

(3.) The Protectorate Court shall ordinarily sit at Mombasa, but may also sit at any other place or places within the Protectorate appointed by the Commissioner, with the previous or subsequent consent of the Secretary of State.

(4.) The Protectorate Court shall be held by an officer, styled "Her Majesty's Judicial Officer for the East Africa Protectorate," in this Order referred to as "the Judicial Officer."

(5.) A person appointed to be Judicial Officer must be a member of the Bar of England, Scotland, or Ireland, of not less than three years' standing. He shall be appointed by Her Majesty by warrant under the Royal Sign Manual.

(6.) The Judicial Officer shall hold office during the pleasure of Her Majesty, and, in the event of a revocation of his warrant, until such revocation is notified to him by the Secretary of State.

(7.) In case of the illness or temporary absence of the Judicial Officer, the Commissioner may appoint either a person qualified to be appointed Judicial Officer, or an officer employed in the civil administration of the Protectorate, to act as Judicial Officer.

(8.) Each of the Judges of the Court for Zanzibar shall be an additional Judicial Officer for the East Africa Protectorate, and when so acting may hold a Protectorate Court with the same powers, authority, and jurisdiction as the Judicial Officer, but shall not so act unless the Commissioner, having regard to the state of business in the Protectorate Court, requests him to act.

(9.) The Court shall have a seal bearing the style of the Court and a device approved by the Secretary of State; but until such a seal is provided, a stamp bearing the words "East Africa Court" may be used instead thereof.

8. Subject to the directions of the Secretary of State, the Commissioner may appoint such and so many persons to be clerks, bailiffs, interpreters, and other officers of the Court as he thinks fit, and remove from office any person so appointed.

Any Officer of the Court designated on this behalf by the Commissioner may administer oaths, and take affidavits, declarations, and affirmations.

9. Provincial Courts shall be held at such places, for such areas, and by such officers of the Protectorate or other persons as the Secretary of State may appoint.

The Secretary of State may direct that a Provincial Court shall exercise criminal jurisdiction only, or both criminal and civil jurisdiction, and subject to any such directions, and to any exceptions or modifications made by the Secretary of State, a Provincial Court shall exercise the jurisdiction conferred by this Order on a Provincial Court, and on persons appointed to hold such Courts.

The Secretary of State may determine the description and number of the officers to be attached to a Provincial Court, and the mode of their appointment and removal, and their duties and remuneration, and any matters incident to any of the above-mentioned purposes.

10. The Court for Zanzibar shall have such appellate jurisdiction in regard to matters arising in the Protectorate as is provided by this Order.

#### PART IV.—*Application of Law of British India and of the United Kingdom.*

11.—(a.) Subject to the other provisions of this Order, and to any Treaties for the time being in force relating to the Protectorate, Her Majesty's criminal and civil jurisdiction in the Protectorate 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 be exercised under, and in accordance with, the common and statute law of England in force at the commencement of this Order.

(b.) The enactments mentioned in the Schedule to this Order are hereby made applicable to the Protectorate as from the commencement of this Order.

(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 the Protectorate, 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.) Any Act of the Governor-General of India in Council, or of the Governor of Bombay in Council, whether passed before or after the commencement of this Order, amending or substituted for any Act of either of those Legislatures which is by or under this Order made applicable to and brought into operation in the Protectorate, shall, subject to the provisions of this Article, also apply to the Protectorate.

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

(i.) The Court 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 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 modify, for the purposes of this Order, any provision of any of the said 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 the Protectorate and in India, in such manner as he directs, and shall have effect as from a date to be specified in the order.

12. The enactments described in the First Schedule to "The Foreign Jurisdiction Act, 1890," shall apply to the Protectorate as if it were a British Colony or possession, but subject to the provisions of this Order and to the exceptions, adaptations, and modifications following, that is to say:—

(i.) The Commissioner is hereby substituted for the Governor of a Colony or British possession, and the Protectorate Court is hereby substituted for a Superior Court or Supreme Court and for a Magistrate or Justice of the Peace of a Colony or British possession.

(ii.) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule shall be substituted Part XIII of "The Merchant Shipping Act, 1894."

(iii.) In section 51 of "The Conveyancing