

of a fine alone not exceeding five hundred pounds sterling.

36. All crimes which in England are capital shall be tried by the Judge of the Supreme Consular Court with a jury.

Other crimes and offences above the degree of misdemeanour, tried before the Judge or any officer of the Supreme Consular Court and not heard and determined in a summary way, shall be tried by jury.

Any crime or offence tried before the Judge or any officer of the Supreme Consular Court may be tried by jury where the Judge or other officer so directs.

Subject to the foregoing provisions, such classes of cases within the original jurisdiction of the Supreme Consular Court as the Judge, having regard to the law and practice existing in England, may from time to time direct, shall be heard and determined in a summary way.

A jury shall consist of six indifferent British subjects of good repute resident in the district of the Consulate-General of Constantinople, or in the other Consular district in which the Judge or other officer of the Supreme Consular Court, is, for the time being, sitting for criminal trials (as the case may require).

37. The Judge of the Supreme Consular Court shall forthwith send a report of every sentence of death recorded by such Court, together with a copy of the minutes of proceedings and notes of evidence and any recommendation that he may desire to make, to one of Her Majesty's Principal Secretaries of State, for his direction as to the amount and nature of the punishment to be actually imposed, as and by way of a commuted punishment, such actual or commuted punishment not to exceed the measure of imprisonment and fine mentioned in Article 35.

38. Where a Provincial Consular Court is held before a resident Legal Vice-Consul Cancellier, it shall have power to impose the punishment of imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds sterling, or the punishment of a fine alone not exceeding one hundred pounds sterling.

In other cases a Provincial Consular Court shall not have power to impose punishment exceeding imprisonment for twelve months, with or without hard labour, and with or without a fine of fifty pounds sterling, or a fine of fifty pounds sterling alone.

39. The Supreme and every other Consular Court in imposing punishments shall have regard, as far as circumstances may allow, and subject to the other provisions of this Order, to the punishments legally imposed by the law of England for the like offences.

40. Where the crime or offence with which any person is charged before a Provincial Consular Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England or Malta, the Court shall reserve the case to be heard and determined by or under the special authority of the Supreme Consular Court.

The Provincial Consular Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Supreme Consular Court.

The Supreme Consular Court shall direct in what mode and where the case shall be heard and determined, and the same may and shall be heard and determined accordingly.

41. Where the crime or offence with which any person is charged before a Provincial Consular Court is not assault endangering life, cutting, wounding,

arson, or housebreaking, and appears to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three months, or by a fine of not more than twenty-five pounds sterling, the Court shall hear and determine the case in a summary way and without Assessors.

In all cases other than those hereinbefore described, the Court shall hear and determine the case on indictment and with Assessors.

42. Where a person charged with a crime or offence escapes or removes from the Consular district within which the crime or offence was committed and is found within another Consular district, the Supreme or other Consular Court within the district of which he is found may proceed in the case to examination, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own district; or may, on the requisition or with the consent of the Court of the district within which the crime or offence was committed, send him in custody to the last-mentioned Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be so sent in custody a warrant in that behalf shall be issued by the Supreme or other Consular Court within the district of which he is found, and every such warrant shall be a sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up to the Court of the district within which the crime or offence was committed, in obedience to and in pursuance of such warrant.

43. The Supreme or other Consular Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of his trial and imprisonment or other punishment, and, where it appears to the Court that a charge is malicious, or frivolous and vexatious, may order all or any part of the expenses of the prosecution to be paid by the prosecutor.

44. Where the circumstances of the case render it just or expedient, the Judge of the Supreme Consular Court may report to one of Her Majesty's Principal Secretaries of State in favour of and recommending a mitigation or remission of any punishment awarded by the Supreme or any other Consular Court; and on such recommendation any such punishment may be mitigated or remitted.

Provided always, that no such recommendation shall be made with reference to any punishment awarded by a Provincial Consular Court, except on the recommendation of that Court, or on the dissent of the Assessors or Assessor, if any, from the conviction, or from the amount of punishment awarded.

45. Malta shall be and is hereby (in pursuance of The Foreign Jurisdiction Act, section iv) appointed as the British Colony to which any person may be sent for trial who is charged with the commission of any crime or offence the cognizance whereof appertains to the Supreme or other Consular Court within the dominions of the Sublime Ottoman Porte, where it is expedient that the crime or offence should be inquired of, tried, determined, and punished within Her Majesty's dominions.

The Judge of the Supreme Consular Court may, where it appears to him expedient as aforesaid, by warrant under his hand and seal and under the seal of the Supreme Consular Court, cause the person so charged to be sent for trial to Malta accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain