

49. The Chief Justice may, with the approval of the High Commissioner, make rules for regulating the practice and procedure of the Supreme Court and of all other Civil Courts which are or may be established in Palestine.

50. No action shall be brought against the Government of Palestine or any Department thereof unless with the written consent of the High Commissioner previously obtained.

The Civil Courts shall not exercise any jurisdiction in any proceeding whatsoever over the High Commissioner or his official or other residence or his official or other property.

51. Subject to the provisions of Articles 64 to 67 inclusive jurisdiction in matters of personal status shall be exercised in accordance with the provisions of this Part by the Courts of the religious communities established and exercising jurisdiction at the date of this Order. For the purpose of these provisions matters of personal status mean suits regarding marriage or divorce, alimony, maintenance, guardianship, legitimation and adoption of minors, inhibition from dealing with property of persons who are legally incompetent, successions, wills and legacies, and the administration of the property of absent persons.

52. Moslem Religious Courts shall have exclusive jurisdiction in matters of personal status of Moslems in accordance with the provisions of the Law of Procedure of the Moslem Religious Courts of the 25th October, 1333, A.H., as amended by any Ordinance or Rules. They shall also have, subject to the provisions of any Ordinance or of the Order of the 20th December, 1921, establishing a Supreme Council for Moslem Religious Affairs, or of any Orders amending the same, exclusive jurisdiction in cases of the constitution or internal administration of a Wakf constituted for the benefit of Moslems before a Moslem Religious Court.

There shall be an appeal from the Court of the Qadi to the Moslem Religious Court of Appeal whose decision shall be final.

53. The Rabbinical Courts of the Jewish Community shall have:—

(i) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(ii) Jurisdiction in any other matter of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(iii) Exclusive jurisdiction over any case as to the constitution or internal administration of a Wakf or religious endowment constituted before the Rabbinical Court according to Jewish Law.

54. The Courts of the several Christian communities shall have:—

(i) Exclusive jurisdiction in matters of marriage and divorce, alimony, and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(ii) Jurisdiction in any other matters of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(iii) Exclusive jurisdiction over any case concerning the constitution or internal administration of a Wakf or religious endowment constituted before the Religious Court

according to the religious law of the community, if such exists.

55. Where any action of personal status involves persons of different religious communities, application may be made by any party to the Chief Justice, who shall, with the assistance, if he thinks fit, of assessors from the communities concerned, decide which Court shall have jurisdiction. Whenever a question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a Religious Court, the matter shall be referred to a Special Tribunal of which the constitution shall be prescribed by Ordinance.

56. The judgments of the Religious Courts shall be executed by the process and offices of the Civil Courts.

57. Subject to the provisions of any Ordinance or Order establishing a Supreme Council for Moslem Religious Affairs, the constitution and jurisdiction of Religious Courts established at the date of this Order may be varied by Ordinance or Order of the High Commissioner.

58. The Civil Courts shall exercise jurisdiction over foreigners, subject to the following provisions:—

59. For the purpose of this part of the Order the expression "foreigner" means any person who is a national or subject of a European or American State or of Japan, but shall not include:

(i) Native inhabitants of a territory protected by or administered under a mandate granted to a European State.

(ii) Ottoman subjects.

(iii) Persons who have lost Ottoman nationality and have not acquired any other nationality.

The term "subject" or "national" shall include corporations constituted under the law of a foreign State, and religious or charitable bodies or institutions wholly or mainly composed of the subjects or citizens of such a State.

60. A foreigner accused of an offence punishable with imprisonment for a term exceeding *fifteen days*, or a fine exceeding £E.5 may claim to be tried by a British Magistrate. Any foreigner sentenced to imprisonment by a Palestinian Magistrate for an offence for which he cannot claim to be tried by a British Magistrate, may appeal to the District Court.

61. A foreigner accused of an offence which is not triable by a magistrate may claim that his interrogation during the preliminary investigation shall be undertaken, and the question of his release on bail and committal for trial shall be decided by a British Magistrate.

A warrant of search of the house of a foreigner shall be issued only by a British Magistrate.

62. A foreigner committed by a Magistrate for trial before the District Court or the Court of Criminal Assize may claim that the Court shall contain a majority of British Judges.

63. In a civil case tried whether in first instance or on appeal by the District Court, a foreigner may claim that at least one member of the Court shall be a British Judge. In civil and criminal cases heard by the Supreme Court in its appellate capacity a foreigner may claim that the Court shall contain a majority of British Judges.

64.—(i) Matters of personal status affecting foreigners other than Moslems shall be decided by the District Courts which shall apply the personal law of the parties concerned in accord-