

(4.) Expressions defined in this Order shall have the same respective meanings in any Rules, Regulations, or Orders made under this Order unless other provision is made or the context otherwise requires.

PART II.—Application and Effect of Order.

5. The powers conferred by this Order shall extend to the persons and matters following in so far as by Treaty, grant, usage, sufferance, or other lawful means, Her Majesty has jurisdiction in relation to such persons and matters, that is to say: (a) British subjects; (b) foreigners; (c) the property and all personal or proprietary rights and liabilities in the Protectorate of British subjects and foreigners, including ships with their boats, and the persons and property on board thereof, or belonging thereto; and (d) natives, in the cases and according to the conditions specified in this Order, and not otherwise.

Provided that jurisdiction over any foreign ships under this Article shall not be exercised otherwise than according to the practice of the High Court in England in the exercise of jurisdiction over foreign ships.

6. All Her Majesty's jurisdiction exercisable in the Protectorate, for the hearing and determination of suits, 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 such jurisdiction relates to British subjects and foreigners. Jurisdiction over natives shall be exercised only in such matters and to such extent as the Court in its discretion thinks fit.

PART III.—Application of Law of British India and of the United Kingdom.

7.—(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.

(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;

(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.

8. 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 Consul-General 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 fifty-one of "The Conveyancing (Scotland) Act, 1874," and any enactment for the time being in force amending the same, the Protectorate Court is substituted for a Court of Probate in a Colony.

(iv.) With respect to "The Fugitive Offenders Act, 1881":—

(a.) So much of the fourth and fifth sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be accepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b.) So much of the sixth section of the said Act as requires the expiration of fifteen days before issue of warrant, shall be excepted.

(c.) The Consul-General shall not be bound to return a fugitive offender to a British possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that possession.

(d.) For the purposes of Part II of the said Act, the Protectorate, Aden, Zanzibar, the East Africa and Uganda Protectorates, and British India shall be deemed to be one group of British possessions.

9. The Secretary of State may, by order published in such manner as he directs, declare that any of the Laws or Ordinances for the time being in force in any British possession, and not inconsistent with this Order, shall have effect, and be administered in the Protectorate, with such modifications or adaptations as may be necessary; and thereupon such Laws or Ordinances as so