

the substance, as may be necessary or proper to adapt the same to the matter before the Court;

(b) The Secretary of State may by order direct by what authority any jurisdiction, powers, or duties incident to the operation of any such enactment, and for the exercise or performance of which no convenient provision has been otherwise made, shall be exercised or performed;

(c) Any order of the Secretary of State made in pursuance of this Article shall be published in the Protectorate and in India, in such manner as he directs, and shall have effect as from a date to be specified in the order.

17. The enactments described in the first Schedule to "The Foreign Jurisdiction Act, 1890," shall apply to the Protectorate as if it were a British Colony or possession, but subject to the provisions of this Order and to the exceptions, adaptations, and modifications following, that is to say—

(i) The Governor is hereby substituted for the Governor of a Colony or British possession, and the Protectorate Court is hereby substituted for a Superior Court or Supreme Court and for a Magistrate or Justice of the Peace of a Colony or British possession.

(ii) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule shall be substituted Part XIII of "The Merchant Shipping Act, 1894."

(iii) In section fifty-one of "The Conveyancing (Scotland) Act, 1874," and any enactment for the time being in force amending the same, the Protectorate Court is substituted for a Court of Probate in a Colony.

(iv) With respect to "The Fugitive Offenders Act, 1881"—

(a) So much of the fourth and fifth sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant, shall be excepted.

(c) The Governor 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, the Protectorate, Aden, Zanzibar, the Colony and Protectorate of Kenya, and the Uganda Protectorate, and British India shall be deemed to be one group of British possessions.

## PART V.—JUDICIAL.

### (a) Criminal Matters.

18. 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—

(i) The Protectorate Court established in pursuance of the Somaliland Order in Council, 1899, shall continue to exercise jurisdiction. The said Court shall be held either by the Governor or, at the Governor's discretion, by the Secretary to the Administration and shall have all the powers of a Sessions Court in India.

(ii) 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

(iii) 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 Governor.

19.—(i) 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.

(ii) 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.

(iii) 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.

20. The Governor 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.

21. When any crime or offence has been committed within the Protectorate, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted in any Court, or before any Judge or other Magistrate, within the Protectorate, a pardon, either free or subject to lawful conditions, or any remission or commutation of the sentence passed on such