

modified or adapted shall have effect as if they had been applied by this Order.

PART IV.—*Criminal Matters.*

10. Subject to the other provisions of this Order, the Code of Criminal Procedure and the other enactments relating to the administration of criminal justice in India, for the time being applicable to the Protectorate, shall have effect as if the Protectorate were a Presidency of India.

For the purposes of those enactments—

(a.) The Consul-General shall hold and form a Court to be called the Protectorate Court, which shall have all the powers of a Sessions Court in India; and

(b.) The Protectorate Court shall in relation to all Courts within the Protectorate have the same appellate jurisdiction and the same powers of revision as are possessed by a High Court in India; and

(c.) The powers both of the Governor-General in Council and of the Local Government under those enactments shall be exercisable by the Secretary of State, or with his previous or subsequent assent, by the Consul-General.

11. If any person smuggles or imports into or exports from the Protectorate any goods whereon any duty is charged or payable to the Government of the Protectorate, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one thousand rupees, or with both.

12. Any act which if done in British India would be an offence against the law for the time being in force in British India relating to trademarks, merchandise marks, copyright, designs, or inventions, shall, if done in the Protectorate, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to one thousand rupees, or with both.

13.—(1.) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in the Protectorate, a Court acting under this Order shall have the like jurisdiction over any person charged either as a principal offender or as an abettor, as if both the criminal act and the death had happened in the Protectorate.

(2.) In the case of any offence committed on the high seas, or within the Admiralty jurisdiction, by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the offence had been committed within the Protectorate.

(3.) In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the offence were tried there.

14. When a sentence of death has been passed by the Protectorate Court the Consul-General shall consider whether it is or is not desirable that the sentence should be reconsidered by the Secretary of State.

If he considers that it is so desirable, he shall append to the Minutes a certificate under his hand to that effect, together with such observations as he may think fit, and shall, at the earliest opportunity, transmit the same to the Secretary of State.

If he considers that it is not so desirable, he shall, not sooner than seven days after the passing of the sentence, certify on the Minutes his confirmation of the sentence by writing under his hand.

The Secretary of State may confirm or remit or commute the sentence.

A sentence of death shall not be carried into effect until it is confirmed by the Consul-General or the Secretary of State, as provided in this Article, but upon such confirmation shall be carried into effect according to law.

When the Secretary of State commutes a sentence, the commuted sentence shall be carried into effect as if the Protectorate Court had passed, and had authority to pass, that sentence.

15.—(a.) The Consul-General may, if he thinks fit, by general order, prescribe the manner in which, and the places in the Protectorate at which, sentences of imprisonment are to be carried into execution.

(b.) The Consul-General may, if he thinks fit, in any case, by warrant under his hand and official seal, cause an offender convicted and sentenced to imprisonment before the Court to be sent and removed to, and imprisoned in, any place either in the Protectorate or in Aden.

16. Where an offender convicted before the Court is sentenced to imprisonment, and the Consul-General, proceeding under section seven of "The Foreign Jurisdiction Act, 1890," authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect within Her Majesty's dominions, the place shall be a place in some part of Her Majesty's dominions out of the United Kingdom, the Government whereof consents that offenders may be sent thither under this Article.

17.—(1.) Where it is shown by evidence on oath, to the satisfaction of the Consul-General, that any person subject to this Order has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order in the Protectorate or is endeavouring to excite enmity between the people of the Protectorate and Her Majesty, or is intriguing against Her Majesty's power and authority in the Protectorate, the Consul-General may, if he thinks fit, by order under his hand and official seal, prohibit that person from being in the Protectorate, during any time therein specified, not exceeding two years, or may order him to be deported in manner provided by this Order.

(2.) If the person named in the order of prohibition fails to obey, or acts in contravention of the order—

(i.) He shall be guilty of an offence against this Order, and on conviction thereof, shall be liable to imprisonment for any term not exceeding two years, without prejudice to the operation of the order of prohibition.

(ii.) Whether the offender has been convicted of, or imprisoned for, that offence or not, the Consul-General may, if he thinks fit, order him to be deported.

(3.) The Consul-General, by order under his hand and official seal, may vary any order of prohibition (not extending the duration thereof), and may at any time revoke the same.

(4.) The Consul-General shall forthwith report to the Secretary of State every order made by him under this Article, and the grounds thereof, and the proceedings thereunder.

18.—(a.) Where a person is convicted of an offence, the Court before which he is convicted may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

(b.) If any person required by an order