

## GOVERNMENT NOTIFICATION.—No. 333.

The following Circular Despatch, accompanying copies of Orders of the Queen in Council, under the *Foreign Jurisdiction Acts*, 1843 to 1878, is published for general information.

By Command,

FREDERICK STEWART,  
*Acting Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 6th August, 1887.

## CIRCULAR.

DOWNING STREET, 24th May, 1887.

SIR,—I have the honour to transmit to you, for the information of the Colony under your Government, copies of the following Orders of the Queen in Council, under the *Foreign Jurisdiction Acts*, 1843 to 1878:—

3rd May, 1882.....	Ottoman.
26th June, 1884 .....	China, Japan, and Corea.
26th June, 1884 .....	Siam.
29th November, 1884 .....	Zanzibar.
26th March, 1885 .....	West Africa.

I have the honour to be,

Sir,

Your most obedient humble Servant,

H. T. HOLLAND.

*The Officer Administering the Government of*  
HONGKONG.

## AT THE COURT AT WINDSOR,

The 3rd day of May, 1882.

PRESENT,

## THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions:

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers in this behalf by the *Foreign Jurisdiction Acts*, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

*Short Titles.*

1.—(a.) This Order may be cited as the Ottoman Order in Council, 1882.

(b.) The Order in Council made at Windsor, the 12th day of December, 1873, for the regulation of Consular jurisdiction in the Ottoman dominions, may be cited as the Ottoman Order in Council, 1873.

(c.) That Order and this Order may be cited together as the Ottoman Orders in Council, 1873 and 1882.

*Commencement.*

2. This Order shall commence and have effect from and immediately after the 31st day of May, 1882.

*Interpretation.*

3. In this Order—

“Her Majesty's Ambassador” includes Her Majesty's Chargé d'Affaires, or other chief diplomatic representative in the Ottoman dominions for the time being.

“Administration” means letters of administration, including the same with will annexed, or granted for special or limited purposes.

“Ship” includes any vessel used in navigation, howsoever propelled, with her tackle, furniture, and apparel, and any boat or other craft.

“Ottoman waters” means the territorial waters of the Ottoman dominions.

Other words have the same meaning as in the Ottoman Order in Council, 1873.

*Repeal.*

4. The following parts of the Ottoman Order in Council, 1873, are hereby repealed:

(a.) Article 11.—The last two paragraphs.

(b.) Article 12.—The last paragraph.

(c.) Article 13.—The words “and for that purpose shall have the like jurisdiction and authority as the Assistant Judge.”

(d.) Article 93.

(e.) Article 266.—In the first paragraph the words “the Judge of;” and the last paragraph.

*Assistant Judge of Supreme Court.*

5.—(a.) The Assistant Judge of the Supreme Court shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of seven years' standing.

(b.) The Assistant Judge shall hear and determine such causes and matters, civil and criminal, and transact such other part of the business of the Supreme Court as the Judge of the Supreme Court, from time to time, by general order or otherwise, directs.

(c.) For that purpose the Assistant Judge shall have all the like jurisdiction, power, and authority as the Judge.

(d.) Any party to a civil suit or proceeding, wherein any matter or question is heard and determined by the Assistant Judge, and any party to a criminal proceeding, other than a proceeding by summary trial, wherein any question of law is heard and determined by the Assistant Judge, shall be entitled, as of course, to a re-hearing of the matter or question aforesaid before the Judge, sitting with the Assistant Judge, or, in the unavoidable absence of the Assistant Judge, alone; provided that an application for the re-hearing be made within three days after the day of the decision of the Assistant Judge.

(e.) If, on any such re-hearing, there is a difference of opinion between the Judge and the Assistant Judge, the opinion of the Judge shall prevail.

*Acting Judge or Acting Assistant Judge of Supreme Court.*

6. In case of the death or illness, or the absence or intended absence from the district of the Consulate-General of Constantinople, of the Judge or Assistant Judge of the Supreme Court, Her Majesty's Ambassador may appoint a fit person to be the Acting Judge, or to be the Acting Assistant Judge, as the case may require; but, unless in any case the Secretary of State otherwise directs, the Assistant Judge, if present, and able to act, shall always be appointed to be the Acting Judge.

*Offences on board Ship.*

7. Section eleven of the Merchant Shipping Act, 1867, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions, read as follows (namely):

If in the Mediterranean Sea, or the Sea of Azof, or if in the Adriatic, Ægean, or Black Sea, out of Ottoman waters, a British subject commits an offence on board a British ship, or on board a foreign ship to which he does not belong, the Supreme Court, sitting within the district of the Consulate-General of Constantinople, shall have jurisdiction to hear and determine the case as if the offence had been committed on board a British ship in Ottoman waters; and the Supreme Court may exercise that jurisdiction accordingly if in any case the Court, in its discretion, having regard to all the circumstances, thinks it fit and expedient so to do.

*Detention of Ship.*

8. Where the Supreme Court issues a summons or warrant against any person on a charge of an offence committed on board of or in relation to a British ship, then, if it appears to the Court that the interests of public justice so require, the Supreme Court may issue a warrant or order for the detention of the ship, being within the district of the Consulate-General of Constantinople, and may cause the ship to be detained accordingly, until the charge is heard and determined and the order of the Court thereon is fully executed, or for such shorter time as the Court thinks fit; and the Supreme Court shall have power to make, from time to time, all such orders as appear to it necessary or proper for carrying this provision into effect.

*Offences partly out of Jurisdiction.*

9. The Admiralty Offences Colonial Act, 1860, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions and the jurisdiction of the Court, read as follows (namely):

Where a person, being feloniously stricken, poisoned, or otherwise hurt, in the Ottoman dominions, dies of such stroke, poisoning, or hurt, on the sea, or out of the Ottoman dominions, then every offence committed in respect of any such case, whether amounting to murder or to manslaughter, or to the being accessory before the fact to murder, or after the fact to murder or to manslaughter, may be dealt with, inquired of, tried, determined, and punished in the Ottoman dominions in all respects as if such offence had been wholly committed in the Ottoman dominions.

*Fugitive Offenders.*

10. The Fugitive Offenders Act, 1881, except Part II. thereof, or so much thereof, except that Part, as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

- (i.) Her Majesty's Ambassador is hereby substituted for the Governor of a British Possession:
- (ii.) The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a British Possession:
- (iii.) Each Court under the Ottoman Order in Council, 1873, according to its jurisdiction, is substituted for a magistrate of any part of Her Majesty's dominions.

*Coroners' Inquests.*

11.—(a.) The Supreme Court shall, for and within the district of the Consulate-General of Constantinople, and the Court for Egypt shall for and in Egypt, and the Court for Tunis shall, for and in Tunis, have and discharge all the powers, rights, and duties appertaining to the office of Coroner in England, in relation not only to deaths of British subjects happening in that respective district or country, but also to deaths of any persons having happened at sea on board British ships arriving in that respective district or country, and to deaths of British subjects having happened at sea on board foreign ships so arriving.

(b.) Every inquest shall be held with a jury of not less than three persons comprised in the jury list of the Court summoned for that purpose.

(c.) If any person fails to attend according to such summons, he shall be liable to the like fine, to be levied in the like manner, as is in the Ottoman Order in Council, 1873, provided with respect to juries in civil and criminal proceedings.

*Jurisdiction as regards Embassy.*

12. The Court shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Ambassador, or his official or other residences, or his official or other property; nor shall the Court, except with the consent of Her Majesty's Ambassador, signified in writing to the Court, exercise any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador.

*Evidence.*

13. If in any case it is made to appear to the Court that the attendance of Her Majesty's Ambassador, or of any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador, to give evidence before the Court, is requisite in the interest of justice, the Court shall address to Her Majesty's Ambassador a request in writing for such attendance.

14. A person attending to give evidence before the Court shall not be compellable to give any evidence or to produce any document if, in the opinion of Her Majesty's Ambassador, signified by him personally or in writing to the Court, the giving or production thereof would be injurious to Her Majesty's service.

15. Sections seven and eleven of the Evidence Act, 1851, are hereby extended to the Ottoman dominions.

16. The following Acts (namely):

The Foreign Tribunals Evidence Act, 1856,

The Evidence by Commission Act, 1859,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Supreme Court in a Colony.

*Ascertainment of Law.*

17. The following Acts (namely):

The British Law Ascertainment Act, 1859,

The Foreign Law Ascertainment Act, 1861,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a Colony.

*Probate.*

18.—(a.) Where probate, administration, or confirmation is granted in England, Ireland, or Scotland, and therein, or by a memorandum thereon signed by an officer of the Court granting the same, the testator or intestate is stated to have died domiciled in England, Ireland, or Scotland (as the case may be), and the probate, administration, or confirmation is produced to, and a copy thereof is deposited with, the Supreme Court, the Court shall write thereon a certificate of that production and deposit; and thereupon, notwithstanding anything in the Ottoman Order in Council, 1873, the probate, administration, or confirmation shall, with respect to the personal property in the Ottoman dominions of the testator or intestate, have the like effect as if he had been resident in those dominions at his death, and probate or administration to his personal property there had been granted by the Supreme Court.

(b.) Any person who, in reliance on an instrument purporting to be a probate, administration, or confirmation granted in England, Ireland, or Scotland, and to bear such a certificate of the Supreme Court as in this Article prescribed, makes or permits any payment or transfer, in good faith, shall be, by virtue of this Order, indemnified and protected in respect thereof, in the Ottoman dominions, notwithstanding anything affecting the validity of the probate, administration, or confirmation.

(c.) The following shall be the terms of the certificate of the Supreme Court in this Article prescribed (namely):

This probate has [*or* these letters of administration have *or* this confirmation has] been produced to this Court, and a copy thereof has been deposited with this Court.

19. Section fifty-one of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptation following (namely):

The Supreme Court is hereby substituted for a Court of Probate in a Colony.

*Recovery against Ships.*

20. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Acts or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

*Judicial Notice.*

21. Judicial notice shall be taken of the Ottoman Order in Council, 1873, and of the several Orders in Council amending the same, passed or to be passed, and of this Order, and of the appointment of all Judges, officers, and persons acting thereunder, and of their signatures, and of all seals used thereunder; and no proof thereof shall be necessary.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR,

The 26th day of June, 1884.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD STEWARD

SECRETARY SIR WILLIAM VERNON HARCOURT

MR. GLADSTONE

**W**HEREAS, by Treaty and otherwise, Her Majesty the Queen has power and jurisdiction within China and Japan and the dominions of the King of Corea:

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and otherwise in her vested, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the China, Japan, and Corea, Order in Council, 1884.

## 2. In this Order—

The expression, the “China and Japan Orders in Council,” means the following:—

The China and Japan Order in Council, 1865, as amended by the Orders in Council, dated the 13th May, 1869, and the 30th April, 1877;

The Orders in Council of the 19th June, 1868, and the 21st July, 1876, relating to Consular fees;

The China and Japan Maritime Order in Council, 1874;

The China and Japan Order in Council, 1878;

The China and Japan Order in Council, 1881;

The Shanghai Shipping Registry Order in Council, 1883;

and any Order in Council amending or extending this or any of the above-mentioned Orders in Council.

The expression “Corea” means the dominions for the time being of the King of Corea, including the territorial waters thereof.

Other expressions to which meanings are assigned by the China and Japan Orders in Council have the same meanings in this Order unless the subject or context otherwise requires.

In the China and Japan Orders in Council, and in this Order, the expression “British subject” shall include a British-protected person in so far as by Treaty, Capitulation, grant, usage, sufferance, or other lawful means Her Majesty has jurisdiction in relation to such persons in China, Japan, and Corea respectively.

This Order may be cited as the China, Japan, and Corea Order in Council, 1884.

3. Any person, for the time being, acting as Consul-General, Consul, or Vice-Consul holding Her Majesty’s commission for Corea or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by or acting with the approval of Her Majesty’s Minister for Corea, as and for a Consul-General, Consul, or Vice-Consul as aforesaid, shall, in and for such district as may be assigned by his commission or appointment, or as may be so approved, hold and form a Court for the purposes of this Order.

4. For the purposes and subject to the provisions of this Order—

(1.) All Her Majesty’s jurisdiction exercisable, for the time being, in Corea, under the Foreign Jurisdiction Acts, shall be exercised by a Court acting under this Order.

(2.) Such jurisdiction shall be exercised under and in accordance with the provisions of the China and Japan Orders in Council, and of any Rules and Regulations made under the authority thereof, and for the time being in force, so far as the same are applicable, as if in those provisions expressions referring to Japan, or to any Government, Sovereign, person, thing, or matter in or relating to Japan, referred also *mutatis mutandis* to Corea, and to the corresponding Government, Sovereign, person, thing, or matter in or relating to Corea; and for the purposes of the said Orders in Council, Rules, and Regulations as applied by this Order, a Court acting under this Order shall be deemed to be a Provincial Court.

(3.) All powers and jurisdiction, whether original, appellate, or auxiliary, which can, under the said Orders, be exercised by the Supreme Court at Shanghai, or any Judge thereof in relation to Japan, or any district thereof, or Provincial Court therein, shall be exercisable in relation to Corea, and any District or Provincial Court therein.

5. The powers and jurisdiction exercisable under this Order, or under the said Orders in Council, as applied to Corea, shall, in relation to Corea, be exercised subject to the provisions of the Treaty dated the 26th November, 1883, between Her Majesty and the King of Corea, and to the Regulations and Protocol appended to the said Treaty, and to the provisions of any other Treaty for the time being in force between Her Majesty and the King of Corea, and the provisions of the said Treaty, Regulations, and Protocol shall have effect as if incorporated in this Order.

6. Where, by virtue of any Imperial Act, or of any of the China and Japan Orders in Council, or this Order, or otherwise, any provisions of any Imperial Acts, or of any Orders in Council other than this Order, are applicable in China, Japan, or Corea, or any forms, Regulations, or procedure prescribed or established by or under any such Order or Act, in relation to any matter, are made applicable for any purpose of any of the China or Japan Orders in Council, or of this Order, such Acts, Orders, forms, Regulations, or procedure shall be deemed applicable, so far only as the constitution and jurisdiction of the Courts and the local circumstances permit; and for the purpose of facilitating their application, they may be construed, or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any Court, Judge, officer, or authority may be done by or to a Court, Judge, officer, or authority having the like or analogous functions; and the seal of the Consular Court may be substituted for any seal required by any such Act, Order, form, Regulation, or procedure, and in case any difficulty occurs in the application of any such Act, Order, form, Regulation, or procedure, it shall be lawful for a Secretary of State to direct by and to whom and in what manner anything to be done under such Act, Order, or Regulation, is to be done, and such Act or Order shall, in its application to matters arising under the China and Japan Orders in Council, or this Order be construed accordingly.

7. (1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death, happened within the jurisdiction of a Court acting under the China and Japan Orders in Council or this Order, such Court shall have the like jurisdiction over any person, being a British subject, who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such Court. In cases tried under this Article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(3.) The foregoing provisions of this Article shall be deemed to be adaptations for the purposes of this Order, and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adapted by this Article (but not further or otherwise), extend to China, Japan, and Corea.

8. "The Fugitive Offenders Act, 1881," shall apply, in relation to British subjects, to China, Japan, and Corea respectively, as if such countries were British possessions, and for the purposes of Part II of the said Act and of this Article, China, Japan, and Corea shall be deemed to be one group of British possessions, and Her Majesty's Minister for China, Japan, or Corea (as the case may be), shall have the powers of a Governor or Superior Court of a British possession.

9. Judicial notice shall be taken of the China and Japan Orders in Council and of this Order, and of the commencement thereof, and of the appointment of Consuls or other officers, and of the constitution and limits of the Consular Courts and districts, and of Consular seals and signatures, and of any Rules or Regulations made or in force under the China and Japan Orders in Council or this Order, and no proof shall be required of any of such matters.

The provisions of "The Evidence Act, 1851" (14 & 15 Vict. cap. 99), sections 7 and 11, relating to the proof of Judicial and other documents, shall extend and be applied for all purposes as if the Courts, districts, and places to which the China and Japan Orders in Council or this Order applies were in a British Colony.

10. This Order shall come into operation at such time or times in China, Japan, and Corea respectively as a Secretary of State, by a notice published in the "London Gazette" at or after the time of the publication therein of this Order, directs.

11. This Order shall be published in China, Japan, and Corea in such manner, and printed copies thereof shall be kept for sale at the Consular Courts there at such prices as a Secretary of State from time to time directs.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR,

The 26th day of June, 1884.

PRESENT,

**THE QUEEN'S MOST EXCELLENT MAJESTY**

LORD PRESIDENT

LORD STEWARD

SECRETARY SIR WILLIAM VERNON HARCOURT

MR. GLADSTONE

**W**HEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Kings of Siam and the territories of Chiengmai, Lakon, and Lamphoonchi, belonging to Siam:

**NOW, THEREFORE,** Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and the Act of the Session of the 20th and 21st of Her Majesty, cap. 75, and otherwise in her vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as the "Siam Order in Council, 1884."

2. Words in this Order have the same meanings (unless the subject or context otherwise requires) as in the Siam (Foreign Jurisdiction) Order in Council of 1856.

The expression "the Siam Orders in Council, 1856 to 1876," or the expression "the said Orders in Council," means the Siam (Foreign Jurisdiction) Order in Council of 1856, the Orders in Council relating to Siam dated respectively the 12th September, 1863, and the 10th November, 1866, and the Siam (Foreign Jurisdiction) Order in Council of 1876, and the said Orders in Council and this present Order are included in the expression "the Siam Orders in Council."

For all the purposes of any of the Siam Orders in Council, the expression "Siam," or "the dominions of the Kings of Siam," or any equivalent expression, includes the said territories of Chiang-mai, Lakon, and Lampoonchi.

The expression "the Consul-General" means Her Majesty's Consul-General at Bangkok.

The expression "a Secretary of State" means one of Her Majesty's Principal Secretaries of State.

3. The Consul-General shall, on receipt of this Order, cause a printed copy thereof to be affixed and publicly exhibited in this Court during one calendar month, and this Order shall come into operation on the expiration of one calendar month from the time when such copy is first so affixed and exhibited, but proof shall not in any proceeding or matter be required that the provisions of this Article have been complied with, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

4. A Consul or Vice-Consul holding Her Majesty's Commission for Siam or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by the Consul-General in writing as and for a Consul or Vice-Consul as aforesaid, shall in and for such district as may be assigned by his Commission, or by any direction of a Secretary of State, hold and form a Consular Court hereinafter called a District Court, and shall have a seal bearing the name or description of such district, or of the place at which the Court is held.

Every such District Court shall, subject to the provisions of this Order, have and exercise within its district all the powers and jurisdiction which can be exercised by the Consul-General under the Siam Orders in Council, and the Treaties or Agreements for the time being in force between Great Britain and Siam.

5. An appeal may be brought from a Judgment or Order of a District Court to the Consul-General in the like cases and in the like manner, and subject to the like regulations in, and subject to which an appeal can under the said Orders in Council be brought to the Supreme Court of the Straits Settlements; and for the purposes of this Article the provisions of the said Orders in Council shall have effect as if such District Court were therein mentioned instead of the Consul-General, and as if the Consul-General were therein mentioned instead of the said Supreme Court.

For the purposes of hearing and determining any such appeal the Consul-General may proceed in the same manner and shall have the same powers as if the appeal were an original proceeding instituted in his Court, and he shall certify his decision to the District Court, which shall give effect thereto.

6. Where an appeal is brought under this Order to the Court of the Consul-General a further appeal shall lie to the Supreme Court of the Straits Settlements in the like cases and manner and on the like grounds and conditions in and on which an appeal can under the said Orders in Council be brought from the Consul-General to the said Supreme Court.

7. In every case in which, under the said Orders in Council, a report of any proceedings, Order, Judgment, or sentence is directed to be made to Her Majesty's Principal Secretary of State for Foreign Affairs, such report, if made by a District Court, shall be transmitted through the Consul-General, who shall transmit therewith his observations and recommendation (if any) in the matter.

8. The power of deportation under the said Orders in Council shall not be exercised by a District Court without the approbation in writing of the Consul-General.

9. Any Rules, Regulations, Rules of Practice, or Tables or Rates of Fees made by a District Court under this Order shall not have any effect unless approved in writing by the Consul-General, and shall also be subject to the provisions of the said Orders in Council with respect to allowance or disallowance by a Secretary of State, in the same cases and manner as Rules or Regulations made by the Consul-General.

10. Every Court acting under the Siam Orders in Council shall have power to rehear any civil matter, and to review its judgments or Orders in any case in which, in the opinion of the Court, justice so requires, on such terms as to costs and otherwise as the Court thinks just.

11. In any matter in which an appeal lies as of right or otherwise from any Court acting under the Siam Orders in Council to the Supreme Court of the Straits Settlements, it shall be lawful for that Supreme Court, by special leave, to enlarge the time for appealing or to permit an appeal to be brought on such terms as to costs or otherwise as it thinks fit, although the time limited for appeal has elapsed, or any other formal requisite for an appeal has not been complied with.

12. The Governor in Council of the Straits Settlements shall have power, in the name of Her Majesty, to remit in whole or in part any sentence passed by a Court exercising criminal jurisdiction under the Siam Orders in Council, and every such Court shall give effect to any such remission.

13. Every Court acting under the Siam Orders in Council (including the Supreme Court of the Straits Settlements in the exercise of concurrent jurisdiction under the Siam Orders in Council) shall be a Court of Bankruptcy, and as such shall, so far as circumstances admit, have with respect to British subjects and to Siamese subjects or foreigners submitting to the jurisdiction of the Court any such civil jurisdiction in bankruptcy within the district of such Court as can be exercised by any Court exercising bankruptcy jurisdiction in the Straits Settlements.

14. With the consent of the Government of the King of Siam, and at the request of the Consul-General, a Judge of the Supreme Court of the Straits Settlements may exercise at Bangkok or elsewhere within Siam any such civil or criminal jurisdiction as can, under the Siam Orders in Council, be exercised in Siam by the Consul-General or a Consul or Vice-Consul, or as can, under the said Orders in Council, or the Foreign Jurisdiction Acts, or any Acts of Parliament relating to Siam or to the Straits Settlements, be exercised at Singapore or elsewhere in the Straits Settlements by the Supreme Court of the Straits Settlements in relation to crimes committed or matters arising in Siam; and a Judge acting in Siam in pursuance of this Article may pass any sentence or give any Judgment or make any order which could be passed, given, or made by the said Supreme Court in relation to the same offence or matter, and for the purposes of the 5th section of "The Foreign Jurisdiction Act, 1843" (or any enactment for the time being in force amending or substituted for that section) in relation to the execution of sentences, the Colony of the Straits Settlements is hereby appointed as a Colony in which any sentence so passed may be executed.

An Appeal may be brought from a Judgment or Order of a Judge acting under this Article in the like cases and in the like manner (*mutatis mutandis*) in which an Appeal might be brought if such Judgment or Order were given or made by the Consul-General.

15. Where in pursuance of the IXth Article of the Treaty between Great Britain and Siam, dated the 3rd September, 1883, an appeal is brought to Bangkok from any Siamese Judge or Judges, Commissioner or Commissioners, the Consul-General shall take such steps as may be necessary or as may be directed by a Secretary of State in order that the final decision on appeal may be recorded at Bangkok and duly transmitted to the Court from which the appeal is brought, and in order that effect may be given thereto by such Court.

16. Where, by virtue of the Siam Orders in Council or otherwise, any Imperial Acts are applicable in Siam, or any forms, regulations, or procedure prescribed or established by or under any such Order or Act in relation to any matter are made applicable to any other matter, such Acts, forms, regulations, or procedure shall be deemed applicable so far only as the constitution and jurisdiction of the Courts acting under the Orders and the local circumstances permit, and for the purpose of facilitating their application they may be construed or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any Court, Judge, officer, or authority may be done by or to a Court, Judge, officer, or authority, having the like or analogous functions; and the seal of the Court may be substituted for any seal required by any such Act, form, regulation, or procedure.

17.—(1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a Court acting under this Order, such Court shall have the like jurisdiction over any British subject who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter; as if both such criminal act and the death had happened within such jurisdiction.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such Court.

(3.) In cases tried under this Article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(4.) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adopted by this Article (but not further or otherwise), extend to all places to which this Order applies.

18. "The Fugitive Offenders Act, 1881," shall, with respect to British subjects apply to all places to which this Order applies, as if such places were British possessions, and for the purposes of Part II. of the said Act and of this Article, all the places to which this Order for the time being applies, and the Straits Settlements, shall, for the purposes of Part II. of the said Act, be deemed to be one group of British possessions, and the Consul shall, as regards any place within his jurisdiction, have the powers of a Governor or Superior Court of a British possession.



19. Rules and forms of procedure in civil and criminal matters in any Court acting under the Siam Orders in Council may, from time to time, be made and prescribed by the Consul-General, subject to the provisions of the said Orders; but no such rules or forms shall come into operation until they have been approved, with or without alteration, by a Secretary of State; provided that—

- (1.) Any such rules or forms, if and as provisionally approved, with or without alteration, by the Chief Justice of the Supreme Court of the Straits Settlements, shall have effect pending approval or disapproval by Secretary of State.
- (2.) Until rules and forms have been made and approved, or provisionally approved, under this Article in relation to any matter, any rules or forms heretofore in force or use in the Court of the Consul-General, or in the Supreme Court of the Straits Settlements, or in the Consular Courts of Shanghai or Japan, may be observed and used in any Court acting under this Order, with such modifications as circumstances require.

20. For all the purposes of the Siam Orders in Council the expression "British subject" includes every person for the time being properly enjoying Her Majesty's protection in Siam, in so far as by Treaty, Capitulation, grant, usage, sufferance, or other lawful means, Her Majesty has jurisdiction in Siam in relation to such persons.

And the Right Honourable the Earl Granville and the Right Honourable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR.

The 29th day of November, 1884.

PRESENT,

**THE QUEEN'S MOST EXCELLENT MAJESTY**

LORD PRESIDENT

EARL GRANVILLE

LORD STEWARD

MR. CAMPBELL-BANNERMAN

**W**HEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction, in relation to Her Majesty's subjects, and others, within the dominions of His Highness the Sultan of Zanzibar:

NOW, THEREFORE, Her Majesty, by virtue, and in exercise of, the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered as follows:—

PART I.—PRELIMINARY.

*Short Title.*

1. This Order may be cited as the Zanzibar Order in Council of 1884.

*Division of Order into Parts.*

2. This Order is divided into Parts as follows:—

Part	I. Preliminary.
"	II. Application and effect of Order.
"	III. Application of certain portions of the law of British India.
"	IV. Criminal matters.
"	V. Civil matters.
"	VI. Vice-Admiralty.
"	VII. Zanzibar and Foreign Subjects and Tribunals.
"	VIII. Registration of British Subjects.
"	IX. Procedure.
"	X. Registration of Documents.
"	XI. Miscellaneous.
"	XII. General.

*Repeal.*

3. The Order in Council, dated the 9th day of August, 1866, for the regulation of Consular jurisdiction in the dominions of the Sultan of Zanzibar, the Zanzibar Order in Council of 1881, and the Zanzibar (Indian Penal Code) Order in Council, 1882, are hereby repealed, subject to the exceptions and qualifications in this Order mentioned.

*Interpretation.*

## 4. In this Order—

- (i.) "Zanzibar" means the dominions of His Highness the Sultan of Zanzibar, including Zanzibar waters, that is to say, the territorial waters of those dominions;
- (ii.) "The Secretary of State" means one of Her Majesty's Principal Secretaries of State;
- (iii.) "The Consul-General" means Her Majesty's Consul-General for Zanzibar, including a person acting temporarily, with the approval of the Secretary of State, as, or for, Her Majesty's Consul-General there;
- (iv.) "Judicial Assistant" means—
  - (a.) One of Her Majesty's Consular officers in and for Zanzibar, appointed by the Secretary of State to be a Judicial Assistant of the Consul-General; and
  - (b.) Any such officer acting temporarily by order of the Consul-General as, or for, a Judicial Assistant;
- (v.) "British subject" means a subject of Her Majesty, by birth or by naturalization;
- (vi.) "British-protected person" means a person enjoying Her Majesty's protection in Zanzibar, including, by virtue of the Act of Parliament of the Session of the 39th and 40th years of Her Majesty's reign (1876), chapter 46, all subjects of the several Princes and States in India in alliance with Her Majesty residing or being in Zanzibar;
- (vii.) "Resident" means having a fixed place of abode in Zanzibar;
- (viii.) "Zanzibar subject" means a subject of Zanzibar;
- (ix.) "Foreigner" means a subject or citizen of a State in amity with Her Majesty, other than Zanzibar;
- (x.) "Zanzibar or Foreign Court" means a Court of the Government of Zanzibar, or of any foreign State in amity with Her Majesty, and exercising lawful jurisdiction in Zanzibar, and includes every member or officer of such a Court;
- (xi.) "Administration" means (unless a contrary intention appears from the context) letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration;
- (xii.) "Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft;
- (xiii.) "Offence" means any act or omission punishable by a Criminal Court;
- (xiv.) "Imprisonment" means imprisonment of either description, as defined in the Indian Penal Code;
- (xv.) "Month" means calendar month;
- (xvi.) "Will" means will, codicil, or other testamentary instrument;
- (xvii.) "Person" includes Corporation;
- (xviii.) Words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

*Commencement.*

5.—(a.) The Consul-General shall forthwith, on receipt of instructions from the Secretary of State in this behalf, affix and exhibit this Order conspicuously in his public office, and he shall keep the same so affixed and exhibited during one month thereafter.

(b.) This Order shall commence and have effect at the expiration of that month (which time is in this Order referred to as the commencement of this Order).

(c.) But any appointment under this Order may be made at any time after its passing, and no proof shall in any proceedings be required of any of the matters prescribed by this Article.

## PART II.—APPLICATION AND EFFECT OF ORDER.

## 6.—(a.) This Order applies to—

- (i.) British subjects being in Zanzibar, whether resident or not; and
- (ii.) British ships being in Zanzibar waters; and
- (iii.) Zanzibar subjects and foreigners, in the cases, and according to the conditions, in this Order specified, but not otherwise.

(b.) Such of the provisions of this Order as refer to British subjects extend also to British-protected persons, in so far as by Treaty, Capitulation, grant, usage, sufferance, or other lawful means, Her Majesty has jurisdiction in Zanzibar in relation to such persons.

7. All Her Majesty's jurisdiction exercisable in Zanzibar, under the Foreign Jurisdiction Acts, for the hearing and determination of criminal or civil matters, or for the maintenance of order, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

A Consul or Vice-Consul holding Her Majesty's Commission for Zanzibar or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by the Consul-General in writing as and for a Consul or Vice-Consul as aforesaid, shall, in and for such district as may be assigned by his Commission or appointment, or by any direction of a Secretary of State, hold and form a Consular Court and shall, subject to the provisions of this Order, have and exercise within the district all the powers and jurisdiction which can be exercised by the Consul-General under this Order.

An appeal may be brought from a Judgment or Order of a District Court to the Consul-General in such cases and manner and subject to such regulations as may from time to time be directed or approved by a Secretary of State; and for the purposes of hearing and determining any such appeal the Consul-General may proceed in the same manner and shall have the same powers as if the appeal were an original proceeding instituted in his Court, and he shall certify his decision to the Court from which the appeal is brought, which shall give effect thereto.

Where an appeal is brought under this Article to the Court of Consul-General, a further appeal shall lie in the like cases and manner and on the like grounds and conditions in and on which an appeal can under this Order be brought from the Consul-General.

### PART III.—APPLICATION OF CERTAIN PORTIONS OF THE LAW OF BRITISH INDIA.

8.—(a.) Subject to the other provisions of this Order, and to any Treaties for the time being in force relating to Zanzibar, Her Majesty's criminal and civil jurisdiction in Zanzibar shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments for the time being applicable as hereinafter mentioned of the Governor-General of India in Council, and of the Governor of Bombay in Council, and according to the course of procedure and practice observed by, and before, the Courts in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay according to their respective jurisdiction and authority, and so far as such enactments, procedure, and practice are inapplicable, shall, so far as circumstances admit, be exercised under and in accordance with the common and statute law of England in force at the commencement of this Order.

(b.) The following enactments are hereby made applicable to Zanzibar as from the commencement of this Order, namely:—

The Indian Penal Code (Act XLV of 1860).

The Indian Succession Act (Act X of 1865).

"The Bombay Civil Courts Act, 1869" (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.

"The Indian Evidence Act, 1872" (Act I of 1872).

"The Indian Oaths Act, 1873" (Act X of 1873).

The Code of Criminal Procedure (Act X of 1882).

The Code of Civil Procedure (Act XIV of 1882).

Acts of the Governor-General of India in Council amending any of these Acts, and in force at the time of the passing of this Order.

The enactments relating to bankruptcy for the time being in force in the Presidency of Bombay.

(c.) Any other existing or future enactments of the Governor-General of India in Council, or of the Governor of Bombay in Council, shall also be applicable to Zanzibar, but shall not come into operation until such times as may in the case of any of such enactments respectively be fixed by the Secretary of State.

(d.) For the purpose of facilitating the application of any such enactments as before-mentioned—

(i.) Any of the Courts established under this Order may construe any such enactment, with such alterations not affecting the substance, as may be necessary or proper to adapt the same to the matter before the Court;

(ii.) The Secretary of State may by order from time to time direct by what authority any jurisdiction, powers, or duties incident to the operation of any such enactment, and for the exercise or performance of which no convenient provision has been otherwise made, shall be exercised or performed;

(iii.) The Secretary of State may by order from time to time modify, for the purposes of this Order, any provision of any of the before-mentioned enactments, or of any amending or substituted enactment relating to civil or criminal procedure or to procedure in bankruptcy.

(iv.) Any order of the Secretary of State made in pursuance of this Article shall be published in Zanzibar, and in India, in such manner as he directs, and shall have effect as from a date to be specified in the Order.

## PART IV.—CRIMINAL MATTERS.

*Application of the Code of Criminal Procedure.*

9. Subject to the other provisions of this Order, the Code of Criminal Procedure and the other enactments relating to the administration of criminal justice in India for the time being applicable to Zanzibar, shall have effect as if Zanzibar were a district in the Presidency of Bombay, and the Judicial Assistant shall be deemed to be the Magistrate of the district, the Consul-General shall be deemed to be the Sessions Judge; the High Court of Judicature at Bombay (hereinafter called the High Court of Bombay) shall be deemed to be the High Court; and the powers of the Governor-General in Council and of the Local Government under those enactments shall be exercisable by the Secretary of State, or, with his previous or subsequent assent, by the Governor-General of India in Council.

*Commitments to High Court of Bombay.*

10. When any person is committed to the High Court of Bombay for trial, the Consul-General may, under and in accordance with the provisions of section 4 of "The Foreign Jurisdiction Act, 1843," send him to Bombay for trial; and may, if he thinks fit, bind over such of the proper witnesses as are British subjects, or any of them, in their own recognizances, to appear and give evidence on the trial.

*Offence of Smuggling.*

11. If a British subject smuggles or imports into or exports from Zanzibar any goods whereon any duty is charged or payable to the Government of Zanzibar, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

*Manner and Place of Imprisonment.*

12.—(a.) The Consul-General may, if he thinks fit, from time to time, by general order, prescribe the manner in which, and the places in Zanzibar at which, sentences of imprisonment are to be carried into execution.

(b.) The Consul-General may, if he thinks fit, in any case, by warrant signed by him, and sealed with his Consular seal, cause an offender convicted and sentenced to imprisonment before a Criminal Court established under this Order to be sent and removed to, and imprisoned in, any place in Zanzibar.

13. Where an offender convicted before any Court established under this Order is sentenced to imprisonment, and the Consul-General, proceeding under section 5 of "The Foreign Jurisdiction Act, 1843," authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect within Her Majesty's dominions, and the offender is, accordingly, sent for imprisonment to a place in Her Majesty's dominions, the place shall be either Bombay, or a place in some other part of Her Majesty's dominions out of the United Kingdom, the Government whereof consents that offenders may be sent thither under this Article.

14.—(1.) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Zanzibar, a Court acting under this Order, shall have the like jurisdiction over any British subject who is charged either as a principal offender or as an abettor, as if both such criminal act and the death had happened in Zanzibar.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any British subject who at the time of committing such crime was on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within Zanzibar.

(3.) In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(4.) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order, and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the First Schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adapted by this Article (but no further or otherwise), extend to Zanzibar.

15. "The Fugitive Offenders Act, 1881," shall apply to Zanzibar in the same manner as if it were a British possession, and for the purposes of Part II. of the said Act, and of this Article, Zanzibar, British India, Natal, and the Cape of Good Hope shall be deemed to be one group of British possessions, and the Consul-General shall, as regards any place within his jurisdiction, have the powers of a Governor or Superior Court of a British possession.

*Security for Good Behaviour.*

16. Where a British subject is convicted of an offence, the Court before which he is convicted may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour; and for that purpose may if it thinks fit, cause him to come or be brought before the Court.

*Deportation.*

17.—(a.) If a British subject required by an order under the last preceding Article of this Order, or under the Law relating to Criminal Procedure for the time being in force, to give security for good behaviour or for keeping the peace, fails to do so, the Court making the order may, if it thinks fit, order that he be deported from Zanzibar to a place to be named by the Consul-General.

(b.) The Court, on making an order of deportation, shall forthwith report to the Consul-General the order and the grounds thereof.

(c.) Thereupon the person ordered to be deported shall; if the Consul-General thinks fit, be, as soon as practicable, and in the case of a person convicted, either after execution of the sentence, or while it is in course of execution, removed in custody, under the warrant of the Consul-General, to the place named in the warrant.

(d.) The place shall be either Bombay or a place in some other part of Her Majesty's dominions out of the United Kingdom, the Government whereof consents to the reception therein of persons deported under this Order.

(e.) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, directs.

(f.) The Consul-General shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(g.) If a person deported under this Order returns to Zanzibar without permission in writing of the Consul-General or Secretary of State, he shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

(h.) He shall also be liable to be forthwith again deported under the original or a new order and a fresh warrant of the Consul-General.

*Criminal Appeals to Bombay.*

18.—(a.) Where a person entitled to appeal to the High Court of Bombay from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted by or through the Consul-General to the High Court, with certified copies of the charge (if any) and proceedings, of all documentary evidence admitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the High Court.

19. The Court against whose judgment or order the appeal is preferred shall postpone the execution of the sentence pending the appeal; and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognizance, deposit of money, or otherwise, for his payment of any fine.

*Process of Removal or Deportation.*

20.—(a.) Where, under this Order, a person is to be sent, or removed, or deported, from Zanzibar, he shall, by warrant of the Consul-General, under his hand and seal, be detained, if necessary, in custody, or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board one of Her Majesty's vessels of war, or, if none is available, then on board some other British or other fit vessel.

(b.) The warrant of the Consul-General shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commander or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(c.) In case of sending or removal for any purpose other than deportation, the warrant of the Consul-General shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver, according to the warrant, with one of the duplicates of the warrant, to a constable or proper officer of police or keeper of a prison, or other proper authority or person there, the person named in the warrant to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

## PART V.—CIVIL MATTERS.

*Application of Enactments relating to Civil Matters.*

21. Subject to the other provisions of this Order, the Code of Civil Procedure, "The Bombay Civil Courts Act, 1869," "The Indian Succession Act," and the other enactments relating to the administration of civil justice and to bankruptcy for the time applicable to Zanzibar, shall have effect as if Zanzibar were a zila or district in the Presidency of Bombay; the Consul-General shall be deemed to be the District Judge of the district, and his Court the District Court or Principal Civil Court of Original Jurisdiction in the district; the High Court of Bombay shall be deemed to be the highest Civil Court of Appeal for the district and the Court authorized to hear appeals from the decisions of the District Court; and the powers, both of the Governor-General in Council and the Local Government, under those enactments, shall be exercisable by the Secretary of State, or with his previous or subsequent assent by the Governor-General of India in Council.

*Bankruptcy.*

22: It being provided by Article VII of the Convention of Commerce between Her Majesty the Queen and His Highness the Imaum of Muscat, signed at Zanzibar, 31st May, 1839, (among other things), as follows:—

"If a British subject shall become bankrupt in the dominions of His Highness the Sultan of Muscat, the British Consul or Resident Agent shall take possession of all the property of such bankrupt, and shall give it up to his creditors, to be divided amongst them. This having been done, the bankrupt shall be entitled to a full discharge of his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the British Consul or Resident Agent shall use his endeavours to obtain, for the benefit of the creditors, any property of the bankrupt in another country, and to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up without reserve."

The Courts established under this Order shall, in the exercise of bankruptcy jurisdiction, observe and execute the provisions of that Article.

*Proceedings on Death.*

23.—(a.) The Consul-General shall endeavour to obtain, as early as may be, notice of the deaths of all British subjects dying in Zanzibar leaving property to be administered, and all such information as may serve to guide him with respect to the securing and administration of their property.

(b.) On receiving notice of the death of such a person, the Consul-General shall put up a notice thereof at his Office, and shall keep the same there until probate or administration is granted, or where it appears to the Consul-General that probate or administration will not be applied for, or cannot be granted, for such time as he thinks fit.

(c.) The Consul-General shall, where the circumstances of the case appear to him so to require, as soon as may be, take possession of the property in Zanzibar of the deceased, or put it under his seal (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep it until it can be dealt with according to law.

(d.) All expenses incurred on behalf of the Consul-General in so doing shall be the first charge on the property of the deceased, and the Consul-General shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(e.) The Consul-General may, by an order under his hand, delegate to any officer subordinate to him the exercise of the powers and performance of the duties conferred and imposed on the Consul-General by this Article.

(f.) The Consul-General or any officer or person acting under this Article, shall not be responsible for anything done in good faith in execution, or intended execution of this section.

24. If a person named executor in a will, and to the establishment of whose title, as such, it is necessary to obtain probate of that will, takes possession of, and administers or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

25. If any person, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an officer of the Consulate, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Consul-General, and shall furnish to the Consul-General all such information as the Consul-General requires, and shall conform to any directions of the Consul-General in relation to the custody, disposal, or transmission of the property, or the proceeds thereof, and, in case of any contravention of this Article, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

26.—(1.) When the peculiar circumstances of the case appear to a Court having jurisdiction to grant letters of administration so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion, or otherwise, grant letters of administration to an officer of the Court.

(2.) The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3.) He shall publish such notices, if any, as the Court thinks fit, in Zanzibar, Bombay, the United Kingdom, and elsewhere.

(4.) The Court shall require and compel him to file, in the proper office of the Court, his accounts of his administration, at intervals, not exceeding three months; and shall forthwith examine them, and report thereon to the Consul-General.

(5.) The accounts shall be audited under the direction of the Consul-General.

(6.) All expenses incurred in behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased in Zanzibar; and the Court shall, by the sale of that estate, or otherwise, provide for the discharge of those expenses.

#### *Civil Appeals to Bombay.*

27.—(a.) Where any person entitled to appeal to the High Court of Bombay from any decree or order made in the exercise of civil jurisdiction under this Order desires so to appeal, he shall present his Memorandum of Appeal to the Court which made the decree or order, and subject to the provisions hereinafter contained, that Court shall receive the same for transmission to the High Court in manner hereinafter provided.

(b.) The appellant shall give security to the satisfaction of the Consul-General, and to such amount as the Consul-General thinks reasonable, for prosecution of the appeal, and for payment of any costs that may be ordered by the High Court of Bombay on the appeal to be paid by the appellant to any person.

(c.) The appellant shall pay into the proper office of the Court which passed the decree or order such sum as the Consul-General thinks reasonable, to defray the expense of the making up and transmission to the High Court of Bombay of the record.

28. The appellant may, with his Memorandum of Appeal, file any argument which he desires to submit to the High Court of Bombay in support of the appeal.

29 —(a.) The Memorandum of Appeal and the argument (if any) shall be served on such persons as respondents as the Court in which they are filed directs.

(b.) A respondent may, within seven days after service, file in that Court such arguments as he desires to submit to the High Court of Bombay against the Appeal.

(c.) Copies thereof shall be furnished by the Court in which they are filed to such persons as the Court thinks fit.

30.—(a.) On the expiration of the time for the respondent filing his argument, the Court shall, without the application of any party, make up and send to the Consul-General the record of appeal, which shall consist of the Memorandum of Appeal and the arguments (if any), and certified copies of the following, namely, the plaint, written statements (if any), all proceedings, all written and documentary evidence admitted or tendered, the notes of the oral evidence, the Judgment, and the decree or order.

(b.) The several pieces shall be fastened together consecutively numbered, and the whole shall be secured by the seal of the Consul-General, and be forthwith forwarded by him to the High Court of Bombay.

(c.) The Consul-General may, if for special reasons he thinks fit, send any portion of the documentary evidence in original to the High Court.

#### PART VI.—VICE-ADMIRALTY.

31. Consul-General shall, for and within Zanzibar, and for vessels and persons coming within Zanzibar, and in regard to vessels captured on suspicion of being engaged in the Slave Trade, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad.

#### PART VII.—ZANZIBAR AND FOREIGN SUBJECTS AND TRIBUNALS.

##### *Zanzibar Subjects.*

32.—(a.) It being provided by Article V of the Convention of Commerce between Her Majesty the Queen and His Highness the Imaum of Muscat, signed at Zanzibar, 31st May, 1839 (among other things), as follows:—

“When differences arise between a subject of the dominions of His Highness the Sultan of Muscat and a Britain subject, if the former is the complainant the cause shall be heard by the British Consul or Resident Agent, who shall administer justice thereupon.

Every such cause shall in Zanzibar be heard by a Court established under this Order.

(b.) The High Court of Bombay shall not exercise jurisdiction in any such suit; but where a decree or order in any such suit has been passed by any officer subordinate to the Consul-General, the Consul-General may call for the proceedings, and pass thereon such order as he may think fit; and any order so passed by him shall be final.

*Foreigners.*

33.—(a.) Where a foreigner desires to bring, in a Court established under this Order, a suit against a British subject, or a British subject desires to bring, in such a Court, a suit against a foreigner, not being a subject of a Mahomedan Power, the Court shall entertain the same, and shall hear and determine it.

(b.) Provided that the foreigner first obtains and files in the proper office of the Court the consent, in writing, of the competent authority (if any) on behalf of his own nation, to his submitting, and that he does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs, and damages, and abide by, and perform, the decision to be given by the Court or on appeal.

(c.) A cross-suit shall not be brought in the Court against a plaintiff, being a foreigner, who has submitted to the jurisdiction, by a defendant, without leave of the Court first obtained.

(d.) The Court, before giving leave, may require proof from the defendant that his claim arises out of the matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation or delay.

(e.) Nothing in this Article shall prevent the defendant from bringing, in the Court, against the foreigner, after the termination of the suit in which the foreigner is plaintiff, any suit which the defendant might have brought in the Court against the foreigner if no provision restraining cross-suits had been inserted in this Order.

(f.) Where a foreigner obtains, in a Court established under this Order, an order against a defendant being a British subject, and in another suit that defendant is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

(g.) Where a plaintiff, being a foreigner, obtains an order, in a Court established under this Order, against two or more defendants, being British subjects, jointly, and in another suit one of them is a plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit, without prejudice to the right of the British subject to obtain contribution from his co-defendants under the joint liability.

(h.) Where a foreigner is co-plaintiff in a suit with a British subject who is in Zanzibar, it shall not be necessary for the foreigner to give security under this Article as regards fees and costs, unless the Court so directs; but the co-plaintiff British subject shall be responsible for all fees and costs.

*Zanzibar or Foreign Tribunal.*

34.—(a.) Where it is proved that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required before a Zanzibar or foreign Court, the Consul-General may, if he thinks fit, in a case and in circumstances in which he would, if acting in his judicial capacity, require the attendance of that person before himself, order that he do attend as required.

(b.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not satisfactorily excuse his failure, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

35. If a British subject—

- (i.) Wilfully obstructs, by act or threat, a Zanzibar or foreign Court in the performance of its duty; or
- (ii.) Within or close to the room or place where such a Court is sitting wilfully misbehaves, in a violent, threatening, or disrespectful manner, to the disturbance of the Court, or to the intimidation of suitors or others resorting to the Court; or
- (iii.) Wilfully insults any member or officer of such a Court in his going to, or returning from, any place of sitting or office of the Court;

He shall, on conviction before a competent Court of Criminal Jurisdiction, be liable to be punished with imprisonment for a term which may extend to two months or with fine which may extend to 1,000 rupees, or with both.



*Zanzibar subjects: Foreigners: Arbitration.*

36.—(a.) Every agreement for reference to arbitration between a British subject, on the one hand, and a Zanzibar subject or a foreigner, on the other hand, may, on the application of any party, be filed for execution in the proper office of a Court established under this Order.

(b.) The Court shall thereupon have authority to enforce the agreement and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court may think fit.

(c.) Provided that the Zanzibar subject or foreigner first obtains and files, in the proper office of the Court, the consent, in writing, of the competent authority (if any), on behalf of his own nation, to his submitting, and that he does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform the award.

*False Evidence.*

37. If a British subject wilfully gives false evidence in a proceeding before a Zanzibar or foreign Court, or in an arbitration between a British subject, on the one hand, and a Zanzibar subject or foreigner, on the other hand, he shall, on conviction before a competent Court of Criminal Jurisdiction be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both. Nothing in this Article shall exempt a person from liability to any greater or other punishment, but so that he be not twice punished for the same offence.

## PART VIII.—REGISTRATION OF BRITISH SUBJECTS.

38.—(a.) Every resident British subject, being of the age of 21 years or upwards, or being married, or a widower, or widow, though under that age, shall, unless already registered, register himself at the Consular Office for the local area within which he is resident.

(b.) Every British subject as aforesaid, not resident, arriving at a place in Zanzibar where there is a Consular Office, unless borne on the muster-roll of a British vessel there arriving, shall, within one month after arrival, register himself or herself at the Consular Office. But this provision shall not be deemed to require any person to register himself oftener than once in a year, reckoned from the 1st January.

(c.) The registration of a man shall, nevertheless, comprise the registration of his wife, if living with him: and

(d.) The registration of the head, male or female, of a family, shall be deemed to comprise the registration of all females being his relatives, in whatever degree, living under the same roof with him at the time of his registration.

(e.) The Consular officer shall give to each person registered by him a certificate of registration, signed by him, and sealed with his Consular seal.

(f.) The name of a wife, if her registration is comprised in her husband's, shall, unless in any case the Consul-General sees good reason to the contrary, be indorsed on the husband's certificate.

(g.) The names and descriptions of females, whose registration is comprised in that of the head of the family, shall, unless in any case the Consul-General sees good reason to the contrary, be indorsed on the certificate of the head of the family.

(h.) Every person shall, on every registration of himself, pay a fee of such amount as the Secretary of State from time to time appoints.

(i.) The amount of the fee either may be uniform for all persons, or may vary according to the position and circumstances of different classes, as the Secretary of State from time to time thinks fit, but shall not in any case exceed 2 rupees and 8 annas.

(j.) Every person by this Order required to register himself, shall, unless excused by the Consular officer, or unless such person is a woman who, by the custom of the class to which she belongs, is prevented from appearing in public, attend personally for that purpose at the Consular Office on each occasion of registration.

(k.) If any person fails to comply with the provisions of this Order respecting registration, and does not satisfactorily excuse his failure, the Courts constituted and officers appointed under this Order may, in any case in which they think fit, decline to recognize him as a British subject.

## PART IX.—PROCEDURE.

*Rules of Procedure.*

39. Subject to the control of the Secretary of State, the Consul-General may, from time to time, frame Rules of Procedure and other Rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including bankruptcy proceedings.

*Evidence.*

40. Sections 7 and 11 of "The Evidence Act, 1851" (relating to proof of judgments and other documents) are hereby extended to Zanzibar.

41. The following Acts, namely:—

"The Foreign Tribunals Evidence Act, 1856," "The Evidence by Commission Act, 1859," or so much thereof as is for the time being in force;

And any enactment for the time being in force amending or substituted for the same;

Are hereby extended to Zanzibar, with the adaptation following, namely:—

In those Acts the Consul-General is hereby substituted for a Supreme Court in a Colony.

*Ascertainment of Law.*

42. The following Acts, namely:—

"The British Law Ascertainment Act, 1859," "The Foreign Law Ascertainment Act, 1861," or so much thereof as is for the time being in force;

And any enactment for the time being in force amending or substituted for the same;

Are hereby extended to Zanzibar, with the adaptation following, namely:—

In those Acts the Consul-General is hereby substituted for a Superior Court in a Colony.

## PART X.—REGISTRATION OF DOCUMENTS.

43.—(a.) From and after the commencement of any rules to be made as in this Article mentioned, a non-testamentary instrument to which a British subject is a party, executed after the commencement of such rules, and purporting or operating to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, to, in, or over immovable property situate in Zanzibar, shall not affect any immovable property comprised therein, or be received as evidence of any transaction affecting that property, unless it has been registered at such time and place and in such manner as may have been prescribed by rules to be made from time to time by the Consul-General and approved by the Secretary of State.

(b.) Provided that nothing in this article shall make any instrument inadmissible in evidence in any criminal proceedings.

## PART XI.—MISCELLANEOUS.

*Fees and other Money.*

44.—(a.) The Consul-General may, from time to time, with the approval of the Secretary of State and concurrence of the Commissioners of Her Majesty's Treasury, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order, and in respect of the registration of any instrument under this Order, provided that the scales of such fees have been sanctioned by the Commissioners of Her Majesty's Treasury.

(b.) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fee chargeable in respect of such matter.

(c.) The Court shall, in every such case, forthwith report the dispensation to the Consul-General, and he shall give such directions thereon as he thinks fit.

(d.) Nothing in this Order shall affect the Order in Council made at Buckingham Palace the 1st May, 1855, prescribing a Table of fees to be taken by Consular officers; and, where a fee is taken under that Order, no fee shall be taken, in respect of the same matter, under this Order.

45.—(a.) All fees, charges, expenses, costs, fines, damages and other money payable under this Order, or under any law made applicable by this Order, may, if no provision is made by any law for the time being in force for the recovery of the same, be recovered by the Consul-General or Vice-Consul by attachment and sale of the moveable property of the person by whom they are payable, and in case of deficiency by imprisonment in the civil gaol for a term not exceeding one month.

(b.) Any bill of sale or mortgage, or transfer of property, made with the view of avoiding such attachment or sale, shall not be effectual to defeat the provisions of this Order.

(c.) All fees, penalties, fines, and forfeitures levied under this Order, except such as may under Treaty be paid to the Sultan of Zanzibar, shall be paid to the public account, and shall be applied in such manner as the Commissioners of Her Majesty's Treasury may direct.

*Neglect or Misconduct of Officers of Court.*

46.—(a.) If an officer of any Court established under this Order, employed to execute an order, loses, by neglect or omission, the opportunity of executing it then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof.

(b.) The order may be enforced as an order directing payment of money.

47.—(a.) If a clerk or officer of any such Court, acting under pretence of the process or authority of the Court, is charge<sup>d</sup> with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, inquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks fit.

(b.) The Court may also, if it thinks fit, on the same inquiry, impose on the clerk or officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(c.) A clerk or officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter: and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(d.) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other law for any act or omission punishable under this Article, or from being liable under that other law to any higher punishment or penalty than that provided by this Article. Provided that no person shall be punished twice for the same offence.

#### PART XII.—GENERAL.

##### *Savings.*

48.—(a.) The repeal of the Orders in Council repealed by this Order, or any other thing in this Order, shall not—

(i.) Affect the past operation of any of the repealed Orders, or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under any of those Orders before the making of this Order;

(ii.) Interfere with the institution or prosecution of any proceeding or suit, criminal or civil, in respect of any offence committed against, or forfeiture incurred, or liability accrued under, or in consequence of any provision of the repealed Orders, or any regulation made thereunder;

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(b.) Notwithstanding the repeal of the Orders in Council aforesaid, or any other thing in this Order, every regulation, appointment, and other thing in this Article mentioned shall continue and be as if this Order had not been made, but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if it had been made or done under this Order.

49. Nothing in this Order shall deprive any of Her Majesty's Consular officers of the right to observe, and to enforce the observance of, or shall deprive any person of the benefit of, any reasonable custom existing in Zanzibar, unless this Order contains some express and specific provision incompatible with the observance thereof.

50. Nothing in this Order shall—

(i.) Affect any power or jurisdiction conferred by, or referred to in, the Act of the Governor-General of India in Council, entitled, "The Foreign Jurisdiction and Extradition Act, 1879" (Act XXI. of 1879);

(ii.) Affect any jurisdiction for the time being exercisable by Her Majesty's Agent and Consul-General at Zanzibar under any Act of the British Parliament other than the Foreign Jurisdiction Acts, 1843 to 1878; or

(iii.) Prevent any of Her Majesty's Consular officers in Zanzibar from doing anything which Her Majesty's Consuls in the dominions of any other State in amity with Her Majesty are for the time being by law, usage, or sufferance entitled or enabled to do.

##### *Pending Proceedings.*

51. Criminal or civil proceedings begun under any Order in Council repealed by this Order, and pending at the commencement of this Order, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

##### *Confirmation of past Proceedings.*

52.—(a.) All judicial acts done by a Vice-Consul or other officer in Zanzibar before the passing of this Order, acting by the direction or with the approval of the Consul-General in Zanzibar, shall be deemed to be, and to have always been, as valid to all intents as if they had been done by the Consul-General.

(b.) All judicial acts done by the Consul-General, or a Vice-Consul, or other officer in Zanzibar before the passing of this Order, in relation to any matter or question in which the complainant was a Zanzibar subject, and the defendant was a British subject, shall be deemed to be, and to always have been, as valid and effectual in law as if they had been done after the commencement of this Order.

*Powers relating to Merchant Shipping.*

53. The Consul-General may exercise any power conferred on any Justices of the Peace within Her Majesty's dominions by any Act of Parliament for the time being in force, regulating merchant seamen or the mercantile marine.

*Yearly Report under this Order.*

54. Not later than 31st March in each year, or such other day as the Secretary of State directs from time to time, the Consul-General shall send to the Secretary of State a report on the operation of this Order up to 31st December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the last twelve months, the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and containing an abstract of the list of registered British subjects, and such other information, and being in such form, as the Secretary of State from time to time directs.

*Publication of Order and Rules.*

55.—(a.) A printed copy of this Order, and of all Rules of Procedure and other rules for the time being in force under this Order, shall be kept exhibited in a conspicuous place in each Consular Office and in each Court-house.

(b.) Printed copies thereof shall be sold in Zanzibar at such reasonable price as the Consul-General from time to time directs.

And the Right Honourable the Earl Granville and the Right Honourable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR,

The 26th day of March, 1885.

PRESENT,

**THE QUEEN'S MOST EXCELLENT MAJESTY**

LORD PRESIDENT

EARL GRANVILLE

MARQUESS OF HARTINGTON

SIR H. PONSONBY

LORD STEWARD

SIR EDWARD MALET

**W**HEREAS, by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in West Africa.

**NOW, THEREFORE,** Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise in Her Majesty vested; is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—GENERAL JURISDICTION.

1. The limits of this Order are—

The parts of West Africa situate west of the 25th meridian of east longitude, south of the 30th parallel of north latitude, and north of the 25th parallel of south latitude, except any place for the time being comprised within the limits of the ordinary local jurisdiction of the Courts of any Colony, Settlement, or possession of Her Majesty or of any other non-African Power, and except the territories and territorial waters of Morocco and Liberia.

2. Subject to the provisions and restrictions contained in this Order, and in particular to the provisions which define or prescribe the law to be administered under this Order, the jurisdiction conferred by and to be exercised under this Order shall, within the limits of this Order, and subject to the restrictions in this Order mentioned, comprise and include all power and jurisdiction whatsoever which, under the Foreign Jurisdiction Acts or otherwise, Her Majesty is capable of conferring on the Courts constituted by this Order for the purposes of civil and criminal jurisdiction, and for the other purposes expressed in this Order, and all such power and jurisdiction are hereby conferred on the said Courts.

3. All powers and jurisdiction under this Order are vested in the Consular Courts hereby constituted.

Every person for the time being holding Her Majesty's Commission as a Consul-General, or Vice-Consul, or acting in any of such capacities by the authority of a Secretary of State, shall, when a district has been assigned to him under the Article, hold and form a Consular Court under this Order, in and for such district, within the limits of this Order, and at such place or places within such district, and subject to such limitations or restrictions (if any) as to the exercise of the powers and jurisdiction conferred by this Order as a Secretary of State by any general or particular instructions from time to time directs.

In case Her Majesty is pleased to direct the appointment of a person not holding such Commission, or acting as aforesaid, to perform as a Judge or Judicial Officer or Commissioner in or for any district, place, or region to which this Order applies, all or any of the judicial powers or jurisdictions by this Order vested in a Consular Court, a person so appointed by authority of a Secretary of State, in such form as the Secretary of State directs, shall in like manner hold and form a Court, and for the purposes of, and subject to, any limitations contained in his appointment shall have all the same powers and jurisdiction which under this Order can be exercised by a Consular Court, and shall be removable by authority of a Secretary of State; and it shall be lawful for a Secretary of State, by any such appointment or otherwise, to make provision for assigning to such Judge or Judicial Officer or Commissioner, and to any person acting as Consul-General, Consul, or Vice-Consul for the same district, place, or region, or any part thereof, respectively, such of the powers or jurisdictions exercisable under this Order, to be exercised by them either separately or concurrently as the Secretary of State from time to time directs, and under such description or designation as he directs.

Throughout this Order the expressions "Consular Courts" or "Court," or "Consul" or "Judge" (when used in relation to a Consular Court), mean a Consul-General, Consul, Vice-Consul, or other Judge, Judicial Officer, Commissioner, or person exercising power or jurisdiction under this Article; and expressions referring to the district of a Consular Court refer to a district assigned under this Article, or for or within which any person is appointed to act under this Article.

The jurisdiction hereby conferred shall extend to the persons and matters following, insofar as by Treaty, capitulation, grant, usage, sufferance, or other lawful means Her Majesty has jurisdiction in relation to such persons and matters, that is to say:—

- (1.) All persons within the limits of this Order who are British subjects by birth or naturalization, or are otherwise for the time being subject to British law.
- (2.) All persons properly enjoying Her Majesty's protection within the said limits.
- (3.) The property and all personal or proprietary rights and liabilities within the said limits of any such persons as before mentioned, or situate for the time being within the said limits, and belonging to British subjects, or protected persons, although such subjects or persons may not be within the said limits.
- (4.) All other persons, whether natives of Africa or not, and whether subjects of any non-African Power or not, who submit themselves to the jurisdiction, and who give such security as the Consular Court requires for obedience to the Order of the Court.
- (5.) British ships, with their boats, and the persons and property on board thereof, or belonging thereto, being on the coasts or in the harbours or waters of any country or place within the limits of this Order.
- (6.) Natives of Africa, being subjects of any native King or Chief, who by Treaty or otherwise, consents to their being subject to the jurisdiction.

5.—(1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a Court acting under this Order, such Court shall have the like jurisdiction over any British subject who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such Court. In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(3.) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adapted by this Article (but not further or otherwise), extend to all places within the limits of this Order.

6. This Order shall not, except as herein expressly provided, abridge, affect, or interfere with any power or jurisdiction exercisable otherwise than under this Order, whether by virtue of any Statute or Order in Council, or of any Colonial law, or of any Treaty, or otherwise, and whether exercisable by Her Majesty or by any Colonial Legislature or Colonial or Consular or other Court, or under any Commission, and in particular shall not interfere with any power or jurisdiction exercisable under or by virtue of the Act 1 & 2 Geo. IV., cap. 28, or the Act 6 & 7 Vict., cap. 13, or the Act 23 & 24 Vict., cap. 121, or by virtue of the Acts 24 & 25 Vict., cap. 31, and 34 & 35 Vict., cap. 8, relating to offences committed in territories adjacent to Sierra Leone, Gambia, Gold Coast, Lagos, and the adjacent Protectorates; and all powers and jurisdictions in this Article mentioned shall continue to exist concurrently with and independently of the powers and jurisdictions exercisable under this Order.

#### PART II.—LAW.

7.—(1.) The civil and criminal law to be administered under this Order shall be the civil and criminal law in force in England at the date of the commencement of this Order, so far as applicable, and subject to the modifications and with the additions contained in this Order, or for which provision is made by this Order, or by any Queen's Regulations made or for the time being in force under this Order.

(2.) A Secretary of State may from time to time, by order published in such manner as he directs, declare that any of the laws or ordinances for the time being in force in the West Africa Settlements or the Gold Coast Colony, shall have effect and be administered under this Order in relation to any place or places within the limits of this Order, with such modifications or adaptations as may be necessary; and thereupon such laws or ordinances, as so modified or adapted, shall have effect, in accordance with such order, as if they had been applied by this Order.

(3.) The provisions of any Treaty with Her Majesty or Her successors for the time being in force with respect to any place within the limits of this Order shall have effect as part of the law to be enforced under this Order in relation to such place, and in case of inconsistency between such provisions and the law in force in England, or anything contained in this Order, effect shall be given to such provisions.

(4.) Crimes, offences, wrongs, and breaches of contract committed against or affecting the person, property, or rights of natives of Africa, or other persons not being British subjects, committed by persons subject to this Order, are punishable or otherwise cognizable under the provisions of this Order, with the consent of such natives or persons, in the same manner as if they were committed against or affected the person, property, or rights of British subjects.

8. Every Consul, according to the authority to be assigned to him under this Order, shall have power to make and alter Regulations (to be called Queen's Regulations) for the following purposes (that is to say):—

- (1.) For securing the observance of any Treaty for the time being in force relating to any place to which this Order applies.
- (2.) For the peace, order, and good government of British subjects or British-protected persons (so far as subject to this Order) within any such place in relation to matters not provided for by this Order.
- (3.) For requiring Returns to be made of the nature, quantity, and value of articles exported from or imported into his district, or any part thereof, by or on account of any British subject or British-protected person who is subject to this Order, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom such Returns are to be made.

Any Regulations made under this Article shall, when allowed by a Secretary of State, and published as he directs, have effect as if contained in this Order.

Any Rules or Regulations heretofore made under the authority of the West Africa Order in Council, 1872, and which are in force at the time of the commencement of this Order, and which are not expressly repealed by this Order, shall, notwithstanding the repeal of that Order, continue in force until revoked by a Secretary of State, but shall be subject to the provisions of this Order, and so far as they are inconsistent with any provision of this Order, or with any Regulations or Rules made under this Order, this Order, and any Regulations or Rules made under it, shall have effect.

9. A person shall be deemed guilty of an offence against this Order—

- (1.) Who wilfully or knowingly acts in contravention of any such Treaty as defined in this Order, or of any Regulation appended thereto.
- (2.) Who acts in contravention of any of the Queen's Regulations to be made under this Order, or of any Rules or Regulations for the time being in force-made under the authority of the West Africa Order in Council of 1872.

- (3.) Who, without reasonable and lawful excuse (proof of which shall lie on the accused person), endangers peace by disturbing any religious ceremony or observance, or publicly insulting any minister of any religion, or violating or insulting any place or object of religious worship, or doing any other act of a similar nature, whether in relation to any native or other form of religion or superstition.
- (4.) Who makes default in obeying any lawful summons or order of a Consular Court for his attendance or examination as a witness, or the production of documents or other evidence.
- (5.) Who gives any false evidence before a Consular Court in any civil or criminal matter, or in any affidavit or declaration used, or intended to be used, in such Court.
- (6.) Who disturbs by violence, insult, or menace the proceedings in any Consular Court.
- (7.) Who obstructs any officer of a Consular Court in the execution of the process of the Court, or of any duty of such officer.
- (8.) Who smuggles or imports into or exports from any place any goods with intent to avoid payment of any duty payable thereon to any recognized Chief, or King, Government, tribe, or people, or any goods the importation or exportation whereof (as the case may be) into such place is prohibited by any such Chief, King, Government, tribe, or people of such place.
- (9.) Who procures, or endeavours to procure, any other person to commit any of the above offences.

A person convicted of an offence against this Order shall be liable to imprisonment for any term not exceeding three months, or fine not exceeding 50*l.*, or both of those punishments; and any goods smuggled or imported in contravention of this Article may, on conviction of the offender, or if he absconds or evades trial, be declared forfeited to Her Majesty, together with any ship, boat, cask, case, or receptacle, wholly or partly belonging to the offender, and containing such goods.

Nothing in this Article shall exempt a person from liability to be tried and punished otherwise than under this Article, for any act amounting to a crime punishable otherwise than under this Article, but so that he be not twice punished for the same matter.

If an offence against any of the sub-sections (4) (5) (6) and (7) of this Article, or sub-section (9) so far as it relates thereto, is committed in the course of or in relation to any proceeding in a Consular Court, it must be dealt with and punished not in the same proceeding, but in and by a separate criminal prosecution or proceeding for such offence.

10. Where a person is charged before a Consular Court with a crime punishable with death or penal servitude for twenty years or upwards, the Court shall cause him to be removed for trial to the West Africa Settlements or the Gold Coast Colony, or to England (as the case may require), if the Court is satisfied that there is reasonable ground for putting such person upon his trial for such crime, and that the attendance of the necessary witnesses for the prosecution and defence respectively at the proposed place of trial can be secured.

In case a person is so removed for trial the provisions of "The Foreign Jurisdiction Act, 1843," section 4, shall be observed.

11. In the case of any crime other than as in the last preceding Article mentioned, and which is by the law administered in the Consular Court punishable with imprisonment for twelve months or upwards, it shall be in the discretion of the Consular Court, regard being had to all the circumstances of the case, and in particular to the practicability of procuring the necessary witnesses for the prosecution and defence to attend at a trial elsewhere than within the district, either to cause the accused person to be removed for trial as in the last preceding Article mentioned, or to try the case.

12. A person tried before a Consular Court for a crime to which either of the two last preceding Articles applies shall, if practicable, be tried by the Court with Assessors, unless he consents to be tried without Assessors.

13. A person charged with a crime which is not punishable by imprisonment for twelve months or upwards, or by any greater punishment, or charged with an offence against this Order, shall be tried by the Consular Court, with or without Assessors, as the Court thinks fit.

14. A Secretary of State may remit in whole or in part any sentence of a Consular Court.

In every case of sentence of death the minutes of the trial shall be transmitted to a Secretary of State, and the sentence shall not be carried into effect until confirmed by him.

When a Consular Court sentences a person to imprisonment exceeding twelve months or fine exceeding 100*l.*, or in any other case, if a Secretary of State by any general or particular instruction so directs, the sentence shall be submitted to the Chief Justice of the West Africa Settlements, or the Chief Justice of the Gold Coast Colony, for review in the manner hereafter in this Order prescribed.

15.—(1.) Where a person is convicted before a Consular Court of any crime or offence, the Court may in addition to or in lieu of any other sentence, order him to give security to the satisfaction of the Court, by recognizance, deposit of money, or otherwise, for future good behaviour, and in default of such security, may order him to be deported forthwith, or after undergoing any other sentence which

may be passed upon him, to the West Africa Settlements or the Gold Coast Colony, or to such other part of Her Majesty's dominions as a Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs in this behalf.

(2.) Where, upon or without any complaint or charge made, it appears to a Consular Court that there is reason to believe that any person is about to commit a breach of the peace, or that his conduct is likely to produce or excite a breach of the peace, the Court may order him to give security as above mentioned for peace and good behaviour, and in default may order him to be deported as aforesaid.

(3.) An order for deportation shall be executed in the manner provided by this Order, with respect to the removal of persons from a Consular district. It may, in any case with reference to which the Secretary of State, by any general or special directions, so directs, provide for the deportation of the person to whom it refers, in the first instance to any place to which such person can, under this Order, be deported, and also for his further deportation from that place to any other place to which he could lawfully have been deported in the first instance.

(4.) The Court, as part of an order for deportation, may order that the person to be deported pay all or any part of the expenses of his deportation, to an amount specified in the order. So far as not so paid the expenses of deportation shall be defrayed as a Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, directs.

(5.) A report of every order for deportation, stating the grounds thereof, and the proceedings thereunder, shall forthwith be made to a Secretary of State, who may at any time remit such order.

(6.) An Order for deportation may be expressed to be in force for a time to be limited therein or for an unlimited time.

(7.) If a person deported from a Consular district returns while the order is in force, without the written consent of the Consular Court or of a Secretary of State which consent may be given subject to any terms as to security for good behaviour or otherwise, he is guilty of an offence against this Order, and in addition to any other punishment for such offence he may be again deported on a fresh warrant under the original order or under a new order.

16. Every Court acting under this Order shall be a Court of Bankruptcy, and as such shall, so far as circumstances admit, exercise in relation to British subjects, and to other persons who are subject to the jurisdiction of the Court, the jurisdiction exercised by any Courts of Bankruptcy in England before the passing of the Bankruptcy Act 1883.

17. A Consular Court shall be a Court of Probate, with all powers in that behalf which can be exercised by the High Court of Justice in England in relation to probate.

If a person dies leaving property within the district of a Consular Court, and no application is within thirty days made for probate or letters of administration, the Court may administer to the estate, reserving by way of fee a commission not exceeding 5 per cent., or such less amount (if any) as a Secretary of State directs.

For preserving any such property or estate, or the property of any person whose agent dies or departs from the district without leaving any person competent to take charge of the property, the Court may take possession, or appoint a person to take possession, of any such property or estate, and may do all things necessary for preserving or realizing the same, and may charge by way of fee such commission as aforesaid. Where it appears to the Court that the value of any such property or estate of a deceased person does not exceed 10*l.*, the Court may without any probate or letters of administration or other formal proceeding, pay thereout any debts or charges thereto, and pay, remit, or deliver, any surplus to such persons, in such manner as a Secretary of State from time to time directs, and shall not be liable to any action, suit, or proceeding in respect of anything done under this Article.

18. A Consular Court shall have all powers and jurisdiction which can be exercised by Justices or a Vice-Admiralty Court, under or for the purposes of the Acts relating to merchant shipping or the Passenger Acts, or relating to quarantine.

19. A Consular Court shall not have jurisdiction in divorce or matrimonial cases.

*Fugitive Offenders and Colonial Prisoners.*

20. "The Fugitive Offenders Act, 1881," and "The Colonial Prisoners' Removal Act, 1884," shall apply to all places to which this Order applies as if such places were British possessions and part of Her Majesty's dominions, and to all persons (but those only) to whom this Order applies; and for the purposes of Part II. of the said Act of 1881 and of this Article in relation thereto, all the places to which this Order for the time being applies, and all Her Majesty's Colonies, Settlements, or possessions in West Africa, shall, for the purposes of Part II. of the said Act of 1881, be deemed to be one group of British possessions, and the Consul shall, as regards any place within his jurisdiction, have, for the purposes of either of the said Acts, the powers of a Governor or Superior Court of a British possession.



## PART III.—CIVIL AND CRIMINAL PROCEDURE.

21. It shall be lawful for a Consular Court from time to time to make rules and forms of procedure as to all civil or criminal matters within its jurisdiction, subject to the approval of a Secretary of State.

Until such rules and forms have been made, or in relation to matters to which they do not extend, a Consular Court may adopt and use any procedure or forms heretofore in use under the West Africa Order in Council 1872, or any Regulations or Rules made thereunder and in force immediately before the commencement of this Order, or as are for the time being in use in the Supreme Court of Sierra Leone, with any modifications or adaptations which may be necessary.

No proceeding shall be invalidated by any informality, mistake, or omission, so long as, in the opinion of any Court before which any question arises, the essential requisites of law and justice have been complied with.

Provision may, amongst other things, be made by rules under this Article authorizing the Consular Court to grant and enforce search-warrants, and to enforce awards, and to enforce by distress, or by attachment or commitment, judgments or orders of the Court, or payment of any damages, costs, penalties, fines, or forfeitures, and for the sale of things forfeited, and for garnishee process, and for attachment of property in order to compel appearance or submission to the jurisdiction or process of the Court, and authorizing the Court to compel, by fine, distress, or recognizance, or in default of security by commitment, the attendance of witnesses before the court, or before a Colonial or English Court to which a case is sent for trial, and to prescribe and enforce the fees to be taken in respect of any proceedings under this Order, not exceeding, as regards any matters provided for by the Act 6 Geo. IV., cap. 87, fees fixed and allowed from time to time by any Order in Council made under that Act, and to take and transmit depositions of witnesses for use at trials in a Colony or in England; and to prescribe forms of indictment or charge in criminal proceedings. Provided that the scales of all fees prescribed under the provisions of this Order shall have been sanctioned by the Commissioners of Her Majesty's Treasury.

22. In any matter, civil or criminal, a Court within whose district (in civil matters) the matter of complaint wholly or in part arose or happened, or the subject in dispute is wholly or partly situate, or the contract in question was wholly or partly made, or the breach thereof wholly or partly occurred, or the defendant resides or carries on business, or (in criminal matters) the crime was wholly or partly committed, or the accused person happens to be, shall have jurisdiction and may deal with the case, as if every material fact or thing had happened or was situate within its district; but any such Court, if, in its opinion, justice or convenience so requires, may decline or suspend the exercise of jurisdiction, and may, if it thinks necessary or just, require security from the defendant or accused person for his appearance before some other Court having jurisdiction in the matter, and for obedience to any judgment or order of such other Court, and further, in a criminal case, if necessary, may arrest and commit the accused person, and cause him to be removed under warrant and in custody, to be dealt with by such other Court.

23. On the trial of a person for any crime or offence, if the facts proved show that he was not guilty of the crime or offence charged, but was guilty of a different crime, or of an attempt to commit the same or a different crime or offence, he may be convicted and punished according to the facts, and the charge shall be amended by the Consul accordingly, on such terms as he thinks just.

24.—(1.) When a person is convicted of an assault, or of any crime or offence by which injury has been caused to person or property, the convicted person may be ordered, as part of his sentence, and either in addition to or in substitution for any other punishment, to pay damages not exceeding 100*l.* to any person aggrieved.

(2.) A person convicted of any crime or offence may be ordered to pay all or part of the expenses of his trial, or of the prosecutor in relation thereto.

(3.) Where a charge is dismissed, and in the opinion of the Court was maliciously made without reasonable and probable cause, or was frivolous and vexatious, the Court may order the prosecutor to pay all or part of the costs of the accused person.

(4.) Any order under this Article for payment of damages, costs, or expenses shall specify the sum to be paid, and the person or persons to whom such sum or any part thereof is to be paid, and may be enforced by any civil process or by imprisonment for a term not exceeding one month for every 20*l.* unpaid.

25. Sentences of imprisonment passed by a Consular Court shall be carried into effect in such prisons and in such manner as a Secretary of State from time to time directs.

If there be no such prison, or if, by reason of the condition of any such prison, or the state of health of the prisoner, or on any other ground, the Consular Court thinks that the sentence ought not to be carried into effect in such prison, the prisoner shall, by warrant under the hand and seal of the Consul, be removed in custody to the West Africa Settlements or the Gold Coast Colony as may be prescribed, there to undergo his sentence.

Any sentence of imprisonment under this Order may be with or without hard labour, as the Court directs.

A sentence of death shall be carried into effect in the West Africa Settlements or the Gold Coast Colony, as the Secretary of State directs.

When a person is sent to a Colony for execution of a sentence of death or imprisonment, the provisions of the fifth section of "The Foreign Jurisdiction Act, 1843," shall be observed.

26. Where a person is to be removed from a Consular district, either for trial in another Consular district, or in England, or in a Colony, or for the execution of a sentence in a Colony, or under an order of deportation, a warrant for the purpose shall be issued by the Judge of the Court under his hand and seal, and the person may, under such warrant, be taken to and put on board of one of Her Majesty's ships, or some other fit ship, and shall be conveyed in such ship or otherwise to the place named in the warrant.

Pending removal, the person shall, if the Court so orders, by indorsement on the warrant, be arrested and detained in custody or in prison until an opportunity for removal occurs.

On arrival at the place named in the warrant, the person, if removed under an order of deportation, shall be discharged, or otherwise shall be handed over to the proper gaoler, constable, magistrate, or officer.

Where a warrant of deportation provides for further deportation from the place to which the person is first deported to some other place, the person shall, on his arrival at such first-mentioned place, be delivered with the warrant into the custody of the Chief Magistrate or officer of police at that place who shall detain him, and shall forthwith report the case to the Governor or person administering the Government at that place, who shall either cause him to be further deported with, and in accordance with, the warrant, and in the meantime to be detained in custody for any necessary period not exceeding three months, or, if the circumstances of the case appear to render his discharge expedient, shall discharge him from custody.

A warrant of removal is sufficient authority to the person to whom it is directed or delivered for execution, and to the person in command of any ship, and to every person acting under the warrant or in aid of any such person, to take, receive, detain, convey, and deliver the person named therein in the manner thereby directed, and generally is sufficient authority for anything done in execution or intended execution of the warrant.

A warrant of removal otherwise than under an order for deportation must be issued in duplicate, and the person executing it must, on arriving at the place named, deliver one of the duplicates with the prisoner to the proper gaoler, constable, magistrate, or officer.

27.—(1.) Any male person subject to this Order who is of good repute and full age (including any person belonging to a British ship) may be an Assessor.

(2.) The number of Assessors shall be not fewer than two or more than four. If the Consul in any case is unable to obtain two impartial and competent Assessors without unreasonable delay, he may act with one only, or in case of urgent necessity without any Assessor, but in any such event the fact, and the reasons for his so acting, shall be recorded by him in his minutes of the case.

(3.) An Assessor shall have no voice in the decision of a case or in awarding sentence, but the dissent of an Assessor shall at his request be entered on the minutes of the case, with any reasons assigned by him for such dissent.

(4.) A British subject or British-protected person summoned in writing by the Consul to act as an Assessor, who, after reasonable notice of the time and place appointed for the hearing of the case, fails to attend at and during the hearing shall be deemed guilty of an offence against this Order, and shall be liable to a penalty not exceeding 20%, which fine may be summarily imposed by the Consul in the presence or absence of such person, but shall be remitted upon such person attending in person, or by his agent or representative, and satisfying the Consul that there was a reasonable excuse for his default.

28. Every Court acting under this Order shall have power to rehear any civil matter, and to review its judgments or orders in any case in which in the opinion of the Court justice so requires, on such terms as to costs and otherwise as the Court thinks just.

29. Where a sentence is under this Order to be submitted for review to the Chief Justice of the West Africa Settlements or the Chief Justice of the Gold Coast Colony, the Consular Court shall transmit the minutes of the case, with such observations as the Consul thinks necessary, and the Court of Review shall return the minutes, with such instructions as they think fit to give, either as to findings of fact, or as to law, or as to mitigation of sentence, and the Consular Court shall give effect to such instructions.

Pending the review of a sentence, the Consular Court may suspend the execution of the sentence, but is not obliged so to do unless so directed by the Chief Justice to whom the case is submitted or by a Secretary of State. In either case the Consular Court may unless otherwise directed take such security by way of bail or otherwise, and if necessary by commitment to prison for safe custody, as it thinks necessary for submission to the ultimate sentence.

Any Judge of the Supreme Court of either of the above-mentioned Colonies may act for the Chief Justice for the purposes of this Article.

30. In civil matters an appeal shall lie from a Consular Court to the Supreme Court of Sierra Leone or to the Supreme Court of the Gold Coast Colony by the leave of the Consular Court, or without such leave where the amount or value in dispute exceeds 500*l.*, or leave is given for special reasons by the Court of Appeal.

The appeal shall be brought within such time and in such manner, as regards the form and transmission of the appeal, as may be prescribed by any rules of procedure made under this Order, or as in any case by any special leave or order the said Supreme Court may direct.

A Consular Court may, before deciding any civil matter, state a case in writing for the opinion of either of the said Supreme Courts, and shall give effect to such opinion, and when a case has been so stated, no appeal shall be brought against the decision of the Consular Court in conformity therewith, unless by leave of the Court of Appeal.

As regards matters not provided for by this Article, the procedure on appeal in the Court of Appeal may be the same as the ordinary procedure of that Court upon the hearing of any application for a new trial, or upon a case stated or reserved for the opinion of the Court, and the judgment or order of such Court in the appeal shall be certified under its seal to the Consular Court which shall give effect thereto.

The decision of a Court of Appeal under this Order shall be subject to appeal to Her Majesty in Council, in the same manner as any other decision of such Court.

#### PART IV.—REGISTRATION.

31.—(1.) Every British subject or British-protected person resident in a Consular district, being of the age of twenty-one years or upwards, or being married, or a widower or widow, though under that age, must, in every January, register himself at the Consular Court of the district within which he is resident.

(2.) Every British subject or British-protected person not resident in a Consular district, arriving within the district of a Consular Court, unless borne on the muster-roll of a British or foreign vessel, must, within one month after arrival, register himself at the Consular Court.

(3.) But this provision does not require any person to register himself oftener than once in a year, beginning 1st January.

(4.) The registration of a man comprises the registration of his wife, if living with him; and

(5.) The registration of the head, male or female, of a family comprises the registration of all females, being relatives of such head, in whatever degree, living under the same roof with him at the time of his registration.

(6.) The Consul shall yearly give to each person registered a certificate of registration, signed by the Consul, and sealed with his Consular seal.

(7.) The name of a wife, if her registration is comprised in her husband's shall, unless in any case the Consul sees reason to the contrary, be endorsed on the husband's certificate.

(8.) The names and descriptions of females whose registration is comprised in that of the head of the family shall, unless in any case the Consul sees reason to the contrary, be indorsed on the certificate of the head of the family.

(9.) In the case of a British-protected person, the certificate, besides being in English, shall be in such other language or languages as in each case the Consul thinks fit.

(10.) Every person on every registration shall pay a fee of such amount as the Secretary of State from time to time appoints.

(11.) The amount of the fee may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 5*s.*

(12.) Every person by this provision required to register himself, must, unless excused by the Consul, attend personally for that purpose at the Court, on each occasion of registration.

(13.) If any person fails to comply with the requirements of this Article, and does not excuse his failure to the satisfaction of the Consul, he is guilty of an offence against this Order.

#### PART V.—SUPPLEMENTARY PROVISIONS.

32. Where, by virtue of this Order or otherwise, any Imperial Act, or any Law in force in the West Africa Settlements or in the Gold Coast Colony, is applicable in any place within the limits of this Order, such Act or Law shall be deemed applicable so far only as the constitution and jurisdiction of the Courts acting under this Order and the local circumstances permit, and for the purpose of facilitating the application of any such Act or Law, it may be construed, with such alterations and adaptations not affecting the substance as may be necessary, and anything by such Act or Law required to be done by or to any Court, Judge, officer, or authority, may be done by or to a Court, Judge, officer, or authority having the like or analogous functions, and the seal of the Court may be substituted for

any seal required by any such Act or Law; and in case any difficulty occurs in the application of any such Act or Law, it shall be lawful for a Secretary of State to direct by, and to whom, and in what manner anything to be done under such Act or Law is to be done, and such Act or Law shall in its application to matters arising within the limits of this Order be construed accordingly.

33. All fines, forfeitures, penalties, and fees received under this Order shall be accounted for and paid as a Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs.

34. Sums of money, fines, forfeitures, penalties, or fees payable under this Order shall be calculated and paid in English money, or its equivalent in local currency or produce, or bills of exchange approved by the Court.

35. Judicial notice shall be taken of this Order, and of the commencement thereof, and of the appointment of Consuls, and of the constitution and limits of the Consular Courts and districts, and of Consular seals and signatures, and of any Rules or Regulations made or in force under this Order, and no proof shall be required of any of such matters.

The provisions of "The Evidence Act, 1851" (14 & 15 Vict., cap. 99), sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if the Courts, districts, and places to which this Order applies were in a British Colony.

36. Printed copies of this Order, and of any Rules or Regulations made or in force under this Order, shall be kept for sale at the Consular Courts, at reasonable prices fixed by the Consuls, subject to any direction of a Secretary of State.

37. When this Order has been published in the "London Gazette," it shall commence and have effect on and from the first day of the calendar month next but one after the month in which it is so published, or on such later day as a Secretary of State, by a notice published in the "London Gazette" at the time of or subsequently to the publication of this Order, appoints; but a Secretary of State may from time to time, by order directed to any Consular Court, suspend the commencement of the whole or any part of this Order in relation to the whole or any part of any district or districts assigned to such Court.

A Secretary of State shall from time to time give directions for the publication and exhibition of this Order at such places and offices, and in such manner, and for such time or times as he thinks proper for giving due publicity thereto in every district in which it is to be in force.

38. The Order in Council dated the 21st February, 1872, which relates to certain parts of West Africa therein mentioned, and which is in this Order referred to as the West Africa Order in Council, 1872, is wholly repealed as from the date of the commencement of this Order; and so much of any Rules or Regulations made under the said Order of 1872 as prescribes or defines any penalty or punishment for any contravention thereof is repealed as from the same date: provided as follows:—

- (1.) In case the commencement of this Order is suspended by a Secretary of State in relation to any district or place to which the said Order of 1872 applies, these repeals shall not take effect as regards that district or place during such suspension.
- (2.) In any case, these repeals shall not affect the past operation of the said Order of 1872, or of any such Rules or Regulations, or any right or liability accrued thereunder, or the validity or invalidity of anything done or suffered, or the execution of any judgment given or order made before such repeals take effect.
- (3.) Proceedings pending at the time of such repeal may be continued and completed, and all things in relation thereto or consequent thereon may be done either under the repealed provisions or under this Order, but so that no greater punishment shall be inflicted than was authorized by the repealed provisions.

39. In this Order, unless the subject or context otherwise requires—

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"Treaty" includes any existing or future Treaty, Convention, or Agreement between Her Majesty and any African or non-African Power, or any tribe, people, Chief, or King, and any Regulation appended to any such Treaty, Convention, or Agreement.

"Person" includes a corporation or association of persons.

"Month" means calendar month.

The singular includes the plural, and the masculine the feminine.

The terms "crime" and "criminal" include offences against this Order.

"Imprisonment" includes penal servitude.

40. This Order may be cited as the "West Africa Order, 1885."

And the Right Honourable the Earl Granville, and the Right Honourable the Earl of Derby, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.