

nd for payment of any costs that may be ordered by the High Court of Bombay on the appeal to be aid by the appelland.

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

37. The appelland may, with his Memorandum of Appeal, file any argument which he desires to submit to the High Court of Bombay in support of the appeal.

38.—(a.) The Memorandum of Appeal and the argument (if any) shall be served on such persons as respondents as the Court for Zanzibar directs.

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

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

39.—(a.) On the expiration of the time for the respondent filing his argument, the 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 High Court of Bombay.

(c.) The Court may, if for special reasons they think fit, send any portion of the documentary evidence in original to the High Court.

PART VII.—*Zanzibar and Foreign Subjects and Tribunals.*

40.—(a.) The Court for Zanzibar shall hear and determine all civil questions, claims, or disputes arising between any Zanzibar subject and any person subject to this Order in which the former is plaintiff or complainant.

(b.) The High Court of Bombay shall not exercise jurisdiction in any such suit.

41.—(a.) Where it is desired to commence a suit in which one party is, and the other party is not, a person subject to this Order, the Court shall entertain the same, and shall hear and determine it.

(b.) Provided that the person not subject to this Order, if so required by the Court, first obtains and files in the proper office of the Court 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 reason-

able 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 person plaintiff in the second suit to obtain contribution from his co-defendants under the joint liability.

42.—(a.) Where it is proved that the attendance of any person subject to this Order to give evidence, or for any other purpose connected with the administration of justice, is required before any Court of Justice in Zanzibar other than a Court established by this Order, the Court for Zanzibar may, if it thinks fit, in a case and in circumstances in which the Court for Zanzibar would require the attendance of that person before the Court, order that he do attend as required. The order may be made subject to conditions as to payment or tender of expenses or otherwise.

(b.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court for Zanzibar, or if when so attending to give evidence he wilfully gives false evidence, or refuses to be sworn or to give evidence, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

43. If a person subject to this Order—

(i.) Wilfully obstructs, by act or threat, any Court in Zanzibar not established under this Order in the performance of its duty; or

(ii.) Within or close to the room or place where such a Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court or to the intimidation of suitors or others resorting to the Court; or

(iii.) Wilfully insults any member or officer of such a Court in his going to, or returning from, any place of sitting or office of the Court;

He shall, on conviction before the Court for Zanzibar, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

44.—(a.) Every agreement for reference to arbitration between a person subject to this Order