

the grounds of his decision thereon, to the Supreme Court at the Mauritius.

19. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with smuggling or importing into the dominions of the Queen of Madagascar any goods whereon any duty shall be charged or payable to the said Queen, with the intent to evade the payment of such duty, or any goods the importation whereof shall be prohibited; and such Consul shall thereupon proceed with all convenient speed to inquire into the same on oath or solemn affirmation, and to hear the witnesses on both sides, with like powers and in like manner in all respects as is provided by Article 10 of this Order. And it shall be lawful for the Consul, having inquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importing into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of duties leviable thereon, and in case of nonpayment of any such fine or fines to award him to be imprisoned for a period not exceeding three months, or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned for a period not exceeding six months in such place as he shall appoint: Provided always, that no British subject charged only with importing prohibited goods shall be apprehended, unless and until he shall have one week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

20. And it is further ordered, that in cases of common assault it shall be lawful for the Consul before whom the complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

21. And it is further ordered, that a minute of the proceedings in every case heard and determined before the Consul, in pursuance of this Order, shall be carefully drawn up, and be signed by the Consul, and shall, in cases where the Assessors are present, be open for the inspection of such Assessors and for their signature if they therein shall concur; and every such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

22. And it is further ordered, that save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Queen of Madagascar, or against any Rules and Regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provisions of Article 2 of this Order, or against any Rules and Regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Queen of Madagascar, no act done by a British subject within the dominions of the said Queen shall by Her Majesty's Consul be deemed and taken to be a crime or misdemeanour, or offence rendering the person committing it amenable to punishment, which, if done within any part of Her Majesty's dominions, would not, by a Court of Justice having criminal jurisdiction in Her Majesty's dominions, have been deemed and taken to be a crime or misdemeanour or

offence rendering the person committing it amenable to punishment; and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's Colony of the Mauritius as the place where crimes and offences committed by British subjects within the dominions of the Queen of Madagascar, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished; and Her Majesty's Consul resident in Madagascar shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him to be sent for trial at Her Majesty's said Colony of the Mauritius.

23. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent, in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's Colony of the Mauritius, for trial before the Supreme Court of the said Colony; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board; with a warrant from the said Consul addressed to the magistrate of the District Court of Port Louis sitting on the criminal side; and thereupon to keep and detain in lawful custody, and to convey him in custody to the Mauritius, and on his arrival there to deliver him, with the said warrant, into the custody of the said magistrate, or other officer within the said Colony lawfully acting as such, who, on receipt of the said warrant, and of the party therein named, shall be authorised to commit, and shall commit, such party so sent for trial to the Port Louis prison; and it shall be lawful for the keeper of the said prison to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said Supreme Court, and the Supreme Court at the sessions to be holden next after such committal shall proceed to hear and determine the charge against such party, and to punish him for the same, if found guilty, in the same manner as if the crime with which he may be charged had been committed within Her Majesty's said Colony of the Mauritius.

24. And it is further ordered, that Her Majesty's Consul, on any occasion of sending a prisoner to the Mauritius for trial, shall observe the provisions made with regard to prisoners sent for trial to a British Colony in an Act passed in the sixth and seventh years of Her Majesty's reign, intituled "An Act to remove Doubts as to the Exercise of Power and Jurisdiction by Her Majesty within divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual."

25. And it is further ordered, that the Supreme Court of the Mauritius shall have and may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature between British subjects arising within any part of the dominions of the Queen of Madagascar: Provided always, that the said Supreme Court shall not be bound, unless in a fit case it shall deem it right so to do, by writ of certiorari or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in such matter.