

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 person not subject to this Order, who has submitted to the jurisdiction, by a defendant without leave of the Court first obtained; but the Court may, as a condition of entertaining the plaintiff's suit, require his consent to any cross-suit or matter of set-off being entertained by the Court.

(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 a person not subject to this Order, after the termination of the suit in which the latter is plaintiff, any suit which he might have brought in the Court if no provision restraining cross-suits had been inserted in this Order.

(f.) Where a person not subject to this Order obtains in the Court an order against a defendant being a person subject to this Order, and in another suit the latter is plaintiff and the former is defendant, the Court may, if it thinks fit, on the application of the first-mentioned defendant, 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 action against any amount ordered to be paid by the other party in the other action.

(g.) Where the plaintiff, being a person not subject to this Order, obtains an Order in the Court against two or more defendants jointly, being persons subject to this Order, and in another suit one of them is a plaintiff and the first-mentioned plaintiff is defendant, the Court may, if it thinks fit, on application, stay the enforcement of the Order pending that other action, and may set off any amount ordered to be paid by one party in one action against any amount ordered to be paid by the other party in the other action, without prejudice to the right of the plaintiff in the second suit to obtain contribution from his co-defendants in the first suit.

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

(b.) The appellant shall, within such time as the Court directs, give security to the satisfaction of the Court, and to such amount as the Court thinks reasonable, for prosecution of the appeal, and for payment of any costs that may be ordered by the Court for Zanzibar on the appeal to be paid by the appellant.

(c.) The appellant shall pay into the proper office of the Protectorate Court such sum as the Court thinks reasonable, to defray the expense of the making up and transmission to the Court for Zanzibar of the record.

40. The appellant may, with his memorandum of appeal, file any argument which he desires to submit to the Court for Zanzibar in support of the appeal.

41.—(a.) The memorandum of appeal and the argument (if any) shall be served on such persons as respondents as the Protectorate Court directs.

(b.) A respondent may, within seven days after service, file in the Protectorate Court such arguments as he desires to submit to the Court for Zanzibar against the appeal.

(c.) Copies thereof shall be furnished by the Protectorate Court to such persons as that Court thinks fit.

42.—(a.) On the expiration of the time for the respondent filing his argument, the Protectorate Court shall, without the application of any party, make up 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 Court, and be forthwith forwarded to the Court for Zanzibar.

(c.) The Court may, if for special reasons it seems fit, send any portion of the documentary evidence in original to the Court for Zanzibar.

PART VII.—Miscellaneous.

43.—(1.) Notwithstanding anything in this Order, the Protectorate Court or a Provincial Court shall not exercise any jurisdiction in any proceeding whatsoever over the Commissioner or his official or other residences, or his official or other property.

(2.) Notwithstanding anything in this Order, the Protectorate Court or a Provincial Court shall not exercise, except with the consent of the Commissioner, signified in writing to the Court, any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Consulate-General for the Protectorate, or being a domestic servant of the Commissioner.

(3.) If, in any case under this Order, it appears to any Court that the attendance of the Commissioner, or of any person attached to or being a member of Her Majesty's Consulate-General, or being a domestic servant of the Commissioner, to give evidence before the Court, is requisite in the interest of justice, the Court may address to the Commissioner a request in writing for such attendance.

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

(5.) This Article shall not operate in bar of any proceeding against the Commissioner in his official capacity, where it is sought to establish any liability of the Government of the Protectorate.

44. Subject to the approval of the Secretary of State, the Court may with the approval of the Court for Zanzibar frame Rules of Procedure and other Rules, consistent with this Order, for the better execution of the provisions herein contained in respect of civil or criminal proceedings, and for regulating the conditions on which