

## COURTS IN THE MEMEL TERRITORY

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The Memel Territory has exceptional history. It was the territory where the Baltic tribes lived. From the 13th century this territory gradually became a part of Prussia. After the First World War, according to the agreement between the British Empire, France, Italy, Japan and Lithuania, the sovereign rights to the Territory were transferred to the State of Lithuania. This action triggered a variety of issues. Disagreements arose in the area of justice.

The article analyses the legal regulation of the organization of the judiciary of the Memel Territory from 1877 when the Law on the Courts Organization of the German Reich was adopted to 1939 when the Territory was occupied by Nazi Germany, and discusses the systems of both the general and specialized courts of the Territory.

The main aim of the article is to fully identify the system of the courts of the Memel Territory.

The article focuses mainly on the documents found in the Lithuanian Central State Archives (hereinafter – LCSA) and Gazette of the Memel Territory Government where the laws of the Chamber of Representatives of the Territory, the orders of the President of the Directorate, and the announcements of the territorial courts were published.

### LEGAL REGULATION OF JUDICIAL COMPETENCE AND PROCEEDINGS IN THE MEMEL TERRITORY

The Memel Territory was part of the German Reich. In this territory, as in the entire Reich, the Law on the Courts Organization of the German Reich adopted on 27 January, 1877<sup>1</sup> was valid. This law was a part of the group of laws which regulated the court proceedings in the Reich (Reichsjustizgesetze), such as the Code of Civil Procedure<sup>2</sup>, the Code of Criminal Procedure<sup>3</sup>, Bankruptcy Code<sup>4</sup>, etc.

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<sup>1</sup> Gerichtsverfassungsgesetz für das Deutsche Reich. Previously, the General Court Rules were in force (Allgemeine Gerichtsordnung für die Preußischen Staaten).

<sup>2</sup> Die Zivilprozeßordnung für das Deutsche Reich vom 30. Januar 1877.

<sup>3</sup> Die Strafprozessordnung für das Deutsche Reich vom 1. Februar 1877.

<sup>4</sup> Konkursordnung vom 10. Februar 1877.

Thus, during the drafting process of the Statute of the Memel Territory<sup>5</sup> (hereinafter – the Statute), in the Memel Territory Law on the Courts Organization of the German Reich was valid as amended on 1 April 1910, as well as the Law on the Enforcement of the Law on the Courts Organization<sup>6</sup>. These laws were in force as amended before 10 January 1920<sup>7</sup>.

The autonomous entities of the Memel Territory did not adopt the Law on the Courts Organization of the Territory provided for in Article 22 of the Statute until 1939, arguing that “by the aforementioned statutory regulations, the organization and competence of courts are appropriately adapted to the most appropriate requirements of the Memel Territory”<sup>8</sup>.

The autonomous territorial government by the term “statutory regulations” consisted of more than ten orders and approximately the same number of laws adopted by the Directorate and the Chamber of Representatives of the Memel Territory from 1924 until 1939. By these orders and laws the aforementioned German laws were amended and these amendments could have been only applied in the Territory. In the following paragraphs, I will review these “statutory regulations” made by the autonomous entities in a chronological order, although they can be categorized in such groups: first, legal acts related to the system and internal organization of territorial courts, second, legal acts related to the competence of the courts, third, legal acts governing criminal and civil procedures, fourth, other legal acts connected with the activity of notaries, administrative liability, professional exams of lawyers, etc.

On 29 February 1924 the order concerning the jurisdiction of the regional courts, the Commercial Court, and the District Court was issued. The order also governed the appeal and cassation procedures<sup>9</sup>.

The order of 8 April 1924 was related to the jurisdiction of assessors and jurors. Also, it included provisions on the internal structure of the regional courts<sup>10</sup>.

The order of 23 May 1924 concerned the powers of notary in matters of land transfer<sup>11</sup>.

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<sup>5</sup> Convention between the British Empire, France, Italy, Japan and Lithuania respecting the Memel Territory and the Statute of the Memel Territory, signed at Paris, May 8th, 1924. – Gazette of Government of Lithuania, 1 September, 1924, No. 169.

<sup>6</sup> Ausführungsgesetz zum Gerichtsverfassungsgesetz vom 24. April 1878.

<sup>7</sup> **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, I tomas. Spaudos fondas, Kaunas, 1934, 590.

<sup>8</sup> Writ of the Directorate of the Memel Territory of 14th of February, 1930. Lithuanian State Central Archives (LCSA). F. 383, inventory 7, c. 755, p. 81.

<sup>9</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 29 February, 1924 concerning jurisdiction of the courts. – Gazette of the Memel Territory Government, 13 March, 1924, No. 22.

<sup>10</sup> Order of the Directorate of the Memel Territory of 1st of April, to facilitate the process in criminal proceedings. – Gazette of the Memel Territory Government, 15 April, 1924, No. 33.

<sup>11</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 23 May, 1924 on jurisdiction in free matters. – Gazette of the Memel Territory Government, 28 May, 1924, No. 47.

The order of 23 May 1924 regulated the establishment of judicial secretariats instead of court office and the appointment of a court secretary instead of a court clerk<sup>12</sup>.

The order of 15 June 1924 was related to the acts on administrative liability (“punishment orders” and “punishment reports”) adopted by the public administration bodies and the public defenders of the Memel Territory. Also the order regulated the role of court secretaries in the enforcement of these acts<sup>13</sup>. In July 1936 a law was passed that amended the above-mentioned order concerning the provisions on punishment orders adopted by the public defenders of the Territory<sup>14</sup>. On 29 September 1936 another enforcement provision was issued regarding the relationship between the local police and the defence lawyers of the regional courts due to the persecution of offenders<sup>15</sup>. These orders and laws supplemented and amended the German Law concerning the imposition of police penalties<sup>16</sup>.

The criminal proceedings were governed by the German Code of Criminal Procedure, as already mentioned, and some supplemented regulations adopted by the autonomous authorities. On 16 August 1924 the order was issued to facilitate the conduct of proceedings in criminal matters<sup>17</sup>. This document was composed of more than thirty articles, in accordance with the relevant articles of the German Code of Criminal Procedure. These articles governed the requirements for postponement of the arrest warrant, the procedure of interrogation of detainees, the role of the public defender in the postponement of the arrest warrant, the course of the confiscation of property, time limits for lodging appeals, the rights of the poor to the legal representative’s services, etc. The law on the establishment of the grounds for suspension of proceedings was adopted on 5 May 1928 in order to supplement the above mentioned order<sup>18</sup>. On 24 September 1931 again

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<sup>12</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 23 May, 1924 on the establishment of judicial secretariats and legal costs. – Gazette of the Memel Territory Government, 28 May, 1924, No. 47.

<sup>13</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 15 June, 1924 on the course of law in the punishment cases. – Gazette of the Memel Territory Government, 24 June, 1924, No. 54.

<sup>14</sup> Law No. 82 of the Chamber of Representatives of the Memel Territory of 20th of July, 1936 on the procedure in criminal cases. – Gazette of the Memel Territory Government, 20 July, 1936, No. 82.

<sup>15</sup> Executive provisions of the Directorate of the Memel Territory of 29 September, 1936 on the procedure in criminal cases. – Gazette of the Memel Territory Government, 1 October, 1936, No. 109.

<sup>16</sup> Gesetz, betreffend den Erlaß polizeilicher Strafverfügungen wegen Übertretungen vom 23. April 1883.

<sup>17</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 16 August, 1924 to facilitate the conduct of proceedings in criminal matters. – Gazette of the Memel Territory Government, 11 September, No. 79.

<sup>18</sup> Law No. 22 of 5 May, 1928 of the Chamber of Representatives of the Memel Territory on the amendment of the Order of 16 August, 1924 to facilitate the conduct of proceedings in criminal matters. – Gazette of the Memel Territory Government, 11 June, 1928, No. 53.

the law was adopted which amended the order of 5 May 1928. This time the law confirmed the procedure of financial fines collection and enforcement mechanisms<sup>19</sup>. By the Law of 8 March 1929 the articles of the German Code of Criminal Procedure were amended. These articles related to the rights and obligations of judges, the circumstances of their participation or non-attendance in the court sittings, the course of calculating the deadlines, the order of giving oath to witnesses and experts, content of the text of oath, the pre-trial procedure, judicial decision form within which the introductory formula “on behalf of the Republic of Lithuania” should be, signification of the judicial decisions, restrictions on the lodging of appeals under certain conditions, the possibility for an entity of public administration to have legal representatives in cases concerning taxes or other fees<sup>20</sup>, etc.

The German Penal Code (Strafgesetzbuch) was also amended<sup>21</sup> and these amendments were related to the thefts of horses, cattle, cars, and motorcycles. In addition, there were autonomous laws where the provisions of the German Penal Code were supplied, edited with the new provisions. For example, the articles on the producing of poisons or drugs, transporting, and trading them without a police permission<sup>22</sup>.

The provisions of the German Code of Civil Procedure were also amended. On 22 August 1924 the 63 articles Order was issued, which simplified the civil proceedings, regulated the costs of litigation, procedure of recording the court hearings, order of setting procedural deadlines, the procedure for the service of court decisions, rulings, sending of summons, and other judicial acts<sup>23</sup>. Later this order was amended by the Law on Civil Procedure<sup>24</sup>. Under this law, namely, the articles governing the appeal procedure of property rights, the introductory stage in the judicial decision, general structure of the judicial decisions in certain cases, the peculiarities of the hearing of the case in absentio (“behind the eyes”) in the judicial procedure were changed.

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<sup>19</sup> Law No. 65 of 24 September, 1931 of the Chamber of Representatives of the Memel Territory on the amendment of the Order of 16 August, 1924 to facilitate the conduct of proceedings in criminal matters. – Gazette of the Memel Territory Government, 24 October, 1931, No. 119.

<sup>20</sup> Law No. 31 of 8 March, 1929 of the Chamber of Representatives of the Memel Territory on the amendment of criminal procedure. – Gazette of the Memel Territory Government, 13 March, 1929, No. 24.

<sup>21</sup> Law No. 154 of 24 September, 1937 of the Chamber of Representatives of the Memel Territory on the amendment of Criminal Code. – Gazette of the Memel Territory Government, 12 October, 1937, No. 106.

<sup>22</sup> Order No. A70 of Governor Odry of the Memel Territory of 25 May, 1920. – Gazette of the Memel Territory Government, 9 June, 1920, No. 34; Law No. 119 of 26 March, 1934 of the Chamber of Representatives of the Memel Territory on the amendment of Order No. A70. – Gazette of the Memel Territory Government, 1 May, 1934, No. 46.

<sup>23</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 22 August, 1924 to facilitate the conduct of proceedings in civil matters. – Gazette of the Memel Territory Government, 17 September, 1924, No. 81.

<sup>24</sup> Law No. 32 of 8 March, 1929 of the Chamber of Representatives of the Memel Territory on Civil Procedure. – Gazette of the Memel Territory Government, 13 March, 1929, No. 24.

The Law of 31 July 1928 granted the right to the Directorate of the Memel Territory to authorize the persons who have passed the examinations of the senior court secretary to carry out some of judicial duties independently in cases of forced sale, insolvency proceedings, civil proceedings, and in accordance with Articles 771, 805, 828–863 of the German Code of Civil Procedure to authorize secretarial staff to handle land registries instead of senior court secretary<sup>25</sup>. This law was supported by the implementing regulations<sup>26</sup>. A few years later, the regulations were supplemented by naming the secretaries of courts as court assistants when they managed the real estate registries<sup>27</sup>.

The laws which governed other areas than judicial proceedings or the structure of the judiciary were adopted, for example, the Law on Costs of Judicial Litigation<sup>28</sup>, the publication of the list of authorities exempted from the stamp duty<sup>29</sup>, the law on the remuneration of jurors (Schöffen), assessors (Geschworene), and trustees (Vertrauenspersonen)<sup>30</sup>.

There were other German laws in the Territory, which were in force in the Territory and were applicable to the territorial judiciary. For example, the Law on the Highest Administrative Court within the amendments of 2 August 1880<sup>31</sup>, the Law on Wildlife and Forestry<sup>32</sup>, the Law on Unfair Competition<sup>33</sup>, the Order on

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<sup>25</sup> Law No. 25 of 31 June, 1928 of the Chamber of Representatives of the Memel Territory on the assignment of judges' duties on secretaries of the courts. – Gazette of the Memel Territory Government, 9 August, 1928, No. 72.

<sup>26</sup> Regulations of 28 August, 1928 on implementation of the Law No. 25. – Gazette of the Memel Territory Government, 12 September, 1928, No. 83.

<sup>27</sup> Regulations of 21 February, 1930 of the Directorate of the Memel Territory on Implementation of the Law No. 25. – Gazette of the Memel Territory Government, 26 February, 1930, No. 21.

<sup>28</sup> Law No. 25 of 8 March, 1933 on Costs of Judicial Litigation. – Gazette of the Memel Territory Government, 28 March, 1933, No. 34; Rule of 11 April, 1934 of the Directorate of the Memel Territory on Article 171 of the Law on Costs of Judicial Litigation. – Gazette of the Memel Territory Government, 25 April, 1934, No. 43.

<sup>29</sup> Announcement of 14 May, 1934 of the Directorate of the Memel Territory on the entities exempted from the stamp duty as legal costs. – Gazette of the Memel Territory Government, 18 May, 1934, No. 53.

<sup>30</sup> Law No. 133 of 16 June, 1936 of the Chamber of Representatives of the Memel Territory to replace Law No. 94 on the remuneration of meeting members, jurors, trustees. – Gazette of the Memel Territory Government, 20 July, 1936, No. 82; Law No. 94 of 8th of March, 1933 of the Chamber of Representatives of the Memel Territory to replace Order No. A652 on the remuneration of meeting members, jurors, trustees. – Gazette of the Memel Territory Government, 23 March, 1933, No. 32; Order No. A625 of 16 December, 1922 of the Chief Commissioner G. Pétisné on the remuneration of meeting members, jurors, trustees. – Gazette of the Memel Territory Government, 21 December, 1922, No. 147.

<sup>31</sup> Preußisches Oberverwaltungsgericht.

<sup>32</sup> Die zum Feld- und Forstpolizei-Gesetz vom 1. April 1880 erlassenen Polizeiornungen.

<sup>33</sup> Gesetz gegen den unlauteren Wettbewerb: Vom 7. Juni 1909. This Law was completed by following autonomous legal acts: Law No. 151 of 13 August, 1937 of the Chamber of Representatives of the Memel Territory on allocation of supplements. – Gazette of the Memel Territory Government, 14 September, 1937, No. 95; Regulations of 30 December, 1937 of the Directorate of the Memel Territory on Amendment of implementing rules on Law of 7 June, 1909 on Unfair Competition. – Gazette of the Memel Territory Government, 31 December, 1937, No. 139.

forced administrative procedure for the recovery of amounts of money<sup>34</sup> as well as many other legal acts, which could be amended by the autonomous governmental bodies or they could legally base their decisions on German legal regulation.

Before the signing of the Statute, the orders adopted by the French official regarding the judicial process were in force<sup>35</sup>. By these orders the articles (related to public accusations, the arrest warrant, the structural elements of indictment, the legal grounds for updating the hearing of the case) of the German Criminal Procedure Code were amended.

There were also a number of orders related to the institutional system of the judiciary and preparation of future judges and other judicial clerks<sup>36</sup>.

### THE JUDICIARY UNTIL 1924

According to Chapters 3 to 9 of Law on the Courts Organization of the German Reich, the judiciary consisted of regional courts (Amtsgerichte), courts of jurors (Schöffengerichte), district courts (Landgerichte), courts of assessors (Schwurgerichte), commercial courts (Kammern für Handelssachen), courts of appeal (Oberlandesgerichte), and the Supreme Court (Reichsgericht).

At that time the Territory of Memel was attributed to the province of East Prussia, the capital of which was Königsberg.

The Court of Appeal of Königsberg (Oberlandesgericht Königsberg) was established in 1879. Seven district courts, including the Tilzit District Court (Landgericht Tilsit), as well as commercial courts in Königsberg and Memel, were under the jurisdiction of the Court of Appeal of Königsberg<sup>37</sup>.

The territory of Tilzit District Court included Heydekrug, Memel, Niedrung, Ragnit, and Tilsit. There were nine regional courts that within more than thirty

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<sup>34</sup> Verordnung vom 15. November 1899, betreffend das Verwaltungszwangsverfahren wegen Beitreibung von Geldbeträgen: Law No. 160 of 30 December, 1937 of the Chamber of Representatives of the Memel Territory on the amendment of Order of 15th of November, 1899. – Gazette of the Memel Territory Government, 3 February, 1938, No. 11.

<sup>35</sup> Order No. A112 of 7 August, 1920 of the Chief Commissioner Odry on Amendment of the Code of Criminal Procedure of 1 February, 1877. – Gazette of the Memel Territory Government, 11 August, 1920, No. 24.

<sup>36</sup> Order of 24 November, 1934 of the Directorate of the Memel Territory due to the legal profession exams and preparation of servants to the higher service in the courts. – Gazette of the Memel Territory Government, 30 November, 1934, No. 133; Order of 29 November, 1934 of the President of the Directorate of the Memel Territory on the Composition of Legal Profession Exams Commission. – Gazette of the Memel Territory Government, 30 November, 1934, No. 133; Supplement of the order of 16 August, 1935 due to the Legal Profession Exams and preparation of servants to the higher service in the courts. – Gazette of the Memel Territory Government, 16 August, 1935, No. 83; Announcement of 12 February, 1936 of the President of the Directorate of the Memel Territory on the composition of the Legal Profession Exams Commission. – Gazette of the Memel Territory Government, 14 February, 1936, No. 17; Order of 26 February, 1935 of the Directorate of the Memel Territory on the amendment of the order due to the Legal Profession Exams and preparation of servants to the higher service in the courts. – Gazette of the Memel Territory Government, 28 February, 1936, No. 22.

<sup>37</sup> See: Jahrbuch der deutschen Gerichtsverfassung (1880), Berlin, 441–442.

judges had fallen into the jurisdiction of Tilsit District Court. Among them there were courts in Heydekrug, Kaukehmen, Memel, Prökuls, Rusne, etc.<sup>38</sup>

Tilzit District Court consisted of the chairperson, two directors, eleven judges, and a prosecutor<sup>39,40</sup>.

After the First World War General D. Odry, the Governor of the Memel Territory, who was appointed by the French government, issued the order which established the Memel District Court (Landgerichts in Memel)<sup>41</sup>. Under this Order the Memel Territory formed single constituency and the judiciary was comprised of two instances: the Memel District Court and three regional courts in Rusne, Heydekrug, and Wayswille. Thus, the Court of Appeal of Königsberg and District Court of Tilsit ceased their powers.

However, there was a need in the Memel Territory for the courts of higher instances primarily because in some disputes, one party might have lived in the Territory of Memel and the other in other territories of former province of East Prussia. Therefore, on 15 March 1920 the Order on Judicial Affairs was adopted<sup>42</sup>. It established that the Senior Court of the Memel Territory should be created as soon as possible (“sobald als möglich”) and the relevant courts in Königsberg, Berlin and Leipzig. Accordingly, the representatives to the Memel Territory and Danzig decided to establish a temporary Senior Court of Memel and Danzig (Obergericht für Danzig u. Memel)<sup>43</sup>. This court was entrusted with the functions of the former Court of Appeal of Königsberg, the Berlin Court and the criminal chamber of the Supreme Court. It had to deal with the cases commenced after 10 January 1920. The court was composed of five judges including the chairperson. Several orders established interim trial procedure of the temporary Senior Court of Memel and Danzig<sup>44</sup>. According to these documents, the Court’s decisions should not be challenged.

Consequently, since August of 1920 the judiciary in the Memel Territory consisted of three instances: the Senior Court of Danzig and Memel, the Memel District Court and the regional courts. However, V. Burkevičius noted that it was difficult to understand whether the Senior Court really operated, since there were no reports left on its activities in the Gazette of the Memel Territory

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<sup>38</sup> Ibid., 444.

<sup>39</sup> Ibid.

<sup>40</sup> **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 519.

<sup>41</sup> Order No. 77 of 3 March, 1920 of General D. Odry on the establishment of the Memel District Court. – Gazette of the Memel Territory Government, 8 March, 1920, No. 2.

<sup>42</sup> Verordnung betreffend Neuregelung gerichtlicher Angelegenheiten. – Gazette of the Memel Territory Government, 15 March, 1920, No. 3.

<sup>43</sup> Agreement No. 78 of 30 August, 1920 between Representative of Memel Odry and Representative of Danzig Reginald Tower on Temporary Senior Court to Danzig and Memel. – Gazette of the Memel Territory Government, 7 September, 1920, No. 35.

<sup>44</sup> Order No. A186 of General Odry. – Gazette of the Memel Territory Government, 18 September, 1920, No. 40; Order No. A152 of General Odry. – Gazette of the Memel Territory Government, 21 October, 1920, No. 53.

Government<sup>45</sup>. In one way or another officially this court had been functioning a little bit over than a year.

The Senior Court of the Memel Territory (Obergericht in Memel) was set up on 1 February in 1921<sup>46</sup>. This court enjoyed jurisdiction of former Senior Court of Danzig and Memel. The headquarters of the Court were in Memel and it was composed of five judges including a chairperson. This court functioned until 1 March 1924. During its functioning a number of orders which governed the competence of the courts and their organization were issued. V. Burkevičius made several conclusions about these orders: first, the court was not of the final instance, second, the number of judges was constantly increased, third, German laws with some modifications were applied, fourth, sometimes the president of territorial Directorate could chair the court, fifth, Presidium of the Senior Court was set up, sixth, if necessary judges of the Senior Court could act as judges of the Memel District Court, and seventh, judges could replace each other<sup>47</sup>.

Unfortunately, judicial procedure was not regulated. Although it is clear that it was governed by the German laws. For instance, in 1922 the order was issued on facilitating the law matters<sup>48</sup> and it was related with the German Code of Criminal Procedure (Strafprozessordnung)<sup>49</sup>. Moreover, in later orders there were references to other German laws as well, for example, in the order on facilitating litigation in criminal matters<sup>50</sup> the German Law concerning the Duties of Merchants in the Safekeeping of Foreign Securities<sup>51</sup> was mentioned, etc. (Tables 1–3).

**Table 1.** Ordinary courts in the Memel Territory which belong to the province of East Prussia (1879–1920?)

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Court of Appeal of Königsberg Tilzit District Court, commercial courts in Königsberg and Memel Regional courts in Heydekrug, Kaukehmen, Memel, Prökuls, Rusne, etc.
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<sup>45</sup> **Burkevičius, V.** Klaipėdos Krašto Vyriausiasis Teismas 1920–1933 m. – Teisė, 1933, **24**, 324.

<sup>46</sup> Order No. A314 of 24 September, 1921 of the Chief Commissioner G. Pétisné on the establishment of the Senior Court in Memel. – Gazette of the Memel Territory Government, 5 October, 1921, No. 110; Order No. A399 of 30 January, 1922 of the Chief Commissioner G. Pétisné on the first day of operation of the Senior Court of Memel. – Gazette of the Memel Territory Government, 3 February, 1922, No. 15.

<sup>47</sup> **Burkevičius, V.** Klaipėdos Krašto Vyriausiasis Teismas 1920–1933 m., 324–325.

<sup>48</sup> Order No. A661 of 22 December, 1922 of the Chief Commissioner G. Pétisné on facilitating in law matters. – Gazette of the Memel Territory Government, 5 January, 1923, No. 2.

<sup>49</sup> Die Strafprozessordnung (1877).

<sup>50</sup> Order of 1 April, 1924 of the Governmental authorized officer Budrys and Directorate of the Memel Territory officers Gailius and Trelchler on facilitating litigation in criminal proceedings. – Gazette of the Memel Territory Government, 15 April, 1924, No. 33; Implementing rules of 16 April, 1924 of the Memel District Court chairman Scholz on the order of 8 April, 1924. – Gazette of the Memel Territory Government, 29 April, 1924, No. 37.

<sup>51</sup> Gesetz, betreffend die Pflichten der Kaufleute bei Aufbewahrung fremder Werthpapiere vom 5. Juli 1896.

**Table 2.** Ordinary courts in the Memel Territory (1920–1922)

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Senior Court of Danzig and Memel
Memel District Court
Regional courts in Rusne, Heydekrug, and Wayswille

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**Table 3.** Ordinary courts in the Memel Territory (1922–1924)

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Senior Court of the Memel Territory
Memel District Court
Regional courts

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## THE JUDICIARY OF THE MEMEL TERRITORY AFTER 1924

When the Ambassadors' Conference adopted the resolution on the Memel Territory<sup>52</sup>, by which the rights of sovereignty of the Memel Territory were transferred to Lithuania, the Lithuanian authorities made amendments to the Provisional Law on Judiciary of Lithuania<sup>53</sup>. Analogous amendments were made by the autonomous bodies<sup>54</sup>.

One week after these amendments were announced, a ruling was issued on the jurisdiction of the Courts of the Memel Territory<sup>55</sup>. This judgement reveals the Court System of the Territory, in which the Senior Court of the Memel Territory no longer existed.

The regional courts (Amtsgerichte) heard the cases as the first instance courts. The jurisdiction of regional courts was not limited to one region: the territory of Memel regional court activity included Memel and part of Memel county; Heydekrug regional court – Heydekrug county, as far as it did not cover the jurisdiction of Rusne regional court, and part of the Pogegen county; the territory of Prökuls regional court included the part of Memel County, as far as it was not the part of the Memel regional court; the territory of Rusne regional court included part of Heydekrug county; the territory of Wayswille regional court included Pogegen County, to the extent that it did not include the jurisdiction of Heydekrug regional court<sup>56</sup>.

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<sup>52</sup> Resolution of 16 February, 1923 adopted by the Conference of Ambassadors on the Memel Territory. – Gazette of the Memel Territory Government, 1 March, 1923, No. 22.

<sup>53</sup> Amendment of the Provisional Law on the Judiciary of Lithuania. – Gazette of the Government of Lithuania, 1924, No. 151–1078.

<sup>54</sup> Ruling of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 13 March. – Gazette of the Memel Territory Government, 15 March, 1924, No. 23.

<sup>55</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 29 February, 1924 concerning jurisdiction of the courts. – Gazette of the Memel Territory Government, 13 March, 1924, No. 22.

<sup>56</sup> See: Lawyers' Calendars of 1927 to 1939.

The regional courts of the Territory could have had one or more judges. One of the judges was the director of the court. According to the number of judges and judicial clerks, the largest courts were in Memel and Heydekrug regions.

The regional courts heard civil and criminal cases.

According to the German Penal Code, criminal cases were handled by the regional courts if the punishment was foreseen up to ten years of imprisonment. Criminal cases were heard by a single judge or judge and assessors. A single judge heard cases of the private accusation procedure and when the sanction for certain offense was imprisonment of no more than half a year. Cases were heard by one judge and two assessors if they did not fall within the jurisdiction of a single judge<sup>57</sup>.

An assessor had to be a citizen of Lithuania “who was a citizen of Memel, who is at least had thirty years old and lived in the same village, manor or town for at least two years, and whose physical or mental integrity does not preclude taking such duties”<sup>58</sup>. Assessors participated in such criminal proceedings the decision of which required panel of judges. Consequently, the cases were handled by the regional judge and two assessors.<sup>59</sup>

Civil cases were heard by a single judge in regional courts.

The cases in which the subject of a commercial dispute was more than LTL 1,000 were not even heard by the regional courts, but by the “Memel Commercial Court for the whole Territory” (Handelsgericht in Memel)<sup>60</sup> in the composition of three judges under the chairmanship of the judge of the Memel District Court and with participation of two judges specializing in commercial disputes. The judges and their deputies of Memel Commercial Court were merchants, consulars, etc. It appears from the documents that Commercial Court functioned as the first and second instance court<sup>61</sup>.

The regional courts had the power to amend acts of civil status<sup>62</sup>.

Memel District Court (Landgericht in Memel) was an appeal court. The territory of this court was the entire Memel Territory, comprising one judicial district. An appeal to Memel District Court could have been filed if the subject matter of the dispute had exceeded LTL 80.

This court consisted of the Division of Civil cases and two Divisions of Criminal cases which operated in Memel and Heydekrug. However, according to

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<sup>57</sup> **Remeikis, V.** Teismų santvarka Klaipėdos krašte (Organization of the Judiciary in the Memel Territory). – Policija, 1936, **19**, 367.

<sup>58</sup> Ibid., 368.

<sup>59</sup> Ibid., 367–369, 385–386; **Vikeris, R.** Klaipėdos krašto teismų veikimo ir organizaciniai trūkumai. – Teisė, 1934, **27**, 262–263.

<sup>60</sup> **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 570.

<sup>61</sup> Decision of 20 December, 1932 of the Directorate of the Memel Territory on the appointment of judges and their deputies in Commercial Court. – Gazette of the Memel Territory Government, 21 December, 1932, No. 153.

<sup>62</sup> For example, Memel regional court made a decision on the person’s name Jakszas to write “Jakschies”. – Gazette of the Memel Territory Government, 7 January, 1939, No. 3.

other sources, there was a Division of Commercial Disputes in addition to the above-mentioned divisions<sup>63</sup>. The court was run by its chairperson<sup>64</sup>, divisions of the court – by directors<sup>65</sup>.

The criminal divisions of Memel District Court were the appeal instances for the judgements of the regional courts. Usually a judge heard the case together with two assessors.

The Civil Division was also an appeal instance for civil cases investigated by the regional courts. Decisions in civil cases were made by two judges and one judge specializing in commercial disputes (*Handelsrichter*)<sup>66</sup>.

However, this Court also acted as a first instance judicial body in some civil cases and in criminal cases of severe crimes. In the latter cases judgements were rendered by jurors who could also organize outgoing sessions<sup>67</sup>. The panel of jurors was composed of three judges and six jurors (*Schöffen*). The panel dealt with the issues of law, fault and punishment<sup>68</sup>. Jurors were appointed by a special commission from a list of candidates made by the local authorities.

The above-mentioned ruling on the jurisdiction of the Courts of the Memel Territory<sup>69</sup> governed cassation appeal, i.e. a complaint could be lodged at a higher instance court than Memel District Court. This higher instance court was the Senior Tribunal of the Republic of Lithuania. It is logical, because according to the Provisional Law on the Judiciary of Lithuania, since 1 March, 1924, the Senior Tribunal also had jurisdiction over the Memel Territory. Thus, the Division of the Memel Territory in the Senior Tribunal was established. This establishment was primarily due to the provisions of the Convention regarding the Memel Territory and the Statute of the Memel Territory.

Article 23 of the Statute stipulates that local judges shall be appointed by the Directorate of the Territory for life, while the disciplinary matters of judges will be dealt by the Division of the Memel Territory in the Senior Tribunal. Article 24 of the Statute refers to the Senior Tribunal of the Republic of Lithuania. The latter had to be not only a territorial judge's disciplinary court, but it also had to have a special section for territorial courts' judgements.

Consequently, the Division of the Memel Territory had several types of jurisdiction over the courts of the Territory. First, it was cassation for the judgements in civil cases made by the Memel District Court. Also it was a cassation for the judgements in criminal cases made by the Criminal chamber or Court of jurors

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<sup>63</sup> **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 570.

<sup>64</sup> Memel District Court was run by Karl Scholz, dr. Hermann Riffart.

<sup>65</sup> As directors served dr. Artur Fink, Michel Tolischus, Erwin Spach, Herbert Kork.

<sup>66</sup> **Vikeris, R.** Klaipėdos krašto teismų veikimo ir organizaciniai trūkumai, 266.

<sup>67</sup> For details on jurors see: **Remeikis, V.** Teismų santvarka Klaipėdos krašte (Organization of the Judiciary in the Memel Territory), 385.

<sup>68</sup> See: **Vikeris, R.** Klaipėdos krašto teismų veikimo ir organizaciniai trūkumai, 263.

<sup>69</sup> Order of the Supreme Lithuanian Authorized Officer Budrys and Directorate officers of the Memel Territory Gailius and Borchert of 29 February, 1924 concerning jurisdiction of the courts. – Gazette of the Memel Territory Government, 13 March, 1924, No. 22.

of the Memel Territory. Complaints about the judgements of the courts of the Memel Territory were examined by at least three judges whose qualifications should comply with the requirements of legal regulation of the Territory. The Provisional Law on the Judiciary of Lithuania established that a cassation complaint was not possible if the value of the dispute was lower than LTL 1,000. The value of the dispute requirement was not applied to the competition disputes.

Second, the Senior Tribunal had to carry out other duties that were previously carried out by the Senior Court of the Memel Territory, as well as to hear cases which the Senior Court of the Territory left undecided.

Third, it was a disciplinary court for the actions of territorial judges.

Judges of the Division of the Territory in the Senior Tribunal were appointed for life by the head of the state, although the opinion of the Memel District Court was necessary. Judges of this Division might have been replaced by judges of the Memel District Court or regional courts of the Territory, if they had met certain requirements. Most of the judges from this Division should have been from the Territory.

While governing the competence of the Division of the Memel Territory in the Senior Court Lithuanian legislator mentioned German laws in the Provisional Law on the Judiciary. Article 46 of the Law declared that the Senior Tribunal applies legal regulation that was in force in the Memel Territory, including the second chapter of the third book of the German Code of Civil Procedure.

It is noteworthy that the legislator of Lithuania used the terms “Criminal chamber” and “Court of jurors of the Memel Territory” in the Law on the Judiciary, although, according to unofficial data of lawyers in 1927–1939, the judiciary of the Memel Territory consisted of the Memel District and five regional courts in Memel, Heydekrug, Prökuls, Rusne, and Wayswille. The Commercial Court was also not mentioned in the structure of the judiciary of the Memel District. It would appear that the “Criminal chamber” meant two criminal divisions of the Memel District Court, and the Court of Jurors could have been lay judges who had no legal education in the Memel District Court (public judges, Schwur). Commercial Court was a certain special division of Memel District Court (Table 4).

**Table 4.** Ordinary courts in the Memel Territory from 1924 to 1939

Senior Tribunal Division of the Memel Territory	
Memel District Court – appeal instance Division of Civil cases, two divisions of criminal cases, Division of Commercial Disputes	Memel Commercial Court first instance Memel Commercial Court second instance
Memel District Court – first instance court – Panel of Jurors	
Regional courts (first instance courts in criminal and civil matters) in Memel, Heydekrug, Prökuls, Rusne, and Wayswille	

## SPECIALIZED COURTS IN THE MEMEL TERRITORY

In the Memel Territory together with regional courts, Commercial court and Memel District Court operated specialized courts: the Merchant Court, established by the Statute of Memel city<sup>70</sup>, the Court of Industry of Memel city established in the Statute of Memel city regarding the Industry Court<sup>71</sup>, Marine Office established by General D. Odry<sup>72</sup>, Labour court established by the Chief Commissioner G. Pétisné<sup>73</sup>, Rental settlement institutions established by the local law<sup>74</sup>, Labour dispute commissions established by G. Pétisné<sup>75,76</sup>, mortgages and other claims' re-evaluation entities established in accordance with the German Law on the Re-evaluation of mortgages and other claims<sup>77</sup>.

The headquarters of all these courts were in Memel, except disputes' settlement and re-evaluation entities which operated in the administrative units of the Territory.

The Directorate of the Territory monitored all courts. Noteworthy, traditionally these courts were not assigned to the judiciary because their judgements and announcements were published not in the chapter "Courts' announcements" of the Gazette of the Memel Territory Government, but rather in the chapter "Announcement of the Governmental Authorities of the Memel territory".

Each court is briefly described in this article.

The jurisdiction of the court of Memel Merchant Court (Kaufmannsgericht zu Memel) covered the district of Memel municipality. The court consisted of the chairperson, two assistants and twelve assessors. The court heard disputes between merchants and merchant officers and apprentices. The court operated as the final

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<sup>70</sup> The Merchant Court was established in 1904 in accordance with the German Law on Traders' Courts and the local Statute of Memel City. See: The Local Statute of Memel City of 28 November, 1929 on the Merchant court in Memel. – Gazette of the Memel Territory Government, 5 May, 1930, No. 48.

<sup>71</sup> The Court of Industry was established in accordance with the German Industrial Court Law, which continued to operate in accordance with the Local Statute of Memel City on the Industrial Court in Memel. See: The Local Statute of Memel City of 28 November, 1929 on the Industrial Court in Memel. – Gazette of the Memel Territory Government, 1930 April 29, No. 45.

<sup>72</sup> Order No. A212 of 11 February, 1921 of General D. Odry on the establishment of Marine Office and the investigation of marine accidents. – Gazette of the Memel Territory Government, 16 February, 1921, No. 19.

<sup>73</sup> Order No. A560 of 12 September, 1922 of the Chief Commissioner G. Pétisné on the establishment of Labour Dispute Court in the Territory. – Gazette of the Memel Territory Government, 29 September, 1922, No. 113.

<sup>74</sup> Law No. 109 of 15 September, 1933 of Chamber of Representatives of the Memel Territory on conciliation of dispute arising from lease. – Gazette of the Memel Territory Government, 18 September, 1933, No. 104.

<sup>75</sup> Order No. A314 of 5 July, 1922 of the Chief Commissioner G. Pétisné on the lawfulness of the Conciliation Bodies. – Gazette of the Memel Territory Government, 10 July, 1922, No. 78.

<sup>76</sup> Some of these courts are mentioned by J. Robinzonas. See: **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 571–572.

<sup>77</sup> Gesetz über die Aufwertung von Hypotheken und anderen Ansprüchen (Aufwertungsgesetz) vom 16. Juli 1925.

instance if the amount of the dispute did not exceed 600 Lt and as a court of the first instance, if the sum of the dispute exceeded 600 Lt. In such case Memel District Court operated as a court of appeal<sup>78</sup>.

The jurisdiction of the Court of Industry of Memel (Gewerbegericht zu Memel) covered the district of Memel municipality. The court consisted of the chairperson, two assistants and twenty four assessors. The court heard disputes between employers and employees, between the employees of the same employer, between the persons who engage in manufacture of industrial products, for instance, in homes and their employees, though they took care of materials themselves.

Marine Office (Seeamt) analysed accidents if they occurred with the ships of the Memel Territory, and the ships which belonged to other states if the accident occurred in the Memel Territory. It examined accidents when people disappeared, a ship sunk or was abandoned. The examination was carried out by the chairperson, who had certain qualification, four assessors, and, if necessary, one or two assistants, also, the captains, appointed by the Directorate of the Territory, merchants, engineers and other persons. The members of the Office of the Territory were appointed each year<sup>79</sup>.

The institution for Lease contracts (Eigentumsamt) was responsible to examine the contracts on land, hunting areas concluded until 1 January, 1933 if the sum of the rent was not reduced by 50 percent. It sought to settle the dispute peacefully, if possible.

There were other dispute settlement institutions, for instance, Commerce, manufactory and industry disputes settlement councils for labour relations (Schlichtungsausschuss Handel, Gewerbe und Industrie) (particularly in constructing sector) in the regions of the Territory, in which the members were not only judges<sup>80</sup>, but also merchants, construction masters, gardeners, and other workers<sup>81</sup>. These councils could have made a proposal in labour relations in the Court of Arbitration. The latter could legitimize certain proposal of the councils<sup>82</sup>. Complaints about the decisions taken by the conciliation bodies were submitted to the Court of Arbitration<sup>83</sup>.

In the Memel Territory the Court of Arbitration (Landesschiedsgericht) was established to hear labour disputes. In this court worked judges from the Senior

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<sup>78</sup> See: **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 571.

<sup>79</sup> For example, Announcement of the Directorate of the Memel Territory on the members of Marine Office. – Gazette of the Memel Territory Government, 31 May, 1934, No. 59; 16 October, 1935 No. 111; 11 March, 1936, No. 27; 29 January, 1937, No. 12; 7 March, 1938, No. 22, etc.

<sup>80</sup> Announcement of the Directorate of the Memel Territory of 27 January, 1933 on the appointment of the chairman of the Trade and Industry Conciliation Council in Pogege. – Gazette of the Memel Territory Government, 6 February, 1933, No. 14.

<sup>81</sup> Announcements of the Directorate of the Memel Territory. – Gazette of the Memel Territory Government, 15 August, 1935, No. 82; 26 March, 1936, No. 33; 3 May, 1937, No. 47.

<sup>82</sup> Announcements of the chairman of the Court of Arbitration F. Plümicke. – Gazette of the Memel Territory Government, 18 February 1938, No. 16; 2 March, 1938, No. 20; 29 April, 1938, No. 42.

<sup>83</sup> Law No. 135 of 31 August, 1936 to supplement orders. – Gazette of the Memel Territory Government, 7 September, 1936, No. 100.

Tribunal (for instance, F. Plümicke, A. Hesse), merchants, consular, secretary of employees' trade union, bricklayers, and drivers. This court heard disputes between employees in constructing area and their employers<sup>84</sup>. It examined disputes between employers of construction business and the free construction union and, in resolving the disputes set binding hourly earnings rates for masons, carpenters, roof tilers, stone floor moulders, bricklayers<sup>85</sup>, and apprentices. Additionally, the Court of Arbitration could simply publish the decisions of the Commerce, manufactory and industry disputes settlement councils when they, for example, determined the tariffs of salaries for dyers<sup>86</sup>.

Judge of the Senior Tribunal (Dr. A. Hesse), other judges and also merchants, farmers, landlords worked in the mortgages and other claims' re-evaluation entities (Aufwertungsstelle)<sup>87</sup>.

Judges and judicial clerks also worked in the Doctors' Honorary Court and tribunal<sup>88</sup>.

One of the specialized courts was the Administrative Court of the Memel Territory (initially called the Court of Government), which was established in 1920, when the sovereign power of the Memel Territory had not been given to Lithuania yet<sup>89</sup>. Nevertheless, it was not a judicial, but administrative entity. This court replaced the former regional council and district committee (Bezirksausschuss)<sup>90</sup>. It also fulfilled functions of Province Council (Provinzialrat), the Supreme Administrative Court and others<sup>91</sup>. All the orders related to the administrative court were based on the Prussian Supreme Administrative Court Act of 2 August 1880<sup>92</sup> and other German legal acts.

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<sup>84</sup> Announcement of the Directorate of the Memel Territory of 5 February, 1936. – Gazette of the Memel Territory Government, 14 February, 1936, No. 17.

<sup>85</sup> Announcement of the chairman of the Court of Arbitration F. Plümicke. – Gazette of the Memel Territory Government, 19 April 1938, No. 38; Announcement of the chairman of the Court of Arbitration F. Plümicke of 28 July, 1937 on arrangement of salaries of carpenters' business. – Gazette of the Memel Territory Government, 27 July, 1937, No. 77, etc.

<sup>86</sup> Announcement of the chairman of the Court of Arbitration F. Plümicke. – Gazette of the Memel Territory Government, 25 June, 1938, No. 62.

<sup>87</sup> Announcements of the Directorate of the Memel Territory. – Gazette of the Memel Territory Government, 6 February, 1936, No. 14; 29 December, 1936, No. 143; 11 January, 1938, No. 3.

<sup>88</sup> Order of 6 May, 1932 of the Directorate of the Memel Territory due to the composition of the Doctors' Honorary Court. – Gazette of the Memel Territory Government, 18 March, 1936, No. 30.

<sup>89</sup> Order of 21 September, 1920 of General D. Odry on the reorganization of the supreme power of the Territory. – Gazette of the Memel Territory Government, 22 September, 1920, No. 41.

<sup>90</sup> Order of 21 September, 1920 of General D. Odry on the reorganization of the supreme power of the Territory. – Gazette of the Memel Territory Government, 22 September, 1920, No. 41.

<sup>91</sup> Order No. A244 of 9 May, 1921 of the Chief Commissioner G. Pétisné. – Gazette of the Memel Territory Government, 13 May, 1921, No. 55; Order No. A311 of 22 September, 1921 of the Chief Commissioner G. Pétisné due to the composition of the administrative court. – Gazette of the Memel Territory Government, 2 September, 1921, No. 106; Order No. A409 of 13 February, 1922 of the Chief Commissioner G. Pétisné. – Gazette of the Memel Territory Government, 17 February, 1922, No. 21; Order No. A315 of 27 September, 1921 of the Chief Commissioner G. Pétisné. – Gazette of the Memel Territory Government, 5 October, 1921, No. 110. See: **Robinzonas, J.** Klaipėdos krašto konvencijos komentaras, 502–503.

<sup>92</sup> Preußisches Oberverwaltungsgerichtsgesetz vom 3. Juli 1875.

The court consisted of five members: the chairperson, who was also a deputy to the president of the Directorate of the Territory, one Memel District Court judge, three members, who were appointed by the Council of the Territory (its main function was to deliver opinions about the main questions regarding the politics and economics of the Territory)<sup>93</sup>. The composition of the Court was amended further. The chairperson of the Court had to be the president of the Directorate of the Memel Territory<sup>94</sup>. Assessors of the Court were elected by the Chamber of Representatives of the Territory<sup>95</sup>. Judges, their deputies of the Court were appointed by the Directorate of the Territory<sup>96</sup>.

When the Statute of the Memel Territory entered into force, it became clear that the provisions which regulated the status of the Administrative Court were not sufficient because the Council of the Territory did no longer exist. Thus, the new laws were adopted. On 25 June 1938 the Chamber of Representatives of the Memel Territory adopted the Law on Organization of the Territorial Administrative Court<sup>97</sup>. According to it, the headquarter of the Court was in Memel. It consisted of the chairperson, two constant members, and five deputies. All of them had to meet the judge's qualifications. Additionally, there were also ten jurors and assessors appointed by the Directorate of the Territory on the suggestion of Memel municipality and regional councils for five years term. The chairperson was appointed for life and other members of the Court were usually the judges from other courts. Later the chairperson of the Memel administrative court confirmed the composition of the Administrative Court. According to it, the chairperson of the Court, two permanent members-judges, five deputies of the judges who were counsellors in territorial courts, and ten unprofessional or lay members were included in the composition of the Court<sup>98</sup>.

The cases in the Administrative Court were decided in the panel of five judges: the chairperson, two permanent members and two unprofessional or lay judges.

The judges were monitored by the Disciplinary Court of the Memel Territory, and unprofessional members of the Court were monitored by professional judges.

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<sup>93</sup> A French equivalent of this institution would be Conseil d'Etat. See: Order of 21 September, 1920 of General D. Odry on the reorganization of the supreme power of the Territory. – Gazette of the Memel Territory Government, 22 September, 1920, No. 41.

<sup>94</sup> Order No. A311 of 22 September, 1921 of the Chief Commissioner G. Pétisné due to the composition of the Administrative Court. – Gazette of the Memel Territory Government, 2 September, 1921, No. 106; Order No. A395 of 18 January, 1922 due to the composition of the Administrative Court. – Gazette of the Memel Territory Government, 23 January, 1922, No. 10.

<sup>95</sup> Announcement of 7 January, 1931 of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 10 January, 1931, No. 4.

<sup>96</sup> Announcement of 5 September, 1931 of the Directorate of the Memel Territory. – Gazette of the Memel Territory Government, 10 September, 1931, No. 100.

<sup>97</sup> Law on Organization of Territorial the Administrative Court. – Gazette of the Memel Territory Government, 28 June, 1938, No. 63.

<sup>98</sup> Announcement of the chairman dr. Treichler of the Administrative Court of the Memel Territory of 3 September, 1938 on Composition of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 9 September, 1938, No. 88.

It should be mentioned that the autonomous government of the Territory did not adopt a legal act which would define the competence of the Administrative Court of the Territory. Thus, probably the court's judicial competence was established in the above-mentioned Law on the Prussian Supreme Administrative Court<sup>99</sup>.

It can be concluded from the remaining documents that the Administrative Court performed public administration functions, for instance, it announced annual calendars of shops, markets of cattle and horses<sup>100</sup>, directly enforced the will of regional assemblies, for instance, decreased the sums due to the damage caused by animals in the fields of other owners<sup>101</sup>, determined the measures, rates of heavy loads<sup>102</sup>, gave permissions to the police orders, for instance, in 1930 it gave the permission to the police to prohibit selling alcohol during the election days<sup>103</sup>.

## CONCLUSIONS

1. Article 22 of the Statute of the Memel Territory authorized the local government to adopt a law which would establish the organization and competence of local courts. This provision was not implemented. Therefore, the German laws regarding the judiciary were in force in the Territory. Nevertheless, in the period from 1924 to 1939, the autonomous government adopted about twenty legal acts that amended German laws, adapting them to the local affairs of the Territory.
2. After 1924 the judiciary of the Memel Territory was governed by the Law on the Courts of the German Reich 1877. According to this law, regional courts, courts of jurors, district courts, courts of assessors, and commercial courts, remained in the Territory. However, this system was also established

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<sup>99</sup> One of the functions of territorial the Administrative Court was a power to annul the results of elections. For example, it happened on 19 December, 1931 when the Administrative Court of the Memel territory abolished the results of the elections to the regional Chamber of Representatives. See: Writ of 25 January, 1932 of the Governor of the Memel Territory to the President of the Directorate of the Memel Territory. LCSA. F. 383, inventory 7, c. 1236, p. 13.

<sup>100</sup> Announcements of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 14 August, 1934, No. 92; 13 April, 1935, No. 36; 7 November, 1935, No. 120; 4 May, 1936, No. 48; 6 July, 1938, No. 66; The Administrative Court of the Memel Territory on 7 May, 1937 granted the right to Pogegen marketplace of horses to keep cattle. – Gazette of the Memel Territory Government, 14 May, 1937, No. 51.

<sup>101</sup> Decisions of 22 May, 1935 and 20 June, 1936 of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 19 June, 1935, No. 61; 3 July, 1936, No. 77; Announcement of 8 June, 1937 of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 17 July, 1937, No. 74.

<sup>102</sup> Decisions of 5 March, 1936, 16 March, 1937, 12 February, 1938 of the Administrative Court of the Memel Territory. – Gazette of the Memel Territory Government, 6th of March, 1936, No. 25; 18 March, 1937, No. 30; 14 February, 1938, No. 15.

<sup>103</sup> Announcement of the Directorate of the Memel Territory. – Gazette of the Memel Territory Government, 12 January, 1931, No. 5.

during of the period of French provisional governance, during which a three instance court system was formed. Also, the Memel District Court was established.

When the Convention entered into force, three instance court system was maintained. However, the highest instance for the decisions rendered by the territorial courts was the Division of the Memel Territory in the Senior Tribunal of Lithuania.

3. There were a number of so-called specialized courts in the Memel Territory. They had the status of a public administration or quasi-judicial body. All of them were established by local statutes or orders of local authorities. But they did not belong to the judiciary. In some of them worked judges of the general courts. But disputes could have also been resolved by merchants, construction masters, gardeners, etc. Most of the specialized courts were established on the basis of German law. However, some of them were set up during the French governance period.

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#### **KOHTUD MEMELI PIIRKONNAS**

Ieva DEVIATNIKOVAITĒ

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Artiklis on analüüsitud Memeli piirkonna kohtunike ja prokuröride institutsiooni õiguslikku korraldust alates 1877. aastast kuni 1939. aastani, kui võeti vastu Kolmanda Reichi seadus kohtute korraldusest ning kui piirkonna okupeeris Natsi-Saksamaa. Artiklis on antud ülevaade nii üldistest kui ka spetsialiseeritud kohtutest piirkonnas. Peamine eesmärk on kirjeldada kohtusüsteemi Memeli piirkonnas.

Artiklis on keskendutud Leedu Riiklikust Keskarhiivist leitud dokumentidele ja Gazette of the Memel Territory Governmentile, kus on avaldatud piirkonna esinduskoja seadused, direktoraadi presidendi korraldused ning piirkonnakohtute teated.