

or officer, shall be preserved in the public office of the Court.

10. The Consul shall have all the powers and authorities of the Sheriff of a county in England, with all the privileges and immunities of the office, and as such Sheriff shall be charged with the execution of all decrees, orders, and sentences made and passed by a Court, on the requisition in that behalf of the Court, he shall not be liable to any action or proceeding for anything done, or purporting to be done, or anything omitted by him as such Sheriff.

11. Where the Court thinks fit to hear and determine any case, civil or criminal, with Assessors, the Court shall nominate and summon as Assessors not less than two and not more than four indifferent British subjects of good repute, resident in Brunei or belonging to a British ship; but where the Court is able to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor.

An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal; but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any conviction, or the amount of punishment awarded, may record in the Minutes of Proceedings his dissent and the grounds thereof; and an Assessor dissenting shall be entitled to receive gratis a certified copy of the Minutes.

If any person summoned to act as Assessor fails, without lawful excuse, to attend at the trial, or at any adjournment thereof, or to continue to serve throughout the trial, he shall be liable under a summary order of the Court to a fine not exceeding fifty dollars, to be levied by attachment and sale of his goods, and in default of recovery thereby of the fine, to be imprisoned for any time not exceeding six days, if the fine is not sooner paid.

12. No proceeding under this Order shall be invalidated by any informality, mistake, or omission, so long as, in the opinion of the Court, the essential requisites of law and justice have been complied with, or may be met by amendment.

#### (2.) *Supreme Court.*

13. (1.) The Supreme Court shall have appellate jurisdiction under this Order.

The appellate jurisdiction of the Supreme Court shall be exercised by the full Supreme Court sitting in the Straits Settlements in such manner and according to such procedure as, subject to the provisions of this Order, and of any Rules made under this Order, the Supreme Court from time to time determines.

Judgments or Orders of the Supreme Court, in the exercise of its appellate jurisdiction, shall be certified by the Supreme Court to the Court for Brunei, and (subject to any appeal to His Majesty in Council) that Court may and shall execute, and give effect to the same in like manner as to its own Judgments or Orders.

(2.) The Supreme Court, on Petition presented to it in accordance with any Rules to be made under this Order, or in such manner as the Supreme Court directs, and alleging that any Order of the Court has the effect of a refusal of justice to any suitor or complainant, may, after such inquiry (if any) as it thinks fit to direct, issue an order directing the Court to take cognizance of the matter, and may, if satisfied that such order has not been properly complied with, entertain and determine the matter of the suit or complaint, and shall certify its determination to the Court, which shall give effect thereto.

(3.) Except as provided by this Order, the

Supreme Court shall not exercise any control over the Court, whether by way of mandamus, prohibition, certiorari, writ of habeas corpus, or otherwise.

14. The Supreme Court shall, for the purposes of this Order, have original jurisdiction as follows:—

(1.) When, under this Order, a person accused of crime is sent for trial to the Straits Settlements, the Supreme Court shall have the like jurisdiction, and may proceed in the same manner as if the crime had been committed in the Straits Settlements, except that the criminality of the act charged and the punishment to be inflicted must be determined according to the law applicable under this Order in Brunei.

(2.) The Supreme Court may exercise in Brunei, in relation to any civil or criminal matter, any original jurisdiction which can be exercised by the Court, and all the provisions of this Order shall apply accordingly (*mutatis mutandis*), and any appeal shall be to the full Supreme Court.

(3.) The Supreme Court may hear and determine at any place within the limits of this Order any criminal case which could under this Order be sent for trial to the Straits Settlements, and for that purpose shall have the like jurisdiction and may proceed in the same manner, as nearly as may be, as if it were trying the same case in the Straits Settlements, or as if it were the Court trying in Brunei a criminal case within the jurisdiction of the Court.

Provided that the powers conferred by sub-Articles (2) and (3) of this Article shall, except in the case of the death, absence, or incapacity of the Consular Officer, be exercised only on his request.

(4.) The Supreme Court may hear and determine within the Straits Settlements any civil case arising in Brunei, with the consent of the parties and of the Consul, and for that purpose may adopt any procedure proper either in the Straits Settlements or in Brunei. In such case, any appeal shall be to the full Supreme Court.

(5.) For the purposes of the exercise of original jurisdiction under this Article, such Judge or Judges of the Supreme Court as the Chief Justice of the Straits Settlements from time to time nominates shall exercise the powers of the Supreme Court.

(6.) The Court for Brunei may and shall, according to its powers, execute, enforce, and give effect to any Judgment or Order of the Supreme Court in the exercise of its original jurisdiction, and may and shall, for the purposes of anything to be done preliminary to a sitting of the Supreme Court (as, for instance, the summoning of Assessors or of witnesses), exercise (*mutatis mutandis*) all the powers which the Court has for any purpose under this Order in a case or matter pending before itself.

#### PART III.—CRIMINAL MATTERS.

15.—(1.) A criminal prosecution is commenced by a complaint made to the Court, or by the issue of a summons or warrant by the Court of its own motion.

(2.) For the issue of a summons the complaint need not be on oath, unless the Court so requires.

(3.) A warrant may be issued if the complaint is in writing and on oath, or if the accused person does not appear on a summons, and it is proved that the summons has been served or cannot be served.

(4.) On receiving a complaint, whether on oath, or not, the Court may, if it is of opinion that the