territory and acquiring of new territory must both be matters of amendment to the Political Constitution, and the provision of section 112 has no application thereto.

SEC. 114.² The Joint Diet is empowered to go into conference also in regard to other matters of legislation than those designated in section 111, when the majority of deputies of each of the two Diets have declared themselves agreed thereto.

In such cases, however, after the conference and decision upon the single provisions of the law, there shall always be taken a final vote upon the law as a whole, and the latter is considered valid only when the majority of deputies of each of the two Diets has voted therefor.

SEC. 115. If doubt shall be raised in the Joint Diet in regard to its competency on some subject submitted for its consideration, such competency shall be considered established when the majority of the deputies of each of both Duchies has declared for it in the Joint Diet.

¹ For sec. 112 cf. note to sec. 72.

² For sec. 114 cf. note to sec. 72.

If, however, the majority of the deputies of one Duchy who are present vote that the subject belongs to the competency of the single Diet, then the question must be referred to a court of arbitration, upon which the deputies of both Duchies must agree.

If the agreement on the court of arbitration is not made within 14 days, the question is before the civil court, and until then, in case such court must be appointed by law, it must be brought before the Supreme Court at Jena.

In both cases the decision is to be applied for through the civil Government, the deputies of each Duchy being allowed, however, to append a statement in support of their views.

SEC. 116. The Joint Diet shall have, moreover, the duty of undertaking, on recommendation of the Government, the preliminary examination and judgment of the drafts of such bills and all other legislative proposals as belong to the competency of the Diet of each Duchy and which the Government intends to bring before them.

SEC. 117. The alienation or mortgaging of parcels of public or Crown property, with the exception of insignificant cases, the changes with reference to the previous divisions of the country into departments and administrative districts are to be treated as subjects for legislation.

The Government shall inform the respective Diet at its next meeting of the alienation or mortgaging of public or Crown property ensuing in the aforementioned exceptional cases.

SEC. 118. The granting of taxes in general, as well as the imposition of or change in all public imposts, taking of loans on the public treasury, the making of paper money of all kinds, the raising and lowering of the rate of interest of the national debt in internal loans, as well as the liquidation of debts, are subjects of legislation for the Diet of each Duchy.

Within the limits of the debt which pays interest according to the treasury budget, or of a debt running through the financial period agreed upon with the Diets, or of special credit granted by the latter in single instances, a change in the person of the creditors may be made at any time, and the treasury transactions in such case shall not be considered new loans.

By way of exception the Government is authorized to take new loans even without the consent of the Diets, only, however, in agreement with the Diet Committee of the respective Duchy, when the matter is necessary and urgent, and when through taking up of the loan a loss which urgently threatens the treasury may be avoided.

SEC. 119.¹ The budget of the administration of revenue as well as the determination of the salary budgets in the different branches of

¹ Sec. 119, par. 1, sentence 2: The financial period was reduced from four to two years, beginning with April 1, by law of April 14, 1902.

the Government as a guidance for future official appointments are subjects of legislation. The budget for each of the two Duchies shall be determined upon beforehand with its respective Diet for regular periods of two years each, beginning at the same time for both Duchies, according to the total public income and disbursements (cf., however, sec. 120).

The budget shall contain the granting of all taxes and duties limited to this period (cf., however, sec. 126).

If this determination of budget should by way of exception continue for a short time only, then the following budget is to be effective only for the remaining portion of the financial period.

The same shall hold true for the case mentioned in section 126.

SEC. 120. Relative to the joint matters (secs. 71 and 72) there follows the agreement with the Joint Diet on the respective budget items. The Diet of the two Duchies, each within its own competency, shall in their expense budgets adjust the funds granted by the Joint Diet according to the proportion of 3/10 for Coburg and 7/10 for Gotha, like the totals agreed upon, and to make due remittances, respectively, through corresponding receipts.

The supervision of keeping within the budget items agreed upon devolves upon the Joint Diet or its committees.

SEC. 121. Upon the basis of the budget of each Duchy will the tax law be enacted therefor (cf., however, sec. 126).

SEC. 122. To the Diets or the Diet committees shall be annually reported the final balance of the treasuries, and when the final accounts of the year are adjusted and settled, these, too, shall be reported to them, together with the vouchers for examination.

At first the final balances or the annual balances of the public treasuries in Coburg and Gotha shall be submitted to the Joint Diet or its committees. Their examination shall be limited to those sections of the budget which were agreed upon with the Joint Diet, and the amounts reckoned thereon.

Then shall follow the report of the final or annual balance to the respective Diet of each Duchy or to its committee, by whom the amounts reckoned on the other sections shall be examined in comparison with the amounts in the budget.

The provisions for a mutual settlement of the treasury accounts in Coburg and Gotha, the keeping of the common vouchers, and the forms governing the joint system of accounts in general shall be provided for by Government enactments.

SEC. 123. The surplus income in the treasury can only be disposed of by agreement with the respective Diet. The balance on hand from former years shall be added to the surplus income. When, however, expenditures estimated for past years still remain on hand and are miscalculated as surplus, they can not be thus disposed of. If

through such miscalculation an overdrawing of the respective budget items of the former year should be made, section 124 shall apply.

SEC. 124. Overdrawing of the budget requires the additional approval of the respective Diet or its Diet Committee. This approval can not be denied in case it is proved necessary and urgent.

SEC. 125. If it is not possible to come to an agreement with the Joint Diet over the estimated budget amount proposed for the following financial or budget period, and the preceding financial period has expired, then the previous budget estimate shall be considered as extended for another year.

SEC. 126. When it is not possible to come to an agreement with the Diet of one of the Duchies over the treasury budget proposed for the following financial or budget period, with reference to the amount of income and expenditure appertaining thereto, and the preceding financial period has expired, then the previous amount of income and expenditure and the tax law hitherto valid are to be considered as extended for one year.

If, however, in such a case a new agreement is found with the Joint Diet within its competency, then in consequence of this agreement any deficiency required shall be covered out of the balance on hand, unless the Diet should prefer to raise the deficiency by the levy of a tax or otherwise.

SEC. 127. The Diets are not authorized to apply their right of vote to conditions which do not concern their purpose or use.

SEC. 128. The Duke shall exercise the executive power in constitutional form, shall specifically make the necessary provisions for putting the laws into execution, name all State officials, guide and guard the entire administration, conclude treaties with other States, shall exercise the right of bestowing honors, degrees, and dispensations in so far as this privilege is not limited by special legal provisions.

The consent of the respective Diet is necessary for the validity of treaties concluded with other States, when thereby new burdens would be laid upon the State or on single individuals or when laws are to be made, amended, or repealed. Such treaties are to be published as laws.

SEC. 129. The Duke shall grant yearly pensions, gifts, and relief at expense of the treasury only within the limits of the budget estimates.

SEC. 130. Only in case the maintenance of the public safety or the removal of an unusual need urgently demands it, and the respective Diet is not in session, can orders with legal force be given which do not conflict with the Constitution, with reservation expressly made at their announcement, of the subsequent ratification by the respective Diet. Such orders are, however, to be submitted for subsequent rati-

fication to the respective Diet immediately upon its next meeting, together with proof of their urgency and expediency. If they fail to be ratified, the orders lose their power forthwith.

SEC. 131. In case of a war or uprising the legal provisions concerning arrest, search warrant, and holding of public meetings with consent of the respective Diet or Diet Committee, can be temporarily declared invalid. In the latter case the respective Diet shall be convened within 14 days and the measures taken are to be submitted to it for approval.

SEC. 132. The Diets, each within its own competency, are authorized—

(1) To bring accusation for violations of the Constitution on the part of civil servants;

(2) To make protest to the Government in regard to any irregularities or misuse of the State administration or administration of justice;

(3) To demand from the administration the ascertainment and explanation of actual conditions in all cases where such knowledge seems to them desirable or necessary for the exercise of their constitutional power;

(4) To present to the administration, without detriment to their own rights in reference to the legislation, their wishes and desires in regard to promoting the welfare of the country or improving the legislation.

SEC. 133. The Diets are furthermore authorized, each within its own competency, to receive from private persons complaints concerning incidental injuries occurring to them through Government enactments, and also to use their influence with the administration for the adjustment of such complaints, provided—

(1) These complaints are presented in writing;

(2) Said complaints have previously taken the course of legal appeal to the highest public authorities.

SEC. 134. The judiciary power shall be exercised in the name of the Duke and under his supervision and through the courts and judiciary officials, unless the laws designate an exception for special cases.

SEC. 135. Judges shall be independent and subject to no other authority except that of the law.

Arbitrary administration of justice shall be unlawful.

SEC. 136. No patrimonial jurisdiction shall exist.

SEC. 137. The administration of justice shall be separate from the Government. Exceptions shall be determined by law.

SEC. 138. Privileged courts for persons and property are abolished, with exception of the military jurisdiction.

The court for members of the Ducal House shall be regulated by a special law.

SEC. 139. In criminal cases the procedure shall be, as a rule, public and oral, and procedure of indictment shall be conducted.

In more serious cases judgment shall be by jury trial. Such cases shall be designated by law.

SEC. 140. It shall be within the power of the Duke to annul or to mitigate a court judgment, also to cause proceedings against the accused to be stopped or interrupted, even before the offense or transgression has been inquired into or the penalty pronounced (cf., however, sec. 176).

SEC. 141. The limits of penal authority of the police shall be fixed by law.

SEC. 142.¹ A special commission shall decide upon conflicts between civil and judicial authorities.

PART VIII.—*The election of deputies to the Diets of the two Duchies.*

SEC. 143. The elections of the deputies to the Diets of both Duchies shall take place through delegates.

SEC. 144. The delegates shall be elected by the enfranchised general electors from their own number.

SEC. 145. For the purpose of election of delegates the Duchy of Coburg shall be divided into 11 and the Duchy of Gotha into 19 election districts. Further details on this point are described by the Order of Election (App. I).

SEC. 146.² Every blameless male citizen is entitled to vote who has completed his twenty-fifth year, who has had to pay a Government tax since the beginning of the year preceding the notice of election, and is not one year in arrears with his taxes at the time the election list is published.

SEC. 147. As dependent are excluded from the election those persons mentioned in section 27.

SEC. 148. As not blameless are excluded from the right to vote the following:

Those who have been legally and duly sentenced on account of an offense considered dishonorable according to legal precepts or general opinion; in every case, however, those who have been sentenced to the penitentiary on account of a common offense.

The franchise may be renewed, however, when 10 years have elapsed since the judicial sentence has been served or shortened by pardon or entirely annulled.

¹The law of April 8, 1879, concerning the decision of controversies between judicial and civil authorities over the admissibility of taking legal steps abolished par. 2 of sec. 142.

²By law of March 17, 1911, the word "independent" was stricken out after "every" in sec. 146, line 1.

SEC. 149. The loss of franchise for a period of from 4 to 10 years shall be expressly pronounced by legal judgment, without detracting from the sentence otherwise incurred, against those persons who have sold their votes at election, bought votes for themselves or others, or who have voted more than once at the same election, or who have in general used unlawful means for influencing the election.

In particular those persons shall be declared to have forfeited their franchise for from 4 to 10 years who have endeavored to influence the elections by threats of withdrawal of work, by promises the fulfilment of which presupposes the bringing about of an unlawful condition, or who have been guilty of unlawful dealings for the purpose of wreaking vengeance upon a certain person in connection with the result of an election.

SEC. 150. The franchise may be exercised only in person.

SEC. 151. The franchise shall be exercised by each enfranchised citizen only in that election district in which he resides.

SEC. 152. The delegates of each election district shall elect one deputy.

SEC. 153. Every legal voter (cf. sec. 146 ff.) who has completed his thirtieth year shall be eligible as a deputy. However, the official conducting the election, together with the clerk of the courts, shall not be eligible in the respective election district (cf. also sec. 3, Order of Business, App. II).

SEC. 154. Persons who are in direct civil service, when elected as deputies, shall show their acceptance to their superior officials in order that provision may be made for the temporary administration of their office. Persons in active military service must have a furlough from their superior officers for entrance into the Diet. A furlough once given to such person can not be taken back without consent of the respective Diet.

SEC. 155. The order of election (App. I) contains further provisions in regard to elections.

PART IX.—*The Protection of the Constitution.*

SEC. 156. Except by law, nothing can be changed in the political Constitution and in the provisions designated as integral parts thereof.

SEC. 157. Before exercising the constitutionally sovereign rights, the Duke, and should the case arise, the governor and the administrator, must execute in a written document the following sworn assurance:

I swear that I will always conscientiously observe and powerfully protect the Constitution of the Duchies Coburg and Gotha.

The original of the document shall be handed over to the archives of the Joint Diet. An authentic copy of it shall be placed in the State archives.

SEC. 158. If the Duke dies, or if the office of governor or administrator is vacated, the Joint Diet shall assemble at Gotha without summons if it is not immediately summoned, by the fourth day at the latest, in order to receive the constitutional oath to be executed by the successor, governor, or administrator.

If such a case should arise just at the time when the power of the Joint Diet last summoned had expired and the immediate summons of the new Diet can not yet be made possible, the members of the Joint Diet just previously summoned shall gather for aforesaid purpose.

SEC. 159. Before the constitutional vow in documentary form has been handed over to the Joint Diet, the Duke, governor, or administrator can undertake no administrative business. In the interval the necessary transactions shall be executed by the Ministry.

In what form this shall be done shall be fixed by law.

SEC. 160. Furthermore, the Joint Diet shall immediately convene, according to the provisions of section 158, if the ducal Saxon family of Ernest should cease to rule over the Duchies, in order to protect the general and special interests of both Duchies, particularly also with respect to the public property and the Crown and domain possessions.

SEC. 161. All State officials, upon installation, shall swear to fulfil their faithful duty to the contents of the Political Constitution and the maintenance thereof.

SEC. 162. All State officials are responsible for the constitutionality of their official transactions.

SEC. 163. State officials who act contrary to the provisions of the Political Constitution or of the law declared to be an integral part of the Constitution, make themselves guilty of the offense of breach of Constitution.

SEC. 164. The degree of penalty for such offense shall be determined according to the extent of evil intention and guilt, according to the extent and compass of damage done and the legal rules for compensation therefor.

The penalties shall consist in reprimand, suspension, retirement from office with or without pension, with or without reservation for reinstatement in service, and finally removal from office.

SEC. 165. Each Diet within its own competency is authorized to charge State officials with breach of the Constitution. The same right shall belong to the committees of the Diets (cf. secs. 97 and 132).

The chairmen of these committees are authorized to convene the latter after giving previous notice to the State Ministry as a preliminary step to bringing accusation or complaints.

SEC. 166. The accused can free himself from the accusation that he has acted in accordance with an order from his competent superiors issued to him in due form.

SEC. 167. In order to acquire due form for all orders in State matters which the Duke signs or which are issued in his name on a special order it is requisite that said orders shall be countersigned by a member of the State Ministry on the original copy or otherwise signed (cf. sec. 22).

SEC. 168. The member of the Ministry who countersigns or signs the original copy of the order is responsible for its constitutionality without issuing the summons at the Duke's command.

SEC. 169. The complaint mentioned in section 165 can only then be brought when the respective Diet or Diet committee (sec. 165) has stated to the Duke the accusation of breach of the Constitution and the accusation is not redressed to the latter's satisfaction within one month from the date of such statement.

SEC. 170. The complaint shall be brought to a court appointed by law and decided by it.

SEC. 171. Until the court is appointed by law and the case decided thereby, the supreme appellate tribunal at Jena shall take its place. This court shall be clothed for this case with all rights and duties of a court of inquiry, shall examine the case according to the principles and rules of the procedure of indictment and pronounce sentence according to the evidence for or against the accused.

Against the sentence of this Supreme Appellate Court only the recourse of a new trial (revision) by the Supreme Court can be made, and this only by the defendant and only within 30 days from its publication. The defendant is allowed, within a certain time—of 6 weeks—from the date of revision, to bring a statement of his objections, which is handed to the plaintiff for his answer within like 6 weeks' interval, to be reckoned from the filing of indictment. After the receipt of the papers, or in default of the same at the expiration of the time set, the Supreme Appellate Court shall pronounce the second and last sentence, for which a new referee and a coreferee shall be appointed, a written report worked out by each one without either seeing that of the other, and then voted on in writing by each member outside of the Diet session.

The Supreme Appellate Court shall inform the accused as well as the accusing Diet, or its committee, of the judgment, with reasons therefor, and shall at the same time send an authentic copy of the same to the Duke.

The Supreme Court shall publish through the press, at the expense of the State, every sentence, with reasons therefor, within 4 weeks from its pronouncement.

SEC. 172. The sentence shall first state whether the accused has acted against the Constitution, and then in regard to the penalty and costs.

SEC. 173. If the complaint concerns the transgression of a provision the meaning of which is not clear, and if the court finds that the interpretation made by the accused is indeed not the correct one, but that the accused has had good reasons to consider it so, then the court shall state that the accused has acted contrary to the Constitution, but shall clear him of penalty and costs.

SEC. 174. In the matter mentioned in section 173 is also to be understood that if the accused should prove that the order forming the basis of indictment was withdrawn upon the complaint mentioned in section 171 within the one month's interval set therein, and through this withdrawal or amends made within like time, the former condition of affairs shall have again been restored.

If, however, upon complaint of the respective Diet or Diet Committee, the orders which violated the Constitution, but which had been withdrawn, should be repeated, the foregoing provision shall then have no application to the accusation made in such case.

SEC. 175. Through the accusation of breach of Constitution and the procedure based thereon shall not be precluded the prosecution of any concurrent ordinary offense or breach of duty by means of the regular criminal authorities.

SEC. 176. A mandate of pardon in respect to breach of Constitution shall not be issued.

The Duke shall not grant a pardon with reference to a sentence pronounced for violation of Constitution (sec. 164) without the consent of the respective Diet or Diet Committee.

SEC. 177. The serving of a sentence pronounced by the court for the violation of the Constitution shall take place at the order of the Duke immediately after the beginning of its legal force.

Given under our own hand and the ducal seal.

[L. s.] ERNST, *Duke of Saxe-Coburg and Gotha.*
J. SEEBACH.

Gotha, May 3, 1852.

At the same time with the Political Constitution were published as Appendix I, *The Order of Election for the Diets of Coburg and Gotha*; and as Appendix II, *The Order of Business for the Diets of the Duchies Coburg and Gotha*.

SAXE-MEININGEN.

FUNDAMENTAL LAW OF AUGUST 23, 1829.¹

[PREAMBLE.]

We, Bernhard, by the grace of God, Duke of Saxe-Meiningen, etc., have at the beginning of our reign over the lands united with our hereditary Duchy of Meiningen in consequence of the treaty of November 12, 1826, expressed immediately our conviction that the true welfare of our subjects would be more and more furthered by as close a union as possible of the various provinces and have declared our paternal intention to establish a union of the various provincial institutions of the same after mature consideration of those already existing and with careful regard for essential local differences.

After we have now also in accordance with the Constitution heard the wishes of our loyal Estates concerning the national Constitution through a committee chosen for that purpose and assembled here at our capital, the city of Meiningen, and have after taking these into due consideration made our decision, we now see ourselves moved to comprise this National Constitution together with the other legal provisions appertaining thereto in a document, and therefore do order the following:

SECTION I.—*Of the Duchy, its Constituent Parts, and the Sovereign.*²

ARTICLE 1.³ The Duchy of Saxe-Meiningen in its various parts till now determined by the treaties of division in the whole House of Saxony and those still to be determined by future House or State treaties shall form a unified State under the name: the Duchy of Saxe-Meiningen.

ART. 2. From the national territory hereunder comprised no part, no matter how small, shall under any pretext of its allodial quality ever be separated nor in favor of an allodial heir be withdrawn from the national succession (sovereignty of the heir to the throne), without prejudice, however, to the claims of the allodial heirs, already recognized by treaty, to the value of various parts of the public domain.

ART. 3. The Duke shall be hereditary Sovereign or ruler of the State. In his hands all branches of the highest State authority shall be united.

¹ Translation by R. B. Roulston based on the text as found in Stoerk-Rauchhaupt, pp. 416-434.

² Section I supplemented by law of March 9, 1896, concerning the succession, regency judicial relations, and property of the Ducal House.

³ Article 1 supplemented by law of January 13, 1894, concerning changes in boundary.

The national succession shall, so far as the Ducal House is concerned, be determined, by virtue of the Primogeniture Constitution of March 12, 1802, according to the principles of primogeniture and order of line according to the age of the line; otherwise according to the agreements and observances of the Ducal, Grand Ducal, and Royal Saxon House.

ART. 4. The Duke and all princes of the Ducal House shall be of age and competent to rule upon the completion of their twenty-first year. At the request of their former or especially hereto appointed guardian the reigning Duke shall declare the princes of the Ducal Special House of age when they shall have at least completed their eighteenth year.

The Duke himself may be declared of age by his chief guardian after completing his eighteenth year with the consent of the oldest ruling Sovereign of the entire Saxon House of all lines.

ART. 5. The entire Duchy shall have one common constitution, determined by the necessity of the cooperation of the Estates in those acts of the Government to be later defined to help to maintain solidarity and stability in the Government and to afford a greater security of the common justice.

SECTION II.—*General Rights and Duties of Subjects.*

ART. 6. Subjects shall be those who are born of native parents, i. e., in the case of legitimate children whose father, and in the case of illegitimates whose mother, at the time of the birth of the child was a naturalized subject; further those who acquire the right of citizenship or domicile in a place or who are taken into the service of the State.

How far mere ten-year residence may give foreigners the rights of subjects shall depend, until the enactment of a general law, upon the regulations existing in various provinces and upon treaties with other States.

ART. 7. Subjects shall owe obedience to the laws of the country even in foreign countries, in so far as the country is concerned therein, and shall be judged according to these laws for acts committed in foreign countries. They shall not be delivered up to foreign States or be brought before foreign courts of justice, without prejudice however to existing or future treaties with regard to appearing for confrontation, likewise with regard to minor offences, especially poaching, impregnation cases, and the like.

ART. 8. Subjects may claim the right to follow the trades for which they have prepared themselves, according to the provisions of the special existing and future regulations concerning these subjects.

They shall have the right to claim support when they can no longer earn their living, first in their own parish and then from the general relief funds according to the existing regulations, without prejudice to the present or future laws concerning the obligation of blood relatives.

ART. 9. This general right of subjects shall be lost by emigration.

Every one shall be permitted to emigrate, but with the proviso that he shall have fulfilled his due obligations to the State and his fellow citizens.

ART. 10. All subjects shall be obliged to contribute to the end of the State according to the law of equality and in proportion to their wealth and their ability, especially,

(a) Through taxes, according to existing laws and those which may be promulgated;

(b) Through military service for the country and the German Confederation.

The repeal of former and still existing exemptions, as well as the provisions for the indemnity to be granted therefor, shall be reserved for future laws.

Subjects shall not be obliged to allow themselves to be used in foreign service.

ART. 11. All male subjects shall upon completion of their eighteenth year or upon their naturalization render an oath of allegiance, which must also be contained in all official oaths.

ART. 12. The differences in the recognized Christian confessions shall entail no distinction in the civic relations of subjects. The relations of the adherents of the Mosaic religion shall be determined by special laws.

ART. 13. The right of citizenship shall consist in the privilege:

(1) Of being a sworn witness and a juror;

(2) Of taking part in communal and legislative elections, the latter according to special laws dealing with these subjects.

ART. 14. The right of citizenship shall belong to every citizen who is of age. The period for becoming of age shall be for all subjects upon the completion of the twenty-first year.

It shall be lost by emigration and by the legal sentencing to a dishonoring criminal punishment, and this loss shall be expressly pronounced in the sentence; it may, however, be restored again by the later proving of innocence (rehabilitation). It may temporarily not be exercised:

(a) During an appointed guardianship;

(b) During a declaration of insolvency of a debtor through his creditors;

(c) During a criminal examination, beginning at the time of accusation; it begins again, however, at the end of the guardianship; after complete payment of one's creditors; and in the case of accused

persons, after sentence has been passed, if this is either an acquittal or does not condemn one to a dishonoring punishment.

ART. 15. The special legal status of the various Estates shall enjoy the protection of the Constitution. No difference in rank, however, shall afford in the Duchy any exemption from the common duties of subjects or a privilege in the acquisition of landed property and the attainment of any State office.

ART. 16. All subjects and communes, likewise the public domain and the privy purse, shall be obligated to relinquish property which is necessary for some public purpose, e. g., the building of highways and communal roads, the enlargement of cities and public buildings, the straightening of streets in cities, and the constructing of market places, and especially in the case of the reconstruction of destroyed buildings; however, the necessity for the construction and the surrender must be recognized by a higher authority, and immediately upon the surrender the full common value, to be determined by appraisal and with regard to special conditions, in so far as the same is not determined by any law or agreement with the State or commune itself, must be paid from the State or communal treasury.

ART. 17. Other goods may be withdrawn from the common possession and traffic by special laws, and then every one shall be obliged to surrender goods of this nature already in his possession against compensation and those which later come into his possession without such compensation.

ART. 18. All foreigners residing in the State, in so far as they do not enjoy an exception based upon internal law, shall owe obedience to the laws of the land, and shall be judged according to these laws for acts performed and crimes committed in the land.

They shall enjoy the protection of the laws so long as they behave in a quiet and lawful manner, but in the contrary case they may be expelled from the country.

Convictions for crimes shall as a rule entail expulsion. Extradition shall be ordered only when a foreigner is accused of a common crime, e. g., theft, robbery, fraud, murder, homicide, arson, which according to the laws of this State entail arrest, and when therefore the extradition is desired by the court of the country wherein the crime was committed or by the native country of the accused. The treaties already concluded with other states on this matter shall, however, be observed further.

SECTION III.—*Of the Communes and Corporations.*

ART. 19. The union of local communes shall embrace all subjects, and in the future no one may be a citizen of the State without being at the same time in one way or another in the union of communes.

The details hereof shall be determined by the communal regulations.

ART. 20. The local communes shall have the right of personality and of regulated societies. They may acquire property, appoint officials and magistrates, make decisions binding for non-consenting and future members, and also acquire rights which shall be exercised by their individual members for their special advantage.

ART. 21. They shall also have on the other hand the duty of themselves seeing to the maintenance of public order and safety in those matters allotted to them, especially of maintaining their communal roads and their bridges, and of caring for their poor, all according to the provisions decreed thereto appertaining.

ART. 22. The communes as a whole shall enjoy the rights of minors with reference to their rights and their property.

They shall be under the supervision and special care of the State. None of their members may prejudice the rights of the whole by his personal acts or thereby acquire especial exemption as against the whole.

ART. 23.¹

ART. 24. The communes of a district shall form a district commune for the common performance of affairs allotted thereto. The communal regulations shall give the details concerning these as well as concerning the local constitution of communes in general.

ART. 25. The parishes shall likewise be in a similar communal union, with the common subsidiary obligation to maintain schools, churches, and parsonages; also to maintain the clergy and schoolmasters and the buildings in so far as the endowment of the churches and schools is not sufficient thereto.

ART. 26. The property of the communes, both public property which belongs to the whole for the meeting of communal expenses and the property of citizens (right of domicile and communal right), the enjoyment of which belongs to individual members, shall enjoy the security of private ownership with regards to the State and, so long as the commune exists, may not arbitrarily be added to the property of the State. At the same time, however, it shall be under the supervision of the State, so that its use may be regulated for the true welfare of the whole. The estimates of expenditures and incomes of the communes must be approved by the State Government or by the competent lower authorities.

ART. 27. It shall remain reserved for special regulations as to how far other classes of inhabitants who are bound together by a common

¹ Article 23 repealed by law of August 9, 1899; likewise article 33, par. 3, and article 34.

interest shall be granted corporate rights (except the common representation in suits at law), which they do not already possess.

ART. 28. Subjects shall not be forbidden to form societies for purposes which are not *per se* unlawful; but the right of personality, the ability to acquire property in the name of the society, to use a seal, and to establish statutes, shall be obtained by them only with the consent of the State.

SECTION IV.—*Of Churches and Charitable Institutions.*

ART. 29. The Evangelical Church shall be the State Church and, when its endowments are in any way insufficient, it shall be maintained from the State incomes. But all other churches shall enjoy the protection of the State and perfect freedom of conscience, in so far as they act in accordance with the laws and ordinances of the State. No pretended religious opinion may release one from the obligations toward the State.

ART. 30. No church decree may be promulgated and carried into effect without the previous knowledge of the Sovereign and without his consent.

ART. 31. The State shall watch over the training, calling, and official administration of all clergymen and other church officials, but without interfering in the internal affairs of the Church further than is necessary for this purpose. Complaints concerning the servants of the Church, when their subject concerns merely the clerical office, shall belong before the church authorities; before the State civil authorities, however, when complaint is made concerning the violation of clerical authority.

ART. 32.¹ The right of the State, founded in the constitution of the Evangelical Church, in the direction, the calling, or the confirmation of the servants of the Church, and the dispensation from church prohibitions in marriage affairs, likewise in the administration of church property, shall only be exercised or prepared for the decision of the Sovereign by a board which shall consist of both lay and clerical councillors.

ART. 33.² The endowment of the churches and schools shall not be withdrawn from the same so long as church and school exist. The

¹ Article 32 modified by article 27 of the parish and synodal regulation of January 4, 1876:

"Wherever up to the present the commune or its representatives (committee, commune council, magistrate) has been granted the advowson for a clerical position, the vestry or the combined authorities shall elect the pastor from the number of candidates and preachers who are eligible according to the regulations.

Otherwise the filling of the church positions, their endowment, and the establishment of a central church treasury shall after the introduction of this regulation be determined by special laws, and up to then the present method of filling church positions shall be in force."

² Article 33, par. 3, repealed; cf. note to article 23.

property of disbanded churches, schools, and other pious institutions may, however, be drawn into a common church and school fund.

This shall also be done when through especial circumstances the wealth of a single church or school has grown in such a way that it disproportionately surpasses the needs of the same, by likewise taking the surplus of the yearly revenues for the common church and school fund, and should this be sufficiently equipped, the same may be devoted to other purposes and institutions for the public good. The same shall hold good of the endowment of almshouses and hospitals, infirmaries, and other foundations whose purpose has ceased or which are superfluously provided for.

ART. 34.¹

ART. 35. Churches, schools, and other institutions may make new acquisitions of landed property and real estate only with the consent of the Government. Bequests and gifts in favor of a pious institution shall not need any previous governmental consent for their legality.

ART. 36. The other affairs of the churches shall be determined by special regulations.

SECTION V.—*Of the State Property, Crown Lands, and Privy Purse.*²

ART. 37. The State property shall comprise the sum total of those means from which the general needs of the country and the State are met, as well as everything which is permanently devoted to common use and benefit.

The contributions of subjects (the taxable property of the same), which shall be levied by constitutional methods for the purposes of the State, shall constitute the greatest part of the property of the State. The surplus and savings in the administration of State property shall belong to the State, and may not be appropriated to the domains and still less to the privy purse.

ART. 38. The domain property in buildings, crown lands, forests, landed possessions, seigniorial tithes, ground rents, rents, and other incomes and privileges proceeding from the seigniorial right, shall be the property of the Ducal House and intended primarily to meet the costs of the Court and of the maintenance of the ducal family.

On the other hand the direct and indirect taxes now accruing to the domain treasury, as well as all imposts to be granted in the future, likewise the incomes from regalia and the incomes ensuing

¹ Article 34 repealed; cf. note to article 23.

² Cf. for the provisions of this section the law concerning the domain property of July 20, 1871; the law of July 9, 1879, concerning the administration of the incomes and expenditures of the Duchy and the authority of the board of revision; the law of April 27, 1831, concerning the simplifying of the State budget, and the law of March 26, 1889, concerning the acquisition and sale of certain parts of the State property.

from the exercise of the sovereign power, especially also highway and road tolls, taxes paid for protection, and all performances on behalf of military affairs, shall be assigned to the State treasury against the proportionate assumption of the costs of the State administration and of temporary burdens now resting upon the domain treasury.

A detailed list shall be drawn up concerning the constituent parts of the domain property and likewise concerning the funds and burdens to be attributed to the State treasury, and after being agreed upon the same shall be considered an integral part of this fundamental law.

Surpluses in the domain treasury shall be at the free disposition of the Duke, and may be added to the privy purse, whenever no extra appropriations have been advanced to the domain treasury by the State treasury and when circumstances or urgent needs of the country do not make advisable the use of the same for the welfare of the country.

ART. 39. The privy purse shall consist of that which the ruling Duke receives from the State and domain treasuries for his personal use and what remains over therefrom, from the savings of the domain treasury expressly allotted thereto, and whatever else he may acquire through inheritance, legacies, or in any other manner.

Reverting feudal tenures may also be added to the privy purse, and only the fiefs together with the revenues proceeding therefrom shall belong to the domain property and to the entailed fund of the Ducal House.

ART. 40. A list of those objects and collections shall forthwith be made which shall be considered as State property.

ART. 41. All ducal castles together with the inventory therein shall belong to the domain property; but it shall be understood that the inventories shall only be considered as a whole, as appurtenances of the castles, and that any change therein in detail shall depend entirely upon the judgement of the Sovereign. But allodial claims shall never be made on their account against the present or future ruling Dukes from the present Ducal House.

ART. 42. The entire taxable property of subjects shall be security for national debts assumed with the consent of the Estates.

The present debts of the various provinces shall for the purposes of administration be contracted into a common national debt, and the interest paid and liquidation made from a common sinking fund.

New national debts, *i. e.* such whereby the sum total of those existing is increased or whereby the continuous liquidation required by the Constitution is neutralized, shall be invalid and non-binding without the express consent of the Estates, and only those shall be personally responsible therefor who have made such loans and have

signed the notes, as the statute concerning the sinking fund will state in detail.

No new loan shall be made without the establishment, together with the annual interest, of a sinking fund whereby the principal shall be paid off in at the most 50 years.

ART. 43. The incomes of the domain property shall for all time be security for the domain debts assumed according to the Constitution.

New debts, i. e., such whereby the sum total of the same is increased, may not be made without the express consent of the Estates, and shall simply not be binding on the successor to the throne even if he is a son of his predecessor. Only the private estate of his predecessor shall be security for the same, and those officials who signed the notes shall be personally responsible therefor.

The Estates shall, however, be obliged to give their consent:

(a) When the debts are contracted for the acquisition of new domain property, to the half of the purchase price;

(b) To a sum to be determined by circumstances at the marriage of the Sovereign, the princes, and the ducal princesses;

(c) To the restoration of the ducal residential castle in case of accident to the same.

In the case of each new debt the annual interest and a sinking fund for at the most 50 years shall be established.

ART. 44. The promissory notes issued with full observance of all formalities, which shall be determined in special laws (concerning the sinking fund), shall, however, afford to creditors full security and legal validity against the State and domain treasuries, and, if irregularities shall have occurred, the latter shall have the right of redress against the guilty officials.

ART. 45. The substance of the domain property shall not be diminished by any kind of alienation, sale, gift, burdening with rents, and the like, and the consent of the Estates shall be necessary for the legal validity of such an alienation, despite the agnatic consent. The domain administration shall indeed not be prevented from disposing of single parts and privileges of a domain estate, as of smaller strips of forest, hunting and forest privileges, by sale, exchange, compromise, and any other manner; nor from having rents, tithes, services, and privileges discharged. The sum received therefor, however, in so far as it in the nature of the transaction does not accrue *per se* to the immovables of the domain property, shall never be added to the current incomes and expenditures of the domain treasury but shall be reserved for the sinking funds and be continued in the same as an interest-bearing asset of the domain property.

ART. 46. The privy purse shall be at the unlimited disposal of the Sovereign and shall be judged according to the principles of civil law.

Only the privy purse shall be liable for the private debts of the Sovereign, and his successor shall be bound to pay such only in so far as the privy purse may cover the same. The privy purse alone may lawfully be disposed of by bills, gifts, and legacies.

ART. 47. The incomes of the State property shall form the State treasury from which all real expenses of the State shall be met.

The treasury shall be administrated by a treasurer, chosen by the Estates and confirmed by the Sovereign, under the authority and supervision of the Ministry and the cooperation of the Estates.

The moneys which shall be spent for the various branches of the State administration shall upon motion of the Ministry be granted annually (or according to circumstances for several years) by the Estates, and the mode of raising the same shall be determined with the approval of the Sovereign.

The accounts shall be laid before the Estates annually and be audited by them through their committee with the cooperation of the chamber of accounts and justified by their approval (definitely at one session of the legislation).

Neither the Estates nor the Ministry shall have the right arbitrarily to authorize expenditures from the State treasury other than those in accordance with the budget.

ART. 48. The domain property shall be administrated by a board appointed by the Sovereign under the supervision of the Ministry, and the treasury by a special treasurer.

The budget for the domain administration shall be drawn up by the domain authorities, and the treasury budget made by the Chamber of Accounts and determined by the Sovereign. The annual accounts shall be audited by the Chamber of Accounts and their approval decided upon by the Sovereign. But proof must be given to the Estates from legislature to legislature that neither the substance of the domain property as a whole has been diminished (with exception of cases determined in article 45, and with the right reserved for a proposal for the supplementing of immovables), nor the same burdened with new debts, but that rather the liquidation of debts is being continued in accordance with the Constitution.

SECTION VI.—*Of the Estates.*

CHAPTER 1. GENERAL PROVISIONS.

ART. 49. In order to represent the rights and privileges of the people which belong to them as a whole in their relations to the Government, and in order to help to maintain the course of the whole

State administration always in its lawful path, especially also to assure that regularity in the determining and levying of the needs of the State and in the treatment of the State and domain property which the welfare both of the Ducal House and of the country demands, and in order not only to be able to use the advice and agreement of a larger number of experienced men in the case of legal provisions which concern the Constitution or other rights of citizens, but also always to be able to give to all the conviction that the Government always has in view only the best interests of subjects and the maintenance of a moral and lawful order,—representatives of the country shall in the future be chosen who shall fulfil the duties dictated by these purposes, partly in full assembly and partly through their officials.

ART. 50.¹

ART. 51. They shall be summoned regularly every three years, and besides so often as it is necessary, to Meiningen or some other place. Their assembly may be closed at any time by the Sovereign.

Without summons from the Sovereign not only shall all decisions of an arbitrary assembly be simply null and void, but trial and punishment may be instituted against the participants in such an assembly.

ART. 52. The Sovereign shall also have the right to dissolve the Estates at his discretion and to order new elections.

The proclamation of new elections shall immediately follow the dissolution of the previous Estates.

ART. 53. The officials of the Estates, partly for the direction and management of business during the assembly, partly for the observation of the obligations and privileges of the Estates during a recess, shall be: (1) the State marshal,² (2) two national chairmen,² (3) a syndic, (4) a treasurer with the necessary assistants.

They shall have a national clerk and a clerk's messenger.

ART. 54. The State marshal shall be chosen by the Estates at the beginning of the legislature from the class of the landed nobility by a simple majority vote and confirmed by the Sovereign if there is no objection to be made against the one chosen. He shall hold office as a rule for six years or so long as the Estates exist which elected him. At the expiration of these six years or after the dissolution of the Estates Assembly he shall continue to perform the duties of his office temporarily until the next legislature. The retiring State marshal shall be eligible for reelection. When he retires or in case of his inability, the first chairman shall take his place.

¹ Article 50 repealed by the suffrage law of June 3, 1848, article 24; likewise articles 63-79.

² They have been called president and vice-presidents since the standing rules and orders of the legislature of April 23, 1868, article 4.

It shall not be necessary for him to live in the city of Meiningen, but he shall reside there every year for one month in order to be present at the auditing of the accounts, and he shall be obliged to appear there whenever the Sovereign shall demand it or whenever the two chairmen shall propose his being present temporarily at some emergency.

ART. 55. The two chairmen shall likewise be chosen by the Estates from their midst, without their being restricted to any one class, at the beginning of the legislature for the same period as the State marshal, and shall be confirmed by the Sovereign.

They shall also perform the duties of their office upon dissolution of the Estates Assembly until the next legislature and shall be eligible for reelection.

One of them shall live in the city of Meiningen as officiating chairman, the other, however, shall appear there upon demand of the State marshal or of the officiating chairman, likewise at the latter's retirement, if he does not already reside in Meiningen.

These chairmen, together with the State marshal, shall form the National Directory, and the State marshal may act in national affairs only with the cooperation of a chairman; they shall all be responsible to the Estates for the constitutional fulfilment of their duties. A completion of the Directory shall be necessary between two legislatures only—

(a) when two members of the same have resigned, or

(b) when the officiating chairman has resigned and can not be replaced by the other. The election of a temporary chairman until the next legislature shall then take place through written votes of the Estates.

ART. 56. The especial duties and prerogatives of the State marshal shall be:

(a) Always to keep the thread of all national affairs, to represent the Estates Assembly and its rights on all occasions, and to prevent any unconstitutional acts. When he is in the city of Meiningen he shall have the privilege of attending the meetings of the State tax commission and the sinking funds commission, and the chairmen shall be obliged, in a form to be designated below, to give him regular information concerning the operations of the sinking funds and the administration of the State treasury. He shall have the right to enter protest against resolutions and decrees which are contrary to the Constitution and the rights of the Estates, and to report the same to the Sovereign. When circumstances demand it, he may propose the summoning of a special legislature, with presentation of the reasons thereof.

The accounts of the State treasury shall be investigated by him, after they have already been audited by the Chamber of Accounts,

with the cooperation of the two chairmen and the committee to be designated below, and provisionally closed until the legislature has given its decision.

(b) He shall prepare the business of the legislature, for which the necessary information and explanations shall be given to him in time by the Ministry.

(c) During the legislature he shall direct the business of the same; he shall arrange the sessions and determine the order of business (among which the proposals of the Sovereign shall have precedence), he shall appoint the referees, co-referees, and commissions, unless the Estates Assembly should find it necessary to appoint the members of the same by a majority vote. He shall preserve order and decorum in debate, shall collect the votes, shall announce the decision, and shall bring the same, after the wording is agreed upon, to the Ministry. He shall be the spokesman of the Estates.

(d) He shall watch over the administration of State officials and servants and with the chairmen shall look after the filling of vacant places.

ART. 57. The two chairmen present in Meiningen shall be members of the tax commission and of the sinking funds commission. Every order on the State treasury and the sinking fund must be signed by at least one of them. They shall be especially responsible to the Estates for the conducting of the administration of the treasury in accordance with the laws, for the correct observance of the budgets, and for preventing the decreeing of any irregular expenditures. Any deviation from regulations shall be immediately reported to the State marshal. Should a chairman not reside in Meiningen, he shall be required to appear there without delay upon order of the State marshal or upon request of the officiating chairman in order to replace the latter when he shall be disabled. Both chairmen shall be assistants of the State marshal, and if he is disabled or has retired, shall take his place. Like him they shall be obliged to represent the rights of the Estates, and it shall be their duty to inform him of every noted violation of the Constitution.

ART. 58.¹

ART. 59. To all these officials a salary from the State treasury shall be determined by the legislature with the approval of the Sovereign.

ART. 60. For the annual inspection and auditing of the principal and secondary accounts of the State the legislature shall elect a committee which shall consist of three representatives of the various Estates besides the State marshal and the two chairmen. The State marshal shall be privileged to summon these three representa-

¹ Article 58 repealed by law of April 23, 1868, concerning the introduction of the new standing rules and orders for the legislature, article 3; likewise articles 85, 95, 98.

tives and to form the committee in other important matters occurring during a recess of the legislature, especially:

- (1) In case of a proposal for the summoning of an extraordinary session of the legislature;
- (2) In order to prepare especially important business for the impending session of the legislature.

ART. 61. The Estates shall appoint the treasurer for life with the approval of the Sovereign. He shall give a suitable bond. His more exact duties shall be determined by the treasury regulations.

ART. 62. The appointments of the chancery and of the employees shall be left to the Estates.

CHAPTER 2. ELECTIONS.

ART. 63-79.¹

CHAPTER 3. DUTIES AND RIGHTS OF THE ESTATES.

ART. 80. The first obligation of the loyal Estates of the Duchy shall be to cooperate on their part to the end that the contributions of subjects to that which is required by the common welfare shall be demanded with wise economy, be equitably distributed, and be expended with strict conscientiousness and exactness in accordance with their purpose.

ART. 81. To this end:

(a) An exact estimate of that which is necessary for the purposes of the State in its various relationships shall be brought before the Estates for discussion and the need thereof examined and determined in common with them.

(b) The manner of raising this need with all possible equality and consideration of subjects shall be settled with them, and accordingly no new tax of any kind whatever or such whose time of grant has expired shall be levied without their express consent. Nevertheless, expired grants shall be continued in the meantime until the constitutional period of the next legislature, unless this be expressly refused in the grant, and after the opening of the legislature until the fixing of the new budget.

But no right of refusal shall be granted them concerning that which must be necessarily expended for the fulfilment of confederate duties.

(c) A complete accounting of the expenditure of the granted taxes and imposts shall be made annually to them according to the provisions determined in article 47 above, and the same shall be examined by them and approved accordingly.

¹ Articles 63-79 have been repealed; cf. note to article 50.

ART. 82. The grants of the Estates shall, however, not be given to individual persons and positions but shall be conferred to each branch of the Government and the institutions comprised thereunder as a whole, and it shall be left to the Government to use the granted sums according to the budget.

It shall, however, also be willing to hear the suggestions of the Estates and to consider the same as far as possible.

ART. 83. II. How the public assessments granted by the Estates shall be administered in a special treasury with the cooperating supervision and direction of the same has in part already been determined above, in part especial statutes and regulations shall be agreed upon with them.

ART. 84. III. It shall be the duty of the Estates to see to the unimpaired maintenance of the domain property, concerning which the necessary directions shall be given according to the provisions named above.

ART. 85¹. IV.

ART. 86. V. The Estates shall be privileged to lay their wishes for the perfection of the legislation before the Sovereign and both to make general proposals and to present bills, which shall be always carefully considered and shall not be rejected without valid reasons.

ART. 87. VI. The Estates shall have the right to report abuses which become known to them in the various branches of the administration for remedy. Complete information shall upon demand be given to them by the Ministry concerning complaints which come to discussion partly through speeches of the representatives, partly through memorials of others, and complaints lodged by the Estates shall be investigated with special care, and those which are well established shall be remedied.

ART. 88. VII. The Estates shall have the right to lodge formal impeachment against State officials on account of violations of the Constitution—abuse of official power, disloyalty, and extortion. Against officials who are under a higher authority, however, complaint shall always first be made with the Ministry, and impeachment shall only be resorted to when the complaint is not remedied.

The impeachment shall be lodged with the Supreme Court at Jena, shall be tried in formal legal manner by a criminal court of the country to be charged herewith, and shall be decided by the Supreme Court.²

The convicted shall have the right of another trial, whereupon foreign judgment shall be obtained.

¹ Article 85 repealed; cf. note to article 58.

² Cf. the law of December 16, 1878, article 31, concerning detailed provisions for the execution of the German law on the constitution of courts of justice of January 27, 1877: "Supreme Court."

CHAPTER 4. THE LEGISLATURE.

ART. 89. The Estates coming together at the summons of the Sovereign shall form the legislature.

ART. 90. Upon order of the Ministry the summons shall be issued to the State marshal and by him to each individual deputy with specification of the time and place. Those summoned shall promptly advise the State marshal when they shall be prevented from appearing, in order that their substitutes may be summoned in their place or the Government be requested to order a new election.

ART. 91. The legislature shall be considered legally constituted when, after being summoned, at least 20 representatives are assembled. The Government shall be informed that this is the case, whereupon the formal opening shall take place.

ART. 92. The opening shall be preceded by a church service, with a sermon suitable to the occasion. Thereupon the deputies shall assemble in the presence of the Duke or of a commission appointed by the Sovereign.

Those who appear for the first time shall take the prescribed oath. The legislature shall be opened with an address by the Duke or his representative.

ART. 93. The deliberations of the legislature shall be occasioned :

(a) By proposals of the Sovereign, which shall be disposed of before all other business in the order in which they appear or as determined by the Sovereign;

(b) By motions of the members, which shall always be delivered in writing to the State marshal in such a way that only the proposal is definitely expressed, and no decision may be reached concerning any motion merely incidentally expressed;

(c) By communications and remonstrances of others, which, however, may only be brought forward for discussion when, after a statement of the contents and the reading aloud of the petition, a representative declares himself ready to support the same.

ART. 94. The proposals and motions of the Sovereign shall be the first open for discussion in which every one shall have the right to express his opinions. The representatives of the Sovereign shall take part in the same in so far as it may seem to them necessary. But after they have given the necessary explanations, they shall give time to the Estates for further deliberation in their absence. The right of secret sessions shall be reserved to the Estates at which the representatives of the Sovereign shall not be present.

ART. 95.¹

¹ Article 95 repealed; cf. note to article 58; likewise article 98.

ART. 96. In case an Estate shall consider its established rights prejudiced by a decision of the legislature, the same shall have the right to propose to the Sovereign, with a clear presentation of its reasons in a special remonstrance to the end that the consent of the Sovereign be denied to this decision.

If upon closer investigation of the decision such an interest should develop, and if the act should not be entirely worthy of rejection, the same shall be referred back to the legislature for further deliberation and amicable settlement. If a settlement does not even then come about, however, the decision of the Sovereign shall go into effect.

ART. 97. The legislature shall bring its declarations and wishes before the Sovereign in the form: "most humble declaration"—or "request" with the signature: "the loyal Estates of the Duchy."

ART. 98.¹

ART. 99. The representatives may not be called to legal account for their utterances in the Assembly of the Estates.

It shall be incumbent upon the legislature, however, to prevent and to censure improper and unconstitutional expressions and declarations.

To this end:

1. The State marshal shall have the right and the duty to call to order any one who, without having the floor, insists on speaking, interrupts others, digresses while speaking, and who allows himself improprieties;

2. The Assembly of Estates shall do the same when the behavior deserves a more serious censure, and

3. It may go so far as to expel a deputy entirely by a majority of three-fourths of those present, whereupon his substitute shall be summoned.

ART. 100. No deputy shall absent himself from the legislature without giving his reasons, concerning which the legislature shall decide.

The course of justice shall not be hindered in the case of deputies; only during their presence at the legislature they shall not be summoned to appear personally in affairs of civil law or in police matters, nor in these matters may they be arrested, except for notes due.

When imprisonment for debt or a criminal examination shall be pronounced against a deputy his substitute shall be summoned.

ART. 101. The legislature shall be closed by a declaration of the Sovereign and shall immediately disperse without being able to proceed to further business.

¹ Article 98 repealed.

SECTION VII.—*General provisions.*

ART. 102. The Sovereign himself shall be above all personal responsibility. All acts of the Government must, however, be carried out under the personal responsibility of a State official.

ART. 103. To this end every decree promulgated in the name of the Sovereign must be countersigned by a member of the Privy Council or of the Ministry, who shall be personally responsible for the legality of the same.

ART. 104. The responsibility for any illegal decree shall fall directly upon him from whom it proceeded; orders of a higher authority shall protect such only when they have proceeded in proper form from the qualified superiors.

ART. 105. All jurisdiction shall proceed from the State and the Sovereign and shall be exercised only by the courts directly or indirectly instituted by the State, and the course of justice shall not be hindered.

ART. 106. The right of pardon in criminal cases shall belong only to the Sovereign, but with the restriction that:

1. The pardon granted shall hinder no one from prosecuting his private claims proceeding from some infringement of the law;

2. An official who has been sentenced to dismissal upon impeachment by the Estates may be pardoned so far as his punishment is concerned, but may not remain in the service of the State or be taken into the same again or draw any pension from any State treasury.

ART. 107. Should a change in the Government come about, the new Sovereign shall at his accession pledge himself in writing upon his princely word and honor to observe the whole Constitution as set forth in this document, to maintain the same, and to protect it. In order to receive this assurance from the Prince before the doing of homage by the Estates, the legislature shall be summoned in special session. In case of the minority of the Sovereign, or because of any other hindrance at his accession, this assurance shall be given by the regent for the time of his administration.

ART. 108. All State officials shall be sworn to the observance of the fundamental law.

ART. 109. No change, either direct or indirect, shall in any way be made in this fundamental law or in the Constitution established thereby without the common agreement of the Sovereign and the legislature.

ART. 110. The older provincial constitutions are declared null and void as soon as the present fundamental law goes into effect with the opening of a legislature.

The former provincial corporations shall retain, however, their corporate rights with reference to their present special civil law affairs and claims until the same shall have been disposed of.

In witness whereof we have hereunto set our signature and ducal seal.

Given at Elisabethenburg in Meiningen, the twenty-third of August, 1829.

[L. s.]

BERNHARD ERICH FREUND.

CH. F. BARON V. KOENITZ.

VON BAUMBACH.

D. V. STEIN.

VON FISCHERN.

SAXE-WEIMAR-EISENACH.

REVISED FUNDAMENTAL LAW OF OCTOBER 15, 1850.¹

[PREAMBLE.]

We, Carl Friedrich, by the grace of God, Grand Duke of Saxe-Weimar-Eisenach, Landgrave in Thuringia, Margrave of Meissen, princely Count of Henneberg, Lord of Blankenhayn, Neustadt, and Tautenburg, etc., etc.

Inasmuch as various changes in the fundamental law concerning the Constitution of the Grand Duchy of May 5, 1816, granted by our deceased father, the Grand Duke Carl August, have proved necessary or suitable in the course of time and under many changes of circumstances, a revision of this fundamental law has been ordered by us; and inasmuch as this has taken place within the constitutionally prescribed forms, with the advice and assent of our loyal legislature, we do herewith promulgate the following "revised fundamental law concerning the Constitution of the Grand Duchy of Saxe-Weimar-Eisenach of May 5, 1816:"

SECTION 1.—*General Provisions.*

ARTICLE 1. There shall be a Constitution in the Grand Duchy of Saxe-Weimar-Eisenach which shall be common to all parts of the Grand Duchy as a whole.

ART. 2. All citizens shall be represented by men who proceed from their midst as legislative representatives by free election. A special law shall determine the mode of election.

ART. 3. All rights belonging to the legislature shall be exercised only by the representatives elected according to this law in such a manner and under such conditions as are written down in the present Constitution, being the fundamental law of the Grand Duchy of Saxe-Weimar-Eisenach.

SECTION 2.—*Rights of the Legislature.*

ART. 4. The legislature shall have the following rights:

1. The right to investigate in common with the Sovereign the needs of the State and to determine the income and expenditures necessary for the meeting of the same;

¹ Translation by R. B. Roulston based on the text as found in Stoerk-Rauchhaupt, pp. 436-446.

2. The right to be heard concerning all taxation and other burdens imposed upon citizens as well as concerning any general decree, which might have influence upon the same, before such are carried out, in such a way that without this hearing and without the consent of the legislature no taxes or other imposts and duties may be levied or raised in the country, no loans upon the State treasury or upon the property of citizens may be made, and no other financial measures may be adopted which might tax public property or that of citizens or which might involve the endangering of the interests of the legislature;

3. The right to audit the accounts of the State treasury and to demand information concerning disputed points noted therein as well as an accounting of the expenditure of the incomes of the State treasury and from the property of citizens;

4. The right to report to the Sovereign any defects or abuses in the legislation and administration of the country with respectful proposals for the removal of the same;

5. The right to lodge complaints or accusations against the Ministry or against individual members of the same;

6. The right to take part in the legislation in such a way that laws which concern the national Constitution or which deal with the personal freedom, the safety, and the property of citizens, whether in the whole country or in any parts of the same, may not be promulgated or authentically interpreted without the consent of the legislature.

Laws which shall obtain only for single corporations in the country may, however, in agreement with the corporation be promulgated by the Sovereign without the consent of the legislature; also merely local laws in agreement with the commune.

7. The right that no cession of national territory, whereby subjects of the State cease to be citizens of the same, may be made without its consent;

8. The right to have the powers defined in article 14 exercised by the executive committee of the legislature when the legislature is not in session.

SECTION 3.—Legislature, Executive Committee, Rights of Representatives, Recorder, Opening of the Legislature, Standing Rules and Orders, Adjournment, Closing, Dissolution of the Legislature.

ART. 5. The assembly of legislative representatives elected according to the Constitution shall form the legislature.

ART. 6. The legislature shall meet in regular and special sessions. The representatives shall be called together in regular session every

three years, in the last year of a fiscal period; a special session shall be called as often as it is necessary in the judgment of the Sovereign or according to articles 16, 68 of this law.

ART. 7. The place where the legislature shall be held depends upon the decision of the Sovereign; but the same must of necessity lie within the Grand Duchy.

As a rule the capital city of Weimar shall be considered the place of meeting.

ART. 8. After the opening of a regular or special session of the legislature the oldest member of the same, as president by seniority, shall temporarily preside, and if at least two-thirds of the members are present, he shall call upon them to elect a president.

ART. 9. The Sovereign shall merely be informed of the election of the president and the two vice-presidents which shall proceed according to the provisions of the standing rules and orders.

ART. 10. The president shall direct the election of the two (first and second) vice-presidents which shall likewise proceed according to the provisions of the standing rules and orders.

ART. 11. The president and the vice-presidents shall form the executive committee of the legislature.

ART. 12. The executive committee of the legislature shall remain in office until the coming together of the next regular or special session of the legislature, even in case the dissolution of the legislature has taken place.

ART. 13. The sittings shall be public. The standing rules and orders shall determine under what conditions secret sessions may be held.

The legislature may hold no sessions unless at least two-thirds of the representatives are present. Any resolution passed while this provision is disregarded shall be null and void.

ART. 14. The rights and duties of the executive committee are as follows:

(1) Whenever a session of the legislature has been ordered, it shall be incumbent upon the executive committee to summon the representatives of the legislature; other general or special communications to such representatives may also only proceed from it.

(2) The executive committee shall so prepare all matters that the legislature at the opening of each session may immediately proceed to business.

To this end all necessary communications shall be sent to the executive committee in ample time before the opening of a legislative session; both before and during a session the committee may with regard to the necessary information, explanations, and documents have recourse to the Ministry, which shall grant the desired explana-

tions and information, unless some serious objections should arise, in which case the reasons for the refusal shall be stated.

The Ministry shall also in any national crisis inform the executive committee, so that it may have the opportunity to perform its proper duties.

(3) At all legislative sessions the committee shall direct and distribute the business of the session according to the provisions of the standing rules and orders.

(4) It shall be the duty of the executive committee of the legislature:

(a) To see to the temporary filling of such legislative positions which may not remain unfilled until the next session of the legislature (article 23);

(b) To control continually the course of all legislative business, to prevent any unconstitutional acts, and to see to it that the decrees of the legislature and the Sovereign are really executed;

(c) Immediately to report to the Sovereign whenever a matter concerning the general welfare, the execution of which rests upon an already existing law, appears so urgent that the same can not well be deferred until the next legislative session; also during recesses of the legislature to make reports and complaints to the Sovereign concerning the State administration;

(d) To propose the ordering of a special session of the legislature, whenever such may prove necessary, with a complete statement of all reasons therefor;

(e) To assemble at the place in the Grand Duchy set apart for its meetings as often as it is called by the presiding officer or by the Sovereign.

ART. 15. The president shall preside over the executive committee and over the legislature itself. Only when he is prevented from doing so shall the first vice-president take his place; when the latter is also unable to do this, the second vice-president shall be his substitute. The executive committee shall pass resolutions by a majority vote. In case of a tie, the president shall cast the deciding vote.

ART. 16. If a member of the executive committee resigns between two sessions of the legislature, those who remain in office shall conduct the business until the opening of the next legislature. If two members of the executive committee resign between two legislatures, the functions of the office shall be united in the sole surviving member. In the last case, however, a session of the legislature shall be ordered for the purpose of a new election.

ART. 17. Every representative, from whatever district he may be, represents all citizens, and shall recognize no other guide of conduct except the laws, his convictions, and his own conscience. As a result.

(1) No representative has any special obligations towards those who elected him;

(2) All directions (instructions) whereby the freedom of voting of any representative is in any way restricted shall be unlawful and invalid;

(3) If a representative assumes the commission of bringing complaints and petitions before the legislature, to which he is entitled, this is to be understood as not hindering his freedom of opinion and of voting.

ART. 18. No one may be held responsible for his utterances in the assembly of the legislature. Every defamation of the lofty person of the Sovereign and every insult to the Government, the legislature, or individuals is, however, forbidden and punishable according to the laws.

ART. 19. No representative of the legislature may, during the session of the legislature and until eight days after the close or after an adjournment of the same, be arrested or be summoned for examination for a penal offence without its consent, with the single exception when caught in the act. In this last case the legislature shall immediately be informed of the measures taken, and it has the right to decree the postponement of the arrest or of the examination until eight days after the close of the legislature. The legislature has this right also with regard to an arrest or examination which has already been pronounced upon a representative at the time of the opening of the legislature, or which is pronounced during an adjournment.

ART. 20. All representatives shall, for the period of their stay in the legislature, from and including the day before the appointed opening until and including the day after the close of the legislature, receive from the State treasury a daily compensation, likewise for every mile of distance of their native dwelling place from the place of the legislature a reimbursement for traveling expenses.

ARTS. 21-25.¹

ART. 26. Whenever a session of the legislature is to be called, the decree promulgated by the Sovereign for that purpose shall go to the executive committee, which shall issue a written summons to each representative.

As soon as a representative arrives at the legislature in accordance with such summons, he shall report to the president.

ART. 27. As soon as at least two-thirds of the representatives have reported to the president after such summons for a regular or spe-

¹ Articles 21-25 were repealed by the amendment to the revised fundamental law of March 27, 1878, and were replaced by the provision in article 1 of the law cited: "The standing rules and orders shall contain the detailed provisions as to who shall in the future perform the duties formerly falling to the recorder of the legislature."

cial session of the legislature, the session shall be opened by the Sovereign himself or by a commission appointed for this purpose, after the executive committee has previously notified the Ministry.

ART. 28. The assembly of the legislature shall form one chamber.

ART. 29. The Sovereign shall have his proposals communicated in writing, either *in toto* or in sections.

Commissioners of the Sovereign may attend all deliberations and final decisions of the legislature and shall be entitled to take part in the deliberations but shall upon being questioned give any desired information or state the reasons why the same may not be given. The heads of departments of the Ministry possess the necessary credentials as such; other State officials who are delegated as commissioners by the Sovereign or by the head of a department, either permanently or for special matters, shall furnish special credentials.

ART. 30. Every representative shall have the privilege of bringing proposals before the assembly.

ART. 31. Committees shall regularly be chosen to consider the matters which are brought before the legislature for its decision. Such committees may also meet when the legislature is not in session, when called together by the president of the legislature and with the consent of the Sovereign, and the provisions in articles 19, 20 are likewise then applicable to the members of the committee.

ART. 32. The acts of the legislature, either in single documents or several together, shall be signed by the presiding officer or his deputy and delivered to the Sovereign.

The Sovereign shall hereupon likewise have his decision sent to the legislature in writing.

ART. 33. The standing rules and orders shall contain the detailed provisions concerning the order of business.

ART. 34. The Sovereign shall have the right not only to adjourn the legislature or to close it by dismissal, but also to dissolve it entirely.

The adjournment may not exceed the period of thirty days without the consent of the legislature and may not occur again during the same session.

If the legislature be dissolved, the commission of each and every representative shall expire. New elections must then be ordered, however, at which the members of the dissolved legislature shall be eligible for reelection. Should such an order not follow within three months' time, the dissolved legislature shall *per se* be considered reconstituted.

SECTION 4.—*Detailed Provisions Concerning the Exercise of the Rights Belonging to the Legislature.*

ART. 35. If the Sovereign and the legislature are agreed as to the total taxes necessary for and in the next three fiscal years, and as to their amount, kind, and manner of levying, then such assessments, as having been granted by the legislature and accepted by the Sovereign, shall be published in a special taxation law.

ART. 36. Such budgets as are determined by the legislature and recognized by the Sovereign shall be adhered to most strictly and inviolably during the fiscal years, and the Sovereign himself shall not be permitted to make any order against one of the State treasuries which is in any wise contrary to its budget.

ART. 37. If before the close of a fiscal period an agreement should not be reached between the Government and the legislature concerning the budget to be submitted to the legislature, especially concerning the taxes to be levied to meet the needs of the State, then for another half year the taxes granted in the previous budget, together with other incomes, may be levied and spent according to the provisions of the last budget of expenditures.

ART. 38. From the close of the six months (article 37) on, only such expenditures as are imperative to the fulfilling of those obligations of the State, the payment of which may legally be demanded from the treasury, may be made from the income from State property, from indirect taxes, and in case of need from extra taxes which may be levied.

ART. 39. The domains may be sold only with the consent of the legislature, special provisions being reserved for exceptional cases.

ART. 40. The consent of the legislature shall not be necessary for the sale of less important parts of the State property, especially for the discharge of the rights and obligations of the same.

ART. 41. All moneys and incomes proceeding from such sales and discharges shall be reserved for the common funds of the State.

ART. 42. Loans may be raised on the security of funds on hand and those due to two thirds of their amount without the consent of the legislature.

ART. 43. If in the time between two regular sessions of the legislature such unusual and unforeseen events occur as shall imperatively demand a considerable payment from the State treasury which was not reckoned in the budget, or such as shall necessitate further efforts and exertions on the part of citizens, then a special session of the legislature shall be ordered.

ART. 44. The inspection, examination, and auditing of all accounts of the main treasuries directly subordinated to the Treasury Department shall take place annually by a commission especially ap-

pointed for that purpose by the Treasury Department and by a committee of representatives of the legislature (the committee of accounts). This committee shall consist of the executive committee of the legislature and of six representatives elected by the legislature by an absolute majority vote. The election shall be for the length of a fiscal period. The approval shall be limited to the accounts of the main State treasury and such special treasuries as are still to be designated. Nevertheless, the committee of accounts shall have the privilege of looking into the accounts of those offices indirectly or directly subordinated to the main State treasury which may be considered as vouchers for the accounts of the main State treasury and to have these or any among them submitted to a revision. The certificate of approval for the discharge of the accountants shall be given by those members of the committee of accounts and of the commission of the Treasury Department who have taken part in the auditing.

ART. 45. Should complaint be made to the Sovereign on the part of the legislature on account of abuses noted in the legislation or administration, it shall be absolutely necessary, in spite of the right conceded to the executive committee (article 14), that the matter come before the legislature for discussion and be voted on.

Neither an individual representative nor several together may have direct recourse to the Sovereign in this capacity.

ART. 46. If any citizen, who to be sure is like others represented by the legislature, but who is not a popular representative himself, should notice a weakness the removal of which seems demanded by the common welfare, or has conceived a proposal which in his opinion would tend to the good of the country, he shall have the privilege of informing the legislature or the executive committee thereof in writing. But delegations for this or any other purpose shall not be permitted to appear in the legislature.

ART. 47. No decree of the Sovereign shall be a valid act of the Government except when it is issued in writing and countersigned by one or more departmental heads.

When it is a question of governmental acts which belong merely to a definite department, only the counter-signature of the head of this department or his deputy shall be necessary. In the case of such orders, however, as do not belong exclusively to one or the other department, all departmental heads whose departments the matter concerns or their deputies shall countersign the same. The validity of the order shall also in this case, however, not depend upon the number of counter-signatures.

ART. 48. The heads of departments in the Ministry, as such and as members of the Ministry as a whole, shall not only be responsible according to the principles of civil law for any harm or disadvantage

inflicted upon the State as a result of their official acts, whether of omission or commission, or whether the same be brought about by them with evil intent or through their fault, but they shall also be punished according to the provisions of the penal code on account of any violations of the Constitution or infringements of the law caused by their official acts.

ARR. 49. The legislature may, according to its judgment, lodge an accusation or complaint on account of the official administration of the heads of departments when it is a matter of the embezzlement of public moneys, corruptibility, unlawful interference with the course of justice, intentional delays in the administration, or other arbitrary interferences with the Constitution or the lawful freedom, honor, and property of citizens, or finally such other violations of the official duties of the head of a department, which are exclusively reserved for legal punishment. In other cases and when only the inexpediency of action is alleged, only the lodging of complaint shall be allowed.

The legislature shall also have the right to lodge at the same time accusation or complaint against the accomplices of the heads of departments.

ARR. 50. When the legislature shall have decided to lodge a complaint, the same shall be directly transmitted to the Sovereign by the executive committee, whereupon the official in question shall have the privilege of being heard and of giving an answer in which the order or other measure under attack is to be justified. Should this answer not seem sufficient or should it seem to establish the censure made by the legislature in whole or in part, then there shall follow on the part of the Sovereign the direction to make good the mistake, to remove the defect, or to abolish the abuse; the Sovereign shall also have the right reserved, even upon a mere lodging of complaint, when upon closer investigation greater improprieties come to light, to propose the formal investigation and punishment before the State court (article 51).

The legislature shall always be informed of the result of the complaint lodged.

ARR. 51.¹ For the trial of investigations instituted against heads of departments by order of the Sovereign, as well as of accusations brought against the same by the legislature, a special State Court shall be established which shall consist of the president of the Supreme Court and twelve judges; it shall have its seat in Jena.

ARR. 52.¹ Six of these judges shall be chosen by the Sovereign and six by the legislature, but in such a manner that both among those

¹ Articles 51, 52, 53 have their present wording—really only the substitution of *Oberlandesgericht* for *Ober-Appellationsgericht*—in accordance with the amendment of March 27, 1878, to the revised fundamental law of October 15, 1850.

chosen by the Sovereign and among those chosen by the legislature there shall be two judges of the Supreme Court. Members of the legislature may not be members of the State Court. The judges chosen thereto shall not be denied a leave of absence.

At each regular session of the legislature the choice of members of the State Court may entirely or in part be renewed both by the Sovereign and by the legislature.

ART. 53.¹ The president of the Supreme Court shall preside over the State Court, or in the case of his being prevented the oldest member from among those judges chosen from the Supreme Court.

ART. 54. The secretaries and other assistants to be assigned to the State Court shall be chosen by the president.

ART. 55. Should any members of the State Court resign because of objections raised or for other reasons concerning the validity of which the State Court shall decide, then the State Court shall fill its numbers by its own choice from among the judges of national courts.

ART. 56. The State Court shall have the authority to try all impeachment cases and to decide concerning the same.

ART. 57. A special law shall contain the provisions concerning the impeachment to be made against the heads of departments as well as concerning the procedure to be followed.

ART. 58. The decision concerning impeachments shall be made in accordance with the existing laws. The same shall be extended to dismissal and removal from office where there is legal reason for the same.

If the State treasury is concerned in such a criminal procedure, then upon motion of the legislature the decision shall be made according to the provisions of the civil law as well as with regard to the cause of accusation itself.

If the head of a department is condemned to punishment by the State Court without his being sentenced to dismissal or removal from office, he shall nevertheless resign from his office as head of a department.

ART. 59. With regard to all cases to be tried by the State Court the Sovereign shall exercise the right of suppressing the investigation or the right of pardon only by means of a law with the consent of the legislature.

ART. 60. Proposals for new laws may be made both by the Sovereign to the legislature and by the legislature to the Sovereign. If in the latter case the Sovereign should refuse his approval, the same proposal may not be made again during the same session of the legislature.

ART. 61. When the legislature is not in session, the Sovereign shall be authorized to promulgate all such laws which according to the

¹ Cf. note on p. 392.

present Constitution need the consent of the legislature (article 4, no. 6), without the consent of the same when their purpose is urgently demanded by the welfare of the State, and a speedy execution of the same is necessary. All changes of this Constitution and of the suffrage laws shall be excepted herefrom. Such provisional laws must be guaranteed and to this end be countersigned by all departmental heads present; they shall also be brought before the legislature at its next session for its approval, and upon their publication in the official gazette shall be expressly designated as provisional with the additional remark that, in case they are not expressly accepted by the legislature at its next session, they shall at the end of the same and from that time on be null and void.

ART. 62. Upon the publication of any law, in so far as it is not designated expressly as merely provisional and only valid until the close of the next session of the legislature, the obtained consent of the legislature shall be mentioned.

ART. 63. Whenever a commission consisting of State officials and members of the legislature is to be appointed, only members of the legislature shall be chosen hereto by the legislature.

SECTION 5.—*Guarantees of the Constitution.*

ART. 64. No change, either direct or indirect, may be made in any article of the fundamental law of the Grand Duchy of Saxe-Weimar-Eisenach and the Constitution established by the same, either by repeal or by amendments, except by means of a law.

A period of at least eight days shall intervene between the deliberation and the final resolution in the legislature concerning a change in the fundamental law, and not only shall at least three fourths of the representatives be present at the final resolution, but also at least two thirds of those present must vote for the change.

ART. 65. All State officials shall in the future, before their appointment, be sworn to the observance and maintenance of the present Constitution.

ART. 66. Every intentional violation of the Constitution in the service of the State shall be punished as a violation of the duties of office, in so far as a graver misdemeanor is not contained therein.

Every action of a State official which is undertaken with the intent of secretly undermining this Constitution shall be punished as high treason.

ART. 67. Should a change in the Government come about, the new Sovereign shall at his accession bind himself in writing upon his princely word and honor to observe in its entirety the Constitution, to maintain it, and to protect it during the period of his reign.

ART. 68. A special session of the legislature shall be called to receive this written assurance from the Sovereign before the oath of allegiance is taken.

ART. 69. In case of the minority of the Sovereign or of any other hindrance at his accession, this same assurance shall be given by the regent (administrator) for the time of his administration.

TEMPORARY PROVISION.

ART. 70. Until the publication of the new standing rules and orders for the legislature the president shall be chosen according to the existing provisions in article 4 of the law concerning the executive committee and the assembly of the legislature of November 18, 1848.

In witness whereof we have hereunto set our signature and the seal of the Grand Duchy.

Done and given at Weimar on the fifteenth day of October, 1850.

[L. S.]

CARL FRIEDRICH.

VON WATZDORF.

VON WYDENBRUGK.

G. THON.

vdt. ERNST MÜLLER.

SCHAUMBURG-LIPPE.

CONSTITUTIONAL LAW OF NOVEMBER 17, 1868.¹

[PREAMBLE.]

We, Adolph Georg, by the grace of God, ruling Prince of Schaumburg-Lippe, noble Lord of Lippe, Count of Sternberg and Schwalenberg, etc., etc., announce, with the consent of the Assembly called for the establishment of the Constitution of the country, the following Constitutional Law:

TITLE I.—*Concerning the Territory of the State.*

ARTICLE 1. The Principality of Schaumburg-Lippe in its present extent forms the indivisible and inalienable territory of the State.

A change in the existing boundaries of the Principality requires the consent of the Diet.

ART. 2. The relation of the Principality to the North German Confederation is defined by the Federal Constitution and by the Federal Laws to be issued in accordance therewith; both of these shall always be considered in preference to this Constitution and to internal legislation.

TITLE II.—*Concerning the Reigning Prince and the Princely House.*

ART. 3. The reign shall be hereditary in the ruling Princely House, first in its male line and according to the rules of primogeniture and lineal succession.

If the male line should become extinct, the reign shall devolve upon the female line of the House, in which case the degree of relationship with the last ruling Prince or, such being equal, the age shall settle the question of preference. After such devolution the preference of the male line and the regulations of succession applying thereto shall again be observed.

ART. 4. In the case of minority or permanent prevention of the Reigning Prince, a regency shall be established. The regentship for the minor Prince, in case the preceding ruler has made no special dispositions, shall, first of all, be exercised by his own widowed mother, otherwise by the nearest agnate qualified to rule. In case of permanent prevention of the Reigning Prince—provided he has not dis-

¹ Translation by Max Lentz based on the text as found in Stoerk-Rauchhaupt, pp. 447-460.

posed otherwise—the regentship appertains in the first place to his son who is entitled to the succession (hereditary Prince), if he should be of age; otherwise to the nearest agnate qualified to rule.

ART. 5. All rights of executive power are united in the Prince as Sovereign of the State; his person is sacrosanct.

ART. 6. All administrative acts of the Prince, in order to be valid, require the counter-signature; all ordinances of the administration the signature of one member of the Administration, who thereby assumes the responsibility.

ART. 7. The executive power is the prerogative of the Prince. He appoints and discharges the members of the administration, and such acts shall not require the counter-signature mentioned in the preceding article. In his lawmaking the Prince shall cooperate with the Diet in conformity with the Constitution. He shall promulgate the laws and issue the ordinances necessary for their execution.

ART. 8. The Prince shall manage and supervise the entire interior administration of the country. He shall appoint or confirm, directly or indirectly, all servants of the State. He shall confer all titles and decorations.

ART. 9. The Prince shall have the right of concluding treaties with other Governments.

Commercial treaties, however, and such political treaties through which burdens and obligations may accrue to the country or to single subjects, require the consent of the Diet.

ART. 10. To the Prince belongs the right of pardon, mitigation and abolition of a sentence, but without interfering with the right of consent granted to the Diet by law of January 2, 1849, in cases of accusation of a member of the administration.

ART. 11. The Prince shall assemble the Diet and shall close its sessions. He shall have the right of adjourning or entirely dissolving the Diet.

ART. 12. The Prince shall become of age with the completion of his twenty-first year. An earlier declaration of majority is not excluded.

ART. 13. The contents of the preceding article refer to all princes of the Princely House.

Other matters concerning the Princely House shall be regulated by family statutes.

TITLE III.—*Concerning the Diet.*

ART. 14. In the future the Diet shall consist of fifteen members, namely:

1. of two representatives of the crown lands, who shall be considered as especially trustworthy by the Sovereign, and shall be appointed by him for each period of legislation;

2. of one elected representative of the nobility possessing estates within the country;¹

3. of one representative elected by the appointed (*vocirten*) clergy of the country;

4. of one representative elected by the jurists, physicians and trained educators of the country occupying an official position, including those attorneys, physicians and examined private teachers who have been allowed to practice their professions;

5. of three elected representatives of communalities, namely two of the city of Bückeburg, and one of the city of Stadthagen;

6. of three elected representatives of the precinct of Bückeburg-Arensburg, and four elected representatives of the precinct of Stadthagen-Hagenburg.²

ART. 15. The regulations concerning the election of the representatives mentioned in numbers 2, 3, 4, 5 and 6 of the preceding article are contained in the law annexed to the present Constitution, but subject to changes by legislation.

ART. 16. The members of the Diet have to consider themselves representatives of the entire country; they shall act solely according to their conviction, and have to follow no instructions.

ART. 17. The members of the Diet can never be called to account because of their motions and votes in the Diet.

In regard to their utterances made at the Diet they are subject only to the discipline of the Diet according to its standing orders.

If a crime should have been committed by such utterances, a criminal prosecution is admissible, but this, too, only with the consent of the Diet.

If such utterances at the Diet constitute an offence of lese-majesty, or if members of the Princely House should thereby have been insulted, criminal prosecution does not require the previous consent of the Diet, nor does an action for libel require such consent in case of a private person having been offended.

ART. 18. During the period of session no member of the Diet can without consent of the latter be tried or arrested on account of a punishable act except when seized *in flagranti delicto* or within twenty-four hours thereafter.

ART. 19. Servants of the State need no leave of absence in order to join the Diet, but they shall notify their superiors in time of the election which they have accepted. They shall not be obliged to defray the expenses of an official substitute filling their position for the duration of the sessions of the Diet.

¹ In connection with article 14, number 2, compare paragraph 18 of the law referring to the abolition of feudalism of November 30, 1878.

² Amendment of article 14, number 6, by law of July 4, 1879.

ART. 20. Each member of the Diet shall receive two thalers as daily allowance for every day he shall be present at the place of the Diet, and, if not residing at such place, two thalers for the day of his arrival and two for that of his departure. No special compensation for traveling expenses will be granted.

During an adjournment the daily allowances continue to be paid to those members only who, being engaged in official business, remain at the place of the Diet.

ART. 21. The period of legislature shall last six years, after the expiration of which new elections shall be held.

ART. 22. All delegates shall lose their qualifications as such before the expiration of the period of legislation

1. if they lose their qualification prescribed by the election law for their eligibility,

and those delegates who already have been elected,

2. on account of their appointment to a Government position or on account of their promotion in the service of the State, and

3. through an eventual dissolution of the Diet by the Sovereign.

In the cases mentioned under 2 and 3 the former delegates remain eligible.

ART. 23.¹ In each year, as a rule at the beginning of the month of February, a regular Diet shall be held. The calling of eventual extraordinary Diets is effected through a special order of the Sovereign.

An order of the Sovereign shall fix the time and place of the meeting.

The matter of opening and closing the Diet shall be attended to by the Sovereign, either personally or through an authorized person.

ART. 24. The Diet shall examine the legitimacy of its members on the basis of the election records to be submitted in full by the Government, and its decision in regard to them shall be final. It regulates its routine of business by its standing orders, which are to be established in connection with the provisions of this constitutional law.

The Diet shall elect its president, his substitute, and its clerk. The latter need not be a member of the Diet, but must possess the general qualifications of an elector, as required by the election law, and in such case shall receive an adequate compensation to be paid by the treasury.

ART. 25. The Diet Commissaries, as well as the members of the State administration, are entitled to be present at all sessions of the Diet and of any Committee, and must be heard at all times.

¹ In connection with article 23 compare the law of December 24, 1877, which stipulates that the Diet shall assemble in February and not in November.

ART. 26. The sessions of the Diet are, as a rule, public; by way of exception publicity may be excluded for certain matters under discussion, upon request of a commissary of the Government or of a member of the Diet, through resolution of the Diet.

The discussion and vote in regard to a motion dealing with the exclusion of publicity always must take place in secret session.

Information given by the Government which is to be considered confidential must be received and treated in private.

ART. 27. The Diet shall be competent to transact business only when two-thirds of its legal members are present. Resolutions shall be passed by absolute plurality of votes of the members present, except where the Constitution provides otherwise.

ART. 28. The Diet, while in session, has the right of adjournment for two weeks, leaving behind one or more committees charged with the preliminary discussion of certain specific matters.

Adjournments for a period exceeding two weeks require the consent of the Sovereign.

The Sovereign, on his part, has the right to adjourn the Diet, but during a regular session of the same adjournments shall not exceed the total duration of sixty days.

ART. 29. In case of a dissolution of the Diet, new elections shall be ordered not later than within the following four months, and the newly elected Diet shall be ordered to assemble not later than within the two months immediately following.

ART. 30. The Diet has the right of decisive cooperation in all acts of legislation; it also has the right to propose laws.

Ordinances for the purpose of carrying out existing laws do not require the cooperation of the Diet.

ART. 31. In urgent cases, provided the Diet is not in session, legal orders with binding force may be issued as provisional laws without the consent of the Diet. But such laws require the subsequent sanction of the next Diet.

The stipulations of this Constitution can not even temporarily be set aside by contrary dispositions of the Government.

ART. 32. At the publication of a law the introductory clause must make mention of the fact that such law has been sanctioned by the Diet.

In the case of provisional laws necessitated for reasons stated in article 31, a reference to this article in the introductory clause shall take the place of such mention.

The examination of the validity of a law or provisional law which has been properly announced is not to be made by the administration, but only by the Diet.

ART. 33. The Diet has the right of cooperation in the establishment of the budget and the right of control in the administration of the finances of the country.

ART. 34. The Government shall every year in time submit to the Diet for examination and sanction a previous computation of all receipts and expenditures for the coming year.

ART. 35. In this preliminary computation taxes fixed by law and any other permanent revenues of the treasury are not subject to a yearly grant and therefore continue to be levied even in case the establishment of a budget law should not be achieved.

New taxes as well as the continued levy of taxes granted for a certain time only, and the raising or changing of existing taxes require, before being ordered, the consent of the Diet, and such consent shall be mentioned in the order issued for their imposition.

ART. 36. Those of the expenses of the treasury mentioned in the preliminary computation which result from the relation of the Principality to the North German Confederation, or are based upon permanent legal obligations of the fisc, or upon permanent grants of the Diet, are not affected by the right of the Diet to grant the yearly expenditures, in as much as the continued payment of these expenses is allowed even in case the establishment of a budget law should not be achieved, but the means necessary for an administration corresponding to the requirements of the Constitution can not be refused, and such grant of the necessary means can not be made subject to certain conditions or premises which do not refer to the purpose or appropriation of the same, or to the degree of their necessity, or to the amount of the taxes, duties, and imposts in question, and to the manner of allotting and levying them, or to the period of their duration.

In regard to the sums to be appropriated for the administration of the country their present amount shall serve as a standard, until new budget laws have been agreed upon with the Diet.

All other expenses must be defrayed only in accordance with the yearly preliminary computation accepted by the Diet, whereby the application of sums granted for a certain item of the expenses to other such items is positively forbidden.

ART. 37. The yearly preliminary financial computation, after having been sanctioned by the Diet, is to be published in the form and with the force of a law.

ART. 38. Expenditures in excess of the budget require the subsequent grant on the part of the Diet. An extraordinary need of considerable amounts, occurring unexpectedly, is to be supplied by an extraordinary budget, subject to a previous grant by the Diet.

ART. 39. If a deficit should occur in the treasury, caused by a loss in the estimated receipts, the Diet has to take measures for the removal of the same in the next year's budget, and to this effect shall receive proper suggestions from the Government.

ART. 40. Loans burdening the treasury, or any other guarantees to be assumed by it, in order to be valid, require the consent of the Diet, but the Government shall be at liberty to make arrangements in regard to necessary advance payments, in order to meet its obligations in accordance with the budget, whenever the needed funds shall not be available.

ART. 41. At the end of each fiscal year the accounts and vouchers of the treasury and its eventual branch establishments shall be submitted to the Diet for examination and review.

ART. 42. The Diet has the right of remonstrance or complaint to the Government, eventually to the Sovereign, concerning abuses which it may have noticed in the administration.

The Diet has the right of communicating with the Government concerning petitions of corporations or private persons which are presented to them.

ART. 43. The Diet has the right of accusation against the responsible members of the administration in accordance with the law of January 2, 1849, dealing with such cases.

The resolution to make such an accusation implies that there is a quorum in the Diet and that three-fourths of the members present voted in favor of the accusation.

TITLE IV.—*Concerning the Diet Committee.*

ART. 44. For the time intervening between one period of sessions of the Diet and the other, there shall exist a Diet Committee of three members, which, however, shall exercise those powers only which are granted to them in articles 45 and 46.

At each regular Diet this committee has to be elected from the number of the members of the Diet; the election shall be by ballot and according to the relative plurality of votes; one member, however, shall belong to one of the subdivisions mentioned in article 14, numbers 1, 2, 3, and 4.

Its tenure of office extends even beyond the eventual end of a period of legislature, or beyond an eventual dissolution of the Diet, up to the time when a new election of the committee has been completed.

If, during the tenure of the committee, single members of the same should withdraw, the said committee—provided no Diet is assembled—shall complete its number by means of elections from the members of that Diet from which they themselves have proceeded, and in doing so shall observe what has been mentioned above in this article concerning the formation of the committee.

ART. 45. During the time intervening between one Diet and the other the Diet Committee shall attend to the keeping of the archives of the Diet and of the seal of the Diet.

ART. 46. In the case of a supposed violation of the Constitution, the Diet Committee shall be entitled to request the Government to remedy matters.

If the regular Diet should not be called together at the proper time, or if, after the dissolution of a Diet, the ordering of new elections or the reassembling of the newly elected Diet should be delayed beyond the time set by the Constitution, or if an adjournment should be extended beyond the prescribed time, the committee is entitled, after a previous request addressed to the Government, to lodge a complaint in regard thereto with the organs of the North German Confederation, which are competent, according to the Federal Constitution.

ART. 47. Upon the request of one of its members the committee shall assemble at Bückeburg, and due notice thereof shall be given to the Government.

The committee shall form resolutions according to the majority of votes.

The members of the committee as such receive no daily allowance.

TITLE V.—*Concerning the Finances of the Country.*

ART. 48. The finances of the country shall be newly arranged, with a separation of the State budget from the accounts of the domains.

ART. 49. The goods and chattels belonging to the domains, and the privileges to which it is entitled, especially estates, separate parcels of land, forests, rivers and waters, revenues from fiefs, estates, and from other sources, or their equivalents, respectively, castles and other buildings, furthermore that part of the entire coal mines of Schaumburg which belongs to this State, form the indivisible and in substance inalienable entail of the Princely House ruling at present, the possession and enjoyment of which belongs for the time being to its head.

ART. 50. The funds of the domains, as far as they represent the revenues derived from the goods and chattels mentioned in the preceding article, shall in the first place be used to defray the expenses of the entire domain administration, furthermore, the entire expenditure for the Princely House and the Princely Court, including the appanages for the princes and princesses of the House, the portions for the latter, as well as the dowry for the widowed consorts of the Sovereign and of the princes.

ART. 51. Besides the assignment of the receipts mentioned in article 59 B, amounting to about 20,000 thalers, a contribution

shall be made from the funds of the domains to the expenditures of the administration of the Principality, as long as the latter shall be ruled as an independent State by the Princely House ruling the same at present; the said contribution to consist of the following items:

1. Of a fixed sum of 36,000 thalers to be paid into the treasury of the State;
2. Of the fifth part of the yearly share of the Princely House in the net earnings derived from the entire coal mines of Schaumburg: 24,000 thalers in the year 1868;
3. Of an additional yearly sum the amount of which shall always equal the third part of that amount which is to be levied by the Principality for the benefit of the North German Confederation,—after deduction (*Abführung*) of the receipts outlined in article 70 of the Constitution of the North German Confederation,—by means of direct taxation (matricular contribution, Federal tax), but this third part shall not exceed the amount of 10,000 thalers.

The accounts of the domains will be credited in favor of this contribution with the amount of those taxes which, in case of Federal taxes being levied, are to be imposed directly upon the goods and chattels of the domains mentioned in article 49.

Furthermore, the claim to the amounts of indemnification to be paid to the administration of the Princely funds from the funds of indirect taxation is given up in favor of the State treasury.

All payments, on the other hand, which so far had to be made from the funds of the domains for purposes of the State, are now eliminated. In the same manner all claims and demands of the administration of the domains upon the State treasury, resulting from past agreements, and vice versa, as far as they do not consist of documentary obligations, especially all such claims which have been made or might be made by the body assembled for the purpose of agreeing upon the Constitution in regard to a participation of the State treasury in the earnings of the railroad built across the State at the private expense of the Prince, shall be considered as mutually adjusted.

ART. 52. If in the interior administration of the country a change should occur to the effect that one or more branches thereof be transferred to the North German Confederation, the fixed amount of contribution mentioned in article 51, line 1, shall be reduced by one-third of that amount which is mentioned for this purpose in the budget for 1868 annexed as Appendix B to the proposition of the Government of June 17, 1867, concerning the general law of taxation.

ART. 53. The contribution to be paid from the earnings of the coal

mines shall be calculated each year for the coming fiscal year according to the income of the coal mines during the business year just past.

ART. 54. For the purpose of ascertaining the contribution from the entire coal mines, the Government shall be at liberty to take cognizance of the original accounts.

A certified proof of such calculation shall every year be submitted to the Diet.

ART. 55. The transfer of the contributions stipulated in article 51, numbers 1, 2, and 3, from the funds of the domains to the State treasury shall be made in quarterly payments at the beginning of each quarter of the respective fiscal year, and such quarterly payments of contributions mentioned under numbers 2 and 3 shall be made on the basis of the preliminary computation, reserving a final settlement at the end of the respective fiscal year.

ART. 56. The buildings and localities used up to the present as offices of the administration, including the places of detention for prisoners, shall until further notice continue to be occupied by the administration. In case the Sovereign should wish to dispose otherwise in regard to these buildings and localities, a compensation, to be agreed upon between the Government and the administration of the Princely funds and to correspond to the value of use of the localities the occupation of which had been granted so far, shall be paid from the Princely funds and shall be added to the fixed sum mentioned in article 51.

Repairs necessary on the inside and outside of the buildings in question shall be paid for from the funds of the Prince and an account shall every year be presented by the administration of the Princely funds to the Government for the purpose of having the same charged to the State treasury.

The furnishings now extant in the buildings in question become the property of the treasury, and the latter shall have to look after any addition to the same that might perhaps become necessary.

The expenses incurred by reason of new structures which may become necessary in the place of the buildings mentioned at the beginning of this article shall be at the charge of the treasury.

The prison at Bückeurg as well as the toll-houses existing on the highways of the country, together with their dependencies, shall become the property of the treasury.

ART. 57. As long as the payments stipulated in article 51 are made neither the domains nor the railroad mentioned in the said article shall be required to pay any direct State tax.

Landed property, however, acquired by the Prince and added to his possessions so far or yet to be acquired, which, up to the present, has been subject to contributions to the Federal tax of the nobility or to other contributions, remains subject to the general

land-tax, and establishments of an industrial character which perhaps might later be erected at the private expense of the Prince, remain subject to the existing tax paid by the trades, whatever this may amount to.

Already existing establishments shall be obliged to pay trade-taxes only as far as they have been paying such taxes up to the present time.

ART. 58. Beginning with the expiration of the third full month after the publication of the Constitution, the entire administration of finances of the country shall be united into one State treasury controlled by a responsible administration of the Government of the country.

ART. 59. The following items are assigned to the treasury as income:

A. The contributions from the funds of the Prince stipulated in article 51, numbers 1 to 3;

B. All revenues of the State which so far have been added to the Princely funds, especially the so-called general contribution, the stamp duty, the share of the Principality in the toll levied on the Weser river, the fees paid for concessions, all revenues from the departments of jurisdiction and administration and all fines, furthermore all possessions which may be acquired on the strength of fiscal right, the revenues from the postal and telegraph service, as far as the latter have not to be turned over to the Federal treasury, the income from the privilege of the mint and from the sequestrated property of the Church;

C. All other direct and indirect taxes which may have been established by law or may be imposed in the future, the latter only as far as they have not to be assigned to the Federal treasury; furthermore the so-called *Scheffelschatzgelde*, the income from the highways and country roads, finally all funds of all hitherto existing main and secondary receivers' offices of the country, especially those of the office of indirect taxation, of the supervision of the salt trade, of the repartition of taxes, of the army invalids and of the lunatics.

ART. 60. Until further regulation by law of the taxes for the construction of highways the receiver's office for the construction of highways, and likewise, for the time being, the receiver's office for the administration of the asylums, shall continue to exist separately as branches of the State treasury, and, until further arrangements have been made, their receipts up to date shall be left to them and shall be used by them according to a special budget to be submitted to the Diet.

ART. 61. The following expenditures are, in the future, to be charged to the treasury:

A. The contributions to the dotal gifts for the princesses of the Princely House, in accordance with the Constitution of the country;

B. All expenses created by the relation to the North German Confederation, as far as they are not already covered by the receipts reserved for the Federal treasury;

C. The expenditures for the entire administration of the country, including the subsidies granted by the State for purposes of the churches and schools, as well as the indemnifications conceded to the cities and towns or to their parish chests, respectively, for abolished tolls or for the removal of exemption from taxation, as long as such indemnifications have not been removed by law or have not been otherwise adjusted;

D. The payment of interest on capitals lent to the former department of inland revenues, and the repayment of these capitals; likewise the payment of interest on the future debts of the State, and their repayment.

TITLE VI.—*Concerning public service.*

ART. 62. Appointments to a State office or promotions in such are made by the Sovereign.

ART. 63. All public functionaries are bound to be loyal to the Prince, and are responsible to him for the fulfilment of their official duties.

If an officer of the State has acted by order of higher authorities, the responsibility devolves upon the latter alone.

The conditions upon which officers of the State may be legally prosecuted on account of violations of the law perpetrated through transgression of their powers are fixed by law. The previous consent of the higher authorities to such prosecution shall not be required.

ART. 64. In case discharges from service become necessary on account of changes in the offices of administration, the official whose activity is thereby suspended shall be entitled to a compensation in proportion to his former position. Details in regard to this matter shall be regulated by law. In case of transfer from one office to another, the official shall have a claim to the same salary drawn and the same rank occupied as heretofore.

ART. 65. Officials who are prevented by old age or by other defects from fulfilling their official duties shall be pensioned off.

ART. 66. An official of the State occupying the position of judge can neither be removed nor discharged from his judicial office without a court decision, nor can he be transferred against his will to a less lucrative position in the department of administration, nor be

suspended and deprived of his salary, without prejudice however to the stipulations of article 64, which, in the case of changes in the organization of Courts or their districts, shall also apply to judiciary officials.

A civil service law, yet to be issued, shall grant proper protection against arbitrary removal from office and deprivation of salary to those State officials who do not belong to the bench. In the meantime the existing regulations shall remain in force.

Other legal matters concerning State officials, especially their claim to a pension for themselves and their survivors, shall be regulated by such civil service law.

TITLE VII.—*General regulations and regulations of transition.*

ART. 67. The legislation of the country will, in the near future, undergo a revision.

ART. 68. The communalities of towns and country districts shall be newly organized, and they shall be subject to separate regulations on the basis of independent administration of communality matters and of a free election of local boards and representatives, without prejudice, however, to the right of confirmation of the Sovereign in regard to those officials who at the same time are discharging the duties of State officials.

ART. 69. In judicial affairs the principles of separation of the judiciary from the administration shall be carried out, proceedings shall be public and oral, the indictment in criminal cases shall be introduced, and, in the case of heinous crimes, the trial by jury.

Privileged courts shall in the future not exist—without prejudice to the right of unrestricted (*autonomisch*) choice of courts for the members of the Princely House, to the higher courts granted to the higher nobility, and to the military courts.

The office of the court-martial shall not be affected by the foregoing regulations.

Criminal matters of the police department shall, as a rule, be attended to by the lower courts.

ART. 70. Landed property shall be freed from all tributes and services resulting from obligations to the landlord or from other circumstances, and the party entitled to such shall be indemnified, and every kind of servitude shall therewith be abolished.

Details will be given by law.

ART. 71. The system of hereditary tenement, too, shall be done away with upon payment of an indemnification to be fixed by law, and shall be converted into full possession.

ART. 72. The legislation of the country shall be based on the principle that every owner of landed property, after he has fully paid for

all services attached to his property, shall have the right of unrestricted disposition thereof, *inter vivos* as well as in his last will.

The legal establishment, however, of a restriction preventing the complete dismemberment of an estate hitherto forming one whole, shall not be excluded.

ART. 73. All servitudes of pasturing, grazing, and fattening (cattle) attached to other people's land shall be redeemed through compensations, the amount of which is to be fixed by law; the separation of property held in common, as well as the uniting of different parcels of land, shall likewise be regulated by law.

ART. 74. The right of hunting on other people's property shall become redeemable on payment of an adequate compensation to those hitherto entitled to such hunting. The conditions of redemption and the regulations concerning the practice of hunting, as well as separate stipulations in regard to hunting on lands enclosed within forests, are reserved for future legislation.

ART. 75. The application of the principles designated above to the legislation of the country shall be hastened as much as possible, in particular the regulations for the communalities, as well as a hunting-law, a law dealing with the exoneration of landed property, and a law concerning the hereditary transmission and the sale of lands hitherto owned by peasants, shall be submitted to the regular Diet which is to assemble in the year 1869.

ART. 76. Changes, additions or authentic explanations of this Constitution require not only the consent of the Sovereign, but also two separate resolutions of the Diet, with an interval of at least eight days between them, and each time with a vote of consent of two-thirds of the members who must be present in a quorum.

ART. 77. The present Constitution shall come into force on the day when it is publicly announced. The effectuation of the separation of accounts prescribed therein shall however take place only at the time stipulated in article 58 for the establishment of the general treasury of the State.

Up to this time contributions to the expenses of the country from the private funds of the Prince shall be made in the customary manner, but the extraordinary expenditures necessitated by the reformation of the military shall be at the charge of the future treasury of the State.

Obligations or claims resulting from the connection with the former German Confederation (*Bund*), and still existing for the Principality, shall be charged or credited respectively to the future treasury exclusively.

The Prince shall be liable with his private funds for the results of suits which may have been filed against the *officium fisci*.

ART. 78. Until the discharge of the next (first) budget-law, new permanent obligations shall not be imposed to the treasury by the Government.

ART. 79. The salaries and pensions of public functionaries, or their widows and children respectively, which are to be taken over by the future treasury of the State and already have been granted, shall be entered into a register which is to be deposited with the archives of the Diet.

ART. 80. At the day of publication of this Constitution are abrogated:

1. The Ordinance of January 15, 1816, concerning the Estates of Schaumburg.

2. The decision of the Diet of March 18-29, 1818.

3. The Ordinance of March 17, 1848, concerning the further development of the institution of the Estates.

4. The law of July 7, 1848, concerning the publicity of the sessions of the Diet.

5. The law of July 8, 1848, concerning the participation of the members of the administration and of other authorized State officials in the sessions of the Diet.

Given at Wildbad. November 17, 1868.

[L. s.]

Countersigned:

ADOLPH GEORG,
VON LAUER.

SCHWARZBURG-RUDOLSTADT.¹

CONSTITUTION OF MARCH 21, 1854.

[PREAMBLE.]

We, Friedrich Günther, by the grace of God, Prince of Schwarzburg, etc.:

In order more precisely to define the constitutional relations of the Principality, hereby, at the request of our Ministry and with the advice and consent of our faithful Estates General, ordain as follows:

TITLE I. *In regard to the princes.*²

SECTION 1. The Prince is the Sovereign and supreme head of the State. All the power of the State is united in him and in him alone. In the exercise of specific rights the Prince is, within the terms of this law, beholden to the cooperation of the Estates General.

SEC. 2. The person of the Prince is sacred and inviolate. He is above all external personal responsibility.

TITLE II. *Concerning the subjects of the State.*

SEC. 3. The conditions for the acquisition or loss of the status as subject of the country, as well as the rights and powers belonging to the subjects of the State, are determined by separate laws.

¹ Translation by Aloysius Wenger based on the text as found in Stoerk-Rauchhaupt, pp. 462-469.

² To insure the order of succession the following law was passed on June 1, 1896:

Article 1. In the event of our decease without leaving any male issue, the following are called to the succession to the throne of our Principality and to the family estate and entailed property (crown lands) of the Princely House of Schwarzburg-Rudolstadt:

(a) In virtue of the mutual agreement executed on April 21, 1896, by the paternal relatives of the Princely House of Schwarzburg, Prince Sizzo von Leutenberg, son of the late Prince Friedrich Günther, of Schwarzburg-Rudolstadt, and his consort Helen, Countess of Reina, Princess of Anhalt, as well as the male descendants of legitimate birth, issue of a union contracted with our sanction between persons of equal rank; in default of these,

(b) The male relatives of the Princely House of Schwarzburg-Sondershausen, in conformity to and in virtue of the princely family pact of September 7, 1713. The succession is governed by the right of primogeniture and the lineal order.

Art. 2. After the total extinction of the male line in the entire princely house of Schwarzburg the Government passes to the female line without distinction of sex and in such manner that the next of kin to the last Reigning Prince takes precedence, and the oldest where the degree of relationship is the same. This applies as well between several branches as within one and the same branch. However, female members of the Princely House who are or were married to persons of unequal rank remain excluded from succession to the throne.

Among the descendants of those called to the succession according to this rule, the priority of the male line with the right of primogeniture and the pure lineal descent sets in again.

TITLE III. *Concerning the Government.*

SEC. 4. In the administration of State affairs the Prince is assisted by one or more counselors, who constitute the Government and whom the Prince appoints at his own choice and dismisses at pleasure. The rights of the dismissed are defined by the civil-service law.

The members of the Government are not answerable to the Estates General.

SEC. 5. All Government decrees of the Principality require for their authentication and the prevention of any misuse of the Sovereign's signature and in order that it may thus be at once apparent who is to be held responsible for the decree, the counter-signature of one of the members of the Government.

SEC. 6. The responsibility of the members of the Government consists in the fact that the same may not only be sued in the civil courts for illegal transactions and omissions, and subjected to judicial examination for common or special official misdeeds, but may also be prosecuted criminally for violation of the Constitution and, in fact, for deeds as well as for omissions, if they be contrary to the provisions of this organic act.

SEC. 7. Criminal proceedings for violations of the Constitution can only be instituted in virtue of a resolution of the Diet.

The eventual resolution requires a two-thirds majority of the votes cast.

SEC. 8. If such a resolution is before the Diet, it must be transmitted through its executive committee to the Prince. Simultaneously the Diet's executive committee must file in the princely court of appeals together with a copy of the resolution a duly motivated motion to institute the investigation. The court hears the accused as well as his counsel, if any, in regard to the charges, sets in motion all requisite discussions, and decides according to existing laws, but excluding all publicity, through a commission consisting of three members.

Against this decision both accused and accuser have the remedies granted in criminal procedure.

Appeal is to the full sitting of the court of appeals.

TITLE IV. *Domains.*

SEC. 9. The entire Crown property with all its rights and liabilities remains forever entailed property of the Princely House and descends in the same from generation to generation according to the principles governing the succession to the throne.

Its administration is reserved for special stipulations.

SEC. 10. Domains can only be alienated with the consent of the Diet.

For the alienation of unimportant portions of the domains, in particular also for the redemption of rights and obligations thereof, the consent of the Diet is not necessary. All moneys derived from such sales and redemptions are to be added to the capital of the domains.

SEC. 11. The entire revenues of the domains will, conformably to the stipulations to be made in regard to them, be used in the first place to cover the household expenses of the Reigning Prince's court and for the support of the princely family. The surplus will go to defray the general expenses of the administration of the country.

TITLE V. *The Diet.*

(1) GENERAL PROVISIONS.

[Sections 12-16 replaced by the following three sections of the law of November 16, 1870.]

SECTION 1. The Diet of the Principality consists of 16 deputies, of whom 4 are elected by the most highly taxed and 12 chosen at general elections. Elections are direct and by secret ballot. Further provisions concerning the election of deputies are contained in the election law.

SEC. 2. Functionaries require no leave of absence to enter the Diet. If a member of the Diet accepts a salaried public office or enters upon an office in the service of the State to which a higher rank or a larger salary is attached, he loses his seat and vote in the Diet and can only recover his place therein through a new election.

SEC. 3. Deputies to the Diet are elected for a term of three years.

SEC. 17. Deputies to the Diet represent the whole country. They vote according to their own convictions and are not bound by any orders or instructions.

SEC. 18. Every deputy on entering the Diet must swear that as deputy he will faithfully preserve the Constitution, and to the best of his knowledge and judgment look after the welfare of the Prince and the country.

SEC. 19.¹ Apart from the provision of section 16 and from the case of death, the right of deputies to the Diet is extinguished:

1. By dissolution of the Diet on the part of the Prince;
2. By loss of one of those qualifications on which eligibility is conditioned;
3. By voluntary retirement;
4. By the opening of proceedings to determine the deputy's solvability.

In all these cases an election is required to fill the vacancy created in the Assembly.

SEC. 20. The Diet is duly competent to pass resolutions as soon as there are at least 11 deputies present.

¹ Section 19, no. 5, repealed by law of November 16, 1870, article 2.

Resolutions of the Diet, in so far as the present law (secs. 7, 46) or the order of business does not rule otherwise, are adopted by a simple majority of votes.

SEC. 21. In case of dissolution of the Diet by the Prince, preliminary arrangements must be made within three months at the latest for the holding of new elections. The reconvening of the Diet must follow at the latest six months after its dissolution.

(2) RIGHTS OF THE DIET.

SEC. 22. The Diet of the Principality is qualified to make use of and to exercise the rights assigned to it by the present law.

SEC. 23. The Diet of the Principality has the following rights:

1. The right of assent in regard to general public laws which are to be enacted;
2. The right of sanctioning taxes and other burdens imposed on the subjects of the State;
3. The right of cosupervision of the expenditure of the taxes and other State revenues;
4. The right of petition and complaint.

(a) *Legislation.*

SEC. 24. The Diet's right of concurrence in legislation consists in this, that all general laws about to be enacted, which involve the fundamental laws of the Principality, or the personal liberty, the security, or the property of subjects of the State, whether in the whole country or only in particular sections, must be referred to it for consideration and approval.

SEC. 25. Only in cases of urgent necessity may such laws, if the Diet is not in session, be enacted on the responsibility of the members of the Government. But the same must immediately upon its re-assembling be submitted to the Diet for approval.

SEC. 26. Laws are binding if promulgated in the hereinbefore prescribed form.

The right to test the constitutionality of properly promulgated laws belongs not to the authority but to the Diet.

(b) *Imposition of taxes and other burdens on the State's subjects.*

SEC. 27. In imposing taxes or other burdens on the subjects of the State the Diet has concurrence in the sense that without its being heard or without its assent neither taxes nor similar dues or payments may be imposed or levied in the Principality; nor is it permissible to effect an increase in the public debt or to contract obligations amounting to the same. The Government is empowered to effect a temporary increase in the debt if such increase be necessary to meet

the current expenses of the State and can be made up in the course of the same financial term.

SEC. 28. The needs of the State and the means required to meet them shall be determined in advance for every three-year financial term by the Government and the Diet.

For this purpose the Government has to lay before the Diet for every financial term a statement of expenditures and revenues.

In drawing up and fixing this budget the following principles should guide, namely, that the Principality must at all times be in a position to meet its Federal and stipulated obligations and that the general administration of the State should be regulated in a manner corresponding to the real needs of the country as well as to the habits, usages, and traditions of other well-regulated, monarchical German States of about the same size.

The budget thus drawn up shall be published in the form of a law.

SEC. 29. Should it happen that no agreement can be arrived at between the Government and the converted Diet before the expiration of the financial period, the approved taxes and other revenues may be levied at the most for another triennium (for a full financial term) and expended in accordance with the last budget of expenses.

The same holds good if, owing to special circumstances, it becomes impossible to convene the Diet in time.

SEC. 30. The State Government must take every precaution to keep within the expense budget and is answerable for any overdrawing of the budget as a whole.

SEC. 31. Government transactions, whereby the country's regular income is diminished, require the consent of the Diet to be carried through.

To this class belong, in particular, sales of princely domains (sec. 10) and the conclusion of treaties for the cession of territory whereby subjects of the State sever connections with the State.

SEC. 32. In regard to the aggregate indebtedness of the country the Diet is always to be furnished with full particulars. For the duration of the present arrangement in regard to the State liabilities the same provisions will hold as have hitherto prevailed; that is, contracted debts will first be covered by an issue of so-called treasury notes as interim promissory notes, certified by a member of the Government. As soon as the general treasury's cash account for the year in which the treasury note is issued has been laid before the finance committee (secs. 42 and 43) the treasury notes are converted into princely bonds.

The latter are signed by the finance committee in the first draft, ratified by the Prince in the engrossed copy, and countersigned by the Government.

(c) Co-supervision of State Revenues.

SEC. 33.¹ Together with the estimate of revenues and expenses (Constitution, section 28) the closed and not yet audited yearly accounts of the general treasury and public credit office are submitted to the Diet for revision. The committee charged with this revision (secs. 68 and 69 of the order of business for the Diet—Code of laws, 1855, p. 21—) is at liberty at the same time also to go over the subordinate posts' computations submitted as documentary evidence of the correctness of the accounts of the head office. The members of the committee have also to sign the princely bonds.

SEC. 34.² Only the Diet is competent to ratify an actual overdrawing of the total expense budget.

(d) Right of petition and complaint.

SEC. 35. The Diet has the right not only to prefer charges against Government members for violations of the Constitution, but also to lay before the Prince complaints regarding abuses or derelictions in the superintendence and the administration of justice, of offenses against the constitutional rights of the country, as well as the civil rights of individual subjects; likewise to submit to him their wishes respecting the introduction of improvements for the general good, as well as to present motions for the enactment of laws.

(3) EXERCISE OF THE DIET'S RIGHTS.

SEC. 36. The Diet may not meet without having been previously convoked by the Prince.

SEC. 37. The Diet exercises the rights belonging to it partly in ordinary, partly in extraordinary sessions, partly through the committee of the Diet and the finance committee.

SEC. 38. The sessions of the Diet are, according to more detailed arrangement of the order of business, partly public, partly secret. The order of business to be promulgated is published as a law.

SEC. 39. The Diet is called into ordinary session every three years for the purpose of determining the requirements of the State administration and of considering and passing resolutions respecting other measures proposed by the Government.

SEC. 40. Extraordinary sessions of the Diet are convoked if bills are to be laid before it whose urgency does not permit of their being postponed until the convening of the regular session of the Diet.

SEC. 41. The cloture of every session of the Diet depends on the Prince.

¹ Sections 33, 34, paragraph 1, and section 42, paragraph 4, and section 45 were replaced by the law of March 22, 1861, printed in section 33.

² Compare note to sec. 33.

(4) COMMITTEES OF THE DIET AND OF FINANCE.

SEC. 42.¹ At the close of every regular session of the Diet, the Diet appoints a Committee of the Diet, which performs its duties until the next regular Diet meets.

The Committee of the Diet is composed of the chairman of the Diet, his substitute, and four deputies to the Diet to be chosen by a majority of votes.

In the event of the death of individual members a substitute is forthwith elected.

SEC. 43. The Committee of the Diet meets as soon as it is called together by the Prince, and its activities extend to the following matters:

(1) It may have presented to it for preliminary consideration and to prepare the way for the transactions of the Diet drafts of budgets and bills, which are thereupon to be introduced in the Diet. By unanimous consent of the Committee of the Diet even the enacting of provisional laws, excepting the cases provided for in section 25, is permissible if warranted by circumstances.

(2) Bills prepared by the State Government upon the motion of the Diet, stating the reasons therefor, may be submitted to the Committee of the Diet and, if the committee declares its concurrence, forthwith promulgated as laws.

(3) The Committee of the Diet is entitled and bound to bring unconstitutional occurrences to the notice of the Prince and move for a remedy. To this end the director of the Diet, as chairman of the committee is empowered to request the Prince to convene the Diet or the committee.

SEC. 44. With the Prince's consent still other powers of the collective Diet may be transferred by resolution of the Diet to the Committee of the Diet to be exercised *ad interim*.

The Prince is at liberty to convene the Committee of the Diet even outside the cases aforementioned as often as he desires to obtain its advice or hear its opinion on any matter whatever.

SEC. 45.¹

TITLE VI. *Guaranty of the Constitution.*

SEC. 46. The present law can only be repealed or amended by the process of regular legislation. At least three-fourths of the deputies to the Diet must be present in passing a resolution to this effect, and of these at least two-thirds must vote for the repeal or amendment.

¹ Cf. note to sec. 33.

SEC. 47. In the event of a change of Government the new Prince, and in case of the minority of the Sovereign or any other impediment to his accession, the regent shall promise for the term of his administration and on his princely word that he will recognize the Constitution and maintain and protect the same.

This declaration shall be proclaimed by letters patent on his assuming power.

SEC. 48. Every civil functionary shall henceforth, in taking the oath of office, swear at the same time that he will steadfastly and faithfully maintain the constitutional provisions of the country and observe the same.

The same applies also to church and school employees.

TITLE VII. *Final provision.*

SEC. 49. All hitherto existing provisions incompatible with the present Constitution, particularly the *Publicandum* on Popular Representation of January 8, 1816, the final resolution of the Diet of April 21, 1821, the law on the Responsibility of the Members of the Princely Privy Council Board of June 2, 1848 (Code of laws, 1848, p. 21 *et seq.*), the election law of June 9, 1848 (Code of laws, 1848, p. 26 *et seq.*), and the ordinance respecting the execution of said law, of same date (Code of laws, 1848, p. 29 *et seq.*), are hereby repealed.

In faith whereof, we hereto affix our autograph signature and princely seal.

Given at Rudolstadt, March 21, 1854.

FRIEDRICH GÜNTHER, P. of S.
 v. BERTRAB. SCHEIDT.
 v. KETELHODT. v. BAMBERG.

SCHWARZBURG-SONDERSHAUSEN.¹

CONSTITUTION OF JULY 8, 1857.²

[PREAMBLE.]

We, Günther Friedrich Carl, by grace of God, Prince of Schwarzburg, Count of Hohenstein, Lord of Arnstadt, Sondershausen, Leutenberg, and Blankenburg, make known the following Constitution promulgated with the consent of the Diet:

SECTION I.—*Concerning the Principality and its Constitution in general.*

ARTICLE 1. The Principality of Schwarzburg-Sondershausen constitutes in its present component parts an indivisible and, by virtue of its statutory laws, a united State.

ART. 2. The Government form of the Principality is an hereditary monarchy with representation in the national Diet.

ART. 3.³

ART. 4. The Evangelical-Lutheran Church is the State Church. The Evangelical-Lutheran Prince exercises the right of a bishop in the Church.

ART. 5. Each parish administers its own affairs independently, in so far as the said administration is not restricted by the lawful supervision of the State.

ART. 6. The conditions relative to the acquisition or loss of citizenship or nationality and the rights pertaining thereto are fixed by law.

ART. 7. The Constitution as adopted December 12, 1849, together with the laws of August 2, 1852, and March 28, 1854, are rescinded.

SECTION II.—*Concerning the Prince.*

ART. 8. The Prince is vested with the ruling power in the Principality. He possesses all rights of executive power and in the exercise of this power is only obliged to cooperate with the Diet in so far as the Constitution definitely provides for.

ART. 9. The person of the Prince is inviolable and sacred. He stands above all personal responsibility.

ART. 10. All Government business is conducted under the supervision of the Prince by a Ministry.

¹ Translation by Miss M. G. Goldenbow based on the text as found in Stoerk-Rauchhaupt, pp. 470-480.

² This copy of the revised text of the Constitution is found in the appendix to the Code of laws for 1912.

³ Article 3 was abolished by law of August 2, 1866.

The Prince names and dismisses the members of the Ministry according to his own will. The rights of the dismissed members are set forth by the law pertaining to civil Government service.

ART. 11. All decrees of the Prince in Government matters need for their validity a counter-signature of at least one member of the Ministry.

ART. 12. The members of the Ministry are made responsible for all actions taken in their official capacity, as well as for any neglect of their duty.

The responsibility for the decrees of the Prince rests with those members of the Ministry who signed the bill with the Prince.

ART. 13.¹ The succession to the throne is hereditary in the male line, according to the right of primogeniture and lineal succession.

After the extinction of the male line in the Princely House of Schwarzburg-Sondershausen the following succession takes place in the Government of our Principality, by virtue of the agreement of the Princely House of September 7, 1713, and of the agreement made by all the agnates of the Princely House of Schwarzburg of April 21, 1896:

(a) The ruling Prince Günther of Schwarzburg-Rudolstadt and his legitimate male descendants;

(b) In the case of the death of the ruling Prince Günther of Schwarzburg-Rudolstadt without legitimate male descendants:

Prinz Sizzo of Leutenberg, son of the late Prince Friedrich Günther of Schwarzburg-Rudolstadt and of his wife, Helene, Countess of Reina, Princess of Anhalt, as well as his legitimate children, the result of a marriage consented to by the Ruling Prince of Schwarzburg-Rudolstadt.

After the total extinction of the male line of the Princely House of Schwarzburg, the Government passes to the female line of the House of Schwarzburg without distinction of sex. In case of proximity of relationship within a single line or between several lines, seniority takes precedence. All female members of the princely line who are or have been unequally married are excluded from succession. Among the descendants of the Prince chosen according to the foregoing provisions, the precedence of the male line comes again into force with the right of primogeniture and of pure lineal descent.

ART. 14. The lawful Government transactions of the last ruler obligate the successor to the same form of administration.

ART. 15. The Prince becomes of age with his eighteenth year, at which time he can take over the Government.

ART. 16. In case the Prince is under age, a regent will be appointed for the administration of the Principality. Should the Prince be

¹ Secs. 2 ff. are based on the law of August 14, 1896.

unable to govern, a regency will take care of the Government. Only one person can take the regency.

All matters pertaining to the inability to govern the Principality and the procedure of appointing a responsible party for the regency, as well as for the education of the Prince until he becomes of age, are subject to a regulation by special laws.

ART. 17. The regent exercises in the name of the Prince all the executive power vested in the Prince. No changes are allowed to be made in the Constitution which would limit the rights of the Prince or place additional obligations upon him.

ART. 18. The Prince, also the regent, must at his accession to the rulership issue a written document in which he must swear that he will recognize the Constitution and support and protect the laws of the country.

This document is deposited with the Committee of the Diet, which is to be called immediately for the purpose. It is to be preserved in the archives of the Diet and published in the body of laws.

ARTS. 19 and 20. [Articles 19, 20 of the Constitution, the laws concerning the civil list of March 18, 1850, and the increase of the domain property rent of December 25, 1859, and June 29, 1857, pertaining to the exceptionally large districts for wood cutting in the forests of the princely crown lands, are rescinded by act of the provision of June 14, 1881, which provides that this crown land be called the private property of the princely lands.]

SECTION III. *Concerning the Diet.*

A. GENERAL PROVISIONS.

ART. 21. The Diet represents the entire population and exercises the rights accorded to it by the Constitution.

ART. 22. The members of the Diet are elected by vote.

ART. 23.¹ Every person is subject to election who has the right to vote, and who is 30 years of age.

Officials need neither permits nor leave of absence to attend the Diet.

ART. 24. To refuse to serve, and to withdraw from the membership of the Diet, is the privilege of everyone.

ART. 25. The Diet alone has the decision over the validity of the elections.

ART. 26.² The Diet is regularly called by the Prince the second and fourth year of every budget period (cf. article 44) and besides as often as circumstances require it.

¹ Article 23, paragraph 2, was added by law of February 27, 1911.

² On and after April 1, 1904, the fiscal year for the administration begins on the 1st of April. According to the law of August 15, 1901, articles 26, 44, 77, and 84 are included. On the same day the new four-year periods for finance and legislation, as stipulated by articles 26 and 44, begin.

Without the summons of the Prince the Diet can hold no sessions.

ART. 27. The Prince in person opens and closes the general meeting of the Diet or authorizes a member of his Ministry to do so.

ART. 28. The Prince has the right to postpone a meeting of the Diet, and he can also dissolve it.

ART. 29. In case of a dissolution, the order for a new election must be given within four weeks, and the call for an assembly of the newly elected Diet within six months from the date of the dissolution of the former Diet.

ART. 30. Members of the Diet must consider themselves as representatives of the entire State. They should vote in accordance with their conviction. They are not obliged to consider commissions nor conform to instructions.

ART. 31.¹ Members of the general Diet must take the following oath of office at their first appearance in an open session :

You swear by God, the Almighty and All-knowing that you will be faithful and obedient to the Prince, that you will conscientiously observe the Constitution, that you will to the best of your ability act for the welfare of the Prince and the State.

The oath is administered by the president of the Assembly of the Diet in this way: He reads the words of the oath to the new member, and the latter, in raising his right hand, says: "I swear it, so help me God." According to the religion of the person who swears, the oath may be supplemented by special formulas.

If a deputy is elected president who has not as yet taken the oath of office, the president of the Ministry or his authorized representative will administer the oath of office.

Who refuses to take the oath of office loses his capacity as a member of the Diet.

ART. 32. The members of the Diet can never be held to account for their manner of voting; they shall not be responsible for their remarks. In case the remarks constitute a transgression of law and order, the Diet may require the matter to be brought before the court.

ART. 33.² The members of the Diet receive living and traveling expenses in accordance with legislative measures.

B. CONCERNING THE JURISDICTION OF THE DIET.

ART. 34. The Diet takes part in the exercise of the legislative power.

Laws can only be made, modified, or rescinded with the consent of the Prince and of the Diet, except if otherwise provided by article 39.

ART. 35. The right to propose new laws belongs to the Prince and to the Diet.

¹ Article 31 was revised by law of March 5, 1912.

² Article 33 modified by law of February 27, 1911.

ART. 36. Bills proposed by the Prince and submitted to the Diet may be altered or amended according to the disposition of the Assembly.

ART. 37. Should the Prince disapprove of alterations or amendments wholly or partially, the Diet must either accept the bill in the revised form as it is presented for the second time or reject it in its entirety.

ART. 38.¹ For a decision of the Diet regarding the acceptance of modifications or additions to this Constitution two votes are necessary. Two weeks at least must intervene between the first and the second vote, and a two-thirds vote of the members of the Diet present is required for its incorporation into the Constitution. The Diet has the power by decision of the same majority to shorten the intervening time of two weeks between the first and second vote to three days.

ART. 39. The Prince can pass new laws independently of the Diet, provided they are urgent and can not be delayed until the next meeting of the general Diet.

The laws made by the Prince alone must not entail any modification of the Constitution. They must be submitted to the Diet at its next meeting with reason for their adoption.

Should the advisory council which deliberated on the passage of the law not succeed in obtaining the consent of the next general Diet by virtue of articles 36, 37, the law must be revoked or after the close of the general meeting be laid before the next Diet.

ART. 40. The Prince makes the new laws public, with special reference to the consent of the Diet on grounds of article 39.

ART. 41. After a due publication of the enactment of the law as provided in article 40 it is valid.

ART. 42. State contracts need the consent of the Diet if by the promulgation thereof the Government or the people assume special obligations.

ART. 43. An exception to this rule is formed by Government contracts relative to the Principality of Thuringia, and respectively to the German Customs and Commercial Union.

ART 44.² For every finance period of four years a budget is made up and incorporated in the State budget.

The last budget is laid before the Diet during the fourth year of every fiscal period for purposes of comparison with the budget of the next four years. After due comparison it is confirmed by law.

ART. 45. This Diet can not withhold its consent nor the funds for meeting all expenditures, be they of a Federal, constitutional, or a civil nature.

¹ Article 38 revised and amended August 19, 1896.

² Compare note to article 26.

ART. 46. To provide the administration with sufficient means for unforeseen events which might require an extra outlay, a reserve fund will be set apart in the budget upon special request by the administration.

ART. 47. Taxes and other lawful duties imposed by the Government must be introduced, raised, or lowered by special legislation.

ART. 48. Existing taxes and other Government dues for revenue purposes will be levied until by an amendment they are either rescinded or changed.

This rule is not enforced in cases when special taxes and duties are levied for exceptional expenses of the Government.

ART. 49. The Government revenues must be used for the purposes for which they have been legislated.

The Ministry has therefore to give strict account of sums which it uses for purposes other than those which they were originally designated to serve. (Cf. articles 76-78.)

ART. 50. The flotation of a new Government loan takes place only by act of the Diet. Likewise the issuing of paper money and the taking over of guaranties by the State.

ART. 51. By the mortgaging of crown lands, be it for the private accounts of the Prince or for the improvement of the property, the provision in article 50 of the Constitution is fundamental without any differentiation.

ART. 52. The records of all debts contracted by the State or the exchequer are kept by the treasury which has charge of such debts.

For the validity of these papers it is necessary that they bear the signature of approval of the Ministry and of the Provincial Assembly.

ART. 53. The sale of public lands must be agreed to by the Diet. An exception is made in the following cases:

- (1) In the case of sales authorized by a court;
- (2) In the case of chattels, stock, and private property;
- (3) In the case of land valued at not over 1,000 thalers;
- (4) In the case of buildings no longer useful;
- (5) By a cession of property to adjust boundary disputes.

ART. 54. Also sales of property belonging to the crown lands must be approved by the Diet, with exceptions as stipulated in article 53, irrespective of whether the said property is administered for the Prince or for the country.

ART. 55. The Diet has the right to consider and to bring to the notice of the Prince or of the Ministry complaints from individual citizens as well as from corporations. Complaints over maladministration and abuses in the practice of law, also proposals and suggestions conducive to the furthering of public interests, may likewise be submitted to the Prince or the Ministry for consideration. The

abolition of such difficulties takes place as soon as the complaints have been found to be justified.

ART. 56. The Diet has the right to ask the Ministry for information on subjects pertaining to its own sphere of management. Information may be refused by the Ministry on the ground that it might prove prejudicial to a decision still pending.

ART. 57. The Diet has the power to institute court proceedings against members of the Diet who have violated the Constitution or have made themselves a subject of complaint, irrespective of whether they still hold their seats in the Diet or whether they have already been dismissed. (Cf. article 12.)

All further decisions are made in accordance with special laws touching the cases.

Members of the Ministry, against whom court proceedings are instituted by the Diet, can not claim for themselves the pardon of the Prince without the consent of the Diet.

C. CONCERNING THE BUSINESS OF THE DIET.

ART. 58. The Diet has direct relations only with the Ministry.

ART. 59. Every Diet must after its opening elect a president and a vice-president from among its members.

ART. 60. The Diet must elect a secretary (*Syndikus*) from among the ranks of its jurisconsults.

The secretary is the legal adviser, clerk, and the recorder of the Diet.

ART. 61. Petitions and complaints; addressed to the Diet by non-members must be sent in writing to the president but not to the secretary.

ART. 62. The sessions of the Diet are open to the public. The order of business determines when the meetings shall be closed to the public. Demands for closed sessions may come from the Government or the Diet.

ART. 63. The minutes of the sessions are published. Excepted are those taken at the closed sessions. Parts of the latter may be published according to the decision of the Diet and the Government.

ART. 64.¹ Bills and projects of the Government which contain propositions are, as a rule, deliberated on twice. After the first deliberations they are passed on to a deputation (commission) for a critical review.

ART. 65. Members of the Ministry have the right to be present at the sessions of the Diet and of the deputation. They are obliged to be present in so far as the Diet or the deputation requests it. Upon a special request they may secure a hearing at any time.

¹ Article 64 newly revised by law of February 27, 1911; likewise articles 67 and 71.

ART. 66. The members of the Ministry have the right to appoint State officials to represent them in the sessions of the Diet or of the Deputation, and these officials shall then possess the same powers as the members of the Ministry.

ART. 67.¹ The Diet can only then pass a bill when at least two-thirds of the members are present at the session.

In case the bills before the Diet have not been passed on because of absence of a quorum, the Ministry must request that the bill be again laid before the Diet, not before three or at latest within seven days. In this session one-half of the total membership comprises a quorum. The president will call especial attention to this fact when he summons the Diet.

Above provisions are not applicable to article 38 of the Constitution as defined by law of August 19, 1896 (General Code, p. 89).

ART. 68. All decisions of the Diet shall be made by a majority vote of the members present, unless this Constitution provides otherwise, or if, in the case of elections, the order of business modifies the rule.

ART. 69. Should there be a tie in the vote, a second vote will be taken at the following session. A second tie in the vote defeats the motion.

ART. 70. Decisions in which the Diet passes bills proposed by the Government can be rescinded only by consent of the Ministry.

ART. 71.¹ The Diet makes its own rules for order of business. Departure from this order can only take place in accordance with the provisions of article 38 of the Constitution, as defined by law of August 19, 1896 (Legal Code, p. 89), and must be passed twice by a majority of two-thirds.

The order of business procedure is announced by the Ministry and published in the compilation of laws.

The above order of procedure is valid for later provisions to the Constitution.

SECTION IV.—*Concerning the Diet Committee.*

ART. 72. The president of the Diet and two other members of the Diet form the Diet Committee. They are chosen after the election of the president of the Diet and the vice-president.

A new committee is elected at the opening of each Diet.

ART. 73. The committee retains its office until the next session of the Diet, when a new committee is elected, even if the legislative period has expired or the Diet has adjourned.

ART. 74. In case of death of the president of the Diet while the Diet is not in session, or in case he has become disqualified or is tem-

¹ Compare note to article 67.

porarily prevented from attending, the vice-president takes his place. For any one of the other two members of the committee, the Diet must in each case elect a substitute from among the members of the Diet.

ART. 75. The president and vice-president, respectively, preside at the committee meetings.

ART. 76. The committee of the Diet has principally the duty to regulate the raising of taxes and revenues and to see that the State funds are expended for the purposes for which they are intended (article 49).

ART. 77.¹ All financial statements of the past year, together with the receipts and auditor's accounts, as well as an account of the expending of reserve funds, and a statement of the justification for the expending of moneys over and above the budget provisions, must be laid before the Committee of the Diet. (See article 76.)

ART. 78. In case the Committee of the Diet does not fully approve of the manner in which disposition has been made of Government moneys outside of the budget provision and considers it unjustifiable, the committee must lay the matter before the Diet at its next meeting.

ART. 79. The committee has the right to make proposals before the Ministry as well as before the Diet relative to existing financial conditions, and to institute improvements.

ART. 80. The written approval of the Diet, which must accompany the statements of the financial obligations of the State and the exchequer (cf. article 52), is issued by the president and the provincial secretary. The minutes of the debates on the subject and the books are laid before the committee at its annual meeting (cf. article 84) for inspection and examination.

ART. 81. The committee must, at the request of the Diet, prepare plans for the next meeting of the Diet.

ART. 82. The Diet can empower the committee in advance to act for it in certain specific cases, provided the Ministry agrees to it.

ART. 83. Without any commission, too, from the Diet, the committee can give the sanction of the Diet, if the case is sufficiently urgent. This can be done in the sale of Government or Crown property and takes place in accordance with the provisions in articles 53 and 54.

ART. 84.² The committee on finances must call a meeting annually at the seat of the Government and at the call of the president for the purpose of examining and controlling the public funds (cf. articles 76 to 80).

ART. 85. Other Government business outside of the examining of the books of the State finances may at the discretion of the president be transacted in writing by the members of the committee.

¹ Compare note to article 26.

² Modified by law adopted August 15, 1901. Compare also note to article 26.

This provision is not valid if the Ministry has called for a meeting of the committee.

ART. 86. The Diet Committee makes its decisions by vote of the majority.

The sessions are not open to the public. In regard to cooperation of the Ministry the provisions set forth in articles 65 and 66 must be enforced.

ART. 87. The committee must furnish an account to the next Diet as to its activity during the recess of the Diet.

ARTS. 88-96.¹

ARTICLE 1. The independence of the courts, the juridical constitution, the adjustment of juridical administration, questions of State service and discipline of judges, are decided in accordance with the laws and the existing State treaties.

ART. 97.² We have signed this Constitution in person, which we promise to observe faithfully and to protect against all encroachment and violation, and we have affixed thereto our princely seal.

Sondershausen, July 8, 1857.

[L. S.]

GÜNTHER FRIEDRICH CARL,

Prince of S. S.

Countersigned: v. ELSNER.

¹ Article 88-96 modified to the above article 1 of May 13, 1879, by decree of court.

² Rescinded by law of May 13, 1879, which came into force with the law providing for a judicial constitution.

WALDECK.¹

CONSTITUTION OF AUGUST 17, 1852.

[PREAMBLE.]

We, Georg Victor, by the grace of God, Reigning Prince of Waldeck and Pyrmont, Count of Rappoltstein, Lord of Hohenack and Geroldseck on the Wassiegen, etc., inasmuch as the Estates, assembled in extraordinary session by order of the Regency, adopted a resolution for the drafting of a Constitution to take the place of the fundamental law of the State, of May 23, 1849, and in as much as we have felt impelled immediately to grant it our sovereign princely sanction, hereby promulgate the following Constitution for the Principalities of Waldeck and Pyrmont.

TITLE I.—*The Territory of the State.*

SECTION 1. The Principalities of Waldeck and Pyrmont constitute a German Federal State united under one and the same Constitution.

SEC. 2. No part of the territory of the State may be alienated without the consent of the joint Estates.

Boundary adjustments whereby citizens are excluded from the territory of the State likewise require the sanction of the Estates.

TITLE II.—*The Princes and the Princely Houses.*²

SEC. 3. In the Prince is united the entire governmental power, in exercising which he is bound to observe this Constitution and the constitutional laws and to act in cooperation with the representatives of the country as prescribed by the present Constitution.

SEC. 4. The Prince is inviolable in his person and irresponsible.

SEC. 5. All governmental edicts of the Prince require, for their validity, to be countersigned by at least one member of the State Government, who thereby assumes the constitutional responsibility.

SEC. 6. Laws may be enacted, repealed, amended, or authentically interpreted by the Prince only with the consent of the Diet.

SEC. 7. If the Diet is not assembled, decrees which do not embody a modification of the Constitution, of the electoral law, of the competency of juries, or of the laws referred to in section 29, or which do

¹ Translation by Wilfred Stevens based on the text as found in Stoerk-Rauchhaupt, pp. 481-496.

² Cf., in connection with Title II, the treaty given hereinbelow between Prussia and Waldeck, of March 2, 1887, and the final protocol of the same date.

not relate to matters of taxation, may, in urgent cases permitting of absolutely no delay, be enacted with the force of law under the responsibility of the State Government.

Such decrees must be submitted to the next Diet for its sanction. If no agreement is then reached, the decrees issued must either immediately be repealed or submitted to a new Diet to be assembled within three months. If this Diet also refuses its sanction, the decrees in question shall then be repealed.

SEC. 8. The Prince exercises the executive power.

He appoints and dismisses the responsible members of the State Government, the counter-signature mentioned in section 5 not being required.

He promulgates the laws, making reference to the sanction of the Estates, or to section 7, and issues the necessary decrees for the enforcement of the laws.

SEC. 9. The Prince alone has supreme command over the military establishment.

SEC. 10. Except where otherwise provided by law, the Prince fills all positions in the civil and military service, giving preferential consideration to natives.

SEC. 11. The Prince represents the State in foreign affairs and concludes treaties with foreign Governments.

Treaties under which burdens are imposed upon the State or obligations upon individual citizens thereof require the consent of the Estates for their validity.

SEC. 12. The Prince has the right of pardon and of mitigating punishment, as well as of granting amnesty.

In case of a complaint raised in accordance with section 66, he may exercise this right only with the consent of the Estates.

It is left to the discretion of the Prince to remit, in occasional cases, taxes (except ordinary taxes), fees, and other dues.

SEC. 13. The Prince takes up his chief abode in this country.

The seat of the Government shall not be transferred outside the territory of the country.

SEC. 14. If the Prince is temporarily hindered from exercising the power of government, the substitute to be appointed by him shall conduct the Government during such hindrance according to the provisions of this Constitution.

SEC. 15. The Government is hereditary in the male line of the Waldeck Princely House, including its comital line, according to the right of primogeniture and of agnatic lineal descent. If the male line becomes extinct, the succession to the Government passes to the female line. In this case closeness of relationship to the last reigning Prince decides, or, if the degrees of relationship are alike,

seniority in years. After the succession has thus passed, the preference of the male line in order of primogeniture again prevails.¹

In regard to the Principality of Pyrmont, the rules of the existing treaties shall be followed.

SEC. 16. The Prince becomes of age and capable of governing upon the attainment of his twenty-first year of age.

SEC. 17. Immediately upon assuming the reins of Government, the Prince issues a patent in which he pledges himself under oath to guard the Constitution firmly and inviolably and to govern in accordance therewith and with the laws.

The original copy of this patent shall be filed in the archives of the Diet.

SEC. 18. Within six weeks after assuming control of the Government, the Prince assembles the Diet, which swears allegiance to him, the oath of allegiance running thus:

We swear that we will show loyalty and obedience to Prince . . . and that we will conscientiously observe the Constitution.

SEC. 19. If the Prince is a minor, or otherwise hindered for a lasting period from conducting the Government, there shall be instituted a regency, which may be exercised by only one person.

SEC. 20. If no arrangement is made regarding the regency either by the Prince himself or, in case he is a minor, by the predecessor exercising the governmental power, or by the family laws, the regency shall devolve upon the wife, then the mother, and for want of such the paternal grandmother of the Prince, and after that upon the adult member of the Princely House who comes next in the line of succession to the Government (sec. 15).

SEC. 21. Immediately upon assuming the regency the regent issues a patent in which he promises under oath to uphold the Constitution firmly and inviolably and to govern in accordance therewith and with the laws.

The original copy of the patent is filed in the archives of the Diet.

SEC. 22. Within the next six weeks the regent assembles the Diet, which, except in case the Prince is a minor, resolves with respect to the necessity of the regency.

SEC. 23. The regency terminates as soon as the necessity for it ceases, and the Prince proclaims his own assumption of the Government to the country by means of a patent (sec. 17).

SEC. 24. The regent exercises, in the name of the Prince, the full governmental power as belonging to the Prince himself under the Constitution.

SEC. 25. The regent, unless it is the mother or the paternal grandmother who is acting as such, is not allowed to assume the guardianship over the minor Prince.

¹ See the princely family law of April 22, 1857.

In other respects the instructions left by the last reigning Prince, or the provisions of the family law, shall govern in regard to the guardianship and the education of the minor Prince. In the absence of such special instructions, the guardian must attend to the education.

SEC. 26.¹ The agreement regarding the domanial property appended to section 94 of the Constitution of May 23, 1849, shall be considered as being repealed in all its parts from the beginning in this way, that no new or increased rights may be derived therefrom from any side, without prejudice, however, to the mutual rights and duties for the period during which the actual conditions introduced by the said agreement have existed.

Except in so far as the rules established in the appendix for the reserved final regulation of the matter embody special provisions on the subject, the legal questions connected with the domanial property shall be treated according to the status thereof prior to the conclusion of the agreement of 1849. The final agreement necessary in accordance with this shall be reached with the Estates without delay.

SEC. 27. The remaining affairs relating to the Princely House shall be regulated by the family laws.

They shall be laid before the Estates for their information, and, as far as is necessary according to this Constitution, for their sanction.

TITLE III.—*Citizens of the State.*

SEC. 28. The rights and duties of the citizens of the State are regulated by the Constitution and the existing laws.

SEC. 29. Personal liberty is guaranteed.

Only in the cases and in the forms determined by law may arrests or other restrictions of personal liberty, domiciliary searches, and the seizure of letters or papers and violations of the secrecy of letters take place and the right of citizens to assemble and form associations for permissible purposes be restricted.

SEC. 30. Every person has a right freely to express his opinions by word, in writing, in print, or pictorially.

The press shall not be placed under censorship.

The law shall prescribe the necessary measures against the abuse of these rights.

SEC. 31. All citizens of the State, with the exception of members of the Princely House and its comital line, are liable to military duty.

The extent and character of this liability shall be determined by law.

¹ To this section are added "Further provisions," bearing the same date as the Constitution.

SEC. 32. The freedom to emigrate can be restricted by the State only with respect to military liability by way of legislation.

Emigrant taxes shall not be levied.

SEC. 33. All citizens of the State shall be entitled, provided they observe the established order of procedure, to address petitions and complaints in writing to the authorities and to the representatives of the country.

SEC. 34. Property is inviolable.

Expropriation thereof may only take place in accordance with the law and in consideration of an indemnity.

SEC. 35. All personal contributions and burdens arising from the seigniorial and protectorial bond (by personal being meant those not attaching to the soil), as well as all compensatory performances and burdens which devolved upon the beneficiaries, are abolished without indemnification.

SEC. 36. All taxes and duties of performance resting as a lien upon the soil are subject to redemption, and no such burdens shall again be imposed unredeemably.

This provision, however, shall not apply to the assessment of ordinary taxes against real estate.

SEC. 37. The right to hunt on the land of another is abolished as a fundamental privilege and shall not be reintroduced as such.

Further provisions regarding the exercise of the right to hunt shall be embodied in the law.

SEC. 38. The feudal bond is redeemable according to the provisions of the law.

SEC. 39. The Christian religion shall constitute the basis of those governmental institutions which are connected with the exercise of religious worship, without prejudice to the religious freedom guaranteed in section 40.

SEC. 40. All citizens of the State have full freedom of belief and conscience and are unrestricted in the domestic practice of their religion.

They are entitled to unite in religious organizations which have the right to practice religious worship in common, though without a public character, provided they do not possess corporative rights (sec. 41).

Crimes and misdemeanors which are committed during the exercise of this freedom shall be punished by the laws.

The enjoyment of civic and citizenship rights is neither contingent upon nor restricted by religious confession. However, religion shall not detract in any way from the duties of citizenship.

The law shall provide to what extent civil marriages may be performed when the parties profess different religions.

SEC. 41. Religious organizations which do not yet possess cor-
porative rights or which are newly formed may secure these rights
only through special laws.

SEC. 42. The Evangelical and the Roman Catholic Church, as well
as every other religious organization, shall retain the possession and
enjoyment of the institutions, endowments, and property intended
for their religious, educational, and charitable purposes and shall
arrange and administer their affairs independently, though they shall
be subject to the general laws of the land.

SEC. 43. The property of religious organizations and of charitable
and educational institutions shall not be incorporated with the Gov-
ernment domain, nor shall it be diverted, generally speaking, from its
general predetermined purposes, as long as the latter are at all attain-
able.

If this is not the case, the property must be devoted to cognate or
analogous purposes. However, in this case the consent shall be
required of the persons who have the right of disposition according to
the rules of private law, and, if it is a question of national institu-
tions, the consent of the Estates shall be necessary.

SEC. 44. All matters relating to instruction and education are under
the supreme supervision of the State and shall be regulated by
special laws, which shall at the same time determine the position
of the church toward the school and the participation of the com-
munes in the appointment of public school teachers.

TITLE IV.—*Communes and Counties (Kreise).*

SEC. 45. Town and county communes have the right of free, au-
tonomous administration of their affairs, especially with regard to
the election of their representatives and officials, with the exception
of the chief magistrate of the country, who is to be appointed by the
Prince, and also the administration of their property under the legally
regulated supervision of the State.

Further details in this connection as well as concerning the adminis-
tration of the local police, shall be provided by law.

TITLE V.—*The Diet.*

SEC. 46. A joint Diet for the Principalities of Waldeck and Pyr-
mont exists for the maintenance of the rights guaranteed by the Con-
stitution, particularly of the right to cooperate in legislation (sec. 6)
and of the right to levy taxes (sec. 85 *et seq.*), it serving as a legal
representation of the whole body of citizens and of the whole country.

SEC. 47.¹ It meets in the Principality of Waldeck.

SEC.¹ 48.

¹ Sections 47 (pars. 2 and 3), 48, 84, and 103 were repealed by law of January 30, 1864.

SEC. 49. The Diet consists of 12 deputies from the Principality of Waldeck and 3 deputies from the Principality of Pyrmont, who, according to the provisions of the electoral law, are elected by the local communes arranged in electoral precincts.

SEC. 50. Persons who hold a public office do not require leave from their official superiors in order to become a member of the Diet.

SEC. 51. If a deputy enters the Government service or the court service, or accepts a preferment therein, his mandate expires; nevertheless he retains his seat in the Assembly until the arrival of the newly elected deputy. His reelection is not precluded.

SEC. 52. The Prince convokes and closes the Diet.

He has the right to dissolve the Estates. In this case new elections must be ordered and the new Estates be convened within a period of three months after the dissolution.

SEC. 53. Before the close or immediately after the dissolution of each Diet, the Prince announces to the Diet, in a prorogation to be inserted in the Collection of Laws, his declaration regarding proposed measures not yet acted upon.

SEC. 54. The Prince may adjourn the Estates. However, the adjournment shall not, without their consent, exceed a period of two months or be repeated during the same Diet.

The Diet may also adjourn itself for four weeks.

SEC. 55. The Diet shall be assembled regularly during the month of October of each year, and also at other times whenever circumstances require.

SEC. 56. The opening and closing of the Diet are done by the Prince in person, or by a member of the Government commissioned by him.

SEC. 57. The presence of at least two-thirds of all the deputies shall be necessary in order to open the Diet and to constitute a quorum.

SEC. 58. The Diet shall examine the credentials of its members and decide as to the admission of the latter.

SEC. 59. Upon entering, every deputy takes an oath that he will be loyal to the Prince and that he will conscientiously observe and uphold the Constitution.

This oath shall be administered to the president of the Diet by the Prince or by the member of the Ministry of State commissioned by him for the purpose, and to the other deputies by the president in the Assembly.

SEC. 60. The assembled Estates have the right to adopt their own standing orders, but those points which concern the business relations with the Government are arranged by agreement.

They choose their president and vice-president, as well as their secretaries, which latter do not need to be deputies, and, in case they are not, they shall receive an adequate compensation.

SEC. 61. The sessions are public. The standing orders determine under what conditions executive sessions may be held.

SEC. 62. The deputies vote according to their free convictions, and are not bound to obey orders or instructions.

Resolutions are adopted by an absolute majority (sec. 57) of the members present. In case of a tie in the vote, the motion is considered lost.

SEC. 63. The members of the Government and the officials delegated to represent them have free access to the sessions of the Diet and of the committees, and they must at all times be heard upon request.

SEC. 64. The Diet may require that the Government be represented at its sessions as well as those of the committees.

It is entitled to demand information regarding all affairs of the country, and to appoint committees to clear up facts and prepare the subjects of its debates, which committees may summon experts to their meetings.

It stands in direct business relations, however, only with the Government and, in the case of section 66, with the court called upon to decide the matter.

SEC. 65. The Diet is entitled to recommend the introduction of legislative measures and to address communications, complaints, and petitions to the Prince in any national matters.

SEC. 66. It has a right to impeach the responsible members of the Government for violation of the Constitution in accordance with the provisions of the law. The continuation of such an impeachment shall not be hindered by the dissolution of the Diet or any other change in the Estates.

SEC. 67. The Diet shall receive petitions and bring them up for discussion. Petitions must not be delivered personally to the Diet, nor shall deputations in general be admitted.

SEC. 68. No deputy shall at any time be judicially prosecuted or disciplined or otherwise held to account outside the Assembly for his votes in the Assembly or on account of statements made during the discharge of his official duties, except in the case of acts of lese-majesty or defamatory utterances against the Federal Diet or against private individuals.

SEC. 69. If a deputy is prevented for a length of time from performing his duties or persistently shirks them otherwise, or becomes guilty of misconduct, the Diet may resolve to expel him entirely for the remainder of the term of election.

However, such a resolution requires a majority of three-fourths of the votes of all the members of the Diet.

SEC. 70. The deputies shall receive per diem allowances from the public treasury, not being permitted to refuse them.

TITLE VI.—*The Government (State) Service.*¹

SEC. 71. All Government officials as such are pledged to show special loyalty to the Prince and are responsible to him for the fulfilment of their official duties.

SEC. 72. The law designates the authority who under the Prince is to assume the direction of governmental affairs and who at the same time bears the special responsibility toward the Diet for the exact observance of the Constitution.

SEC. 73. All other Government employees must also conscientiously observe the Constitution and expressly promise to uphold it in their oath of office.

This shall not operate in any wise detrimentally to the principles set forth in section 94, nor to the lawful obedience due to official superiors.

TITLE VII.—*The Judiciary and the Administration of Justice.*

SEC. 74. The judicial power is exercised in the name of the Prince by independent courts, which are not subject to any other authority than the constitutional laws, without prejudice to the lawful subordination which they owe to their official superiors.

Patrimonial courts shall not exist.

SEC. 75. No one shall be deprived of his lawful judge.

Exceptional courts are impermissible.

SEC. 76. No privileged status before the courts shall exist with respect to persons or things.

Exceptions with regard to the Princely House and its comital line, as well as in regard to military jurisdiction, are reserved for special legislation.

SEC. 77. No judge shall, otherwise than by judgment and due course of law, be removed from his office or impaired in rank or salary.

The law shall provide more minutely with regard to suspensions from office, transfers to other posts, or retirements.

SEC. 78. Judicial proceedings shall be public and oral.

Exceptions from publicity shall be determined by law.

SEC. 79. Proceedings in criminal actions shall be instituted by complaint.

Grave criminal cases shall be tried by juries, further details being provided in the law.

SEC. 80. Judicial and administrative functions are separate and independent of each other.

The jurisdiction of the courts and of the administrative authorities is determined by law.

¹ See note to Title 11.

Disputes as to jurisdiction shall be decided by an authority to be designated by the law.

SEC. 81. The exercise of judicial functions by the administrative authorities shall not be permissible.

The police authorities shall not have any criminal jurisdiction.

SEC. 82. Moratoriums in certain cases shall be granted only with the consent of the Diet.

TITLE VIII.—*The Financial Administration.*

SEC. 83.¹ In assessing taxes no preference shall be shown to any particular classes or property in the State or the commune.

The domanial and entail property of the Princely House and its comital line shall not be subject to taxation, as far as it enjoyed exemption from taxation up to the year 1849.

Furthermore, the members of the Princely House, including the comital line, shall remain free from all personal taxes.

All rules regarding the taxation of church and school property, glebe lands, and sextons' property are reserved for legislation.

SEC. 84. [The law of January 30, 1864, section 1, reads: "On January 1, 1864, the union of the financial administrations of the two Principalities provided for in section 84 of the Constitution of August 17, 1852, shall take place." Cf. also note to section 47.]

SEC. 85. The consent of the Diet shall be required for the introduction of new taxes as well as for the change or continuance of existing ones. However, the amount of taxes authorized shall be collected according to the existing tax laws. Furthermore, the funds necessary to operate the Government in a way corresponding to the demands of the Federal obligations and of the Constitution must not be refused.

SEC. 86. A three-year financial period is adopted, before the beginning of which the Government budget shall be drafted, presented to the Estates with the requisite elucidations and corroborative documents, and fixed in whole or in part jointly with them by means of a law.

If, after the expiration of an appropriation period, delay occurs for any reason in bringing the new financial law to a conclusion, the taxes authorized for the ordinary expenses of the State may continue to be collected for six months longer. These six months shall be reckoned in the new financial period.

SEC. 87. Every appropriation shall be applicable only to the purpose for which it is intended. The expenditure must be made only within the limits of the authorization.

¹ Cf. in this connection the authentic interpretation of par. 2 in sec. 83 of the Constitution of May 11, 1854: "The domanial and entail property of the Princely House and its comital line shall not be subject to taxation as far as it enjoyed freedom from taxes up to 1849."

The appropriations must not be made contingent upon conditions which have no immediate connection with the character of the proposed expenditures or with the employment of the appropriated funds.

SEC. 88. The debts of the country are guaranteed, and the rights of all creditors of the State are placed under the special protection of the Constitution.

Without the consent of the Diet, no national debts shall be contracted, whether through loans, the introduction of treasury certificates, or otherwise.

Advances made to extinguish the national debts shall not be considered as new debts.

The consent of the Diet is likewise not required for the issue of new certificates of indebtedness in the place of old bonds, though the certificates of the national savings bank are not to be counted under this head, and it is not required with regard to moneys flowing into the national treasury from trust and bankruptcy funds, fire insurance funds, the fund for widows of Government employees, and the national savings bank.

SEC. 89. If, owing to suddenly occurring events in war time, extraordinary expenditures and consequent loans become necessary, but a hasty convocation of the Diet to appropriate the funds is impossible, the requisite measures may be taken under the responsibility of the central Government. These measures must be submitted to the following Diet for examination and approval.

SEC. 90. For the purpose of meeting transient needs, for which the funds appropriated are sufficient but are not momentarily available, the necessary money may be raised provisionally and pending the removal of the obstacles.

SEC. 91. On the basis of the Government budget an annual account shall be rendered, and this account, after being audited and approved, shall be laid before the Diet in order that it may exercise its constitutional rights.

The results of the account shall be made publicly known.

TITLE IX.—*The Military Establishment.*¹

SEC. 92. The armed forces are established in accordance with the laws of the German Confederation.

SEC. 93. For the sake of preserving internal peace and security, as well as for the enforcement of measures taken by the civil authorities, the armed forces shall be entitled to interfere, but only in the cases specified by law and at the express demand of the proper civil authorities.

Exceptions in this latter regard shall be stipulated by law.

¹ Cf in this connection the Military Convention between Prussia and Waldeck on November 24, 1877.

TITLE X.—*General provisions.*

SEC. 94. Laws and decrees are binding as soon as the sanction of the Estates, if required by this Constitution, is granted and they have been made known in the form prescribed by law.

The test as to the legal validity of duly promulgated laws and decrees belongs to the Diet.

SEC. 95. A resolution of the Estates in regard to the amendment, elucidation, or amplification of the Constitution requires, in order to be valid, to be discussed at two meetings, between which at least three days intervene, and to be adopted each time by a majority of two-thirds of the constitutional number (sec. 49) of the Estates.

SEC. 96. Only in case of war or insurrection may an exceptional condition be introduced, according to the provisions of the law.

SEC. 97. If general Federal laws and resolutions necessitate modifications of this Constitution, they shall be adopted in the constitutional manner.

SEC. 98. If certain laws or provisions of law are contradictory to this Constitution and the contrary is not expressly stipulated, they are repealed.

TITLE XI.—*Transient provisions.*

SEC. 99. The general penal legislation shall be subjected to a revision at an early date. In this revision the penalties of civil death, pillory, branding, corporal punishment, and confiscation of property, as well as apology and compulsory reparation, shall not be reintroduced.

Until then the provisions of section 8 of the Constitution of May 23, 1849, shall remain in force as a special law.

SEC. 100. The drafts for the laws necessary according to section 29 shall, if possible, be submitted to the next, or at all events the following, regular session of the Diet.

Meanwhile, in so far as modern legislation is not sufficient, the common law or national statutory provisions which existed prior to the adoption of the Constitution of May 23, 1849, shall be in force.

SEC. 101. Pending the final institution of the special authority mentioned in section 80 for the decision of conflicts of jurisdiction (in regard to which matter a draft shall likewise, if possible, be laid before the next regular Diet, or at any rate before the one following), a commission shall be appointed by provisional decree, consisting of an equal number of justice and administrative officials; this commission shall, with judicial independence, base its decision solely upon the existing laws.

The president of the Government and of the Supreme Court shall be *ex officio* members of this commission; the remaining members shall be appointed for the period of the provisional arrangement.

SEC. 102. Until another appropriate regulation of the church and school affairs has taken place, they shall be governed by the existing church constitutions and school laws.

SEC. 103. [Sec. 103 repealed; cf. note to sec. 47.]

The Constitution of May 23, 1849, is hereby put out of force.

Given at Arolsen, August 17, 1852.

GEORG VICTOR.

WINTERBERG.

L. KLAPP.

C. BAUER.

PROCLAMATION REGARDING THE TREATY CONCLUDED ON MARCH 2, 1887, BETWEEN PRUSSIA AND WALDECK-PYRMONT FOR THE CONTINUED ADMINISTRATION OF THE PRINCIPALITIES OF WALDECK AND PYRMONT BY PRUSSIA.

The following treaty of March 2 of this year, ratified by His Majesty the King of Prussia, and His Serene Highness the Prince of Waldeck and Pyrmont, and relating to the continued administration of the Principalities of Waldeck and Pyrmont by Prussia, having received the sanction of the national representatives of both parties as provided in article 11, is hereby published together with the final protocol of the same date.

Arolsen, June 11, 1887.

VON SALDERN,
Governmental Director.

His Majesty the German Emperor, King of Prussia, and His Serene Highness the Prince of Waldeck and Pyrmont, being prompted by the desire to procure for the Principalities of Waldeck and Pyrmont, in future as hitherto, an alleviation of the burdens imposed upon them by their membership in the German Empire, have resolved to conclude for this purpose a new treaty in lieu of the treaty of November 24, 1877, which expires December 31, 1887, and accordingly have empowered:

His Majesty the German Emperor, King of Prussia, Privy Financial Counselor Paul Lehnert, and Counselor of Legation Walter Baron von Wangenheim; His Serene Highness the Prince of Waldeck and Pyrmont, Johannes von Saldern, Governmental Director of the Principalities, and Cabinet Counselor Ferdinand Baron von Wintzingerode, who, after exchanging their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. Prussia shall continue to conduct the internal administration of the principalities of Waldeck and Pyrmont as undertaken by her.

The administration which belongs to the Princely Consistory in its capacity as supreme ecclesiastical authority is excepted and therefore reserved to His Serene Highness the Prince.

ART. 2. The administration shall be conducted in the name of His Serene Highness the Prince in conformity with the Constitution and the laws of the Principalities.

ART: 3. Prussia shall receive all the national revenues of the Principalities and pay all the national expenses with the exception of

those for the Consistory in its capacity as supreme ecclesiastical authority. These latter expenses shall be defrayed for the duration of the treaty by His Serene Highness the Prince.

ART. 4. His Majesty the King of Prussia shall exercise the full governmental authority with respect to the internal administration of the Principalities, as this authority belongs to His Serene Highness the Prince according to the Constitution. However, the latter shall preserve the right of pardon within the limits prescribed by the Constitution and the laws, as well as the right of sanction of constitutional amendments and laws, in so far as they do not affect the organization of the judiciary and the administrative authorities (article 6).

ART. 5. At the head of the administration of the Principalities shall stand a Governmental Director to be appointed by His Majesty the King, and who shall assume the responsibility constitutionally devolving upon the Government of the land.

ART. 6. Prussia shall be entitled to reorganize the judicial and administrative authorities at her own discretion. The powers of the authorities of high rank may be transferred to Prussian authorities.

ART. 7. All the Government officials shall be appointed by Prussia and take their oath of office before His Majesty the King. All of them, including the Governmental Director, must conscientiously observe the Constitution of the Principalities and expressly pledge themselves to live up to it strictly.

The oath of office of the Governmental Director shall embody a pledge of loyalty and obedience to His Serene Highness the Prince with respect to the rights reserved to the latter in articles 4 and 8 of this treaty.

The taking over of a Waldeck official into the Prussian Government service or of a Prussian official into the Waldeck Government service shall be considered as a transfer within the State into whose service the official is taken over.

In determining seniority in service and in calculating length of service of officials, the claims which they have already acquired in this regard in the other State shall be taken fully into account.

ART. 8. His Serene Highness the Prince shall exercise the right which he retains of representing the State in foreign affairs, doing so through the Governmental Director and under the responsibility of the latter.

The expenses incurred shall, as hitherto, be defrayed from the national treasury.

ART. 9. The administration of the domanial property designated in the recess of July 16, 1853, etc., belongs to His Serene Highness the Prince. The governmental offices shall not be utilized for this administration.

The revenues from domanial property shall go to His Serene Highness the Prince.

The royal domain shall not contribute pecuniarily to the expenses of the country; neither shall any advance be made from the national funds toward the maintenance of His Serene Highness the Prince or the Princely House, or for repairs or reconstruction of princely castles, or for the Consistory, as the supreme ecclesiastical authority.

The rights belonging to the Estates of the Principalities with respect to the domanial property according to the recess shall not be affected by the present agreement.

His Serene Highness the Prince waives the right to any advances which he would be entitled to demand from the national funds for himself and his household or for building castles, etc., during the period from January 1, 1878, to December 31, 1887, according to the treaty of November 24, 1877. On the other hand renunciation is made of all pecuniary contributions which might be claimed for national expenses on the basis of the above-mentioned treaty for the said period from the domanial revenues. Accordingly there remain no claims from the aforementioned period which may still be asserted by one party against the other on the basis of the treaty of November 24, 1877.

ART. 10. The present agreement shall take effect from January 1, 1888, and shall remain in force until terminated by His Majesty the Emperor and King or His Serene Highness the Prince. The notice of termination must be given at least two years before the intended abrogation of the treaty, which shall in no event take place before January 1, 1898.

ART. 11. The present agreement shall be ratified and the ratifications exchanged as soon as possible in Berlin after the sanction of the national representative bodies of both parties has been given.

In witness whereof the plenipotentiaries have signed and sealed this treaty.

Berlin, March 2, 1887.

[L. s.] (Signed) PAUL LEHNERT.

[L. s.] (Signed) WALTER BARON VON WANGENHEIM.

[L. s.] (Signed) JOHANNES VON SALDERN.

[L. s.] (Signed) FERDINAND BARON VON WINTZINGERODE.

FINAL PROTOCOL.

Berlin, *March 2, 1887.*

Upon signing the treaty regarding continuation of the administration of the Principalities of Waldeck and Pymont by Prussia, the undersigned plenipotentiaries have embodied the following additional remarks, explanations, and stipulations in the present protocol:

1. All obligations lawfully assumed by the Government treasury of Waldeck-Pyrmont shall be fulfilled by Prussia during the continuance of the treaty.

2. His Serene Highness the Prince shall not use the right of sanction of the laws as reserved to him in article 4 of the main treaty in such a way as to hinder the Prussian administration.

The person who is to be appointed as Governmental Director shall, before appointment, be made known to His Serene Highness the Prince. If his appointment is objected to, two other persons shall be nominated, between whom His Serene Highness the Prince shall make a choice within one month.

3. The Waldeck Government employees may, if they desire, be taken into the Prussian Government service in accordance with the regulations governing in Prussia in regard to the qualifications for filling the offices concerned.

It shall be the duty of officials thus transferred to the Prussian service to maintain their status toward the Waldeck Government employees' widows' fund on the basis of the salary at which they are transferred.

The Waldeck Government employees' widows' fund shall continue to exist and shall continue to be administered in accordance with the existing regulations.

Newly appointed court officials, domanial employees, clergymen, and teachers shall also continue to be entitled to participate in the Government employees' widows' fund according to the existing regulations.

The payment of interest on the capital invested in establishing the fund shall, as far as it is to come from the Waldeck State treasury, be made during the continuance of the treaty by Prussia.

4. The Governmental Director shall have his official headquarters at Arolsen. The State high school (*Gymnasium*) and the technical school connected therewith shall be kept up. Prussia shall, as heretofore, attend to the maintenance and promotion of the horse-breeding service.

5. His Serene Highness the Prince obligates himself to allow the buildings and lands belonging to the domanial property and now used for Government purposes to continue to be employed in that behalf.

The obligations resting upon the domanial property, as mentioned in the separate protocol to section 10 of the recess of July 16, 1853, under III (c), with respect to pike and bridge construction and county roads, continue to exist.

The provisions of section 5 of the law of January 30, 1864, regarding the annual expenditure of 12,000 marks on the Pyrmont healing and bath institutions, shall not be affected by the present agreement.

The power of the domanial administration forcibly to collect the domanial revenues continues intact.

The archives and the Government library shall, as heretofore, be used and administered in common by the domanial and the Government administrations.

6. The Government administration shall, as hitherto, afford the Princely Consistory the necessary assistance in carrying out its plans.

7. All goods and chattels formerly belonging to Waldeck and transferred to Prussia by the agreement of July 18, 1867, shall remain the property of Prussia. No compensation shall be given for their value.

8. In case the present treaty should not be renewed upon its expiration the following rules shall be in force:

(a) The judicial and administrative officials in the Principalities shall be free to decide whether they wish to remain in the Government service of Waldeck or whether, with the consent of Prussia, they wish to enter the Prussian Government service.

Those officials who desire to enter the Prussian Government service shall nevertheless, if such be the wish of His Serene Highness the Prince, be obliged to remain in the Waldeck Government service for two years in consideration of continuing to receive their allotted salary.

(b) The goods and chattels transferred to Prussian ownership on the basis of No. 8 of the final protocol of July 18, 1867, shall be transferred so as to become the property of the Waldeck administration, being appraised according to their value in the same manner as provided under No. 8 of said final protocol. If it is found that the value of the goods and chattels exceeds the value of the things ceded to Prussia according to the former evaluation thereof, which must remain the standard, the difference shall be paid to Prussia, and in the contrary event any diminution in value shall be made good by Prussia to Waldeck.

The present protocol, to be laid before the high contracting parties, shall be considered as being jointly ratified through the ratification of the main treaty.

[L. s.]	(Signed)	PAUL LEHNERT.
[L. s.]	(Signed)	WALTER BARON VON WANGENHEIM.
[L. s.]	(Signed)	JOHANNES VON SALDERN.
[L. s.]	(Signed)	FERDINAND BARON VON WINTZINGERODE.

WÜRTTEMBERG.

CONSTITUTION OF SEPTEMBER 25, 1819.¹

[PREAMBLE.]

We, Wilhelm, by the grace of God, King of Württemberg, do announce in behalf of us and our successors in the Government:

Our Father's Majesty and Grace, resting in God, considered seriously as early as in the year 1815 the institution of a State fundamental Constitution for the entire Kingdom of Württemberg, and to that end he entered into negotiations with the princes, counts, noblemen, clergymen of both main denominations, and delegates chosen from cities and governmental districts representing ranks and classes in the Provincial Assembly. These deliberations were continued under our Government until the year 1817.

Although the desired object could not be accomplished at that time, we kept this matter firmly in mind ever since and have called a new Provincial Assembly of the Estates for July 13 of the present year to our residential seat at Ludwigsburg, in order to perform our obligations as member of the German Confederation, laid down in article 13 of the Federal Act, and to comply with the wishes of our loyal subjects in regard to establishing a public order of law, our own convictions being in accord with this step.

After due consideration of the draft for the Constitution, embodying all lawful rights and obligations of our old main land and the new provinces added thereto and drawn up in accordance with present conditions, an agreement has been reached in consequence of the deliberations of the commissions, appointed by us, together with the Privy Council and the Provincial Assembly. The wishes of the ranks and classes were duly and carefully considered after being placed before us; our findings and conclusions were assented to in a counter-statement made by the representatives of our faithful subjects, and the following articles were agreed upon:

FIRST CHAPTER.—*The Kingdom.*

ARTICLE 1. All constituent parts of the Kingdom remain united as an inseparable entity, and all take part jointly in the Constitution.

ART. 2. Should the Kingdom in the course of time by purchase, exchange, or other means acquire new territory, this shall also come jointly under the Constitution.

¹ Translation by George C. Zeydel based on the text as found in Stoerk-Rauchhaupt, p. 501-531.

As an addition to the realm is considered every new territory not acquired by the King solely for his own person, but by the use of the State powers and efforts, or acquired under the special condition that it hereafter should form a part of the Kingdom.

Should the surrender of a part of the country by unavoidable circumstances be deemed necessary, the residents therein should be given ample time to settle with their belongings in another part of the Kingdom, without being compelled to dispose of their property hastily or being subjected to pay a tax on the property to be transferred.

ART. 3. The Kingdom of Württemberg is a part of the German Confederation; therefore all organic resolutions of the Federal Assembly, concerning the constitutional conditions of Germany or the general conditions of German citizens are legally binding for Württemberg after they have been announced by the King. In view of the financial obligations incurred thereby, the Provincial Assembly has according to the Constitution to pass upon such matters.

SECOND CHAPTER.—*The King, the succession, and the administration of the realm.*

ART. 4. The King is the head of the State, unites in his hands all the rights of State power, and executes them under the provisions laid down in the Constitution.

His person is sacred and inviolable.

ART. 5. The King belongs to one of the Christian confessions.

ART. 6. The seat of Government can under no circumstances be transferred to a place outside of the Kingdom.

ART. 7. The right of succession belongs to the male descendency of the Royal House, and the same is fixed by the lineal order under the rules of primogeniture. In case of the extinction of the male descendency the succession goes to the female line, irrespective of the sex, in such a way that the relationship nearest to the late King and, in case of equal relationship, the oldest as to natural age, should have preference. In the succession of the new ruling House the male descendency shall have preference again.

ART. 8. The eligibility to the succession to the throne depends on the legitimate birth from a mother of equal rank, the marriage being approved by the King.

ART. 9. The majority of the King is pronounced when he attains the 18th year of age.

ART. 10. The oath of allegiance to the successor to the throne will not be taken until he assures in a document presented to the Provincial Assembly by His Royal word his strict adherence to the Constitution of the land.

ART. 11. In case the King is a minor, or for some other reason unable to perform the functions of Government, an administration of the realm will be provided.

ART. 12. In both cases the administration will be conducted by the agnate nearest to the succession. If no competent agnate should exist, the regency goes to the mother and after her to the grandmother of the paternal side.

ART. 13.¹ Should it appear that the successor to the throne or the heir apparent is mentally or physically incapacitated to rule and unable to conduct the Government, a special State law should be passed under the ruling King to provide for the future administration of the realm.

In case the King during his reign or the successor assuming the throne becomes or should be incapacitated to rule and provision for this event has been made, the Ministry shall within a year and not later call a meeting of all princes of the Royal House of legal age and not being under legal paternal custody, with the exception of the agnate entitled to assume the regency, and these princes shall with a majority vote and subject to the consent of the Provincial Assembly enact rules regarding the regency.

ART. 14. The administrator of the realm must similarly to the King affirm solemnly before the Provincial Assembly that he will abide by the Constitution.

ART. 15.¹ The State Administrator exercises the State functions to the same extent as the King in behalf of the King, subject to the Constitution; and therefore the State Ministry has the same relations to the administrator as a ruling King.

The Administrator of the realm can, however, grant no distinction of higher rank; he cannot endow any new order of knighthood or create any new positions to the Royal Court. Every amendment or annulment of an article of the Constitution prevails only during the regency and becomes null and void when the regency expires. Estates of feudal tenure returned to the realm cannot be bestowed again during the regency.

ART. 16.¹ In case no provision has been made by the King and consequently no announcement has been issued by the Ministry, the education of the minor King is entrusted to the mother, and in case he is not alive, to the grandmother of the paternal side. The appointment of the educators and teachers of the minor can, however, only be made after consultation with the council of guardians consisting of the members of the State Ministry under the chairmanship

¹By article 13, sec. 2, article 15, sec. 1 and article 16 of law of July 15, 1911, the Advisory Council was supplanted by the State Ministry and an alteration of the wording in article 15, sec. 2, was made.

of the administrator of the realm. The latter is entitled to a vote, and in case of a tie he has the deciding vote. If any differences of opinion should arise, the decision of the council of guardians prevails, and this body solely takes care of the education of the minor King in case of the death of both mother and grandmother.

ART. 17. The administration of the realm ceases as soon as the King attains the legal age and all obstacles to his own rulership have been removed.

ART. 18. The relations of the members of the Royal House toward the King as head of the family and among themselves are defined in a separate House Law.¹

THIRD CHAPTER.—*General legal status of the State citizens.*

ART. 19. The State rights of citizenship are acquired by birth, when the father of children of legitimate birth has these rights, or, for those of illegitimate birth, in case the mother possesses these rights; furthermore by admission to citizenship. In the latter case it is presumed that the applicant has received the assurance from some commune that he will be admitted to the rights of a townsman. By employment in the State service the citizenship is also granted, but only for the term of office.

ART. 20. The oath of allegiance must be taken by every native of Württemberg when he attains the age of 16 and must be administered to all others at the time of admission to citizenship.

ART. 21. All citizens of Württemberg enjoy equal civic rights and are bound to share equal civic duties and State burdens, in so far as the Constitution does not contain any exceptions. They have also to manifest equal obedience in accordance with the Constitution.

ART. 22. No citizen can be barred from a State position on account of his birth.

ART. 23. The obligations in regard to the defense of the Fatherland and the military service are general. In the latter respect no exceptions are made outside of those laid down in the Federal Act and the existing laws.²

In regard to the right to carry arms a law will contain detailed provisions.

ART. 24. The State assures every citizen of freedom of the person, freedom of conscience and thought, freedom as to property and emigration.

ART. 25. Serfdom has forever been abolished.

¹ Executed by the Royal House Law of June 8, 1828. Cf. H. Schulze, *Hausgesetze* p. 512 ff.

² The Federal Act is supplanted by the Military Agreement of 21/25 November, 1870; Imperial Military Law of May 2, 1874.

ART. 26. Nobody shall be deprived of justice, and arrests shall only be made and punishment meted out in cases defined by law and in legal form. Nobody shall longer than a period of twenty-four hours after arrest be kept in ignorance as to the nature of the charge against him.

ART. 27.¹ Every person, irrespective of difference of religion, enjoys in the Kingdom undisturbed freedom of conscience.

The civic rights are separate from the religious faith.

ART. 28. The freedom of the press and the sale of books are assured to full extent, but subject to the laws dealing with the abuse of these privileges.

ART. 29. Everybody has the right to choose his station in life and his trade according to his desire and to acquire the necessary education or training in domestic or foreign countries. He may study for that purpose at foreign educational institutions, in accordance with the legal provisions.

ART. 30.² Nobody can be compelled to surrender his property or rights for State or corporation purposes before a decision as to the necessity of such seizure is rendered in regular proceeding by the proper authorities and full indemnity has been paid. If a dispute arises about the amount of the indemnity, and in case the owner is not satisfied with the decision of the administrating authorities, the matter must be disposed of in due process of law. The allowed sum, however, must be paid forthwith to the owner.

The church congregations have the same legal standing regarding condemnation proceedings as the civic corporations.

ART. 31. Exclusive privileges for commerce and trade can only be granted by a law or some existing legal provision covering the case, with the consent of the Provincial Assembly.

The Government has discretionary power to award for useful inventions patents entitling to the exclusive use of same for a period of ten years.

ART. 32. Every citizen is at liberty to emigrate from the Kingdom without paying any tax, as soon as he gives notice of his intention, has paid all his debts, met his obligations, and gives assurances that he shall not bear arms against the King and Fatherland for a year, and respond to all claims made against him in the Kingdom for the same length of time.

ART. 33. By leaving the country the emigrant loses the civic rights for his own person and the children departing with him.

The property of those children who do not emigrate with their parents will be kept in the country.

¹ Article 27, section 2, newly drawn up by the law of December 31, 1861.

² Article 30 newly framed by law of December 20, 1888.

ART. 34. Whoever joins the service of a foreign state without official consent loses his citizen rights.

ART. 35. He who takes up a permanent residence in a foreign state can maintain his citizen rights in Württemberg only with Royal consent and when assurance is given that he will fulfil all his duties as citizen in every respect.

ART. 36. Everybody has the right to make complaint in writing about an unlawful or improper procedure of State officials or a delay of a decision to a superior bureau, and, if necessary, follow up the matter to the higher authorities successively.

ART. 37. In case the superior department considers the complaint unfounded, it is its duty to inform the complainant as to the reasons for its findings.

ART. 38.¹ If the complainant is not satisfied with the adverse decision of the highest State authorities, he has the right to present his case to the Provincial Assembly. This body may apply to the State Ministry for full information, after it has been proven that the complainant took the proper proceedings, in case the Provincial Assembly thinks the complaint has merits and deserves consideration.

ART. 39. The knightly nobility of the Kingdom forms in the four districts of the realm a corporation for the purpose of choosing delegates to the Provincial Assembly and for the furtherance of the welfare of its families.

ART. 40. The admission to any of these corporations depends on its consent and the approval of the King. In regard to the admission of knighted owners of registered estates provisions are made by the statutes of the said corporations.

ART. 41. Said statutes acquire legal force in the same manner as the laws of the country.²

ART. 42. The members of the knighthood are entitled to all rights of State citizenship.

The particular provisions in reference to the exercise of the rights conceded to the knighthood in article 14 of the Federal Act will be communicated to the Provincial Assembly.

FOURTH CHAPTER.—*The State authorities.*

ART. 43. The servants of the State will be appointed by the King with the exceptions made by the Constitution or granted by special rights. Appointments—the heads of departments excepted—are to be made according to the suggestions of the superior officials. but the full list of the applicants has to be submitted in every case.

¹ The jurisdiction of the Privy Council in the cases defined in articles 38, 126, and 160, secs. 2 and 4 of the Constitution, has been transferred to the State Ministry. Law of July 1, 1876, article 8. Compare note to article 56.

² The corporations of knighthood proposed by articles 39–41 have not been created.

ART. 44. Nobody can receive a State position before he has been duly examined and has shown his fitness. Natives shall have preference before foreigners in case of equal efficiency.

ART. 45. The official oath which must be taken by every State employee should contain the pledge to obey the Constitution conscientiously.

ART. 46. No servant of the State holding a position as a judge, can be removed from office for any reason without the decision of a judge, nor can he be dismissed or transferred to a minor position.

ARTS. 47 and 48.¹

ART. 49.²

ART. 50. As for State employees incapacitated by sickness or age and unable to fill their positions any longer, provision has been made as to their support and that of their family.

ART. 51. All orders given by the King and concerning the State administration must be countersigned by the respective official or head of the department, and this official is responsible for their contents.

ART. 52. Furthermore every official of the Ministry or head of a department is responsible for any disposition made by him and the conduct of the affairs of his department.

ART. 53. In the same manner (article 52) the other servants of the State and authorities are responsible for the discharge of their duties in their respective bureaus. They have to respect and to abide by the orders given them by their proper superiors.

Whenever they are in doubt as to whether an official giving them orders has the authority to do so, they must inquire of their superiors as to the propriety of such order. In case they have doubt in regard to the wisdom of an order given by their superior, they may in proper form call the attention of the superiors to the alleged defects of the order, but must carry it out in case the superiors insist thereon.

ARTS. 54 and 55.³

ART. 56.⁴ The administrative departments presided over by the various officials of the Ministry are the following:

The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of the Churches and Schools, the Ministry of War, and the Ministry of Finance.

Arts. 57-59,⁵ Art. 60,⁵ and Art. 61.³

¹ Articles 47 and 48 revoked by law of July 15, 1911.

² Revoked by law of June 28, 1876, article 19.

³ Articles 54, 55, 57-59, 61 and the headings *sub A* and *B* have been revoked by law of July 15, 1911.

⁴ Articles 38, 54, 56, 58, 59, 126, 160, secs. 2 and 4, and article 172, sec. 2, have been amended in accordance with the provisions of the Constitutional Law, concerning the creation of the State Ministry of July 1, 1876.

⁵ Article 60, nos. 1 and 2, annulled by law of December 16, 1876, no. 3 by law of December 20, 1888.

FIFTH CHAPTER.—*Communes and other public corporations.*

ART. 62. The communes and other civic corporations are the foundation of the State organization. Every citizen must therefore belong to a city or commune either as citizen or assessor.

ART. 63. The admission of citizens and assessors rests with the town authorities but is subject to the decision rendered by the State departments in disputed cases. The granting of the town rights should be preceded by acquiring the State rights of citizenship.

ART. 64. All communes belonging to a governmental district form such a district. The reorganization of these districts is subject to legislation.

ART. 65. The rights of the town corporations are exercised by the local councillors with the cooperation of citizen committees, the functions of the district by meeting of the various representatives under the provisions of the law and the supervision of the State authorities.

ART. 66. No Government department has the right to dispose of property of the towns or district corporations without consulting the local supervisors.

ART. 67. Neither the district corporations nor the various communes shall be burdened with any obligation to which they are not pledged by provisions of the law, or in accordance with privileges or the stock-books.

ART. 68. Whatever can not be used for local needs but to fulfill general obligations must be apportioned over the whole country and spent accordingly.

ART. 69. All the chairmen of communes and district corporations are pledged just as State employees to abide by the Constitution and to maintain the rights of the communes and district corporations as laid down in the Constitution.

SIXTH CHAPTER.—*Relations of the churches to the State.*

ART. 70. To each of the three Christian denominations existing in the Kingdom have been guaranteed free public divine services and the full enjoyment of the church, school, and pauper funds.

ART. 71. All regulations in regard to internal church affairs are left to the autonomy of the Church, assured in the Constitution.

ART. 72.¹ To the King belongs the sovereign right of protection and supervision of the churches.

Regulations and circular announcements sent by the Archbishop and the Bishop, as well as other ecclesiastical authorities, to the clergy must be approved by the State if the clergy by these orders should

¹ Paragraphs 2 and 3 were added by law of January 30, 1862.

be pledged to something outside of their religious activities, or if matters are brought up in them affecting State or civic affairs. Announcements of purely church affairs must be forwarded to the authorities for inspection only.

The same provision prevails in regard to resolutions passed by the dioceses and provincial synods, as well as to papal decrees, breves, and other orders, which can only be announced by the Bishop.

ART. 73. The servants of the Church are, in view of their civic relations and activities, subject to the temporal authorities.

ART. 74. Employees of churches and schools who by the infirmities of age or longer sickness without hope of recovery are incapacitated to perform their duties can claim an adequate pension for life.

ART. 75. The church management of the Evangelical-Lutheran Church will be conducted by the Royal Consistory and the synods according to the existing laws and the laws enacted in the future.

ART. 76. Should the King in the future adhere to another denomination than the Evangelical, his episcopal rights must be modified in accordance with the change.

ART. 77. The separate management of the Evangelical Church property of the former Duchy of Württemberg shall be reestablished. To that end a joint commission will be immediately appointed to undertake a division of the funds and property of the Church in the old and new provinces and to make suggestions for the future management of the church property of the two sections.

ART. 78. The administration of the internal affairs of the Catholic Church rests with the Bishop of the country and the chapter of the cathedral. The Bishop will in cooperation with the chapter exercise all those rights which are vested in him according with the rules and order of the Catholic Church.

ART. 79. The powers which the State exercises over the Catholic Church are entrusted by the King to a board consisting of Catholics who shall make suggestions for the filling of ecclesiastical positions which are under the King's supervision.

ART. 80. The servants of Catholic churches enjoy the same personal privileges as the servants of the Protestant churches.

ART. 81. It shall also be provided that Catholic clergymen who for some minor reason have been dismissed from service in a parish but without being barred from the priesthood should be taken care of.

ART. 82. The Catholic Church receives money from time to time for the providing of religious need, for which none or only insufficient funds exist, and from the receipts of a special church fund shall be defrayed the expenses of the higher institutions of learning. In order to separate this fund from the State property and to devise the mode of management, a commission will be appointed as

above described (article 77) in regard to the older Württemberg church property.

ART. 83. As far as it concerns the reformed congregations existing in the Kingdom, the improvement of their church property and their educational institutions will be taken care of, and means shall be provided for the maintenance and the support of the employees and the other needs.

ART. 84. For the maintenance and the betterment of the higher and lower educational institutions of every kind and especially the University of the land ample means shall be supplied.

SEVENTH CHAPTER.—*The exercise of the State authority.*

ART. 85. The King represents the State in all its relations toward other States. Without the consent of the Provincial Diet no treaty can, however, be consummated with a foreign power as to the surrender of any State territory, no new financial burdens be taken over, no law of the land be altered or annulled, and no obligations interfering with the rights of citizens be incurred without its consent. Likewise no commercial treaty affecting the present laws and no subsidy treaty for the use of Royal troops in a war not concerning Germany can be entered upon.

ART. 86. The King shall notify the Provincial Diet of any pact and alliances concluded with foreign powers, as soon as circumstances permit it.

ART. 87. All subsidies and war contributions, as well as indemnities received or other acquisitions taken over by the King in consequence of any State treaty, alliance, or a war are the property of the State.

ART. 88. Without the consent of the Provincial Diet no law can be enacted, altered, or authentically defined.

ART. 89. The King has, however, the right to issue orders and make preparations for the execution of laws and to provide for necessary action in urgent cases concerning the safety of the State.

ART. 90. These provisions (articles 88, 89) apply also to all laws and ordinances to be carried out by the police authorities.

ART. 91. All laws and ordinances which conflict with a provision of the present Constitution are hereby revoked. The others are subject to a constitutional revision.

ART. 92. The administration of justice is to be carried out in behalf of the King and under his supreme supervision by duly organized courts of lower and higher order.

ART. 93. The courts, the civil as well as the criminal, are independent within the bounds of their jurisdiction.

ART. 94. The Royal Government will in all legal disputes and trials abide by the decision of the court.

ART. 95. The way to justice can not be barred to any citizen who is aggrieved by any act of State authorities by which his private rights are affected.

ART. 96. The decisions of the criminal courts do not require the confirmation of the ruler to go into force.

ART. 97. The King, however, has the power, under the right of pardon, to set aside a sentence or commute it after he has received from the court the papers in the case. The criminal courts have, therefore, the obligation in grave cases to submit the papers through the Ministry of Justice to the King before they pronounce sentence, in order to enable him to pardon the defendant. The convicted person has furthermore the right to appeal to the King for a pardon after the sentence has been pronounced.

If there are, according to the opinion of the Ministry of Justice in a criminal case, sufficient reasons to drop it, the King can by means of the right of abolition vested in him order to suspend the proceeding even before the case has been investigated or a conviction has been secured.

The King in exercising these rights will take good care that the respect for the criminal law and its efficiency shall not be impaired.

ART. 98. The punishment regarding the confiscation of an estate has been generally annulled.

ART. 99. As far as the military regulations are concerned, the number of men annually required to make up the quota of the Royal army shall be agreed upon with the Provincial Diet.

ART. 100. By legislation and revision of laws the order of selection and further particulars in regard to measures of defense, the obligations of citizens to receive training outside of military service, the civic relations of the men serving in the army, the military penal laws, as well as the defining of circumstances under which in exceptional cases the Royal military force can be quartered in the homes of citizens shall be provided for.

ART. 101. For the support of military persons who, serving the Fatherland, have made sacrifices in having their health impaired, provision is made by law.

EIGHTH CHAPTER.—*Finances.*

ART. 102. All property, income, and valuable rights, which belonged to the former entail of the ducal family of Württemberg, as well as those parcels of land and rights newly acquired by the King, with the exception of the court domanial estate, form the Royal domain.

ART. 103. From this domain there are to be defrayed the expenses for the personal needs of the King as head of the State and of the

members of the Royal House, as well as the cost of representation, as far as possible. The domain in this respect is inseparable from the Kingdom.

ART. 104. For the further funds required to cover the needs of the King and the household a civil list is provided for the reign of each King, and the revenues of this list, consisting in money and natural products, will be handed over to the bureau designated by the King in regular intervals.

ART. 105. The emoluments, widows' pensions, dowries, and other contributions of similar nature that can be claimed by members of the Royal family, will be paid to them directly from the State treasury.

ART. 106. The expenses of the household of the State Administrator shall be defrayed from the civil list and his princely emoluments will be increased to the amount allowed to a crown prince.

ART. 107.¹ The domain is to be kept intact and can not be diminished by sale or burdened with debts or liens.

It is not considered a diminishing of the domain if a loan is secured for the sake of acquiring valuable additional property, or a sale or exchange of property seems to be of advantage. An accounting of such transactions must be made, however, every year to the Provincial Diet (and a detailed report as to them).

It is not considered a sale if the King awards an estate of feudal tenure, which has been surrendered to him, to another party in recognition of valuable services rendered to the State.

ART. 108. The aforesaid domanial estate of the Court (article 102) is the private property of the Royal family, and its management and use belongs to the King. The estate as such shall not be diminished, but, as far as loans or other transactions are concerned, the principles laid down in the previous paragraphs apply to this property. In regard to the general tax burdens of the State, the court domanial estate, as far as it has been heretofore exempt from taxation, assumes proportionally its share, as other estates of similar character.

ART. 109. As far as the income from the domain is not sufficient, the needs of the State are to be covered by taxation. Without the consent of the Provincial Diet no direct or indirect tax can be enacted or collected either in war or peace times.

ART. 110. The request for the enactment of a new tax measure must be preceded by a detailed statement in regard to the necessity and usefulness of the proposed new expenditure, about the expending of the previous State receipts, and about the inadequacy of the proceeds of the domains to cover the new needs.

ART. 111. To that end the Minister of Finance must submit to the Provincial Diet the main budget for examination. The various ministers must explain the expenditures for their departments.

¹ Article 107, sec. 3, has become ineffective by law of October 8, 1874, concerning the abolition of feudal privileges.

ART. 112. The main budget is approved by the Provincial Diet as a rule for a term of three years.

ART. 113. No conditions shall be attached to the appropriations which do not concern the purpose for which the moneys are to be spent.

ART. 114. The annual taxes authorized for a certain period of time will be collected also after the expiration of that term for a third of the year, but this will be considered in the making of the new appropriations.

ART. 115. Taxes are apportioned among the corporations and distributed by these among the separate communes and estate-holders who belong to no commune. The estate-holders pay their quota directly to the collectors.

ART. 116. The tax collectors and the supervising officials shall hand parts of the receipts over to the State treasury and the other part to the sinking fund bureau according to the provisions embodied in the original appropriation. The tax receivers are responsible for the proper disposition of the moneys collected by them, and they have no right to hand the money over to any other authority than the one prescribed by law.

ART. 117. The superior administration for the collection of taxes is entrusted to a central body. This has charge of the indirect taxes and the collection, the repartition of the direct taxes and their collection, granting of reduction of taxes in accordance with the principles governing such cases, and it shall report to the Ministry of Finance as to repartitions and its work in general.

ART. 118. The Ministry of Finance has to report to the Provincial Assembly on the tax repartition and shall present monthly statements in regard to the tax receipts and taxes not paid.

ART. 119. The State debts, those incurred by the new provinces included, are guaranteed by the Provincial Diet.

ART. 120. The bureau for the redemption of debts or sinking fund is managed by officials appointed by the Provincial Diet and confirmed by the Government, in accordance with the principles laid down for that purpose.

ART. 121. Monthly financial reports have to be submitted to the executive committee of the Provincial Diet, and a copy of this is to be forwarded to the Ministry of Finance.

ART. 122. The Government is by virtue of its supreme supervising authority at liberty to examine this bureau and its treasury at any time.

ART. 123. The annual account shall be examined by a Royal and by a Provincial Commission, and the result is to be published in printing.

NINTH CHAPTER.—*The Provincial Diet.*¹

ART. 124. The Provincial Diet has the duty to maintain the rights of the country in its relations to the regent within the provisions of the Constitution. By virtue of this duty it must take part in legislation by giving its consent thereto, in regard to deficiencies or abuses shown in the State administration; it may present these to the King as well as complaints in regard to unconstitutional acts. It has to enact new taxes and appropriations after careful consideration and in general further the welfare of the King, which is inseparable from that of the country, under strict adherence to the principles of the Constitution.

ART. 125. Matters that according to their nature (article 124) belong before the Provincial Diet shall in no case be submitted from the King, the Government, the Provincial Diet or its executive committee to a single class represented in the Assembly, nor shall statements in regard to such matters be asked for from Assembly members, municipal or provincial bureaus.

ART. 126.² The State Ministry is the department through which the King conveys his announcements to the Provincial Diet and by means of which the Provincial Diet must communicate its wishes, statements, and petitions to the King.

The State Ministry must present the same to the King unless it has objections to make, which will be aired before the Provincial Diet.

The resolutions of the Provincial Diet are to be accompanied by the reports and opinions as to their constitutionality.

ART. 127. The King shall call the Provincial Diet every three years and special sessions as often as it is deemed necessary for the settlement of State affairs.

At every change of rulership the Provincial Diet shall be called within the first four weeks.

ART. 128. The Provincial Diet consists of two branches.

ART. 129.³ The First Chamber consists of:

¹ By an amendment of July 1, 1849, voted down after the Diet had been dissolved three times, it was intended to return to the unicameral system.

² Compare note to article 38.

³ Articles 129 and 130 newly framed by law of July 16, 1906, concerning alterations of the Ninth Chapter of the Constitution, articles 1 and 2; article 131 revoked; article 132 newly framed; and article 132 *a* and *b* inserted by article 3; article 133 newly framed, and article 133 *a* inserted by articles 4 and 5; article 134, sec. 2, and article 135 newly framed by articles 6 and 7; articles 136 and 137 revoked by article 8; articles 142 and 143 newly framed by articles 9 and 10; article 144 newly framed, and article 144 *a* inserted by article 11; article 145 revoked by article 12; articles 146 and 147 newly framed by articles 13 and 14; article 148 revoked by article 15; articles 151 and 153 newly framed by articles 16 and 17; articles 156-159, sec. 1, by articles 18-21; articles 162, 164, sec. 3, and article 169 by articles 22-24; article 173 by article 25; articles 181, 184, and 186, sec. 3, by articles 26-28; articles 193 and 194, secs. 2 and 4, by articles 29 and 30. This law, thoroughly altering the Constitution, took effect on December 1, 1906. On July 16, 1906, the election law for the Diet was also thoroughly altered.

- (1) The princes of the Royal House;
- (2) The heads of the princely families and the families of counts whose possessions were formerly privileged to a vote in the Imperial Diet and the circuit-council, as well as the heads of the families of the Counts of Rechberg and von Neipperg, as long as they are in possession of their real estate, incorporated in a family entail and subject to the rule of primogeniture, in the Kingdom;
- (3) Not more than six members appointed by the King for life-time;
- (4) Eight members of the knightly nobility (cf. article 132);
- (5) The President of the Evangelical Consistory, the President of the Evangelical Synod of the country—in case of a vacancy by the substitute provided by the synodal order—and two Evangelical general superintendents; furthermore a representative of the Episcopal chancery (the Bishop and the cathedral chapter), as well as one of the Catholic deans chosen by them from among their midst (compare articles 132*a*, secs. 1 and 2);
- (6) A representative each from the State University at Tübingen and the Polytechnical High School at Stuttgart (compare article 132*a*, sec. 3);
- (7) Two representatives each from the branches of commerce and industry, two representatives from agriculture and one of the trades (article 132*b*).

ART. 130.¹ In so far as rights to seats of the Provincial Diet defined in article 129, no. 2, cease by other causes than voluntary resolution, the maximum number of the members appointed by the King for lifetime increases accordingly.

ART. 131.¹

ART. 132.¹ The eight knightly members of the First Chamber must be chosen from the registered owners or part-owners of the landed estates of noblemen among themselves.

The election takes place in Stuttgart under the direction of a commission designated by the Ministry of the Interior and consisting of a chairman and two associates chosen from among the eligible members of the knightly nobility.

ART. 132*a*.¹ The two Evangelical general superintendents will be chosen under the direction of an election commissioner designated by the Ministry of the Church and School Department from all the general superintendents from among their own ranks. The representative of the episcopal chancery is to be chosen by the same from among their ranks.

¹ Compare note to article 129.

The election of a Catholic dean is to be performed by all the Deans belonging to the Episcopate under the direction of an election-commissioner designated by the Ministry of the Church and School Department.

The representatives of the State University and the Polytechnical High School shall be chosen by the academic senate of the institutions from among its members.

ART. 132*b*.¹ The representatives of commerce and industry, agriculture, and trade shall be appointed by the King for a legislative term. The appointees are proposed by the duly organized professional corporations and in such a way that the representatives of commerce and industry shall be designated by the chambers of commerce from among their membership, the representatives of trade by the boards of trade from among their membership, and the representatives of agriculture, as long as the lawfully provided chambers of agriculture have not been established as yet, by the executive members of the rural district associations, but only owners, lessees, beneficiaries, or managers of farms may be proposed.

A number twice as great as the number of those to be appointed shall be proposed for such appointment, and in case one or several of the appointees do not assume office or retire, their seats can be filled by others taken from that list.

ART. 133.¹ The Second Chamber (Chamber of Deputies) consists of:

(1) One deputy each from every superior governmental circuit:

(2) Six deputies of the city of Stuttgart and one deputy each from the cities of Tübingen, Ludwigsburg, Ellwangen, Ulm, Heilbronn, and Reutlingen;

(3) Seventeen deputies of two State election districts, of which the first comprising the Neckar circuit and the Jagst circuit, chooses nine deputies, while the Black Forest circuit and the Danube circuit are included in the second district, which is entitled to eight deputies.

A change in the apportionment of the districts of the country is a subject of regular legislation.

ART. 133*a*.¹ The deputies of the Second Chamber (article 133) are directly elected by those State citizens who are according to article 142 entitled to exercise the suffrage. They must have settled there and reside there permanently.

ART. 134.¹ The admission to the First Chamber on the part of the members of the royal family and of the other hereditary member-takes place when they attain the legal age which for the former has

¹ Compare note to article 129.

been provided in the House Laws and for the latter by the common laws.

Only such persons can be elected or appointed for the First and Second Chambers who on the day of election or appointment have already attained the age of 25.

ART. 135.¹ For admission to the Provincial Diet a person must be of the male sex, possess the State citizenship of Württemberg and residence in the Kingdom. It is presumed that the members mentioned in article 129, nos. 1 and 2, have their seat of residence in the German Empire.

In the case of election or appointment the new member must have possessed the State rights of citizenship on the day of election or appointment.

A seat of residence is ascribed to a person in the sense of section 1 in such a place where the circumstances indicate that he has settled permanently.

Persons whom the rights of suffrage have been denied under article 142, sec. 2, nos. 1 to 4, are excluded from the admission to the Provincial Diet.

ARTS. 136 and 137.¹

ARTS. 138-141.²

ART. 142.¹ For the right to exercise the suffrage for the Provincial Assembly one is required to be of the male sex, being in the possession of the State citizenship of Württemberg and having attained the age of 25.

From the privilege of suffrage are excluded:

(1) Persons who are under guardianship or under a committee for mental defects or other reasons;

(2) Persons being bankrupt during the time of proceeding;

(3) Persons who—the case of a temporary misfortune excepted—are supported as paupers by public means, or have drawn such money in the year preceeding the election and have not returned the money before the list of electors has been completed;

(4) Persons who in consequence of a legal conviction have been deprived of their civic rights for the time provided, until they have been reinstated to their rights.

ART. 142a.³ The election is performed by secret ballot.

ART. 143.¹ The right of suffrage cannot be exercised by proxy.

ART. 144.¹ At the election for the First Chamber (articles 132 and 132a) and at the election of the deputies from the superior governmental circuits and cities for the Second Chamber only such persons

¹ Compare note to article 129.

² Articles 138-141 rescinded by law of March 26, 1868.

³ Article 142a inserted by law of March 26, 1868, article 5.

are considered as elected who have received more than half of the valid votes in the first ballot, the reservations of section 3 being observed.

If no such majority has been attained, another ballot has to be ordered, at which the proportional majority decides. In case of an equal number of votes cast, the election is to be decided by drawing of lots.

The six deputies of the city of Stuttgart and the seventeen deputies of the two State election circuits will be chosen in one ballot in accordance with the principles of the roll of proportional election.

ART. 144a.¹ The proposals for appointment of the representatives of commerce, industry, and agriculture, as well as the trades, for the First Chamber (article 132*b*) are also to be conducted by election in accordance with article 144, sections 1 and 2.

ART. 145.¹

ART. 146.¹ Anyone can be chosen as a deputy to the Second Chamber who does not lack any of the qualifications set forth above in articles 134 and 135. State employees can, however, in the elections for the superior governmental districts and for the cities, not be chosen for the district in which they exercise their official functions, and church employees not in the district where they reside.

The members belonging to the First Chamber through their birth or office cannot be elected to the Second Chamber.

Officials require no leave of absence if elected.

In case an elected member to the Provincial Diet accepts a salaried Federal or State office or assumes a position in such service to which a higher salary or rank is attached, he loses his seat and vote in the Provincial Diet and can only occupy a seat therein by a new election.

ART. 147.¹ Those elected several times to the Provincial Diet can only accept one seat.

Nobody can be at the same time member of both Chambers.

ART. 148.¹

ARTS. 149 and 150.²

ART. 151.¹ The provisions for the propositional elections for the calling of representatives of commerce, industry, and agriculture, as well as the trades, to the First Chamber and regarding the election of deputies to the Second Chamber are defined in detail by law.

The members of the election commissions cannot be chosen in a ballot which they conduct.

In the same way members of the knighthood conducting the ballot for that rank are not eligible.

¹ Compare note to article 129.

² Articles 149 and 150 revoked by law of March 26, 1868, articles 9 and 10.

ART. 152.¹

ART. 153.² In case the person elected (articles 132, 132*a*, 133) has not accepted the election, a new election is to be ordered. For the ballot conducted under the principles of the proportional election, this provision does not apply.

ART. 154.³ After the ballot a certificate of election duly signed by the persons having conducted the ballot shall be issued to the elected delegates as legal evidence of their election.

ART. 155. The one elected is to be considered not as deputy of the particular district but of the whole country.

He can therefore not be bound by any instruction as to his future vote in the Provincial Assembly.

ART. 156.² The members of both Chambers have to exercise their right of voting personally. Nobody can make claim to a double vote.

The right to a substitute is accorded to the members of the First Chamber before mentioned (article 129, no. 2), in so far as they are unable to appear personally in the First Chamber owing to sickness or other causes, as long as they are not hindered by any circumstances described in article 142, sec. 2, nos. 2-4. If the cause has been found proper, an agnate may be substituted.

If one of the members described in article 129, no. 2, is under guardianship, the guardian can delegate an agnate with the functions as a substitute, or, if he himself is an agnate, assume the mandate of a substitute.

The substitute must possess the qualifications required for admission to the Assembly (article 134, sec. 1; article 135 and article 142, sec. 2, nos. 1-4).

ART. 157.² After the expiration of six years from the date of the last general main election, conducted in the superior governmental districts and cities for the Second Chamber, a new election of all members to this body chosen by popular vote must be ordered. The old members are eligible again.

ART. 158.² During this term of six years a retirement of a member, except in cases of voluntary resignations (cf. also article 147, sec. 2), or of article 146, sec. 4, or a legally pronounced expulsion, only takes place when the member

1. loses the real estate, the rank, or the position which qualified him for said seat;
2. loses in the meantime any of the qualifications set forth (articles 135 and 142, sec. 2, nos. 1-4).

¹ Article 152 revoked by law of March 26, 1868, article 11.

² Compare note to article 129.

³ Article 154 newly framed by law of March 26, 1868, article 13.

In case of a retirement, a new deputy has to be chosen for the unexpired term, provided the retiring member has not been chosen according to the principles of a proportional election.

ART. 159.¹ The members of both Chambers have to present before the opening of the same to the Assembly Committee the notice of opening, to be accompanied in case of a substitute by proofs to that effect, and the election certificate or a certified copy of the election proceedings.

The newly elected members of the executive committee have to present their credentials to the members heretofore qualified.

It depends on the King to delegate commissioners to pass upon the legality of the mandates of the deputies.

ART. 160.² The First Chamber has a quorum with the presence of one-half of its members, the Second Chamber with the presence of two-thirds of its members.

The Diet Committee has to report to the State Ministry a day before the date set in the call in regard to the approval of the credentials of the members.

The King shall thereupon, in case the qualified members constitute a quorum, open the Chambers jointly, and the president of the First Chamber appointed by the King, or, if the president is not yet appointed, the former president of that Chamber presides over the meeting.

The admission of the later arriving members and the disposition in regard to the other cases of eligibility of members still pending rests hereafter with the respective Chamber. A report about the result has to be submitted to the State Ministry, and the other Chamber must be notified also.

ART. 161. Should one of the bodies at the opening not be represented by the necessary number of members required by article 160, it will be considered as in agreement to the resolutions passed by the other Chamber. In this case, however, the members of the Chamber having no quorum have the privilege to attend the session of the other Chamber and to take part in the vote.

ART. 162.¹ The order of seats and the mode of voting shall be determined in both Chambers by the order of business.

ART. 163. Every member of the First and Second Chamber, in assuming his duties, must take the oath of the Diet, as follows:

I solemnly swear to abide by the Constitution and to counsel and promote in the Assembly the inseparable welfare of the King and the Fatherland faithfully and conscientiously and irrespective of any other consideration, in accordance with my own conviction. So help me God.

¹ Compare note to article 129.

² Compare note to article 38.

The oath of the Diet shall be administered to a new entering member either by the King himself or by the minister who has been authorized to open the session, and the oath will be taken furthermore before the president of every Chamber.

ART. 164.¹ The executive committee of the Diet consists of a president and a vice-president in each of the two Chambers. The term of office extends over the regular legislative period (articles 127 and 190).

The president of the First Chamber is appointed by the King without proposal. The vice-president is chosen by the First Chamber from among its members by absolute majority, and likewise the Chamber can choose a second vice-president for the term set forth in section 1. In case the president does not belong to the knighthood (article 129, no. 2), the first vice-president must be taken from the nobility. If it should occur by a change in the person of the president that neither the president nor the first vice-president belongs to the rank of nobility, then the office of the latter becomes vacant automatically and a new election has to take place.

The Chamber of the Deputies elects by absolute majority from among its midst the president and vice-president. It can also choose for the term described in section 1 a second vice-president.

If no absolute majority has been secured, the three members having received the largest vote are to be voted upon in a second ballot.

If no absolute majority can be secured in the second ballot, the two members who have received the greatest number of votes will be placed in nomination again, and, if they receive in the third ballot an equal number of votes, lots will be drawn to decide the election.

As long as no president or vice-president has been provided for, or in case they are unable to appear, the presidency is to be assumed by the member oldest in age. If this member declines to serve, the one next in age shall take charge.

Each of the two Chambers chooses from among its members by plurality vote the necessary number of secretaries.

The King shall be notified as to all elections.

ART. 164a.² Every Chamber adopts its order of business within the constitutional limits.

ARTS. 165 and 166.³

ART. 167.⁴ The sessions of both Chambers are public: they also have to publish the proceedings in print.

¹ Article 164, sec. 2, newly framed by law of July 13, 1912; sec. 3, sentence 2, added by law of July 16, 1906, article 23; the rest of the text is based on law of June 23, 1874, article 2, as well as wording of article 164a.

² For article 164a compare note to article 164.

³ Articles 165 and 166 revoked by law of June 23, 1874, article 10; also articles 171 and 174.

⁴ Article 167, sec. 1, and article 168, sentence 2, newly framed by law of June 23, 1874, articles 4 and 5.

Any spectators giving a sign of applause or disapprobation shall be removed immediately.

ART. 168.¹ Meetings shall be held secretly not only at the request of ministers or Royal Commissioners, who may make statements in behalf of the King which are considered of official character, but also on the motion of three members of the First Chamber and at least ten members of the Second Chamber. During the temporary absence of the spectators, the majority of the Chamber shall decide whether the meeting shall be secret or not.

ART. 169.² The ministers as well as the Royal Commissioners may, in view of the matters which they must bring before the Chamber, attend and take part in the deliberations of the two Chambers and their committees—as long as no confidential meeting has been called. They can also be accompanied by other servants of the State who are especially familiar with the matter in question.

The State Ministry is to be notified in time about the convening of committees and the order of its business.

ART. 170. Delegations cannot be admitted by the Provincial Diet or be assigned without the consent of the King.

ART. 171. [Rescinded on June 23, 1874.]

ART. 172.³ The right to propose bills belongs to the King as well as to the two Chambers.

Bills about the enactment of new taxes, the issue of a loan, the fixing of the State budget or extraordinary expenditures can only originate from the King. Items of expenditure can not be increased over the amount proposed by the Government for that purpose.

Bills proposed by members of one of the Chambers must be signed at least by five members in the first Chamber and by fifteen in the second Chamber.

The provisions of article 179, sec. 1. and article 182 apply to resolutions passed in one of the Chambers in regard to a proposed law.

It is within the rights of the Diet to ask by means of petition for the drafting of new laws, or for the amending or the annulment of existing laws.

The King alone sanctions and proclaims all laws after the State Ministry has been heard and the Provincial Diet has given its consent.

ART. 173.² Royal requests have to be referred to a committee before the Assembly has discussed the matter, if the State Ministry demands such action.

ART. 174.⁴

¹ Article 167, sec. 2, and article 168, sentence 2, newly framed by law of June 23, 1874, articles 4 and 5.

² Compare note to article 129.

³ Article 172, secs. 1–5, newly drawn up by law of June 23, 1874, article 6. In the last section the Privy Council was replaced by the State Ministry: law of July 1, 1876, article 8.

⁴ For article 174 compare note to article 165

ART. 175. The necessary quorum is required in both Chambers for the passing of a valid resolution (article 160).

ART. 176. The resolutions shall be passed with a majority of votes, which according to the nature of the matter can be either absolute or relative. In case of a tie the president gives the decisive vote. If the resolution, however, concerns an alteration of a constitutional provision, a two-thirds majority of the members present is required.

ART. 177. Matters belonging to the jurisdiction of the Diet are to be separately discussed by the two Chambers, but confidential conferences without the taking of minutes or passing of formal resolutions can be held jointly to straighten out differences of opinion.

ART. 178. It depends on the King whether he wants to submit bills or suggestions to the First or Second Chamber, except appropriations to be made from taxes. In this case the matter must always be brought before the Second Chamber.

ART. 179. The resolutions passed by one of the Chambers will be communicated to the other for immediate deliberation. Only regarding the right of petition and complaints, as well as in case of a charge relating to a violation of the Constitution (article 199), each Chamber is empowered to act separately.

ART. 180. The Chamber to which the resolution passed by the other has been communicated may reject or accept same either unconditionally or in modified form.

ART. 181.¹ For the deliberations and the voting upon the main budget (article 111) the following provisions prevail:

(1) The main budget will be discussed in the Second Chamber, subject to article 110, and the various items will be passed upon.

(2) The resolutions of the Second Chamber will then be communicated to the First Chamber. If the First Chamber decides upon alterations of resolutions passed by the Second Chamber, then the matter will be referred back to the Second Chamber for reconsideration. If after a review of the matter the Second Chamber passes resolutions different from those passed by the First Chamber, the resolution of the Second Chamber prevails and is to be declared the resolution of the entire Provincial Diet.

The levy of such taxes fixed by regular legislation shall be continued, except if the entire budget has been rejected—until both Chambers agree upon the abolition or the reduction of such tax measure. A joint resolution has to be passed by the Chambers if the rate under a certain tax shall be increased.

(3) After the passing of the several items of the budget a vote will be taken on the entire budget, first in the Second Chamber and then in the First Chamber. If the First Chamber rejects the budget

¹ Compare note to article 129.

passed by the Second Chamber, the affirmative and the negative votes of both Chambers are counted together and the resolution is framed accordingly. If the vote would result in a tie, the president of the Second Chamber has the decisive vote.

In regard to resolutions concerning the issue of new loans and the sale of parts of the domain both Chambers have equal powers.

ART. 182. As to all other cases the principle prevails that only such resolutions upon which both Chambers are agreed can be brought before the King and can be confirmed by him.

ART. 183. The resolution of one of the Chambers rejected by the other can not be brought up again in the same session. If such resolution should be renewed at the next session of the Provincial Diet, then the two Chambers will hold a joint confidential conference to consider the matter. If the prevailing differences can not be settled, the King shall be notified of the failure to agree, provided the subject has been brought before the Chambers by the King. He has to decide the matter in that case.

ART. 184.¹ No member of the Provincial Diet can without the approval of the body be arrested in a criminal action or detained for investigation unless he has been apprehended in the commission of the crime or in the course of the next day.

At the request of the Chamber every penal proceeding against a member and detention for examination will be suspended as long as the Diet is in session.

These provisions apply also to members of the Diet being called to committee meetings for the time of these deliberations. The rights described in sections 1 and 2 apply also to the Diet Committee (article 190, sec. 4, sentence 1).

ART. 185.² No member of the Diet can be prosecuted at any time criminally or in the way of discipline for his vote or any utterance made in the exercise of his functions, nor can he be held responsible outside of the Diet meeting.

If however a member of the Diet uses his position to insult or slander the Government, the Diet, or any individual, the Chamber may reprimand such a member.

ART. 186.¹ The King opens or dismisses the session of the Diet either in person or by a minister empowered for that purpose.

The King also has the right to adjourn the session or to dissolve the Diet altogether.

In case of dissolution, a new session shall be called not later than six months after the disbanding of the other. To that end a new election of the elected as well as a new propositional election and ap-

¹ Compare note to article 129.

² Article 185 newly drawn up by law of June 23, 1874, article 9.

pointment of the members described in article 129, no. 7, for the Diet is required.

ART. 187. As long as the Provincial Diet is not in session, its powers as to certain matters necessary to be acted upon regularly are delegated to a committee.

ART. 188. In that respect the committee has the duty to use its powers to maintain the Constitution and keep the members of the Diet residing in the Kingdom informed as to important matters. In proper cases it may file complaints and protests with the highest State authorities, and, when circumstances warrant such action, request the calling of a special meeting of the Provincial Diet, if it concerns charges against ministers. Such petition will never be denied when the reasons for the charges and the urgency of the matter have been explained and found sufficient to act upon.

The committee must furthermore at the end of a fiscal year within the budget period examine the accounts as to the proper use of the moneys appropriated (article 110) and confer with the Minister of Finance about the future budget. The committee also has supervision of the Debt Redemption Bureau.

It is especially within its province to consider such subjects which properly belong before the Provincial Diet, as new legislation, prepare the same for the Diet, and provide for the execution of measures that have been passed by that body.

ART. 189. The committee can, however, not act upon any matter which requires the action of the Provincial Diet. It cannot pass any law, make tax appropriations, incur any debts, or proceed in regard to military conscription. It can only prepare measures.

ART. 190.¹ The Diet Committee consists of twelve members, namely, the presidents of both Chambers, two members from the first and eight from the Second Chamber. The election is conducted by the Chambers in joint meeting, assembled for that purpose. The members are chosen by plurality and serve from one regular session to the other (three years). The King has to be notified as to the election.

A committee member retiring in the meantime will be replaced in the next meeting of the Diet. Until that time the member of the Diet who received, in the last committee election, the most votes after the elected takes the place of the one retiring.

If the presidents are unable to appear, the vice-presidents take their places; if the latter are already members of the committee, their places will be filled as defined before.

Six members of the committee, the presidents of both Chambers included, must be in Stuttgart. The other six members may reside

¹ Compare the authentic explanation of June 6, 1855, in accordance with which at the elections conducted by both Chambers of the Diet a plurality of votes is sufficient.

elsewhere and shall be called by the other members as often as circumstances require this.

ART. 191. At every meeting of the Diet the committee has to give an accounting about everything that has been acted upon in the meantime.

ART. 192. The functions of the committee cease when the Diet reconvenes and will continue after the adjournment of the Chambers or after closing of a special session of same.

After the dissolution of each Diet or after dismissal of the regular Diet a new committee must be chosen. The former members are eligible. The Diet has permission to hold this meeting even after a dissolution.

Should extraordinary circumstances make it impossible for them to hold this meeting, then the erstwhile members or their substitutes, as far as they are members of the Diet, assume again their functions as members of the executive committee.

ART. 193.¹ The Diet bureau consists, besides the officials of the Department for the Redemption of Debts, of the recorder, a director of the chancery for each Chamber and the clerks required. The heads of the chancery act as secretaries for the committee.

The joint Chambers elect the officials of the bureau for debt redemption, serving for life, and the officials of the two Chambers, also serving for lifetime, will be chosen by the Chambers they are working for. The other officials of the sinking fund will be employed and dismissed by the superior administrating authorities and the other officials of the Chambers by the presidents.

The appointment of all officials chosen for lifetime has to be submitted to the King for confirmation, with the exception of the clerks of whose appointment he only receives notice.

The status of the Diet officials is governed in every other respect by the laws regarding the Royal officials.

All the employees of the Provincial Assembly are, if the Chambers are not in session, under the authority of the committee, which has also to provide for the administrators that may be required.

ART. 194.¹ The expenses of the Diet are to be defrayed by a separate treasury and the amount to be set aside therefor is embodied in the budget and will be turned over to the Diet by the Minister of Finance in regular instalments to cover the expenses of the Assembly.

Among these are the indemnities, daily allowances and traveling expenses of the members of the Diet, the payment of the employees and awarding of money to those who have carried out orders of the Diet. The maintenance of a library, expenses of the clerical force, and other expenditures are also included in the budget.

¹ Articles 193 and 194, sections 2 and 4, were revised, and section 5 was rescinded by law of July 16, 1906, article 30.

The annual financial statement showing in detail all receipts and disbursements will be examined by a special committee of the Diet and will then be laid before the Diet meeting for approval. Every member of the Diet can demand a personal inspection of the accounting.

The amount of indemnities, daily allowances, and traveling expenses which the members of the Diet, including the members of the committee, are entitled to, are, according to the constitutional provision, defined by law.

TENTH CHAPTER—*The State Court.*

ART. 195. As a legal safeguard of the Constitution a State Court has been established. This tribunal has jurisdiction in regard to all endeavors aiming at the overthrow of the Constitution and the violation of separate provisions of the same.

ART. 196. The State Court consists of a president, chosen by the King from among the presiding judges of the higher court, and of twelve judges, of which half are to be appointed by the King from these tribunals and the other half as well as three substitutes chosen by a joint meeting of the Chambers of the Diet, but not from their ranks.

Among the Diet members there must be at least two lawyers, who can be taken from among the Royal State servants, provided the consent of the King has been secured for that purpose. The members must also possess all qualifications required for members of the Diet.

The chancery staff will be taken from the Supreme Court.

ART. 197. All judges are especially pledged to the performance of their duties and can, just as other judicial officials, only be removed by a regular decision. If one of the judges appointed by the Diet accepts a State position, he ceases to be a member of the State Court; he can, however, be reelected by the Diet. A member of that court appointed by the King has also to resign his position in the State tribunal if he retires from his other judgeship.

ART. 198. The court assembles at the call of its president, and he must issue such call if he receives an order from the King countersigned by the minister to that effect or from one of the Chambers through its president, giving the reason for action.

The court disbands when the trial has been finished. The president has to provide for the execution of its findings and to assemble the court again if further action seems necessary.

ART. 199. An indictment before the State Court in an aforesaid action (article 195) can be found by the Government against individual members of the Diet and the committee and by the Diet

against the ministers and heads of department as well as against superior officials of the Diet. Other servants of the State can not be indicted by this tribunal except for violation of the provision contained in article 53.

Prosecution and defense are conducted publicly. The records will be published along with the vote and the decision in print.

ART. 200. If it is deemed necessary to appoint investigators to make inquiries, the court selects the same from among the judges of the Criminal Court. A Royal and a Diet member of the court have to attend the investigation.

ART. 201. At every trial two referees must be designated. If one of them is a Royal judge the coreferee must be a judge appointed by the Diet, or vice versa.

ART. 202. At every decision to be rendered an equal number of Royal and Diet judges must attend. If by any chance an unequal number of the two ranks of justices should sit and a substitute can not be procured at the time, the youngest among the judges of the class which is more numerously represented shall retire; but the number of judges shall never be less than ten.

If the presiding judge is unable to appear, the first Royal judge takes his place.

The President has no vote; in case of an equal number of votes, the side more favorable to the indicated person prevails.

ART. 203. The court can only pronounce reprimands and fines, as well as suspend and remove from office and exclude temporarily or permanently from the Diet.

If the court imposes the maximum penalty within its jurisdiction without exempting the defendant of further prosecution, the regular court may bring suit against the convicted person.

ART. 204. There is no appeal from the sentence of the State Court; the only legal remedy is a review of the case and hereby the annulment of same.

ART. 205. The King will never hinder the investigation or extend his right of pardon to keep State employees, removed by the order of the court, in office. He will also never provide for such convicted servant of the State by having him appointed to some other judicial or administrative position, except if the decision contains a clause by which this may be done.

In view of the fact that the aforesaid provisions now represent the State fundamental Constitution of our Kingdom, we vow by our Royal dignity for us and our successors in the reign not only to uphold and maintain firmly and inviolably the present contract for ourselves but to guard it also against all infractions and violations and to keep it in force.

To acknowledge this we have signed it with our own hand and caused our great Royal seal to be attached to it.

So done in our capital and residential city Stuttgart on the 25th day of the month of September in the one thousand eight hundred and nineteenth year and the third year of our reign.

(Signed) WILHELM.

[L. s.]

By order of the King, the Secretary of State:

(Signed) BELLNAGEL.

APPENDIX.

ALSACE-LORRAINE.

GERMAN LAW RESPECTING THE UNION OF ALSACE AND LORRAINE WITH THE GERMAN EMPIRE.

BERLIN, *June 9, 1871.*¹

We, Wilhelm, by the grace of God, German Emperor, King of Prussia, etc., decree herewith, in the name of the German Empire and with the assent of the Bundesrat and of the Reichstag, as follows:

SECTION 1. The districts of Alsace and Lorraine, ceded by France according to Article I of the preliminary peace of February 26, 1871, become between the limits fixed by Article I of the treaty of peace of May 10, 1871, and the third supplementary article of that treaty united forever with the German Empire.

SEC. 2. The Constitution of the German Empire comes into force in Alsace and Lorraine on January 1, 1873. By decree of the Emperor, with the assent of the Bundesrat, single parts of the Constitution can be earlier introduced.

The needful alterations in and complements to the Constitution require the assent of the Reichstag.

Article 3 of the Constitution of the Empire comes at once in force.

SEC. 3.²

Witness our supreme sign manual and Imperial great seal here impressed.

Given at Berlin, June 9, 1871.

[L. s.]

WILHELM.

PRINCE V. BISMARCK.

GERMAN LAW ON THE INTRODUCTION OF THE CONSTITUTION OF THE GERMAN EMPIRE INTO ALSACE-LORRAINE.

BABELSBERG, *June 25, 1873.*³

We, Wilhelm, by the grace of God, German Emperor, King of Prussia, with the concurrence of the Bundesrat and of the Reichstag, decree by these presents, in the name of the German Empire, follows:

¹ Based on the version found in 67 *British and Foreign State Papers*, pp. 1160-11. Compared with Stoerk-Rauchhaupt, pp. 535-536.

² Sections 3 and 4 were repealed by law of May 31, 1911.

³ Translated by George D. Gregory from the French version of 67 *British and Foreign State Papers*, pp. 1162-1164. Compared with Stoerk-Rauchhaupt, pp. 536-537.

ARTICLE 1. The German Constitution of April 16, 1871, as amended by the laws of February 24, 1873, and March 3, 1873, shall go into effect in Alsace-Lorraine on January 1, 1874. as may be seen from Annex I, without prejudice, however, to the validity of the provisions already introduced and those contained in articles 2, 3, 4, and 5 of the present law.

ART. 2. The Imperial territory of Alsace-Lorraine shall be joined to the territory of the Empire designated in article 1 of the Constitution.

ART. 3. Until the legal regulation reserved by article 20 of the Constitution Alsace-Lorraine shall elect 15 deputies to the German Reichstag.

ART. 4. The tax on domestic beer, mentioned in article 35 of the Constitution, is reserved to internal legislation until further orders.

Alsace-Lorraine has no share in the revenue tax on beer, which is paid into the treasury of the Empire, nor in the reimbursement proportional to the revenue mentioned in article 38, section 3.

ART. 5. The restrictions upon the levying of taxes on account of the communes, in conformity with article 5 of the customs union treaty of July 8, 1867 (article 40 of the Constitution), do not apply to the provisions now in force in Alsace-Lorraine with regard to city tolls (*octroi*).

ART. 6. The electoral law of May 31, 1869, for the German Reichstag shall go into effect in Alsace-Lorraine on January 1, 1874, in accordance with the conditions of the law of April 16, 1871 (Annex II).

The limitation of electoral districts provided for by article 6 of the electoral law is effected by a decision of the Bundesrat until a new Imperial law is enacted.

ART. 7. Whenever there is a question in the laws of the North German Confederation already introduced into Alsace-Lorraine and declared laws of the Empire by article 2 of the law of April 16, 1871, of the North German Confederation, of its Constitution, of its territory, of its members or its States, of its citizenship, of its constitutional organs, its subjects, its officials, its flags, etc., the German Empire and its corresponding relations are to be understood.

The same provision applies to the laws made by the North German Confederation which shall hereafter be introduced into Alsace-Lorraine.

ART. 8.¹

In faith whereof we have signed these presents and have thereto affixed the Imperial seal.

Given at the Castle of Babelsberg, June 25, 1873.

[L. s.]

WILHELM.

PRINCE V. BISMARCK.

¹ Article 8 was rescinded by law of May 31, 1911.

ANNEX I.

Tenor of the Constitution of the Empire, with the provision that article 4, no. 9, shall read:

9. Navigation by raft or boat on the waters common to several States, the condition of these waters, and the taxes laid upon the navigation of rivers and others, as well as the signals in use in navigation (lights, tun buoys, beacons, and day signals).

That article 28 shall read:

The Reichstag decides by an absolute majority. To give its decisions legal force the majority of the legal number of its members must be present.

ANNEX II.

Tenor of the electoral law of May 31, 1869, with the provision that the introductory portion shall read:

Every German who has attained the age of 25 is an elector for the German Reichstag in the Federal district in which he resides.

That the beginning of article 4 read:

Every German is eligible for election as deputy throughout the Federal territory, who, etc.

LAW CONCERNING THE CONSTITUTION AND ADMINISTRATION OF ALSACE-LORRAINE.¹

July 4, 1879.²

We, Wilhelm, by God's grace, German Emperor, King of Prussia, etc.,

Decree in the name of the Empire and with the consent of the Bundesrat and the Reichstag as follows:

3. The office of Imperial Chancellor for Alsace-Lorraine and the office of the First President are abolished. For the execution of the duties formerly devolving upon the first-named official and the Imperial Board of Justice in governing the Imperial Territory (*Reichsland*), as well as for the execution of the former duties of the First President, a Ministry for Alsace-Lorraine shall be formed, which shall have its seat at Strassburg and over which a Secretary of State shall preside.

5. The Ministry for Alsace-Lorraine shall be divided into sections. Each section shall be presided over by an Under-Secretary of State. The Secretary of State may be assigned to a section. Further details concerning the organization of the Ministry shall be arranged by an Imperial Decree.

¹ Translation based on Stoerk-Rauchhaupt, pp. 537-538.

² Reichs-Gesetzblatt, p. 165 ff. Articles 1, 2, 4, 7, 9, 10, 12-21, and 22, sentence 2, were rescinded by article 27 of the Constitution of May 31, 1911.

6. The Secretary of State, the Under-Secretaries of State, and the councillors of the Ministry shall be appointed by the Emperor, subject to the approval of the governor (*Statthalter*); the other higher officials of the Ministry shall be appointed by the governor, the subordinates and petty officials by the Secretary of State.

The provisions of articles 25 and 35 of the law of March 31, 1873, concerning the legal status of Imperial officials (*Gesetzblatt für Elsass-Lothringen*, p. 479) apply to the Secretary of State and to the Under-Secretaries.

All officials of the Ministry are national officials in the construction of the law of December 23, 1873, concerning the legal status of officials and teachers. (*Gesetzblatt für Elsass-Lothringen*, p. 479.)

8. The powers of the Bundesrat, described in articles 5, 39, 52, and 68 of the aforementioned law of March 31, 1873, devolve upon the Ministry as far as they concern national officials. Furthermore, the consent of the Bundesrat, which was required according to article 18 of the same law, as well as by article 2 of the law of October 15, 1873, concerning safeguards for State officials, communities, and public institutions (*Gesetzblatt für Elsass-Lothringen*, p. 273), is no longer necessary.

11. The members of the Imperial Council in Alsace-Lorraine (article 8 of the law of December 30, 1871) shall until further notice be appointed to the number of 10 by Imperial Decree.

22. The *Gesetzblatt* for Alsace-Lorraine, law of July 3, 1871 (*Gesetzblatt für Elsass-Lothringen*, p. 2), shall be published by the Ministry at Strassburg.

23. The date on which this law shall come into force shall be announced by an Imperial decree.

Done under our own hand and sealed with the Imperial seal.

Given at Bad Ems on this 4th day of July, 1879.

[L. s.]

WILHELM.

PRINCE VON BISMARCK.

LAW OF THE CONSTITUTION OF ALSACE-LORRAINE.¹

May 31, 1911.

We, Wilhelm, by the grace of God, German Emperor, King of Prussia, etc.,

In the name of the Empire, by and with the consent of the Bundesrat and the Reichstag, order as follows:

ARTICLE 1. The following provision shall be inserted into the Imperial Constitution as article 6 a:

Alsace-Lorraine shall carry 3 votes in the Bundesrat, so long as the provisions contained in article 2, sections 1 and 2, paragraphs

¹ Based on the version found in 105 *British and Foreign State Papers*, pp. 625-633.

1 and 3, of the law of the Constitution of Alsace-Lorraine of May 31, 1911, remain in force.

The votes of Alsace-Lorraine shall not be counted if the addition of these votes alone would give the majority to the presidential vote or would give it the casting vote as contemplated in article 7, paragraph 3, sentence 3. The same proviso shall hold good in voting upon resolutions making alterations in the Constitution.

Alsace-Lorraine is to be understood to be a Federal State in the sense of article 6, section 2, and of articles 7 and 8.

2. Alsace-Lorraine shall receive the following Constitution:

SECTION 1. The Emperor shall exercise sovereign powers in Alsace-Lorraine.

SEC. 2. At the head of the Government of the country shall be a governor (*Statthalter*), who shall be appointed and recalled by the Emperor, the order being countersigned by the Imperial Chancellor.

The governor shall have in particular those functions and powers which were assigned to the Imperial Chancellor in matters regarding Alsace-Lorraine by laws and decrees before the law concerning the Constitution and administration of Alsace-Lorraine of July 4, 1879, came into force. (See *Reichs-Gesetzblatt*, p. 165.) He shall be entitled to call out the troops quartered in Alsace-Lorraine for police duty.

The governor shall nominate and instruct the plenipotentiaries to the Bundesrat.

The decrees and regulations of the Emperor shall only be valid when countersigned by the governor, who thereby assumes responsibility for them.

The governor shall reside in Strassburg.

SEC. 3. The Emperor may delegate sovereign powers to the governor. The scope of such powers shall be determined in an Imperial order, which must be countersigned by the Imperial Chancellor.

The orders and regulations issued by the governor by right of the sovereign powers vested in him shall only be valid when countersigned by the Secretary of State, who thereby assumes responsibility for them.

SEC. 4. The governor shall be represented by the Secretary of State in all cases where there is no question of the exercise of sovereign powers. The Secretary of State, when representing the governor, shall have rights and bear responsibility to the same extent as representatives of the Imperial Chancellor under the terms of the law of March 17, 1878. (*Reichs-Gesetzblatt*, p. 7.)

The right of performing in person any official act which falls within this sphere shall be reserved to the governor.

SEC. 5. Local laws for Alsace-Lorraine shall be made by the Emperor, with the consent of the Diet, which consists of two Chambers.

Every law shall require the agreement of the Emperor and of both Chambers.

The Emperor shall complete the laws and order their promulgation. If no date is fixed in the law promulgated for its provisions to come into force, then that law shall come into force on the fourteenth day after the expiration of the day on which the number of the *Gesetzblatt* for Alsace-Lorraine containing the same is published in Strassburg.

The Alsace-Lorraine budget shall be provided for annually by law. The bills providing for the annual budget of Alsace-Lorraine shall be first submitted to the Second Chamber, and the First Chamber shall accept or reject them *in toto* in the draft of the budget. Increases in the items of expenditure over and above the amount of the sums proposed by the Government of Alsace-Lorraine which have not been provided for can not be inserted in the budget by the Second Chamber without the consent of the Government.

Taxes and duties for the State treasury may be raised only if they are included in the budget or sanctioned by special laws. After the expiration of a financial year, until a new budget law comes into force, the Government of Alsace-Lorraine shall be empowered to issue treasury bonds, in so far as the receipts from those taxes and duties which are based upon special laws do not suffice to meet the legal obligations of the treasury of Alsace-Lorraine, to carry on public works which are being executed in accordance with an estimate laid before the Diet and approved by it, and to maintain and carry on the legally existing institutions.

SEC. 6. The following shall be members of the First Chamber :

1. The Bishops of Strassburg and Metz, and during the vacancy of one of their sees, the senior Vicar-General ;

The President of the Upper Consistory of the Church of the Augsburg Confession ;

The President of the Synod of the Reformed Church ;

The President of the Supreme Court at Colmar.

2. A representative of the Emperor Wilhelm University at Strassburg, elected by a plenary assembly of the University from among those professors in ordinary who are under an obligation to deliver lectures and to undertake offices in the University ;

A representative of the Israelite Consistory, elected by the members of the consistory from among their number ;

A representative of each of the towns of Strassburg, Metz, Colmar, and Mülhausen, elected by the municipal councillors of these towns from among their number ;

A representative elected by each of the Chambers of Commerce of Strassburg, Metz, Colmar, and Mülhausen ;

Two representatives from each of the Agricultural Councils of the districts of Upper Alsace, Lower Alsace, and Lorraine. These representatives must be persons who are actively employed in agriculture as their chief occupation, and one of the representatives from each district must be a peasant proprietor.

Two representatives elected by the Chamber of Craftsmen of Strassburg.

3. Certain subjects of the Empire resident in Alsace-Lorraine nominated by the Emperor at the instance of the Bundesrat. The number of the members nominated by the Emperor may not be superior to that of the members not so nominated.

The election of the members mentioned in section 2 shall be carried out in accordance with the provisions of an Imperial electoral order which will be promulgated. Only those persons shall be eligible who are subjects of the Empire, have their residence in Alsace-Lorraine, and are at least 30 years of age.

Three representatives of the working class shall be added to those members named in section 2, as soon as the legislation of Alsace-Lorraine or that of the Empire shall have provided for the creation of a body representing workmen to whom the election of these representatives can be committed.

The membership of the elected and nominated members shall continue for five years from the day on which they are officially notified of their election or nomination. It shall terminate before the expiration of this period if the member no longer possess the legal qualifications for the appointment, or upon the dissolution of the First Chamber.

SEC. 7. The Second Chamber shall be elected on general direct suffrage by secret ballot under the terms of an electoral law.

SEC. 8. The deputies of the Second Chamber shall be elected anew every five years.

The elections for all the deputies shall be held together on the same day, which shall be fixed by a decree of the governor and published in the *Gesetzblatt* for Alsace-Lorraine.

The functions of a deputy cease when five years have elapsed from the day of the general election.

SEC. 9. Petitions against the validity of the election of members of the Diet shall be decided by the supreme administrative court, and, until the latter is established, by a senate of the Supreme Court of Alsace-Lorraine.

A petition may be filed by any voter who has been entitled to take part in the election disputed, and also in the case of elections to the Second Chamber by any candidate who obtained votes in the election. The petition must be filed and defended before the court mentioned

in paragraph 1 within 14 days of the official notification of the result of the election.

The documents concerning the election of its own members shall be laid before each of the Chambers.

Doubts arising as to the existence of the legal qualifications for membership shall be referred by the Chamber to which the member belongs to the decision of the court mentioned in paragraph 1.

SEC. 10. Officials shall not require leave to enable them to enter the Diet.

If a member of the Second Chamber accepts a salaried post under the Empire or the State, or if, being already in the service of the Empire or the State, he enters upon an office to which a higher rank or a higher salary is attached, then he shall lose his seat and his vote, and can only regain them both by a new election.

SEC. 11. The Chambers shall be summoned, opened, adjourned, closed, and dissolved by the Emperor.

Both Chambers shall be summoned, opened, adjourned, and closed at the same time.

The Diet shall be summoned every year.

If one Chamber only be dissolved, its dissolution shall entail the close of the session of the other.

SEC. 12. Except by its own consent the Diet may not be adjourned for more than 30 days at a time, and not more than once during the same session.

The Diet must reassemble within 90 days after a dissolution.

SEC. 13. Each Chamber shall regulate the conduct of its business and its discipline by a standing order, and elect its own president, vice-presidents, and clerks.

SEC. 14. Members of the Diet upon entering the Chamber shall swear obedience to the Constitution and allegiance to the Emperor.

Members will not be allowed to exercise their functions unless they have taken this oath.

SEC. 15. The proceedings of the Diet shall be public. Business shall be conducted in the German language.

No liability shall be incurred by the publication of verbatim reports of proceedings in public sessions.

SEC. 16. Within the sphere of the legislation of Alsace-Lorraine, both the Emperor and each of the two Chambers have the right to propose laws.

Bills which have been rejected by one of the Chambers or by the Emperor can not be introduced again during the same session.

Each Chamber shall have the right to address interpellations to the Government, and to transmit to the Government petitions which have been addressed to it.

SEC. 17. The members of the Ministry and the officials deputed as their representatives shall have the right to be present during the proceedings both of the Chambers themselves and also of the departments and committees of the Chambers. They must be heard at any time at their own request.

SEC. 18. The Chambers shall decide by an absolute majority of votes. Twenty-three members shall form a quorum, and can come to a valid decision in the First Chamber; in the Second Chamber a majority of the legal number of members shall form a quorum.

SEC. 19. The members of the Diet are representatives of the whole people and shall not be bound by directions or instructions.

No one can be a member of both Chambers.

SEC. 20. No member of the Diet can be subjected at any time to judicial or disciplinary proceedings for any vote given or for any statements made by him in the exercise of his functions, nor can he be called to account therefor in any other way outside the Assembly.

SEC. 21. No member of either Chamber can be arrested or examined for any punishable action during the session of the Chamber, except with the consent of the latter, unless such proceedings be taken at the moment of the commission of the action or in the course of the following day.

Any prosecution of a member of either Chamber and any detention for purposes of examination shall be remitted during the continuance of the session if the Chamber so demands.

SEC. 22. The members of the Diet shall receive an allowance according to the terms of a law of Alsace-Lorraine.

Until this law is made, but in no case after July 1, 1912, they shall receive the same allowance as that which has hitherto been granted to the members of the committee of Alsace-Lorraine.

SEC. 23. When the Diet is not sitting the Emperor may issue decrees, which shall have the force of law, if the maintenance of public security or the settlement of an extraordinary crisis urgently requires them.

These decrees must be submitted for the approval of the Diet at its next session. They shall lose their force immediately if the Diet refuses its assent to them.

SEC. 24. Railways in Alsace-Lorraine, intended for the use of the general public, may only be built by the Empire or with its consent.

In so far as the Empire itself constructs or works railways, the exercise of all rights regarding the construction or working of railways belongs to the Imperial Administration. If differences of opinion arise between the Imperial Administration and that of Alsace-Lorraine as to the scope of these rights, the points in question shall be decided by the Bundesrat.

If railway interests are disturbed by the construction of new railways or by the alteration of existing railways, or if the construction of new lines or the alteration of existing lines involves any encroachment upon the domain of police administration, then no decision can be made by the Imperial Administration until the Alsace-Lorraine authorities have been granted a hearing. The same course shall be adopted in deciding whether expropriation is permissible. The decision must establish the fact that the Alsace-Lorraine authorities have been heard.

SEC. 25. The law of July 3, 1869, regarding the equal treatment of religious denominations in all civic and national relations shall be introduced into Alsace-Lorraine (see *Bundesgesetzblatt*, p. 292).

SEC. 26. German shall be the official language of the authorities and public corporations, and the language in which instruction is given in the schools of Alsace-Lorraine.

In parts of Alsace-Lorraine where the preponderating portion of the population is French-speaking, exceptions may continue to be made in favor of French as the official language under the terms of the law regarding the official language of March 31, 1872 (see *Gesetzblatt* for Alsace-Lorraine, p. 159). Similarly the governor may continue to permit the use of the French as the language in which instruction is given, in accordance with the present practice based on section 4 of the law regarding schools of February 12, 1873 (see *Gesetzblatt* for Alsace-Lorraine, p. 37).

SEC. 27. The following are repealed:

Sections 3 and 4 of the law concerning the union of Alsace-Lorraine with the German Empire of June 9, 1871 (see *Reichs-Gesetzblatt*, p. 212; *Gesetzblatt* for Alsace-Lorraine, p. 1);

Section 2, paragraph 1, of the law regarding the promulgation of laws and decrees of July 3, 1871 (see *Gesetzblatt* for Alsace-Lorraine, p. 2);

Section 10, paragraph 2, of the law regarding the establishment of the administration of December 30, 1871 (see *Gesetzblatt* for Alsace-Lorraine, 1872, p. 49);

Section 8 of the law regarding the introduction of the Constitution of the German Empire in Alsace-Lorraine of June 25, 1873 (see *Reichs-Gesetzblatt*, p. 161, and *Gesetzblatt* for Alsace-Lorraine, p. 131);

The law regarding the legislation of Alsace-Lorraine of May 2, 1877 (see *Reichs-Gesetzblatt*, p. 491);

Sections 1, 2, 4, 7, 9, 10, 12-21, and section 22, sentence 2, of the law regarding the administration and Constitution of Alsace-Lorraine of July 4, 1879 (see *Reichs-Gesetzblatt*, p. 165);

The law regarding the publicity of proceedings and the official language of the committee for Alsace-Lorraine of May 23, 1881 (see *Reichs-Gesetzblatt*, p. 98);

The law regarding the application of amended Imperial laws to legislative affairs of Alsace-Lorraine of July 7, 1887 (see *Reichs-Gesetzblatt*, p. 377); and further,

The Imperial edict regarding the establishment of a consultative committee for Alsace-Lorraine of October 29, 1874 (see *Gesetzblatt* for Alsace-Lorraine, p. 37);

Sections 1 and 2 of the order for the execution of the Imperial edict of October 29, 1874, regarding the creation of a consultative committee for Alsace-Lorraine of March 23, 1875 (*Gesetzblatt* for Alsace-Lorraine, p. 63);

The Imperial edict regarding the election of a second representative of the president of the committee for Alsace-Lorraine of February 13, 1877 (see *Gesetzblatt* for Alsace-Lorraine, p. 9);

The decree regarding the elections to the committee for Alsace-Lorraine, of October 1, 1879 (see *Gesetzblatt* for Alsace-Lorraine, p. 89); and

Section 2, figure 1, section 7 of the order regarding the extension of the competence of the Imperial Council of April 22, 1902 (see *Gesetzblatt* for Alsace-Lorraine, p. 32).

SEC. 28. Where the laws or decrees make mention of the committee for Alsace-Lorraine, the Second Chamber is to be understood.

3. This law comes into force in so far as concerns the provisions establishing a Diet (article 2, sec. 6, pars. 1 and 2; sec. 7, sec. 8, par. 2, and sec. 9) on the day of its promulgation, and as regards its remaining provisions on a day to be fixed by an Imperial order, but in no case later than January 1, 1912. It can only be repealed or amended by an Imperial law.

Done under our own hand, and signed, sealed with the Imperial seal.

Given at the New Palace, May 31, 1911.

[L. s.]

WILHELM.

VON BETHMANN-HOLLWEG.

LAW RESPECTING THE ELECTIONS TO THE SECOND CHAMBER OF THE DIET FOR ALSACE-LORRAINE.—BERLIN, MAY 31, 1911.¹

We, Wilhelm, by the grace of God, etc.

SECTION 1. The Second Chamber shall consist of 60 deputies. They are to be divided as follows:

	Deputies.
Altkirch -----	2
Colmar -----	3
Gebweiler -----	2
Mülhausen -----	6
Rappoltsweiler -----	2

¹ Based on the version found in 105 *British and Foreign State Papers*, pp. 633-637.

	Deputies.
Thann -----	2
Strassburg (town) -----	6
Strassburg (country) -----	3
Erstein -----	2
Hagenau -----	3
Molsheim -----	2
Schlettstadt -----	2
Weissenburg -----	2
Zabern -----	3
Metz (town) -----	2
Metz (country) -----	3
Boichen -----	2
Château-Salins -----	2
Diedenhofen—East -----	2
Diedenhofen—West -----	2
Forbach -----	3
.....	2
.....	2
Total -----	60

Each deputy shall be elected in a separate electoral district.

With the separate administrative districts the boundaries of the electoral districts shall be fixed by the Imperial decree with the consent of the Bundesrat and shall approximate substantially to the existing system of cantonal divisions, so that the population of the administrative district is distributed as uniformly as possible over the separate electoral districts. The electoral districts must be contiguous.

SEC. 2. The male inhabitants of Alsace-Lorraine shall be entitled to vote, provided at the time of voting—

1. They are nationals of the German Empire;
2. They have passed their twenty-fifth year, and
3. Have for at least three years had their domicile in Alsace-Lorraine. A domicile of one year is, however, sufficient in the case of such inhabitants as hold a public office in Alsace-Lorraine, of ministers of religion, or of teachers at public schools.

The right to vote shall be suspended in the case of persons serving in the active army, with the exception of military officials.

The foregoing persons shall be excluded from the right to vote—

1. Persons who have been placed in the position of minors or put under temporary guardianship during the period of minority or guardianship;
2. Persons against whom bankruptcy proceedings have been instituted during the period of such proceedings;
3. Persons who at the time of the completion of the list of the electors are, in spite of due warning and without having been granted a postponement of payment, wholly or partly in arrears in the payment of the direct State taxes or the municipal rates due for the two preceding financial years.

4. Persons who have been sentenced by law to penal servitude or imprisonment for a crime or a misdemeanor of a kind for which they are liable to be deprived of their civil rights during a period of five years counted from the day on which the sentence expired or was remitted, provided the loss of civil rights has not been pronounced for a longer period;

5. Persons in receipt of poor relief from public funds, or persons who were in receipt of such relief in the last year preceding the election.

Under "poor relief" are not to be understood—

(a) Relief in sickness;

(b) Treatment in an institution accorded for physical or mental ailments;

(c) Contributions for support granted as assistance to children, for education or apprenticeship for a profession;

(d) Other support when given only in the form of isolated payments for the relief of monetary distress;

(e) Contributions which have been refunded.

The right to vote may only be exercised in the commune in which the person entitled to vote has had his domicile for at least one year. No voter may exercise his right to vote in more than one place.

SEC. 3. Every person entitled to vote has one vote.

SEC. 4. The persons qualified for election shall be all male inhabitants of Alsace-Lorraine who have possessed a German nationality for at least three years, have had their domicile in Alsace-Lorraine for the same period, pay a direct State tax, and have completed their thirtieth year.

The grounds for exclusion set forth in section 2, paragraph 3, shall apply also to the qualifications for election.

SEC. 5. The election shall be effected by communes by means of lists containing the names of the persons in the commune entitled to vote and setting forth their qualifications as required by section 2 of this law (voters' lists).

In the event of several electoral districts being formed out of one commune, the voters' list of the commune shall be drawn up separately for the separate electoral districts. The lists shall be drawn up by the burgomaster and by two members to be nominated out of their number by the communal council, and are to be posted for a week in a place where they can be seen by everybody, at the latest six weeks before the day fixed for the election. Three days at the latest before the election the time and place at which the elections will take place are to be publicly announced.

Objections to the correctness of the voters' list must be handed in to the burgomaster or entered on the minutes while the list is

open for inspection. Every person entitled to vote, as well as the superintending authorities of the commune, has the right to raise objections.

A decision as to the objections will be given within five days, according to the majority of votes, by the burgomaster and the two members of the communal council mentioned in paragraph 2. Appeal can be made against this decision. The appeal must be entered by a declaration made within three days after the delivery of the decision at the clerk's office of the district court and must be decided by this court within five days.

A further appeal against the decision of the district court may be made by the persons concerned to the provincial court, with whom rests the final decision. The appeal is to be entered at the clerk's office of the provincial court within three days after the delivery of the decision of the district court. The decision is to be arrived at within five days, to be communicated to the person lodging the appeal and to the burgomaster, and is to be executed by the latter in so far as it concerns the voters' list.

This procedure shall be exempt from court fees.

On the expiration of the time required for exhibiting the list the latter will be closed, except when alterations, rendered necessary by a decision as to any objections raised, have to be made.

The persons entitled to vote and entered on the voters' list shall then receive as soon as possible cards substantiating their right to vote.

SEC. 6. The burgomaster can, with the approval of the superintending authorities of the commune, divide the commune into polling districts for voting purposes. Any person who at the time of the closing of the voters' list has not yet belonged for three months to the polling district in which he has his domicile shall vote in that polling district in which he had his domicile three months before the closing of the voters' list. This provision shall be correspondingly applicable when a person entitled to vote removes his domicile from one polling district to another within the commune.

SEC. 7. The summons of voters to the poll shall be made by the burgomaster at least eight days before the day of polling by means of notifications issued in the way usual in the place in question. The notification must state in what room the poll is to be held, the day, hour, and duration of the poll, and, in case the commune is divided into polling districts, the boundaries of such districts.

The minimum duration of the poll shall be four hours, and the maximum eight hours. It must not begin before 10 a. m., and must finish at the latest at 6 p. m.

Polling day must be a Sunday.

SEC. 8. The right to vote must be exercised in person by placing a ballot paper in a closed ballot box. The ballot boxes must be in conformity with regulations to be issued by the executive authorities.

Every ballot paper must be of white paper, must have no external marks, and is to be given up by the voter in an envelope stamped with an official stamp, but otherwise bearing no mark.

SEC. 9. The election, as well as the announcement of the result of the election, shall be public.

SEC. 10. The candidate shall be considered as elected who receives most votes in the electoral district and who at the same time receives more than half of the valid votes given.

In case there should not be a majority of votes, a second election shall be held on the seventh day after the main election. At the second election the candidate receiving the largest number of valid votes shall be considered as elected. Should the number of votes be equal, the decision shall be arrived at by drawing lots.

SEC. 11. If a candidate declines election, or if an election is declared invalid, or if an elected member retires during the period fixed for the elections, a supplementary election shall be immediately held.

In the case of a supplementary election, which is held within a year after an election for which a new voters' list was drawn up, no new voters' list need be drawn up.

SEC. 12. The expenses for the drawing up of the voters' list and of the voters' cards, as well as the expenses for the preparation and furnishing of the polling station, shall be defrayed by the communes. All other expenses arising in connection with the elections shall be borne by the State treasury.

SEC. 13. In so far as the procedure connected with the elections is not laid down in this law, it will be regulated by Imperial decree (election decree).

The election decree, as well as the distribution of the electoral districts (sec. 1, par. 4), can only be altered by law.

SEC. 14. This law shall come into force on the day of its promulgation.

Done under our hand, and signed, sealed with the Imperial seal.
Given at the New Palace, May 31, 1911.

[L. S.]

WILHELM.

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