

within the Protectorate and enquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state and to search such ship.

26. An appeal may be had from any decision of the Court under this Order to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court.

27. Subject to the provisions of this Order providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Order.

28. The Governor shall not be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Order, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

29. In this Order if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them, that is to say:—

“Court” and “magistrate” mean respectively such Court and such officer as the Governor may by notification published in the Protectorate from time to time prescribe.

“Foreign State” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people:

“Military Service” shall include military telegraphy and any other employment whatever in or in connection with any military operation:

“Naval Service” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store-ship, privateer or ship under letters of marque; and as respects a ship, include any user of a ship as a transport, store-ship, privateer or ship under letters of marque:

“The Governor” shall mean the officer by whatever name designated for the time being administering the government of a Protectorate:

“Ship” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel or other craft or battery, made to move either on the surface of or under water; or sometimes on the surface of and sometimes under water:

“Building” in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly:

“Equipping” in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for

naval service, and all words relating to equipping shall be construed accordingly:

“Ship and Equipment” shall include a ship and everything in or belonging to a ship:

“Master” shall include any person having the charge or command of a ship:

“Hard Labour” shall include such punishment in the nature of hard labour as may be awarded under any law for the time being in force within the Protectorate.

30. Nothing in this Order contained shall subject to forfeiture any commissioned ship of any foreign state, or give to the Court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Order had not passed.

And the Right Honourable the Marquess of Lansdowne, K.G., and the Right Honourable Alfred Lyttelton, two of His Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

A. W. FitzRoy.

SCHEDULE.

List of Protectorates to which this Order applies:—

Northern Nigeria.
Southern Nigeria.
Sierra Leone Protectorate.
Gambia Protectorate.
Lagos Protectorate.
Northern Territories of the Gold Coast.
Southern Rhodesia.
Barotsiland.
North-Western Rhodesia.
North-Eastern Rhodesia.
Swaziland.
British Central Africa.
British East Africa.
Uganda.
Somaliland.
Weihaiwei.
British North Borneo.
Brunei.
Sarawak.

Any protected island or territory for the time being within the limits of the Pacific Order in Council, 1893.

At the Court at *Buckingham Palace*, the 24th day of *October*, 1904.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS the Ecclesiastical Commissioners for England have in pursuance of the Act of the sixteenth and seventeenth years of Her late Majesty Queen Victoria, chapter fifty and of the Act of the twenty-third and twenty-fourth years of Her said late Majesty, chapter one hundred and twenty-four duly prepared and laid before His Majesty in Council a scheme bearing date the twenty-eighth day of July, in the year one thousand nine hundred and four, in the words and figures following, that is to say:—

“We the Ecclesiastical Commissioners for England in pursuance of the Act of the sixteenth and seventeenth years of Her late Majesty Queen Victoria chapter fifty and of the Act of the twenty-third and twenty-fourth years of