

said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(c) The High Commissioner 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, Palestine, Cyprus, Egypt, the Ottoman Dominions, Persia and Iraq shall be treated as one group of British Possessions.

Provided that nothing in this Article contained shall be taken to extend to Palestine the enactments mentioned in the Schedule to the Foreign Jurisdiction Act, 1913, or any of them.

36. Where under the Merchant Shipping Act, 1894, or any amending Act, anything is authorised to be done by, to, or before a British Consular officer, such thing may be done, in any place in Palestine by, to, or before such officer of the Government as the High Commissioner may appoint.

37. The Colonial Prisoners' Removal Act, 1884, shall apply to and take effect within Palestine as if it were part of His Majesty's dominions, subject as follows:—

The High Commissioner is hereby substituted for the Governor of a British Possession.

## PART V.

### JUDICIARY.

38. The Civil Courts hereinafter described shall subject to the provisions of this part of the Order exercise jurisdiction in all matters and over all persons in Palestine.

39. Magistrates' Courts shall be established in each District and Sub-District as may be prescribed from time to time by Order under the hand of the High Commissioner. These Courts shall have the jurisdiction assigned to them by the Ottoman Magistrates Law of 1913, as amended by any subsequent Law or Ordinance or Rules for the time being in force.

40. District Courts shall be established in such districts as may be prescribed from time to time by order under the hand of the High Commissioner, and every such court shall exercise jurisdiction:—

(1) As a Court of First Instance:—

(a) In all civil matters not within the jurisdiction of the Magistrates' Courts in and for that District.

(b) In all criminal matters which are not within the jurisdiction of the Court of Criminal Assize.

(2) As an Appellate Court from the said Magistrates' Courts subject to the provisions of any Ordinances or Rules.

41. There shall be a Court of Criminal Assize which shall have exclusive jurisdiction with regard to offences punishable with death and such jurisdiction with regard to other offences as may be prescribed by Ordinance.

42. The High Commissioner may by order establish Land Courts as may be required from time to time for the hearing of such questions concerning the title to immovable property as may be prescribed.

43. There shall be established a Court to be called the Supreme Court of which the constitution shall be prescribed by Ordinance. The

Supreme Court sitting as a Court of Appeal shall have jurisdiction subject to the provisions of any Ordinance to hear appeals from all judgments given by a District Court in first instance or by the Court of Criminal Assize or by a Land Court.

The Supreme Court sitting as a High Court of Justice shall have jurisdiction to hear and determine such matters as are not causes or trials, but petitions or applications not within the jurisdiction of any other Court and necessary to be decided for the administration of justice.

44. In civil matters when the amount or value in dispute exceeds £E. 500 an appeal shall lie from the Supreme Court to His Majesty in Council. Every appeal shall be brought within such time and in such manner as may be prescribed by any rules of procedure made by His Majesty in Council.

45. The High Commissioner may by order establish such separate Courts for the district of Beersheba and for such other tribal areas as he may think fit. Such courts may apply tribal custom, so far as it is not repugnant to natural justice or morality.

46. The jurisdiction of the Civil Courts shall be exercised in conformity with the Ottoman Law in force in Palestine on November 1st, 1914, and such later Ottoman Laws as have been or may be declared to be in force by Public Notice, and such Orders in Council, Ordinances and regulations as are in force in Palestine at the date of the commencement of this Order, or may hereafter be applied or enacted; and subject thereto and so far as the same shall not extend or apply, shall be exercised in conformity with the substance of the common law, and the doctrines of equity in force in England, and with the powers vested in and according to the procedure and practice observed by or before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities at that date, save in so far as the said powers, procedure and practice may have been or may hereafter be modified, amended or replaced by any other provisions. Provided always that the said common law and doctrines of equity shall be in force in Palestine so far only as the circumstances of Palestine and its inhabitants and the limits of His Majesty's jurisdiction permit and subject to such qualification as local circumstances render necessary.

47. The Civil Courts shall further have jurisdiction, subject to the provisions contained in this Part of this Order, in matters of personal status as defined in Article 51 of persons in Palestine. Such jurisdiction shall be exercised in conformity with any law, Ordinances or regulations that may hereafter be applied or enacted and subject thereto according to the personal law applicable.

Where in any civil or criminal cause brought before the Civil Court a question of personal status incidentally arises, the determination of which is necessary for the purposes of the cause, the Civil Court may determine the question, and may to that end take the opinion, by such means as may seem most convenient, of a competent jurist having knowledge of the personal law applicable.

48. When any person has been sentenced to death, the Chief Justice shall transmit to the High Commissioner a copy of the evidence. The sentence shall not be carried into effect until confirmed by the High Commissioner.