

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 case, 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 the 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.