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Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.'

Holding Institution	British Library: India Office Records and Private Papers
Reference	IOR/L/PS/12/3941
Date(s)	19 Feb 1940-4 Sep 1947 (CE, Gregorian)
Written in	English in Latin
Extent and Format	1 file (36 folios)
Copyright for document	Open Government Licence



About this record

The file contains papers relating to the service of petitions of alimony and divorce upon British subjects in Bahrain (also spelled Bahrein in the file).

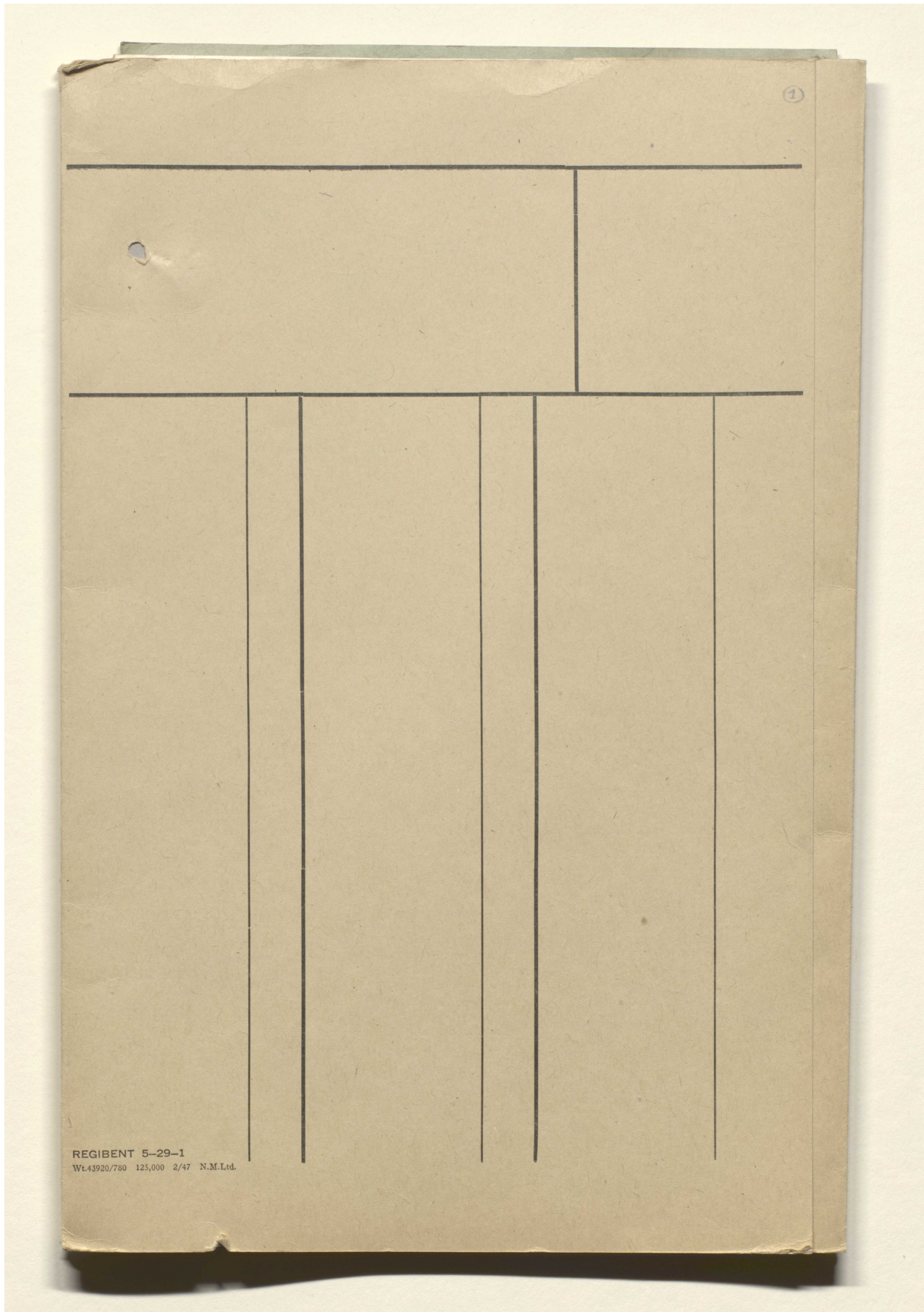
The papers include correspondence, dated 1940, regarding an enquiry from the High Commissioner for Canada about the procedure in effecting service upon a British subject at present in Bahrain of a petition of alimony being prepared as a result of a Decree Absolute of Divorce granted by the Supreme Court of British Columbia, and the possibility of enforcing in Bahrain the terms of an order for alimony and maintenance, in the event of such an order being made by the British Columbia Court. This correspondence is between the Official Secretary to the High Commissioner for Canada, the Dominions Office and the India Office.

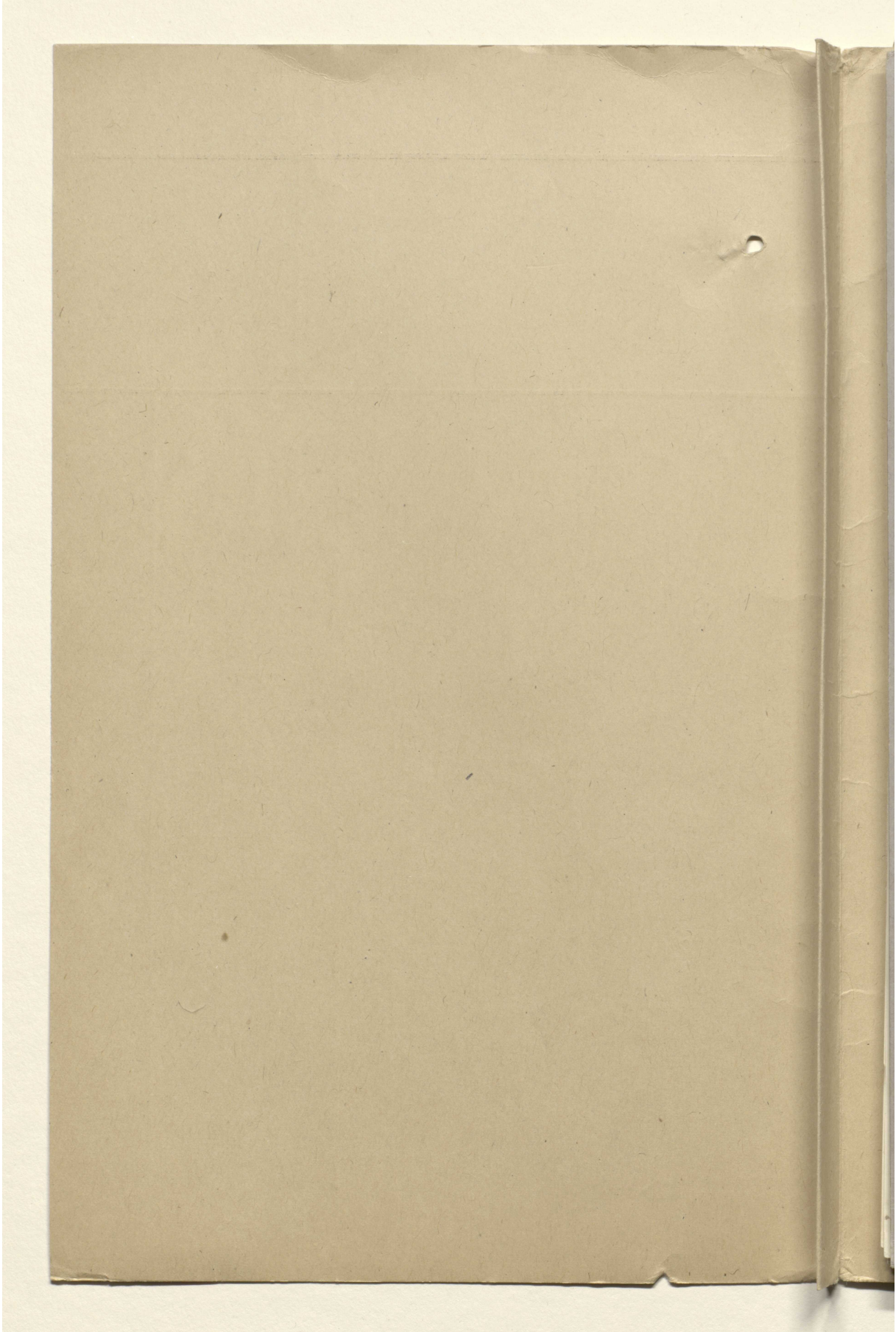
The file also includes correspondence, dated 1947, concerning a request by the Senior Master of the Supreme Court for the service in Bahrain of a petition of divorce. This correspondence is between the President of the King's Bench Division of the High Court of Justice, the Senior Master of the Supreme Court, the Foreign Office, and the Commonwealth Relations Office (including internal CRO correspondence).

In addition, the file includes a copy of 'The Bahrein Order in Council, 1913', and amendments to the Order in Council, dated 1915, 1917, 1922, and 1937.

The file includes a divider, which gives a list of correspondence references contained in the file by year.

This is placed at the back of the correspondence.





Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [1ar] (3/77)

(20)

Previous File :
Next File : IOR:L/PS/12/3

POLITICAL (EXTERNAL) DEPA
COLLECTION

GENERAL HEADING { Persian
Judicia

SUB-HEAD { Service of documents
subjects in Ba

Notes : _____

This File contains the following pag

YEAR.	
1940 .	P.Z. 1073 ✓ 2243 ✓
1947 .	P.Z. 1870 ✓
19 .	P.Z.
19 .	P.Z.
19 .	P.Z.
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19 .	P.Z.
19 .	P.Z.

Papers may be removed from or placed within this Fi

(11192) Wt.21570/P251 1,000 7/39 A.&E.W.Ltd. Gp.685

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [2r] (4/77)

Previous File :

Next File :

IOR: L/PS/12/3941

No. 30

File 201

POLITICAL (EXTERNAL) DEPARTMENT
COLLECTION

GENERAL HEADING

Persian Gulf.
Judicial

SUB-HEAD

Service of documents upon British
subjects in Bahrein Islands.

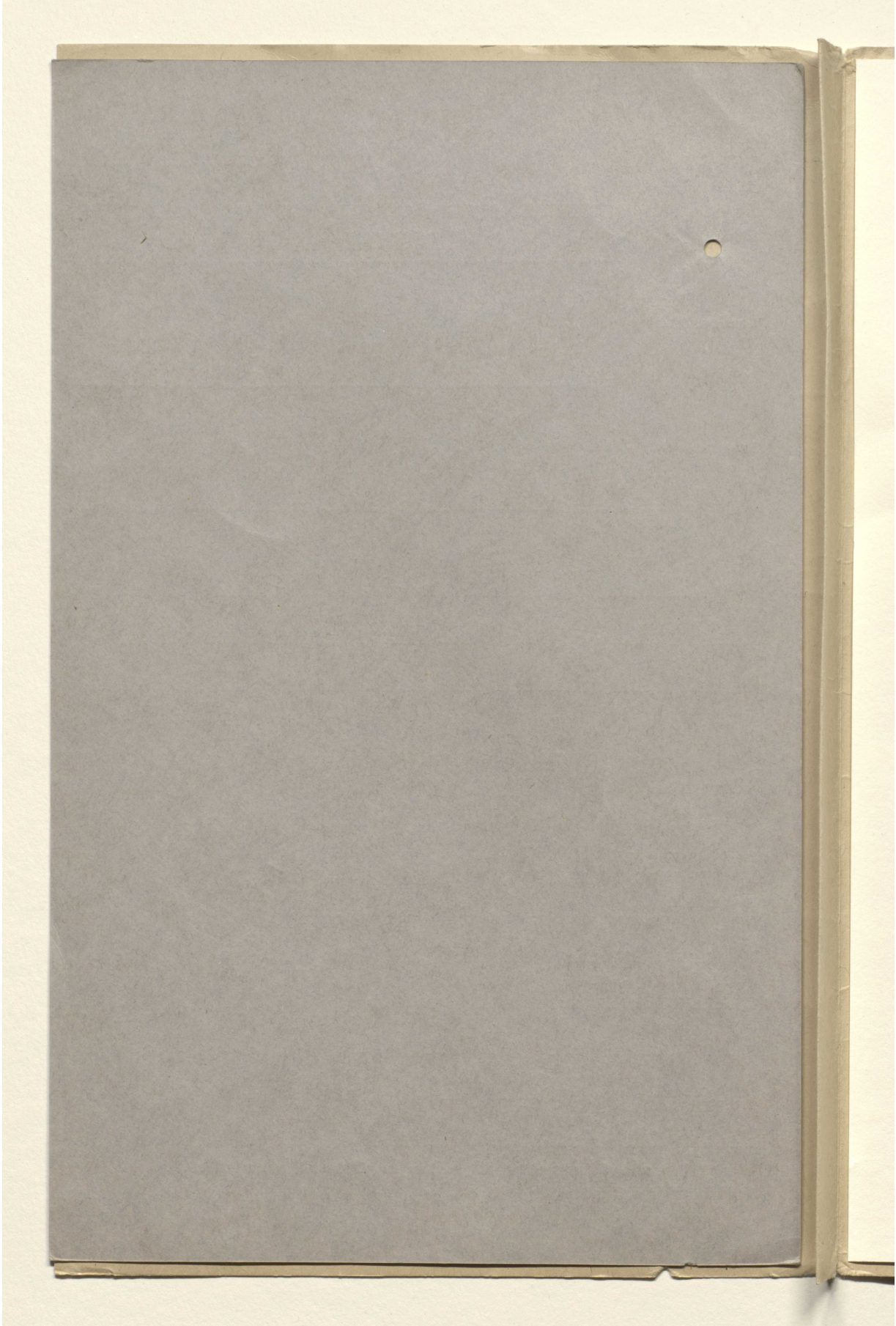
Notes :

This File contains the following papers :—

YEAR.			
1940	P.Z.	1073 ✓	2243 ✓
1947	P.Z.	1870 ✓	
19	P.Z.		
19	P.Z.		
19	P.Z.		
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19	P.Z.		

Papers may be removed from or placed within this File only by the Political Registry.

(11192) W1.21570/P231 1.000 7/39 A.& E.W.Ltd. Gp.685



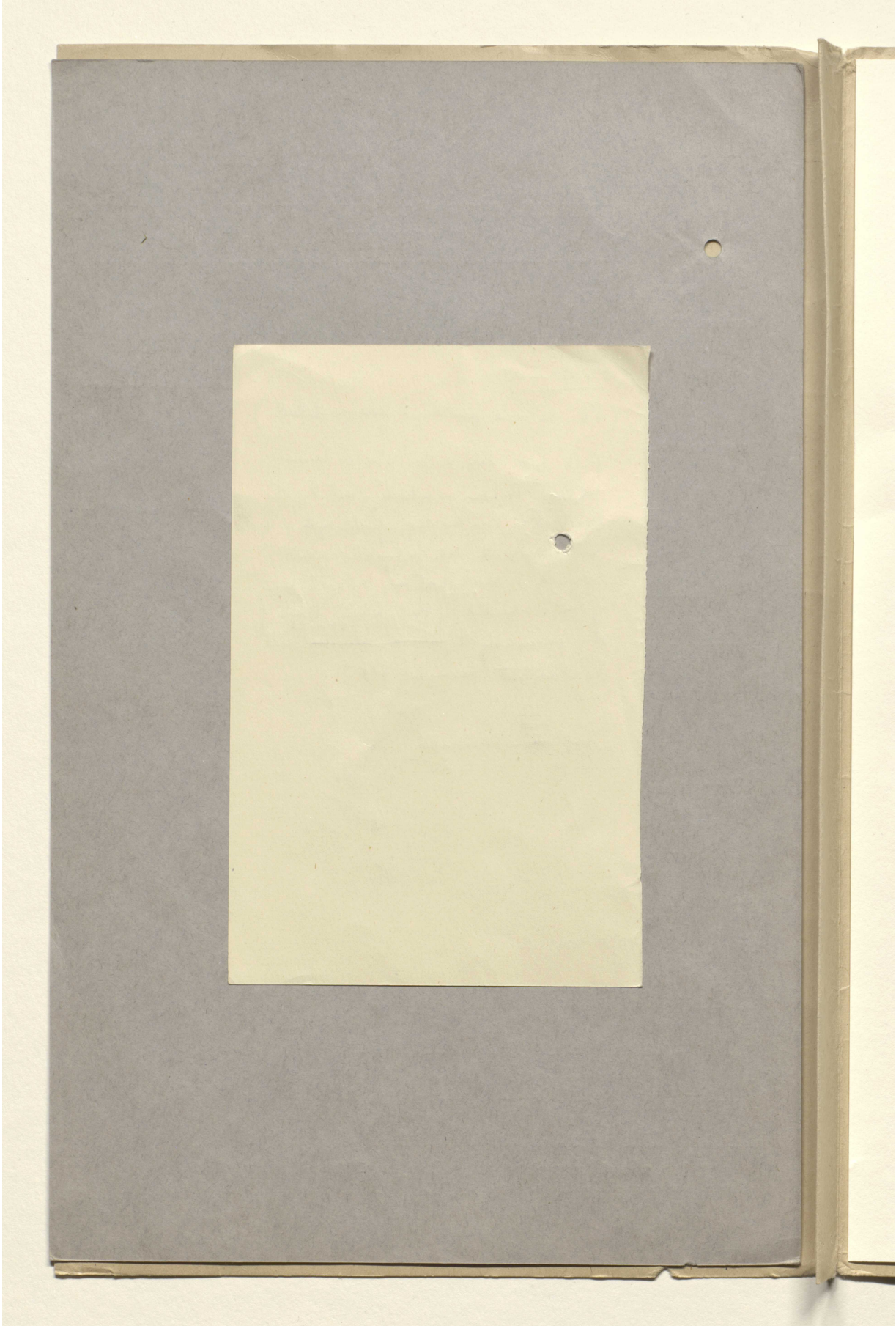
Mr Harrison. Mr Reed ③
(Pl. see note from legal adviser below.)

F.O. have asked us to serve a divorce
petition: Bahrein - which is not legally
practical. In the case referred to by the
legal adviser the H.C. for Canada was
advised to serve by post - I do not know
if this is admitted by British law, though if
it is presumably the petitioner's solicitors will
do it without having to be told!

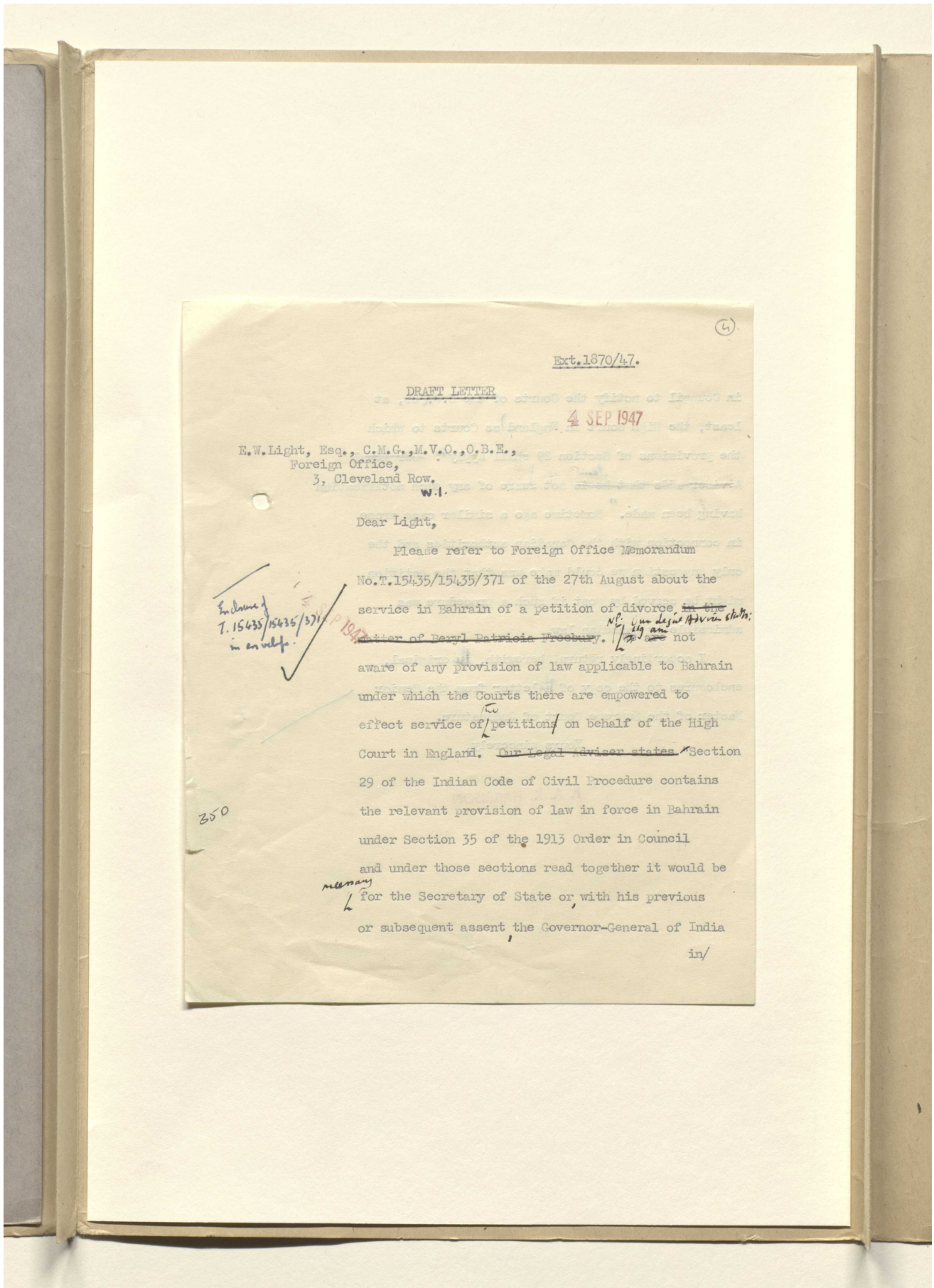
lett.
Harris
Just letter to F.O. submitted.

1/9.

PAO
4/9
3/5.



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [4r] (8/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [4v] (9/77)

in Council to notify the Courts of the U.K. (or, at
least, the High Court in England) as Courts to which
the provisions of Section 29 shall apply. ~~Our Legal~~
~~Adviser~~ ^{I am} adds that he is not aware of any such notification
having been made. " Sometime ago a similar case arose
in connection with the Canadian authorities and the
only suggestion we could make was that the petition
might be served by post if such a procedure was
admissible by Canadian law.

I accordingly return, herewith, ~~the~~ original,
enclosures to the copy of ~~the~~ letter from the Senior
Master of the Supreme Court of Judicature.

Tours sincerely,

F. A. K. HARRISON

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [5r] (10/77)

Legal Adviser.

Pl. see attached letter from F.O.
Is it in order for these documents to
be sent to the Political Resident?
Recd. 30. viii. 47.

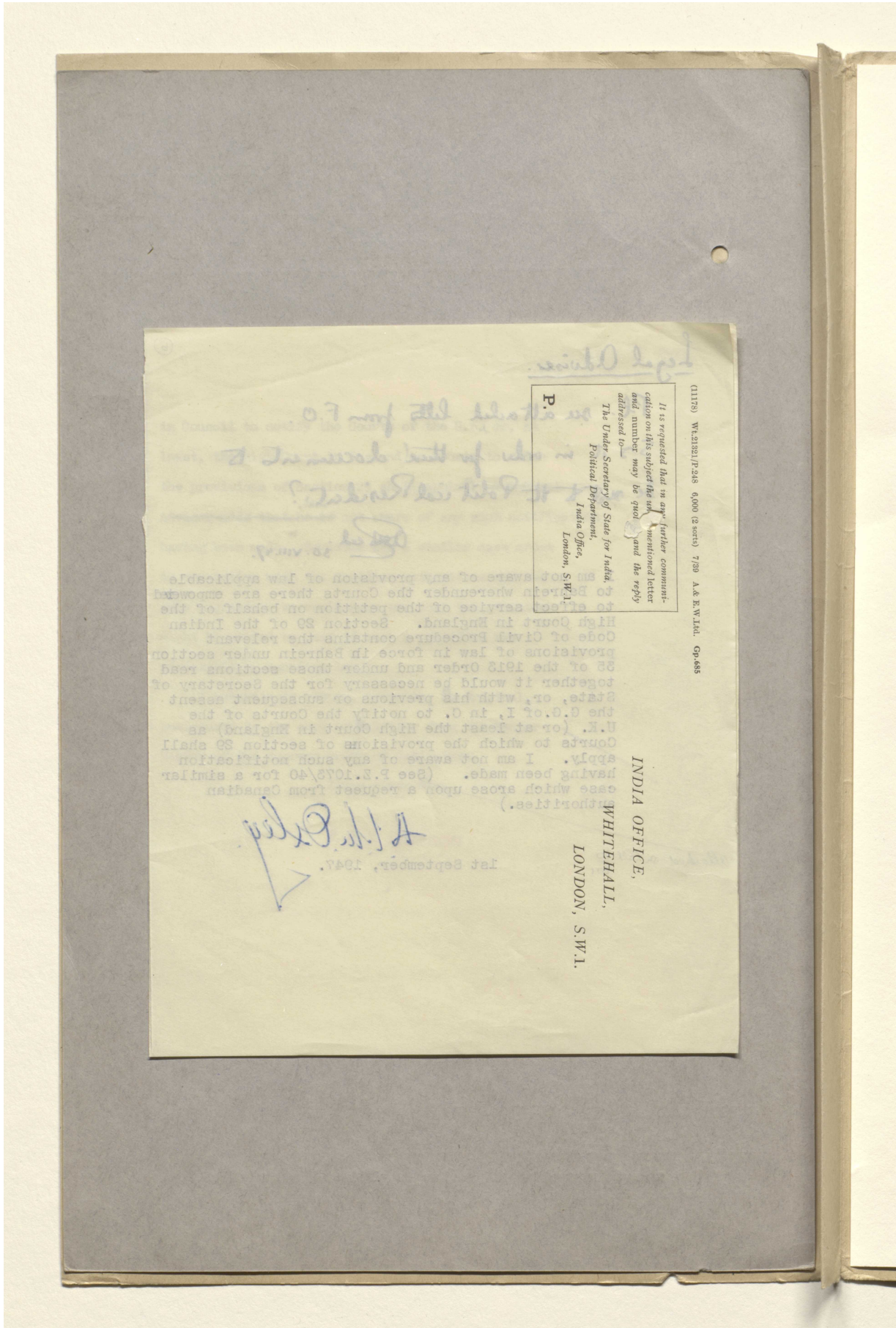
I am not aware of any provision of law applicable to Bahrein whereunder the Courts there are empowered to effect service of the petition on behalf of the High Court in England. Section 29 of the Indian Code of Civil Procedure contains the relevant provisions of law in force in Bahrein under section 35 of the 1913 Order and under those sections read together it would be necessary for the Secretary of State, or, with his previous or subsequent assent the G.G. of I, in C. to notify the Courts of the U.K. (or at least the High Court in England) as Courts to which the provisions of section 29 shall apply. I am not aware of any such notification having been made. (See P.Z.1073/40 for a similar case which arose upon a request from Canadian authorities.)

A. H. Osley
1st September, 1947.

INDIA OFFICE
LONDON, E.C. 2, W. 1.

attached a coll 30
201

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [5v] (11/77)



(11178) W.E.21921/P.248 Q.000 (2.2013) 7/39 A & E.W. Ltd. Gp.685

It is requested that in any further communication on this subject the subject and number may be quoted and the reply addressed to—

The Under Secretary of State for India,
Political Department,
India Office,
London, S.W.1.

P.

INDIA OFFICE,
WHITEHALL,
LONDON, S.W.1.


A. M. B. J.
1st September, 1947.

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [6r] (12/77)

229/340

6

FILE COPY

 **INDEXED**

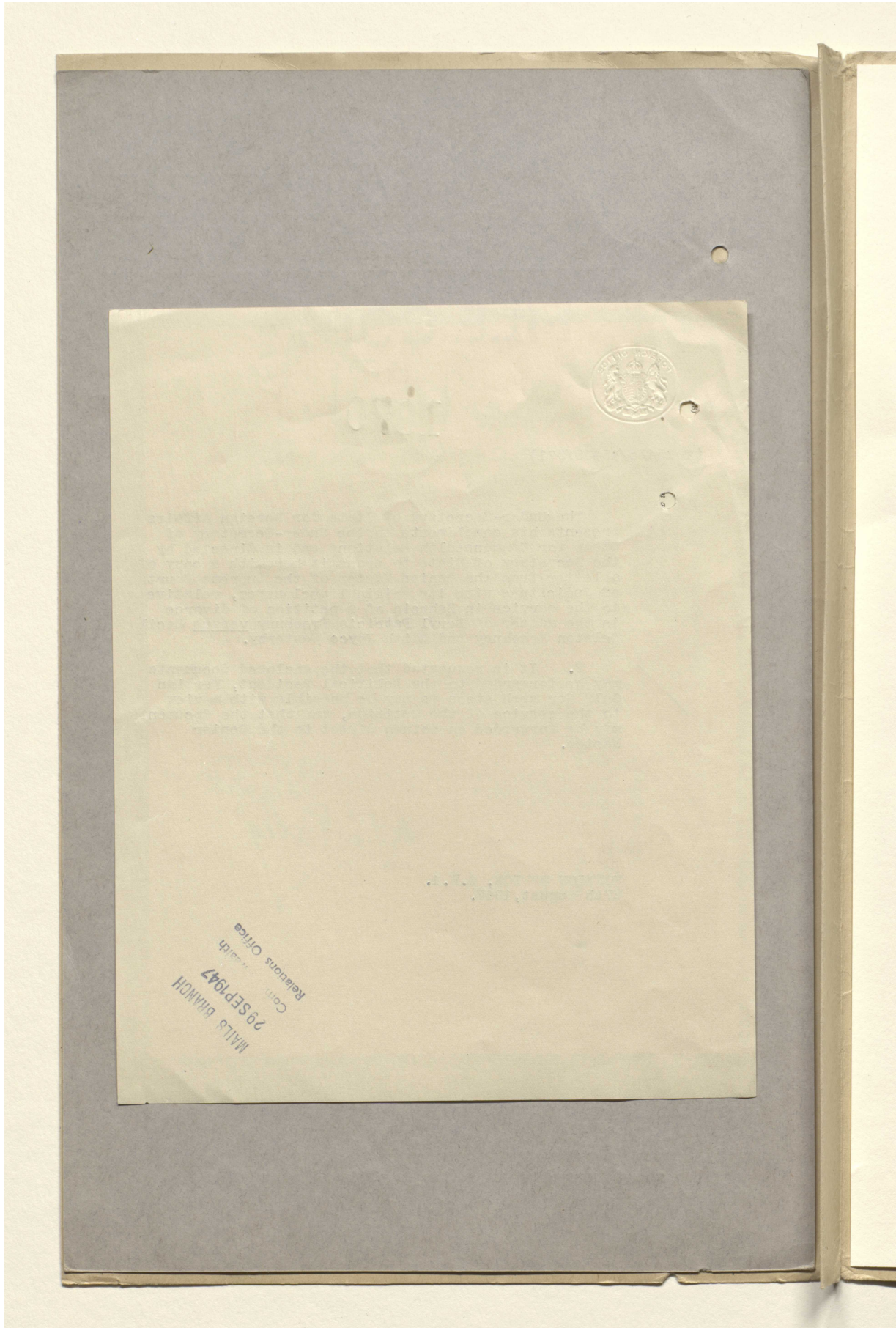
(T 15435/15435/371)

EXT
1870
19

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for Commonwealth Relations and is directed by the Secretary of State to transmit herewith a copy of a letter from the Senior Master of the Supreme Court of Judicature with its original enclosures, relative to the service in Bahrein of a petition of divorce in the matter of Beryl Patricia Freebury versus Cecil Selston Freebury and Edith Joyce Westerby.

2. It is requested that the enclosed documents may be forwarded to the Political Resident, Persian Gulf for such steps as may be possible with a view to the service of the petition, and that the documents may be forwarded on return direct to the Senior Master.

FOREIGN OFFICE, S.W.1.
27th August, 1947.



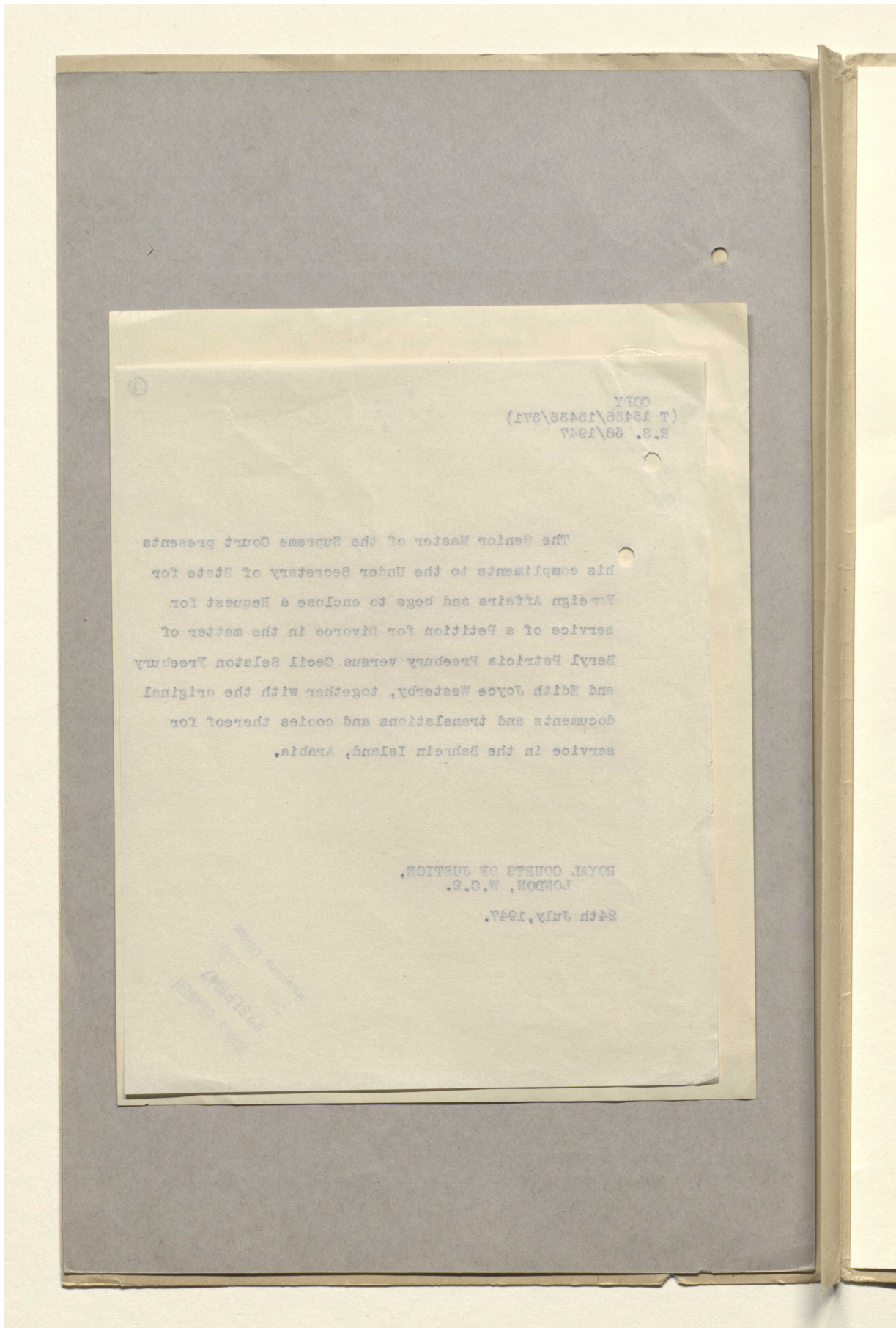
COPY
(T 15435/15435/371)
R.S. 38/1947

The Senior Master of the Supreme Court presents his compliments to the Under Secretary of State for Foreign Affairs and begs to enclose a Request for service of a Petition for Divorce in the matter of Beryl Patricia Freebury versus Cecil Selston Freebury and Edith Joyce Westerby, together with the original documents and translations and copies thereof for service in the Bahrein Island, Arabia.

ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

24th July, 1947.

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [7v] (15/77)



COPIE
T 12428/12428/371
R. 2. 28/1247

The Senior Master of the Supreme Court presents
his compliments to the Under Secretary of State for
Foreign Affairs and begs to enclose a Request for
service of a Petition for Divorce in the matter of
Beryl Patricia Westbrook versus Cecil Selator Westbrook
and Edith Joyce Westbrook, together with the original
documents and translations and copies thereof for
service in the Bahrein Island, Arabia.

ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

24th July, 1947.

Senior Clerk
to
His Majesty
the King

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [8r] (16/77)

COPY
(T 15435/15435/371)
R.S. 38/1947

The President of the King's Bench Division of the High Court of Justice presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and begs to enclose a Petition for Divorce issued in a matter of Beryl Patricia Freebury versus Cecil Selston Freebury and Edith Joyce Westerby, out of the High Court of Justice in England, together with translations thereof, for transmission to the Ministry of Foreign Affairs in the Bahrein Island, Arabia, against whom proceedings have been taken in the English Court, and with the further request that such evidence of the service of the same upon the said respondent may be officially certified to the English Court, or declared upon oath, or otherwise, in such manner as is consistent with the usage or practice of the Courts of that country in proving service of legal process.

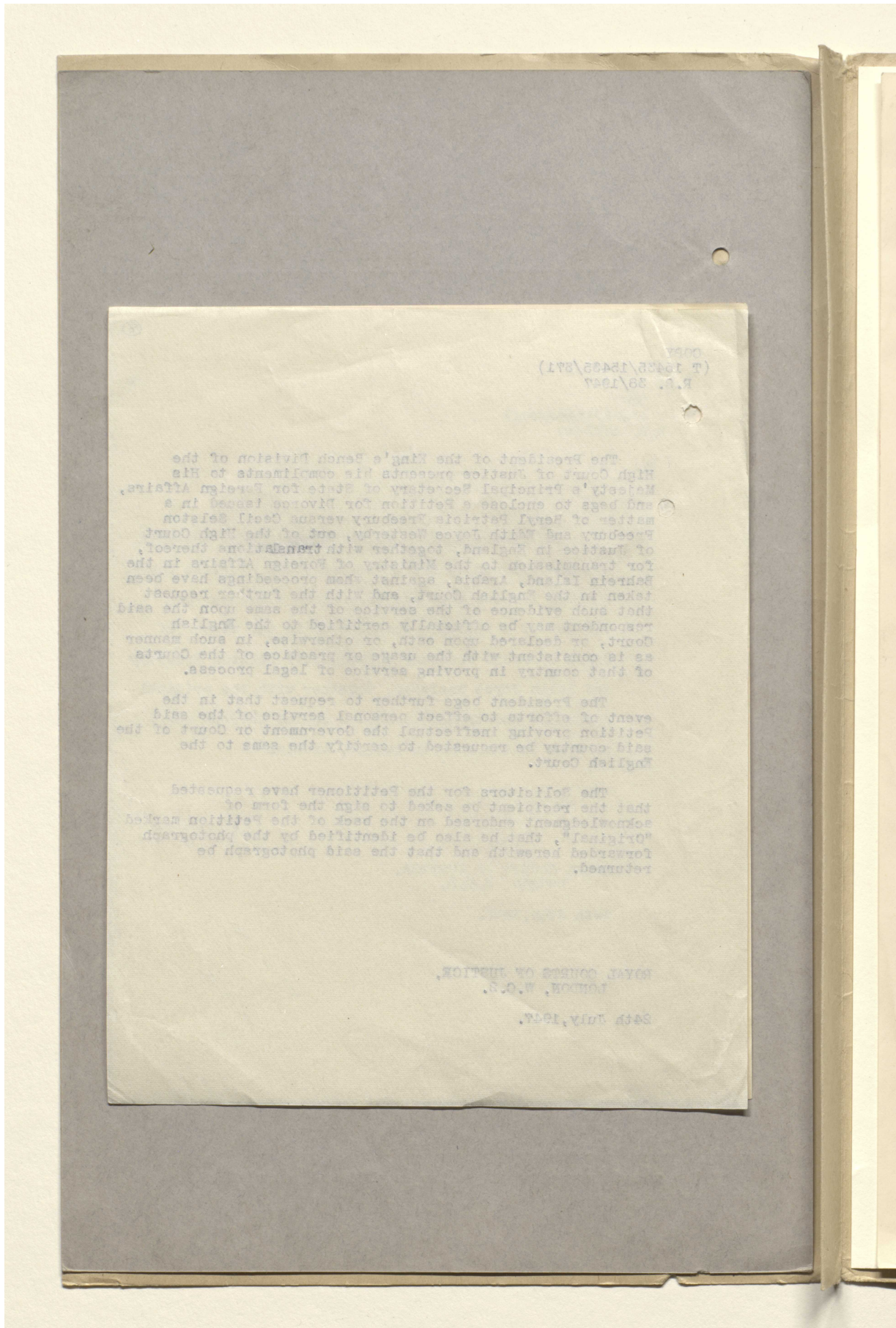
The President begs further to request that in the event of efforts to effect personal service of the said Petition proving ineffectual the Government or Court of the said country be requested to certify the same to the English Court.

The Solicitors for the Petitioner have requested that the recipient be asked to sign the form of acknowledgment endorsed on the back of the Petition marked "Original", that he also be identified by the photograph forwarded herewith and that the said photograph be returned.

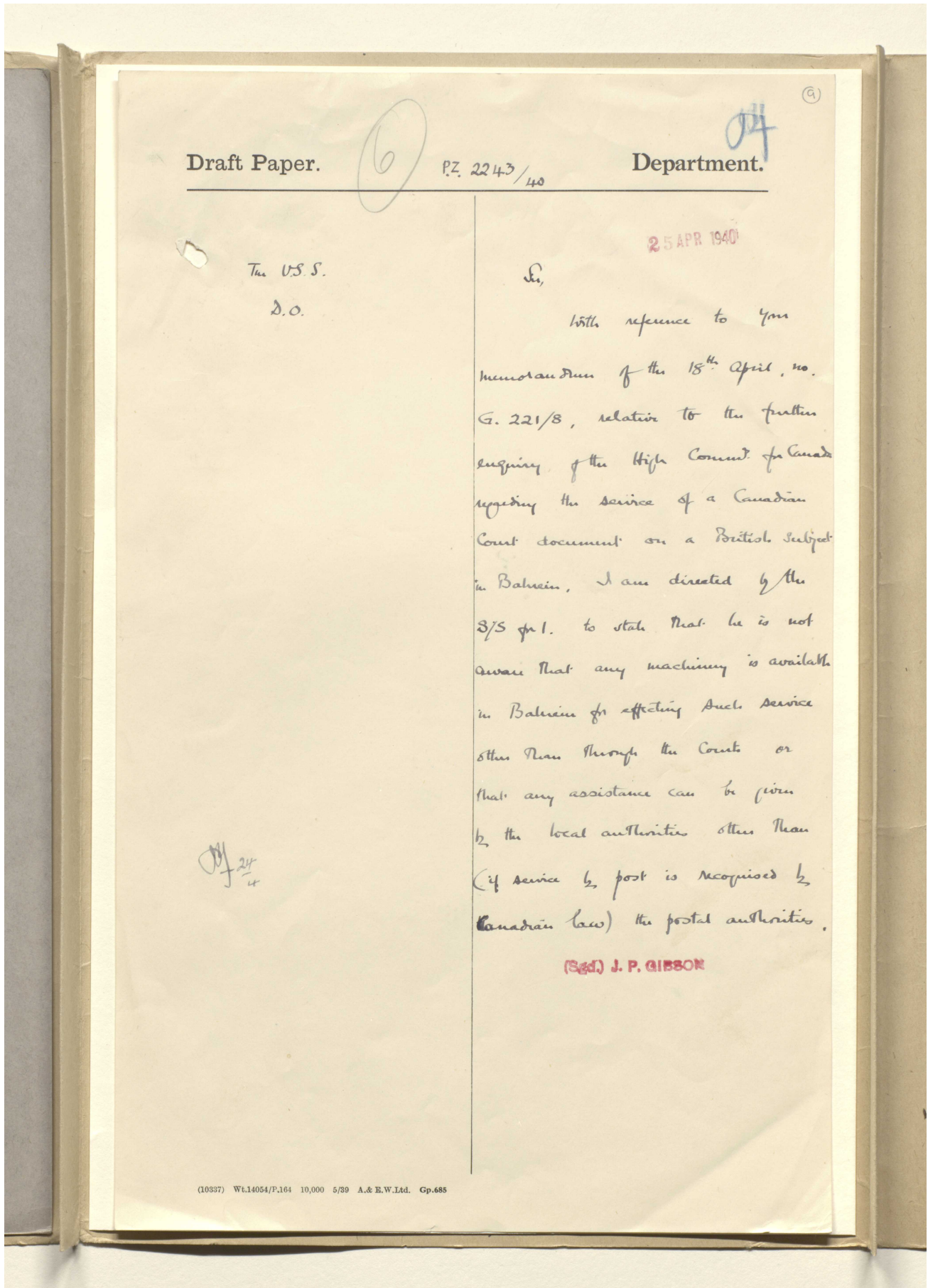
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

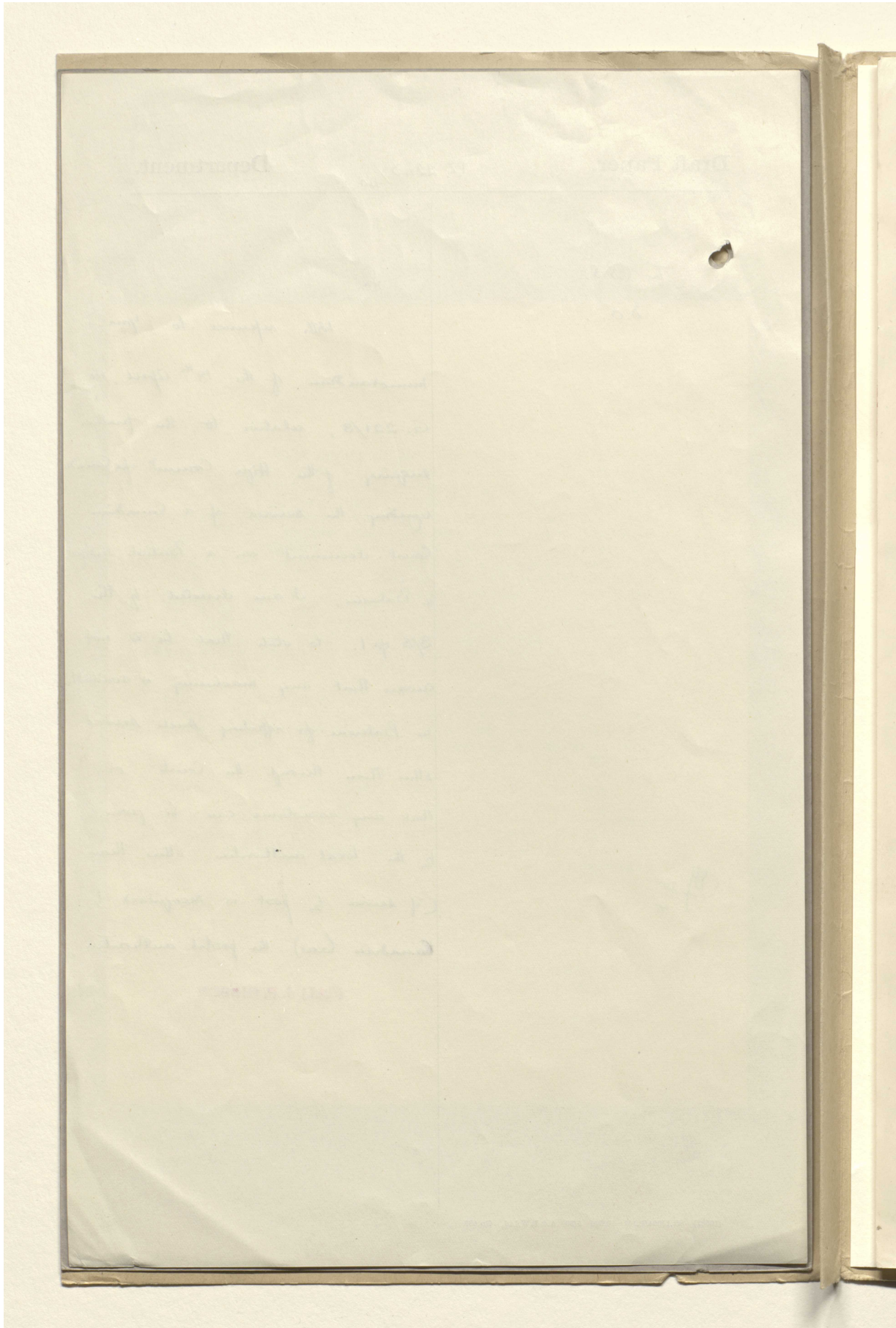
24th July, 1947.

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [8v] (17/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [9r] (18/77)





10

Minute Paper.

PZ. 2243

Department.

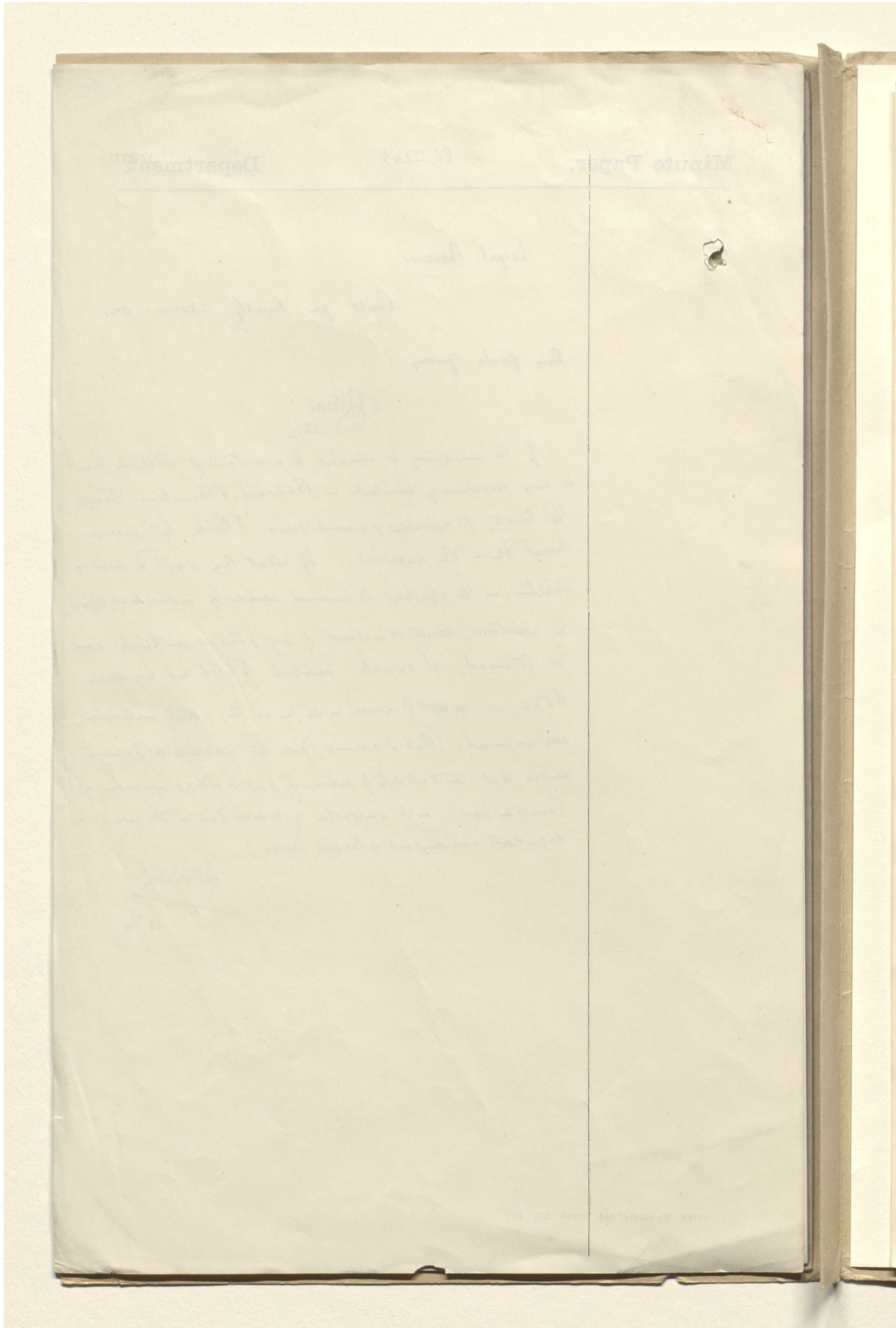
Legal Adviser

Could you kindly advise on
this fresh query?

R. Gibson
22/11

If the enquiry is directed to ascertaining whether there is any machinery available in Bahrein, other than through the Courts, for effecting personal service, I think the answer must be in the negative. If what they want to know is whether, in the effecting of personal service by individual effort, the assistance, direct or indirect, of any political authority can be obtained, I should hesitate to hold out any such hope, — except of course in so far as the postal authorities are concerned. (But I assume, from the insistence on personal service, that the validity of service by post is not recognized by Comorian Law, — as it would be by Indian law in the case of a defendant residing out of British India).

W. H. H. H.
22/11/40



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [11r] (22/77)

INDEXED

D.O. 24.

1073.
(attached)

P.Z.
2243
1940

M.G. (1)

Communications on this subject should be addressed to :-

THE UNDER-SECRETARY OF STATE,
DOMINIONS OFFICE,
DOWNING STREET, LONDON, S.W.1,
and the following number quoted :-

G. 221/8

Reference to previous correspondence :-

Letter to the Dominions Office of the 7/3/40

note

P.Z. 1073/40

The Under-Secretary of State for Dominion Affairs presents his compliments

to *The Under Secretary for India*

and, in transmitting herewith, by direction of the Secretary of State, copy of the under-mentioned paper, would be glad to be advised what answer should be returned to *The High Commissioner for Canada*

DOMINIONS OFFICE,

18 APR 1940

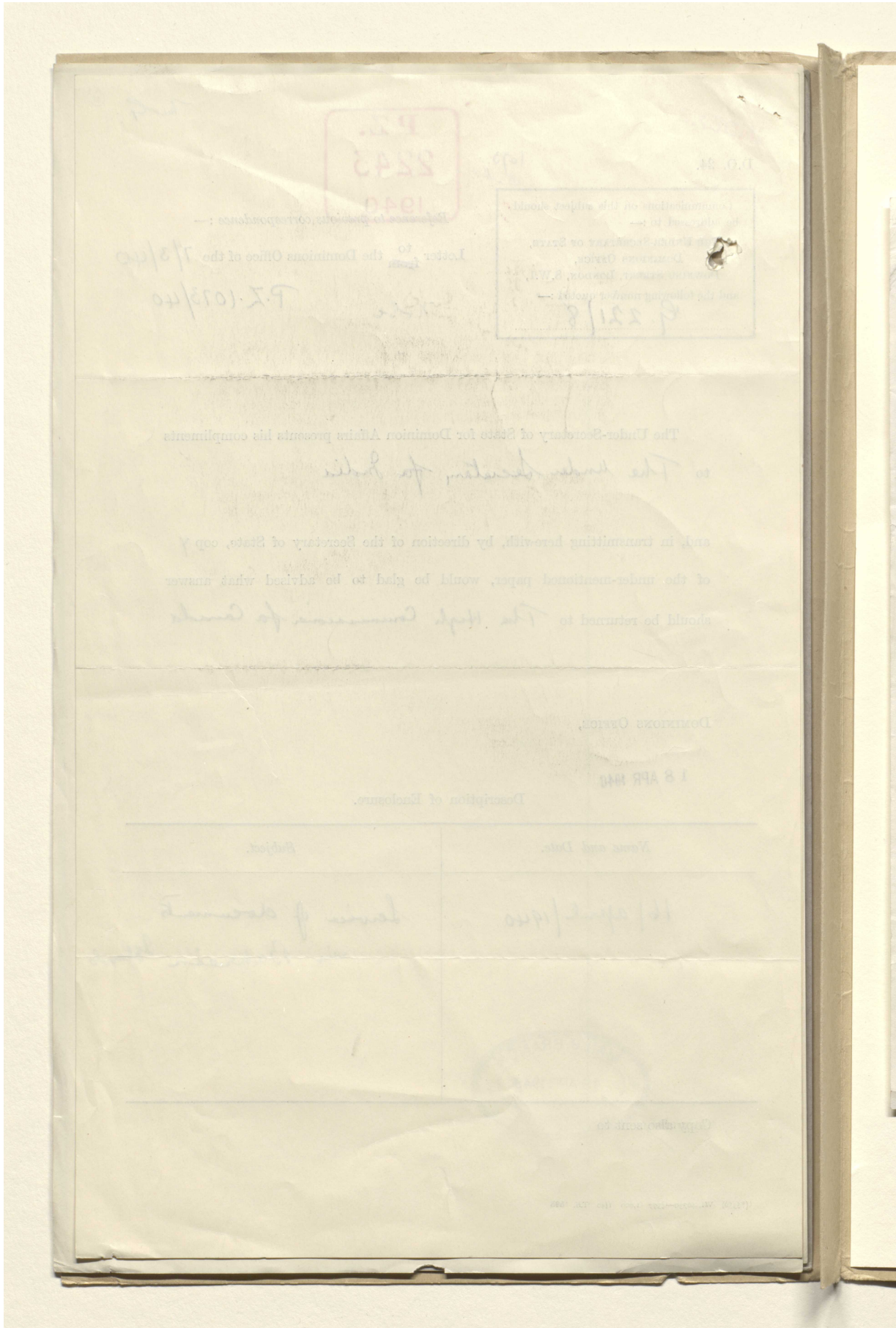
Description of Enclosure.

Name and Date.	Subject.
16/ April / 1940	Service of documents in Bahrein Islands

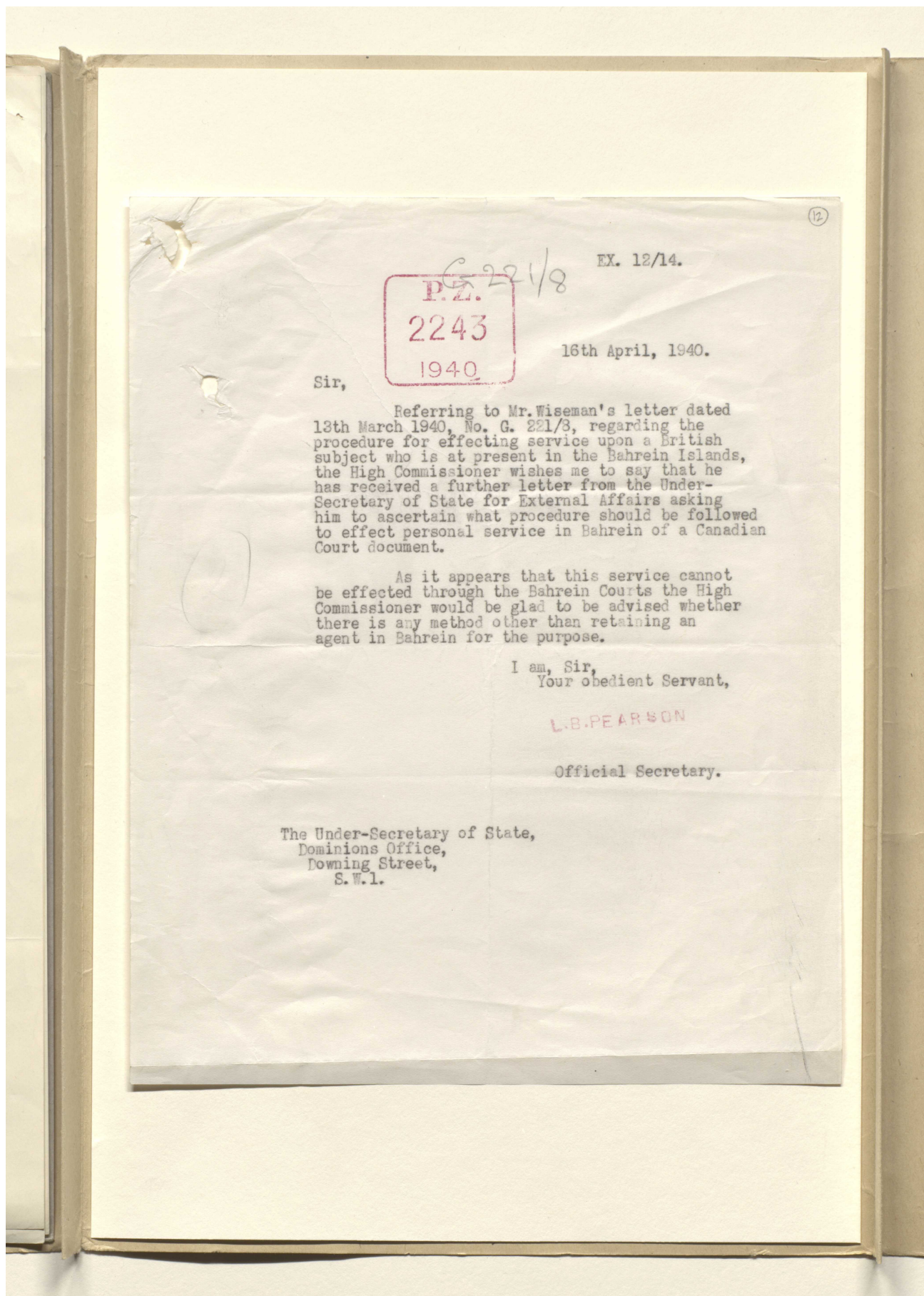
MAILS BRANCH
* 19 APR 1940
INDIA OFFICE

Copy also sent to

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [11v] (23/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [12r] (24/77)



(12)

G. 221/8
P.Z.
2243
1940

EX. 12/14.

16th April, 1940.

Sir,

Referring to Mr. Wiseman's letter dated 13th March 1940, No. G. 221/8, regarding the procedure for effecting service upon a British subject who is at present in the Bahrein Islands, the High Commissioner wishes me to say that he has received a further letter from the Under-Secretary of State for External Affairs asking him to ascertain what procedure should be followed to effect personal service in Bahrein of a Canadian Court document.

As it appears that this service cannot be effected through the Bahrein Courts the High Commissioner would be glad to be advised whether there is any method other than retaining an agent in Bahrein for the purpose.

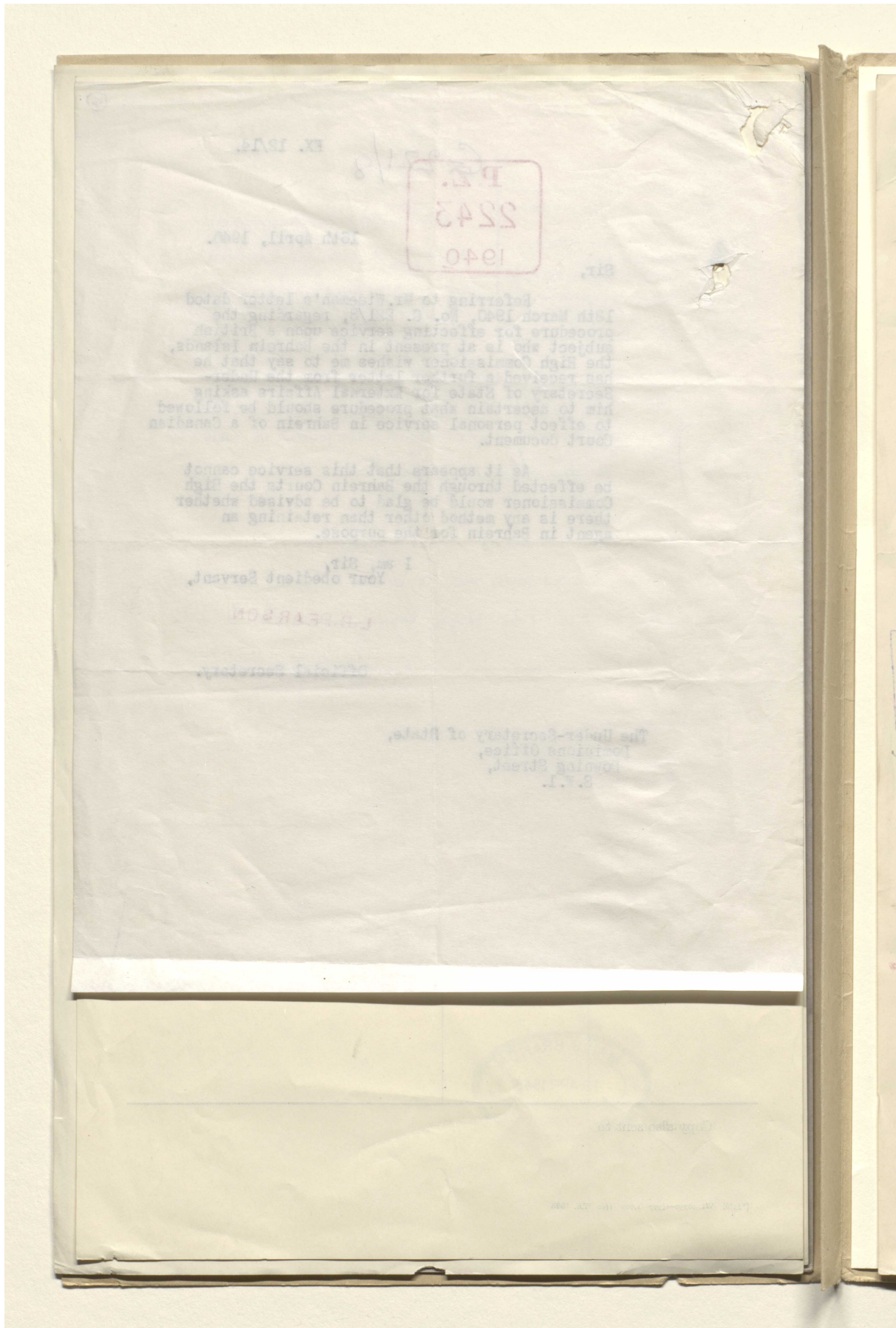
I am, Sir,
Your obedient Servant,

L.B. PEARSON

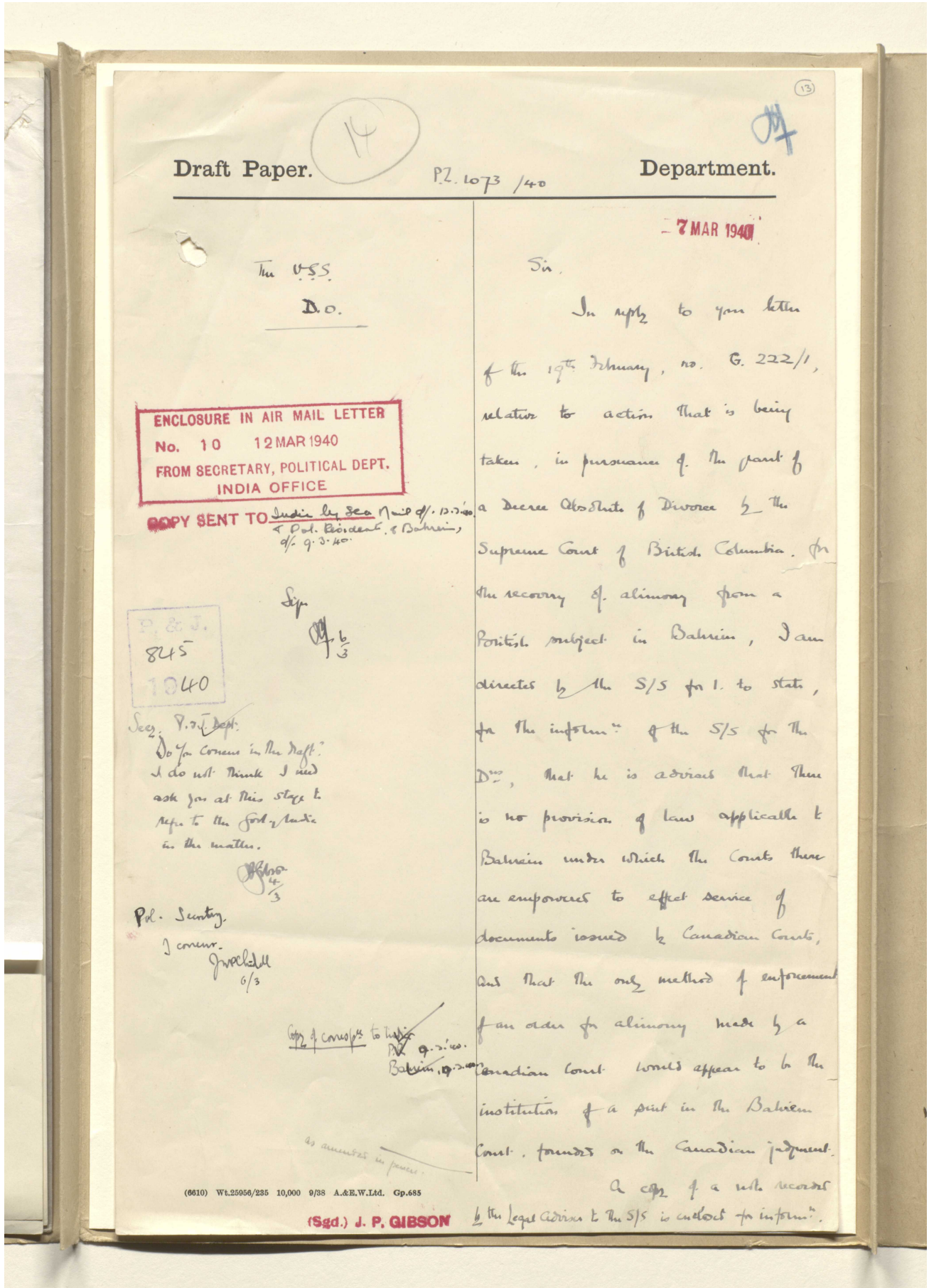
Official Secretary.

The Under-Secretary of State,
Dominions Office,
Downing Street,
S. W. 1.

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [12v] (25/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [13r] (26/77)



Draft Paper.

14

PZ. 1073 /40

Department.

7 MAR 1940

The U.S.S.

D.O.

Sir,

In reply to your letter of the 19th February, no. G. 222/1, relative to action that is being taken, in pursuance of the part of a Decree Absolute of Divorce by the Supreme Court of British Columbia, for the recovery of alimony from a British subject in Bahrein, I am directed by the S/S for I. to state, for the information of the S/S for the D^o, that he is advised that there is no provision of law applicable to Bahrein under which the Courts there are empowered to effect service of documents issued by Canadian Courts, and that the only method of enforcement of an order for alimony made by a Canadian Court would appear to be the institution of a suit in the Bahrein Court, founded on the Canadian judgment. A copy of a note recorded by the Legal Advisor to the S/S is enclosed for information.

ENCLOSURE IN AIR MAIL LETTER
No. 10 12 MAR 1940
FROM SECRETARY, POLITICAL DEPT.
INDIA OFFICE

COPY SENT TO India by Sea Mail of 12.3.40
& Pol. Resident, Bahrein,
of 9.3.40.

P. & J.
845
1040

Sig.
6/3

Secy. P. & J. Dept.
Do you concur in the Draft?
I do not think I need
ask you at this stage to
refer to the Govt. Secy
in the matter.

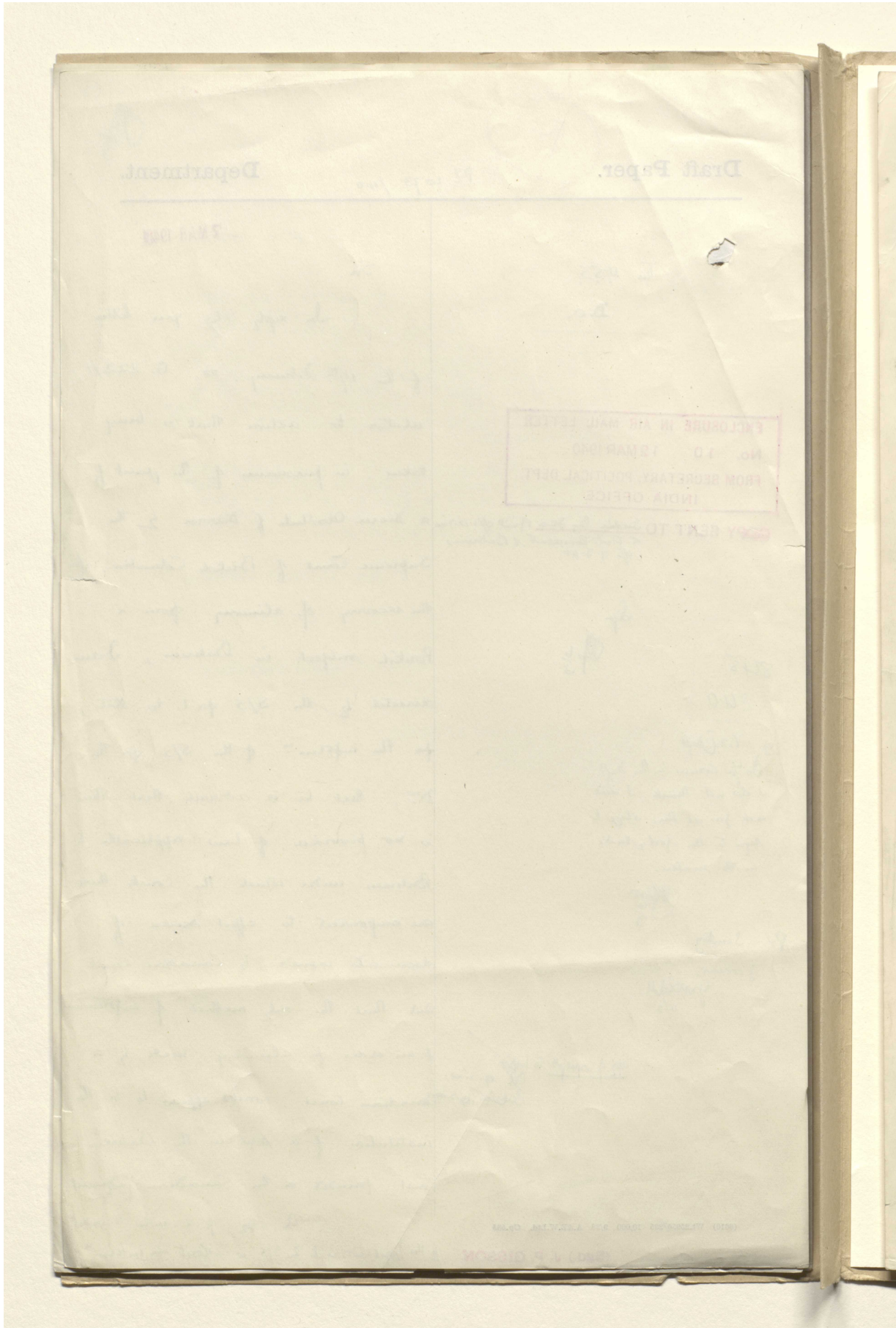
Pol. Secy.
I concur.
J. P. Gibson
6/3

Copy of Consol^{ns} to India
of 9.3.40.
Bahrein, 10.3.40.

as annexes in process.

(6810) W1.25056/285 10,000 9/88 A.&E.W.Ltd. Gp.685

(Sgd.) J. P. GIBSON



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [14r] (28/77)

Minute Paper.

PZ. 1073 / 40

Department.

Legal Adviser

would you be good enough to advise what reply should be made to the Colonial Office? a copy of the Bahrein Order in Council will be found below this letter.

Note by Legal Adviser, 1.0.

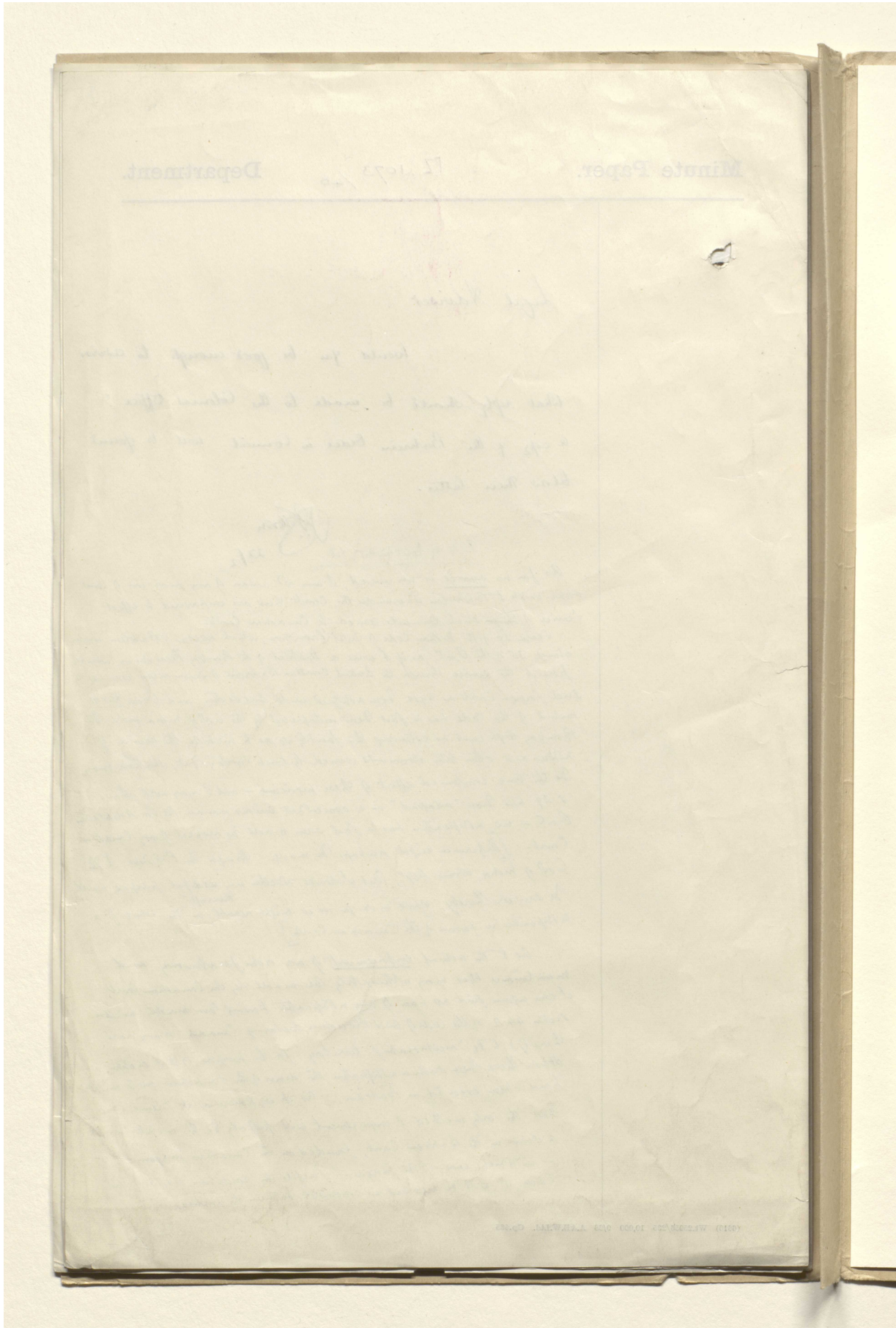
22/2

As far as service is concerned, I am not aware of any provision of law applicable to Bahrein whereunder the Courts here are empowered to effect service of ~~the~~ such documents issued by Canadian Courts.

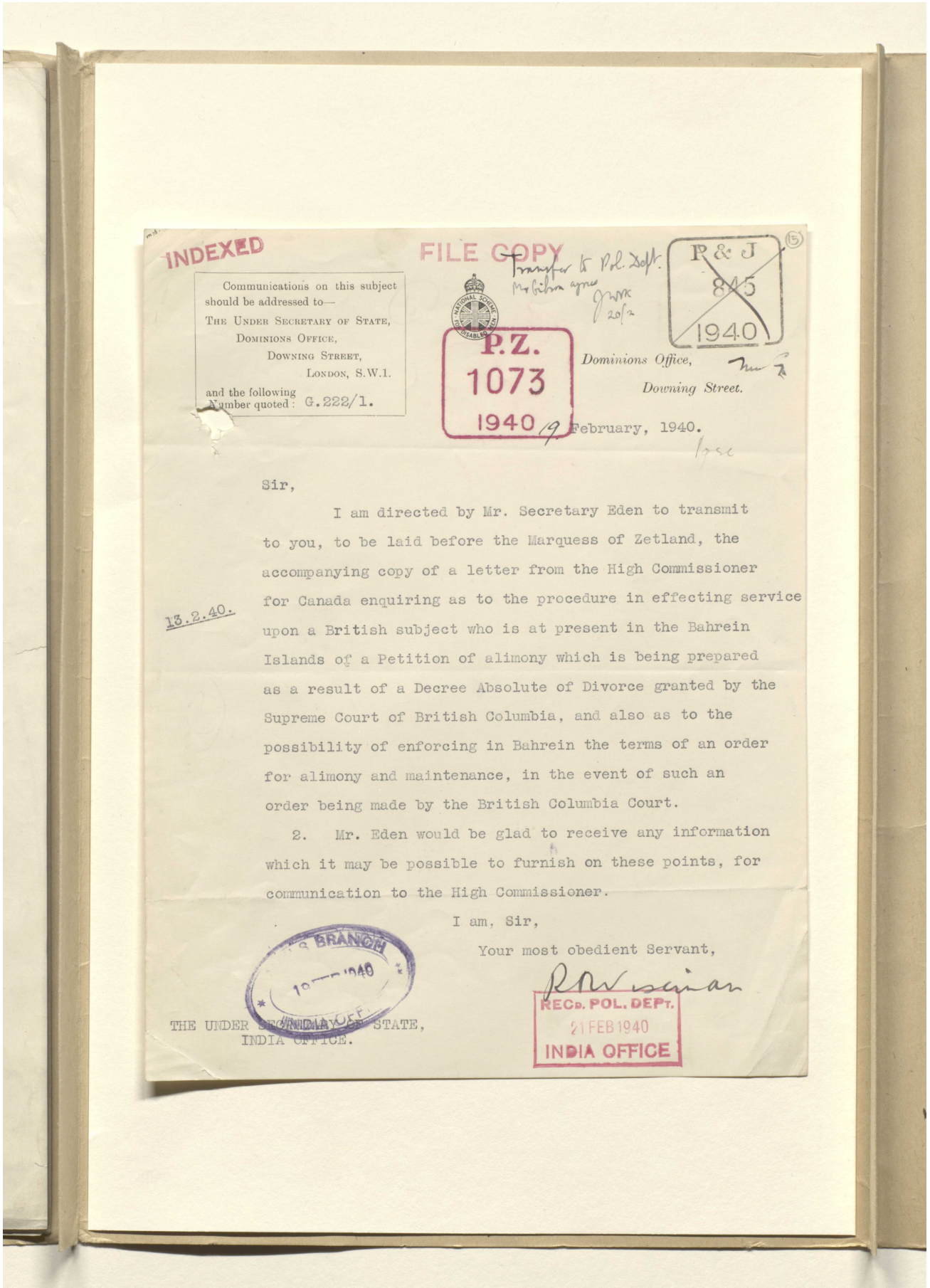
Section 29 of the Indian Code of Civil Procedure, which applies to Bahrein under clause 35 of the O.C. as if it were a District of the Bombay Presidency, would permit the service through the British Courts in Bahrein of summonses issued by such foreign Courts as have been notified under that section, and Order XLVIII rule 2 of the Code has in fact been interpreted by the Govt. of India and the Bombay High Court as extending this facility so as to include the service of notices and other like documents issued by such Courts; but, whatever may be the true combined effect of these provisions - and I may add that s. 29 has been "adapted" in a somewhat various manner by the Adaption O.C. - no notification has in fact been made in respect of any Canadian Court. [Reference might perhaps be made (through the P.S. Dept.) to the Govt. of India, Home Dept., but I doubt whether any useful purpose would be served thereby, save in so far as it might result, ^{therein} in the issue of a notification in favour of the Canadian Courts.]

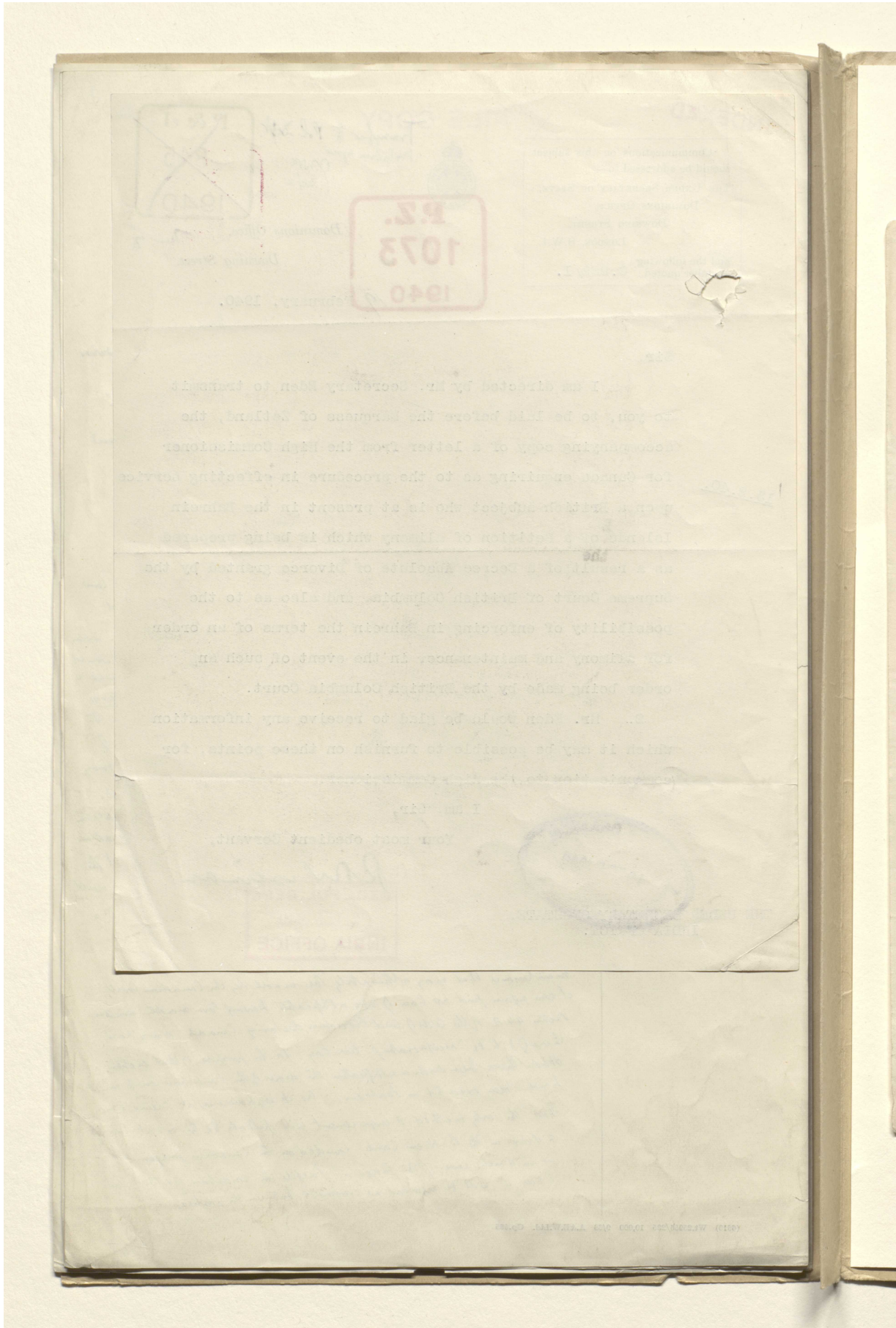
As to the actual enforcement of any order for alimony and maintenance that may ultimately be made by the Canadian Court, I can again find no trace of any notification having been made under section 44 A of the Code of Civil Procedure, declaring Canada (or any part thereof) to be "reciprocating territory" for the purpose of that section. Had there been such a notification, the decrees of the Canadian Courts might have been executed in Bahrein. As it is, however, it seems to me that the only method of enforcement will probably be the institution of a suit in the Bahrein Court, founded on the Canadian judgment - in which case, if the judgment fulfils the conditions of s. 13 of the Code, it will be regarded as conclusive between the parties.

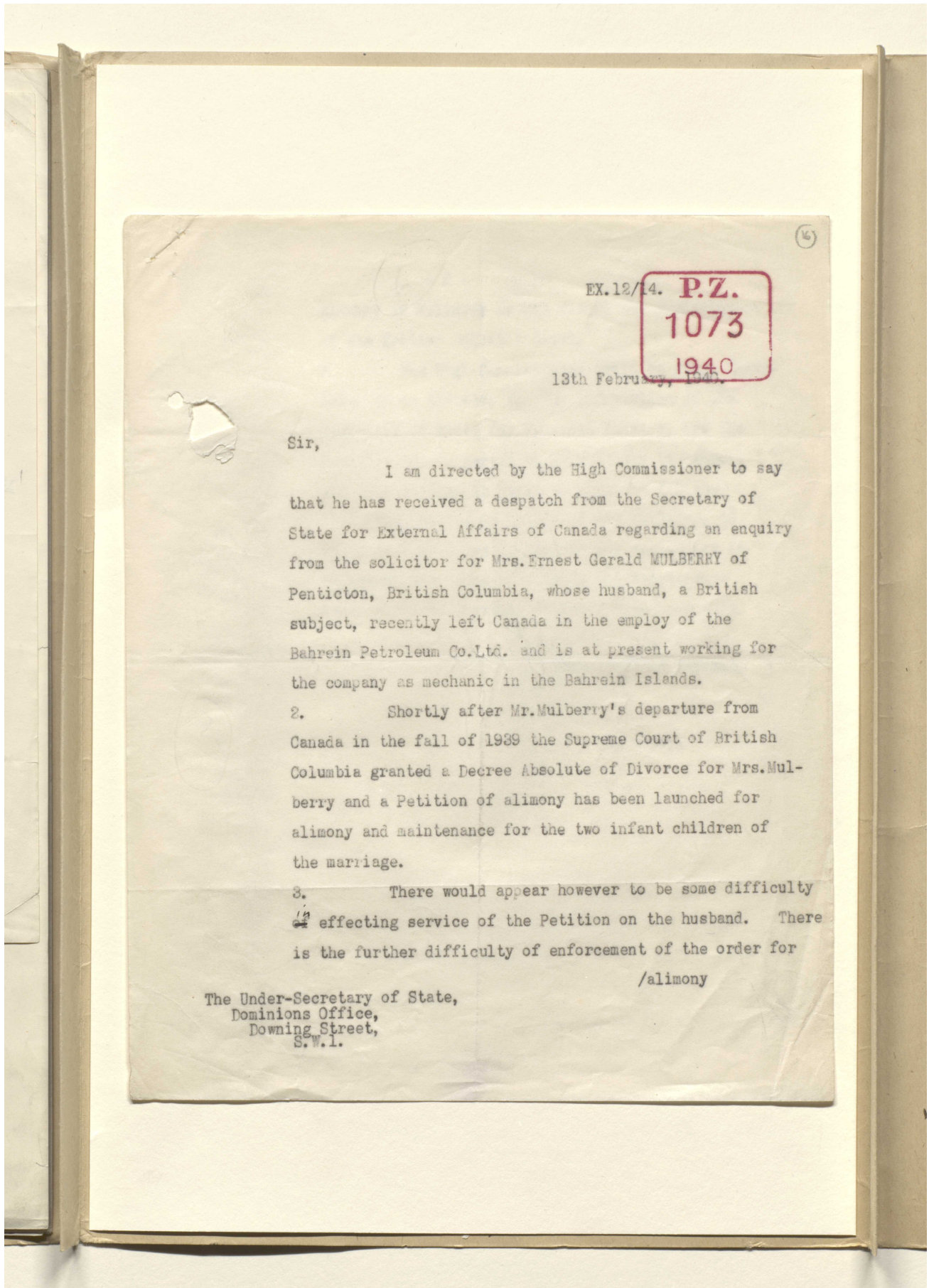
W. H. Kemp
18/2/20



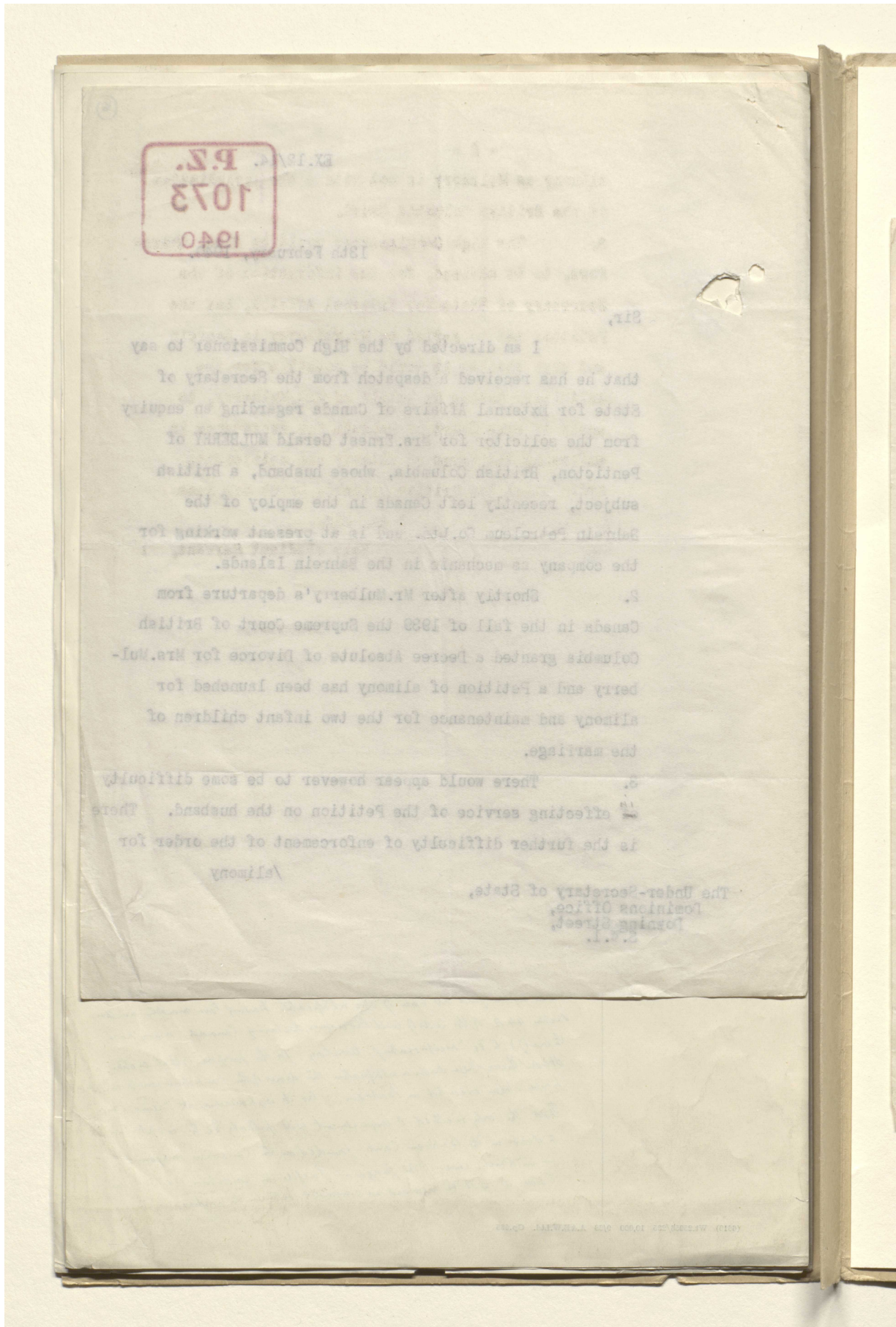
Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [15r] (30/77)

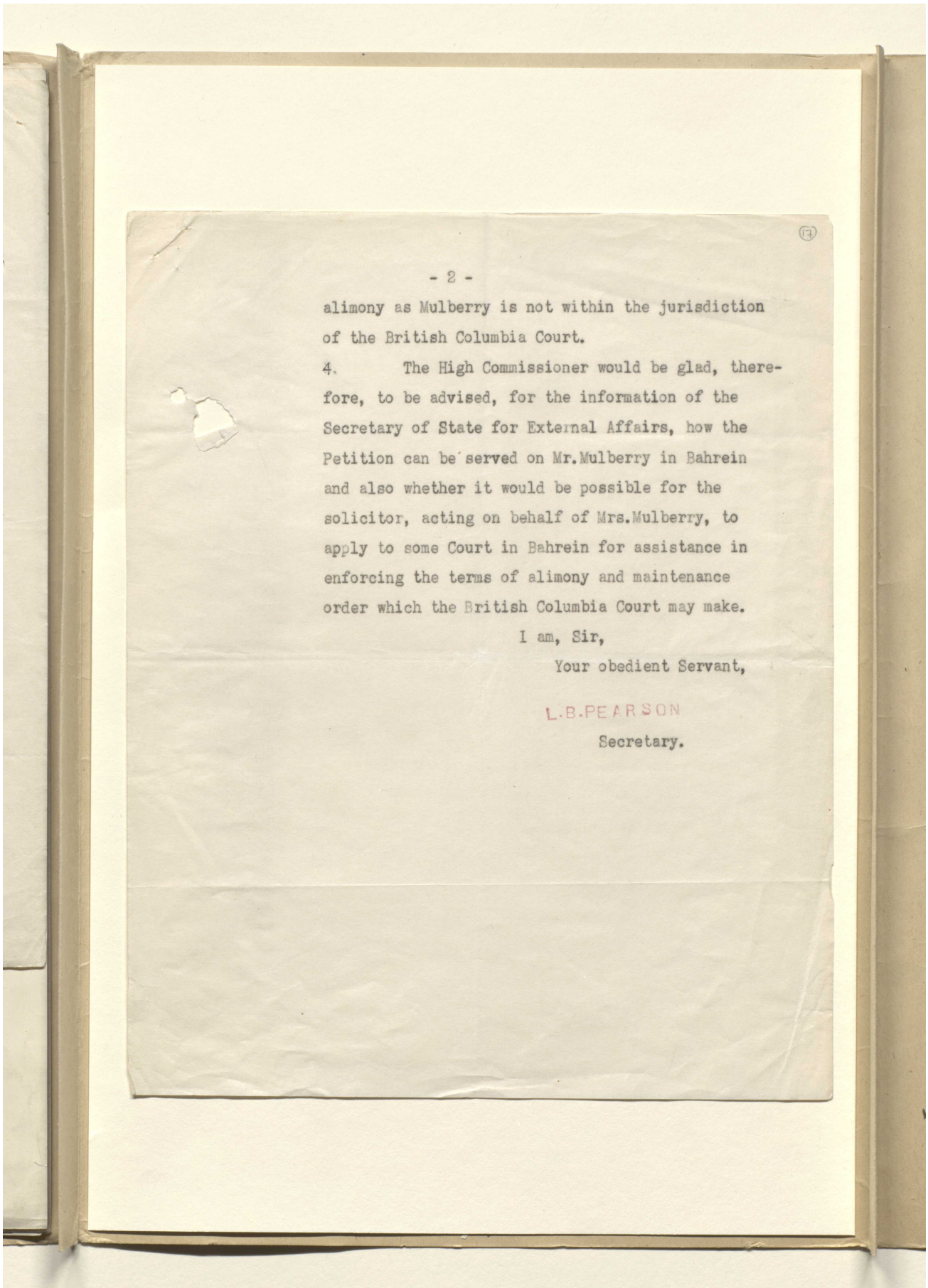






Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [16v] (33/77)





- 2 -

alimony as Mulberry is not within the jurisdiction of the British Columbia Court.

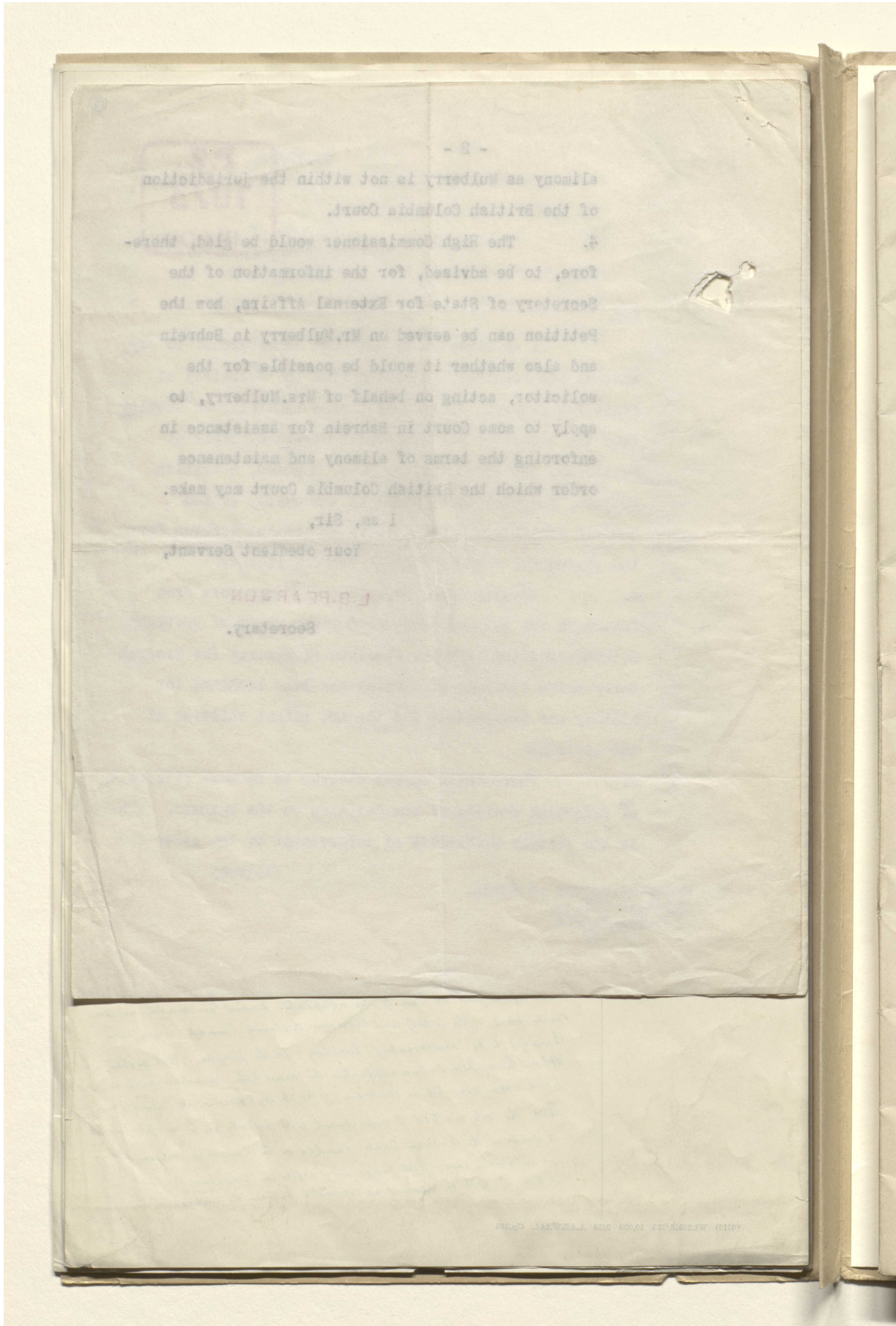
4. The High Commissioner would be glad, therefore, to be advised, for the information of the Secretary of State for External Affairs, how the Petition can be served on Mr. Mulberry in Bahrein and also whether it would be possible for the solicitor, acting on behalf of Mrs. Mulberry, to apply to some Court in Bahrein for assistance in enforcing the terms of alimony and maintenance order which the British Columbia Court may make.

I am, Sir,

Your obedient Servant,

L.B. PEARSON

Secretary.



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects in Bahrein Islands.' [18r] (36/77)

Bahrein (18)

AT THE COURT AT BUCKINGHAM PALACE,

The 12th day of August, 1913.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT SIR WILLIAM CARINGTON
MR. SECRETARY HARCOURT MR. FISCHER
SIR LOUIS MALLET.

WHEREAS by Treaty, Capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction in Bahrein:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL.

1. This Order may be cited as "The Bahrein Order in Council, 1913."
2. The limits of this Order are the islands and islets of Bahrein, including the territorial waters thereof, and all other territories, islands, and islets which may be included in the Principality and be the possessions of the ruling Sheikh of Bahrein, together with their territorial waters.
3. This Order is divided into parts, as follows:—

Parts.	Subject.	Articles.
I.	Preliminary and General - - - - -	1-10
II.	Application of Law of British India and of the United Kingdom.	11-13
III.	Criminal Matters - - - - -	14-34
IV.	Civil Matters - - - - -	35-43
V.	Bahrein Subjects and Tribunals - - - - -	44-50
VI.	Registration - - - - -	51-59
VII.	Miscellaneous Provisions - - - - -	60-79
	Schedule - - - - -	

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [18v] (37/77)

2

4. In the construction of this Order the following words and expressions have the meanings hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

“Administration” means letters of administration, including the same which will annexed, or granted for special or limited purposes, or limited in duration.

“Bahrein” includes all places and waters within the limits of the Order.

“Bahrein subject” means a subject of the Sheikh of Bahrein.

“British ship” means a merchant-ship being a British ship within the meaning of the Merchant Shipping Act, 1894, and, except where the context otherwise requires, includes a ship belonging to any British subject as hereinafter defined.

“British subject” includes a British protected person.

“Judicial Assistant” means the officer for the time being holding the office of Judicial Assistant under the provisions of the Persian Coast and Islands Order in Council, 1907.

“Chief Court” means a Court held by the Political Resident as hereinafter defined.

“District Court” means a Court held by the Political Agent or by the Judicial Assistant.

“The Court” means a Court held by the Political Resident, the Political Agent, or the Judicial Assistant to the Political Resident.

“Joint Court” means a Court composed of the Political Agent and an official appointed by the Sheikh of Bahrein.

“Majlis-el-Urf” means a Civil Court composed of not less than four members selected by the Political Agent in concert with the Sheikh of Bahrein.

“Salifah Court” means a Court consisting of one or more Judges who have knowledge of the local diving and customary marine law, and are appointed by the Sheikh of Bahrein and the Political Agent in concert.

“Kazi” means any official Kazi appointed by the Sheikh of Bahrein and accepted by the Political Agent.

“Foreigner” means any person not a British or Bahrein subject.

“Imprisonment” means imprisonment of either description as defined in the Indian Penal Code.

“Month” means calendar month.

“Oath” or “Affidavit” includes affirmation or declaration.

“Offence” means any act or omission made punishable by any law for the time being in force.

“Person” includes corporation.

“Political Agent” means His Majesty’s Agent at Bahrein appointed by the Governor-General of India in Council, including a person acting

o. O. C. 1786*

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temporarily with the approval of the Governor-General of India in Council for such Political Agent.

"Political Agency" means the office, residence, Court, or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Governor-General of India in Council for such Political Resident.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Sheikh of Bahrein" means the ruling Sheikh of Bahrein, or his duly accredited representative for the time being.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Treaty" includes any Capitulations, Convention, Agreement, or Arrangement made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, or to the benefits of which His Majesty has succeeded, whether the Sheikh of Bahrein is or is not a party thereto.

"Will" means will, codicil, or other testamentary instrument.

Expressions used in any enactments applied to Bahrein, or in any Rules, Regulations, or Orders made under this Order, shall, unless a contrary intention appears, have the same respective meanings in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised, and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office, as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any Rules, Regulations, or Orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary, or amend the Rules, Regulations, or Orders.

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(5) This Article shall apply to the construction of any Regulations, Rules, or Orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same.

7. In the event of the death, incapacity, removal, or absence from Bahrein of the Political Agent for the time being, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Governor-General of India in Council, be vested in the Political Resident.

8. The powers conferred by this Order shall extend to the persons and matters following, in so far as by Treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say :—

- (1) British subjects, as herein defined, within the limits of this Order.
- (2) Foreigners with respect to whom the Sheikh of Bahrein has agreed with His Majesty for, or consented to, the exercise of jurisdiction by His Majesty.
- (3) Bahrein subjects registered in the Political Agency as being in the regular service of British subjects or foreigners; with the proviso that all cases wherein such Bahrein subjects are concerned shall be dealt with in accordance with the provisions of Part V. of this Order.
- (4) The expression "person to whom this Order applies" shall be construed in accordance with the above three sub-Articles.
- (5) The property and all personal or proprietary rights and liabilities within the said limits of British subjects and of foreigners within sub-Article (2) and of Bahrein subjects within sub-Article (3), whether such persons are themselves within or without the limits of this Order.
- (6) British ships and ships belonging to foreigners within sub-Article (2) with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order; provided that jurisdiction over foreign ships shall not be exercised otherwise than according to the practice of the High Court in England in the exercise of jurisdiction over foreign ships.
- (7) If any question arises whether the subjects or citizens of any country, State, or tribe have or have not been placed under the jurisdiction of His Majesty by agreement with, or the consent of, the Sheikh of Bahrein, it shall be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

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9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order, or for the control or administration of persons or property, in relation thereto, shall be exercised, under and according to the provisions of this Order, so far as this Order extends and applies.

10. Nothing in this Order shall be deemed to relieve any officer or person in the service of His Majesty of the duty, as far as there is proper opportunity, of promoting reconciliation and encouraging and facilitating the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons who are not subject to this Order, within the limits of this Order.

PART II.—APPLICATION OF LAW OF BRITISH INDIA AND OF THE UNITED KINGDOM.

11.—(1) Subject to the other provisions of this Order, and to any Treaties for the time being in force relating to Bahrein, His Majesty's criminal and civil jurisdiction in Bahrein shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments for the time being applicable as hereinafter mentioned of the Governor-General of India in Council, and of the Governor of Bombay in Council, and in accordance with the powers vested in, and the course of procedure and practice observed by and before, the Courts in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay according to their respective jurisdiction and authority, and so far as such enactments, powers, procedure, and practice are inapplicable, shall be exercised in accordance with justice, equity, and good conscience.

(2) The enactments mentioned in the Schedule to this Order shall as from the commencement of this Order apply to all persons subject to this Order.

(3) Any other existing or future enactments of the Governor-General of India in Council, or of the Governor of Bombay in Council, may be applied to Bahrein by King's Regulations under Article 70 of this Order.

(4) Any Act of the Governor-General of India in Council, or of the Governor of Bombay in Council, whether passed before or after the commencement of this Order, amending or substituted for any Act of either of those Legislatures which applies or may be applied to Bahrein, shall, subject to the provisions of this Article, also apply to Bahrein.

(5) The Court may construe any enactments in force in Bahrein, under the provisions of this Article, with such alterations not affecting the substance, as may be necessary or proper to adapt the same to the matter before the Court.

12. The enactments described in the first schedule to the Foreign Jurisdiction Act, 1890, shall apply to Bahrein, 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 Political Resident in the Persian Gulf is hereby substituted for the Governor of a colony or British possession, and the Chief Court, hereby substituted for a Superior Court or Supreme Court, and the District Court 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 51 of the Conveyancing (Scotland) Act, 1874, the Court of the Political Agent is substituted for a Court of Probate in a colony.
- (iv) With respect to the Fugitive Offenders Act, 1881—
 - (a) So much of the 4th and 5th 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 Political Resident 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, Bahrein, Muscat, the Persian Coast and Islands, and all other places on the shores of the Persian Gulf or the Gulf of Oman, Aden, and British India, shall be deemed to be one group of British possessions.

13. Where, by virtue of any Imperial Act, or of this Order, or otherwise, any provisions of any Imperial Acts, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, Regulations, or procedure prescribed or established by or under such Act, Law, or Order are made applicable for any purpose of this Order, or any other Order relating to Bahrein, such Acts, Laws, Orders, forms, Regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any

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Court, Judge, officer, or authority may be done by, to, or before a Court, Judge, officer, or authority having the like or analogous functions, or by, to, or before any officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in case any difficulty occurs in the application the Secretary of State, or with his previous or subsequent assent the Governor-General of India in Council, may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, Regulation, or procedure shall be construed accordingly.

Where under any such Imperial Act, Law, or Order, any publication is required to be made, as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

PART III.—CRIMINAL.

14.—(1) 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 British India for the time being shall be applicable to Bahrein. The Political Resident in the Persian Gulf shall hold and form a Court, to be called the Chief Court, which shall have all the powers of a High Court of Judicature; the Political Agent at Bahrein shall be deemed to be the District Magistrate and Sessions Judge; the Judicial Assistant to the Political Resident shall be deemed to be the Additional District Magistrate and Additional Sessions Judge; and the powers 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-General of India in Council.

Notwithstanding, in any case triable by a Subordinate Magistrate under Chapters XVI. to XXIII. inclusive of the Indian Penal Code, if both the complainant and defendant are Mahommedans and are acquiescent in such procedure, the Political Agent may order the case to be tried by a Kazi, a representative from the Agency attending to record briefly the proceedings. In such suits the judgment passed by the Kazi cannot be carried into effect until it is ratified by the Political Agent, and the Political Agent is empowered to revise the finding and sentence as if the Kazi were a Subordinate Magistrate, or to return the case for re-trial to the same or another Kazi. The sentence of the Kazi, when ratified by the Political Agent, shall for all purposes be regarded as if it were the decision of the Political Agent in the District Court.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercised by the Judge of that Court either within the limits of this Order or elsewhere.

15. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Governor-General of India in Council instead of to the Chief Court.

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16. Where a person subject to this Order is accused of the commission of an offence the cognizance whereof appertains to the Court, and it is expedient that the offence be inquired of, tried, determined, and punished in a British possession, the accused may (under the Foreign Jurisdiction Act, 1890, section 6) be sent for trial to Bombay.

The Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial to Bombay accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at Bombay according to the warrant.

Where any person is to be so sent to Bombay, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognizances to appear and give evidence on the trial.

17.—(1) The Political Resident may by General Order prescribe the manner in which, and the places at which, sentences of imprisonment are to be carried into execution within the limits of the Order.

(2) The Court may, in any case by warrant sealed with its seal, cause an offender convicted and sentenced to imprisonment before the Court to be removed to, and imprisoned in, any place that shall be prescribed by the Political Resident under the authority provided for in subsection (1) of this Article.

18. Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in the Presidency of Bombay, or a place in some other part of His Majesty's dominions, the Government whereof consents that offenders may be sent thither under this Article, or a place in which by Treaty, grant, usage, sufferance or other lawful means His Majesty has jurisdiction, provided that if a person is not a British subject he shall only be sent under this Article to a place in His Majesty's dominions.

19.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Bahrein, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in Bahrein.

(2) 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

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was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(4) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely :—

The Admiralty Offences (Colonial) Act, 1849;

The Admiralty Offences (Colonial) Act, 1860;

The Merchant Shipping Act, 1894, Part XIII.;

and those enactments shall apply accordingly, and be administered in Bahrein.

20. Where a person is convicted of an offence, the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

21.—(1) Where it is shown by evidence on oath, to the satisfaction of the District Court, that any British subject has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Bahrein and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order, during any time therein specified, not exceeding two years.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition or removal.

(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Governor-General of India in Council every order made under this Article, and the grounds thereof, and the proceedings thereunder.

22.—(1) If any British subject fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails to comply with an order of prohibition made under this Order, the Chief Court or the District Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the District Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

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(3) Thereupon the person ordered to be deported shall, unless the Chief Court thinks fit otherwise to direct, be as soon as practicable, and in the case of a person convicted either after execution of the sentence or while it is in course of execution, removed in custody under warrant to the place named in the warrant.

(4) The place shall be a place in that part of His Majesty's dominions, or in the British Protectorate, to which the person belongs, or the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, or with the previous or subsequent assent of the Secretary of State, the Governor-General of India in Council, directs.

(6) The Chief Court shall forthwith report to the Governor-General of India in Council every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to Bahrein without permission in writing of the Chief Court, or the Governor-General of India in Council, or the Secretary of State (which permission the Chief Court, or the Governor-General of India in Council, or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

23. An appeal shall not lie against an order of prohibition, or removal, or deportation made under this Order.

24.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary, in custody, or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or if no such vessel is available, then on board some other British or other fit vessel.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

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(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver, according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

25. If any person to whom this Order applies does any of the following things, namely:—

- (i) Wilfully by act or threat obstructs any officer of or person executing any process of the Court in the performance of his duty; or
- (ii) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (iii) Wilfully insults any member of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (iv) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a Superior Court in England or in India, would be punishable as a contempt of such Court, or as a libel on such Court or the Judges thereof, or the administration of justice therein, such person shall be liable to be apprehended by order of the Court with or without warrant, and, on enquiry and consideration and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would be liable if the offence were committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

26. If any person to whom this Order applies smuggles or imports into or exports from Bahrein any goods whereon any duty is charged or payable to the Sheikh of Bahrein, with intent to evade payment of the duty, he shall be

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punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

27. If any person to whom this Order applies smuggles or imports into or exports from Bahrein any goods the importation or exportation whereof is lawfully prohibited, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to 2,000 rupees, or a sum equal to treble the value of the goods (whichever shall be the greater), or with imprisonment and fine.

28. Any act which if done in British India would be an offence against the law for the time being in force in British India relating to trade-marks, merchandise marks, copyright designs, or inventions, shall, if done in Bahrein, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

29.—(1) If any person to whom this Order applies—

- (i) Publicly derides, mocks, or insults any religion established or observed within the limits of this Order; or
- (ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the Ministers or professors thereof; or
- (iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, mode of worship, or observances, into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;

he shall be guilty of an offence, and on conviction thereof, liable to imprisonment which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

30. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

31. If any person, subject to this Order, violates, or fails to observe within the limits of this Order, any stipulation of any Treaty between His Majesty, His predecessors, heirs, or successors, and the Sheikh of Bahrein for the time being in force, and applicable to such person, in respect of the violation whereof any penalty is stipulated for in the Treaty, he shall be deemed guilty of an offence, and on conviction thereof under this Order shall be liable

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to a penalty in accordance with the stipulations of the Treaty, or the provisions of this Order.

32. The Foreign Jurisdiction Neutrality Order in Council, 1904, shall apply to all persons and to all property subject to this Order.

33. Where a person entitled to appeal to the Chief Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court with certified copies of the charge (if any) and proceedings of all documentary evidence admitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court.

34. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognizance, deposit of money, or otherwise, for his payment of any fine.

PART IV.—CIVIL.

35.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments, relating to the administration of civil justice and to insolvency and bankruptcy, shall have effect as if Bahrein were a district in the Presidency of Bombay. The Political Agent shall be deemed to be the District Judge, and his Court shall be deemed to be the District or Principal Civil Court of Original Jurisdiction in the District; the Judicial Assistant to the Political Resident shall be deemed to be an Additional District Judge, and his Court shall be an Additional District Court of Original Civil Jurisdiction; the Court of the Political Resident shall be deemed to be the highest Civil Court of Appeal for the District, and the Court authorized to hear appeals from the decisions of the District Court; and the powers, both of the Governor-General in Council and the Local Government, under those enactments shall be exercisable by the Secretary of State, or, with his previous or subsequent assent, by the Governor-General of India in Council.

(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by the Judge of that Court, either within the limits of this Order or elsewhere.

36. When a suit between persons to whom this Order applies is filed in the Political Agency, the Political Agent shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to Bahrein, or in accordance with local usage, and shall record their replies.

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37. When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to Bahrein, the District Court shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

Nothing in this section shall prevent the District Court from referring—

(a) A question of local custom to the Majlis-el-Urf for consideration and report;

(b) A dispute over accounts between pearling-masters and divers to the Salifah Court for scrutiny and adjustment;

nor shall prevent the District Court, the Majlis-el-Urf, or the Salifah Court from referring any matter in the progress of a suit which involves a point of Mahommedan Law to a Kazi for decision, or from sending any party or witness, being a Mahommedan, to a Kazi for the administration of an oath.

38.—(1) The Foreign Jurisdiction (Admiralty) Order in Council, 1910, shall apply to Bahrein, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the District Court shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the District Court, unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(3) The duties of the Registrar and of the Marshal either of the Chief Court or of the District Court under the said Order shall be performed by such officers as the Political Resident shall direct.

39.—(1) The District Court shall endeavour to obtain, as early as may be, notice of the deaths of all British subjects or foreigners leaving property in any place within the jurisdiction of the Court as prescribed by this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(2) On receiving notice of the death of such a person, the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for, or cannot be granted, for such time as it thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the jurisdiction of the Court as prescribed by this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep it until

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it can be dealt with according to law; perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a British subject or foreigner dies within the jurisdiction of the Court as prescribed by this Order intestate, his property, or so much thereof as is within those limits, shall, until administration is granted, vest in the Political Agent.

40. If a person to whom this Order applies be named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, take possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

41. If any person, to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an officer of the Court, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the District Court, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with fine, which may extend to 1,000 rupees.

42.—(1) When the peculiar circumstances of the case appear to the District Court so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an officer of the Court.

(2) The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Bahrein, the Persian Coast and Islands, Bombay, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file, in the proper office of the Court, his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

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(5) The accounts shall be audited under the direction of the District Court.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

43. In cases where parties are Mahommedans the District Court may refer any question, concerning probate of wills or administration of property of deceased persons to whom this Order applied, to a Kazi for settlement under the general supervision of the Court.

PART V.—BAHREIN SUBJECTS AND TRIBUNALS.

(a) *Criminal.*

44.—(1) When a Bahrein subject desires to institute a complaint against a person to whom this Order applies, or a person to whom this Order applies desires to institute a complaint against a Bahrein subject, the Political Agent shall entertain the same, and may—

- (a) With the concurrence of the Sheikh of Bahrein, himself hear and determine it in his District Court, or
- (b) Send it to the Joint Court, or
- (c) If the defendant is a Mahommedan, refer it to a Kazi for decision, sending a representative of the Agency to record briefly the proceedings. Such decision, when endorsed by the Political Agent, shall for all purposes be considered as if it were that of the District Court.

(2) Nothing in this Article shall prevent the Political Resident from exercising the revisory powers possessed by him under Article 4 of the Convention with Bahrein, dated the 31st May, 1861.

(b) *Civil.*

45.—(1) When a Bahrein subject desires to bring a suit against a person to whom this Order applies, or a person to whom this Order applies desires to bring a suit against a Bahrein subject, the Political Agent shall admit the complaint, and

- (a) With the concurrence of the Sheikh of Bahrein, may hear and determine the suit in his District Court, or
- (b) May hear and determine it in a Joint Court, or
- (c) May refer it to the Majlis-el-Urf for decision, or
- (d) In cases between pearling-masters and divers, may refer it to the Salifah Court, or
- (e) With the consent of the several parties, may refer the case to one or more Arbitrators for settlement.

(2) The judgment of the Joint Court or of the Majlis-el-Urf shall for all purposes be considered the same as if it were that of the District Court.

(3) An appeal from the decision of the Salifah Court shall lie to the Political Agent acting in concert with the Sheikh of Bahrein, and in all Salifah cases their joint decision shall be final.

(4) The award of the Arbitrator under sub-Article 1 (e) shall be final, and shall not be open to appeal unless the same shall within a reasonable time have been ordered by the Political Agent to be set aside on the ground that it is not final or is defective, or that the Arbitrator has exceeded his authority, or has been guilty of misconduct in the matter.

(5) Nothing herein mentioned shall prevent the District Court, the Joint Court, the Majlis-el-Urf, the Salifah Court, or the Arbitrator from referring any matter in the progress of a suit which involves a point of Mahommedan law to a Kazi for decision, or from sending any party or witness, being a Mahommedan, to a Kazi for the administration of an oath.

46.—(1) Where a Bahrein subject obtains, in a Court established under this Order, a decree or order against a defendant being a British subject, or foreigner, and in another suit that defendant is plaintiff and the Bahrein subject is defendant, the Court may, if it thinks fit, on the application of the British subject, or foreigner, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a Bahrein subject, obtains a decree or order, in a Court established under this Order, against two or more defendants, being British subjects, or foreigners, jointly, and in another suit one of them is a plaintiff and the Bahrein subject is defendant, the Court may, if it thinks fit, on the application of the British subjects, or foreigners, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the British subject or foreigner to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a Bahrein subject is co-plaintiff with a British subject or foreigner who is in Bahrein, it shall not be necessary for the Bahrein subject to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff British subject, or foreigner, shall be responsible for all fees and costs.

47.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a Bahrein subject on the other hand, may, on the application of any party, be filed for execution in the office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement, and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court may think fit, in concert with the Sheikh or his representative.

(c) *General.*

48.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Bahrein Tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required.

(2) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

49. When a person to whom this Order applies invokes or submits to the jurisdiction of a Bahrein Tribunal, and engages in writing to abide by the decision of that Tribunal or to pay any fees or expenses ordered by that Tribunal to be paid by him, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall pay over and account for the same, when levied, to the proper Bahrein authority, as the Court may direct.

50.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Bahrein Tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a Bahrein subject, on the other hand, he shall be guilty of an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

(2) Nothing in this Article shall exempt a person from liability under any other British or British Indian law to any other or higher punishment or penalty:

Provided that no person shall be punished twice for the same offence.

*
PART VI.—REGISTRATION.

*
51. A register of persons to whom this Order applies shall be kept in the Political Agency.

52. Every person to whom this Order applies, being of the age of 21 years or upwards, or being married, or a widower, or a widow, though under that age, shall register himself at the Political Agency within three months of the

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commencement of this Order, if resident within the limits of this Order at that time, or, if arriving within the limits of this Order, within one month after such arrival.

● Provided that a person who fails to register himself within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

53. The registration of a man shall comprise the registration of his wife, or wives, if living with him; and the registration of the head of a family shall comprise the registration of all females and minors, being his relatives in whatever degree, living under the same roof with him at the time of his registration.

54. Registration under this Order shall be renewed annually in the month of January.

55. Every person who has not previously been registered applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency, but no person applying for the renewal of his registration need attend personally unless directed by the Political Agent so to do.

56. Every person registering himself under this Order may obtain, if he so desire, a certificate of registration in such form as may be prescribed by the Political Resident.

57. If any person to whom this Order applies neglects to register himself under its provisions he shall not be entitled to the protection, assistance, or good offices of the Political Agent, and shall be liable to a fine not exceeding 25 rupees for each instance of such failure, but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

58. A person applying to be registered under this Order must produce such evidence as the Political Agent may think necessary that he is entitled to be registered.

59. Registration under this Order shall be no evidence of nationality, and a statement to that effect shall be inserted on the face of every certificate of registration issued under this Order.

PART VII.—MISCELLANEOUS PROVISIONS.

60. Subject to the control of the Secretary of State the Political Resident may, from time to time, with the previous sanction of the Governor-General of India in Council, make Rules of Procedure and other Rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings.

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61.—(1) Subject to the control of the Secretary of State acting with the concurrence of the Treasury, the Political Resident may, from time to time, with the previous sanction of the Governor-General of India in Council, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

62.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order, or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and, in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage, or transfer of property, made with the view of avoiding such seizure or sale, shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines, and forfeitures levied under this Order upon a British subject, and fees, other than actual Court fees, that may be levied under the provisions of this Order, on a person to whom this Order applies, shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, or, with the previous or subsequent assent of the Secretary of State, as the Governor-General of India in Council, may direct.

63. Whenever an Acting Political Agent or Acting Judicial Assistant has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Political Resident otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Judicial Assistant, has otherwise ceased by reason of the expiration of the time for which he was appointed to act, or by reason of the happening of any event by which his authority is determined.

64.—(1) If an officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

65.—(1) If a clerk or officer of the Court, acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks

fit, inquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same inquiry, impose on the clerk or officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(3) A clerk or officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other British or British Indian law for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.

66. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

67. Where under the Merchant Shipping Act, 1894, anything is authorized to be done by, to, or before a Consular officer, such thing may be done in any place in Bahrein by, to, or before the Political Resident, or the Political Agent.

68. The Political Resident and the Political Agent shall each be entitled in Bahrein to act as a Notary Public.

69. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs, to the support of his wife, or to the support of his or her child, whether legitimate or not, being, in the opinion of the Court, under the age of 16 years. Any such order may be made in a summary way, as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding 10 rupees for any one default, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

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70. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying, or repealing with respect to Bahrein any Acts or enactments which apply, or are made applicable or have been brought into operation in Bahrein by or under any of the provisions of Article 11 of this Order.
- (d) For regulating or preventing the importation or exportation in British ships or by any person to whom this Order applies of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.
- (e) For requiring Returns to be made of the nature, quantity, and value of articles exported from or imported into Bahrein, by or on account of any person to whom this Order applies or in any British ship, and for prescribing the times and manner at or in which, and the persons by whom, such Returns are to be made.
- (f) For the governance, visitation, care, and superintendence of prisons.

71.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom, the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding three months, or to a fine, or to both.

(3) Any fine imposed for a breach of Regulation shall not exceed 1,500 rupees: provided that in the case of any breach of any native or local law relating to customs law, or under which the importation or exportation of any goods is prohibited or restricted, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.

72.—(1) King's Regulations shall not take effect until they are allowed by a Secretary of State, or, with his previous or subsequent assent, by the Governor-General of India in Council: provided that in case of urgency declared in any such Regulations, the same shall take effect before such

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allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, or, with his previous or subsequent assent, by the Governor-General of India in Council, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

73. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, and Judicial Assistant, and of the constitution and limits of the Courts and districts, and of the seals and signatures, and of any Rules and Regulations made or in force under this Order, and no proof shall be required of any of such matters.

74. Nothing in this Order shall deprive the Political Resident, or an officer subordinate to him, of the right to observe, and to enforce the observance of, or shall deprive any person of the benefit of any reasonable custom existing in Bahrein, unless this Order contains some express and specific provision incompatible with the observance thereof.

75. Nothing in this Order shall—

- (i) Affect any power or jurisdiction conferred by, or referred to in, the Act of the Governor-General of India in Council, entitled the Foreign Jurisdiction and Extradition Act, 1879 (Act XXI of 1879), or in the Indian (Foreign Jurisdiction) Order in Council, 1902; or
- (ii) Affect any jurisdiction for the time being exercisable by the Political Resident under any Imperial Act other than the Foreign Jurisdiction Act, 1890; or
- (iii) Prevent the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being, by law, usage, or sufferance, entitled or enabled to do.

76. If a question arises whether any place is or is not in Bahrein for the purposes of this Order, it shall be referred to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and shall be taken judicial notice of by any Court established under this Order.

77. Not later than the 31st day of March in each year, or such other day as the Secretary of State, or, with his previous or subsequent assent, as

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the Governor-General of India in Council, directs from time to time, the Political Resident shall send to the Governor-General of India in Council, for transmission to the Secretary of State, a Report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State, or, with his previous or subsequent assent, as the Governor-General of India in Council, directs from time to time, showing for the last twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State, or, with his previous or subsequent assent, as the Governor-General of India in Council from time to time directs.

78.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold within the islands of Bahrein at such reasonable price as the Political Agent from time to time directs.

79.—(1) This Order shall be published in the "Gazette of India" within such time after the passing thereof as the Secretary of State may prescribe, and shall come into force on such day (in this Order referred to as the commencement of this Order), within ~~six~~ months after that publication, as the Governor-General of India in Council may, by notification in the said "Gazette," appoint in this behalf.

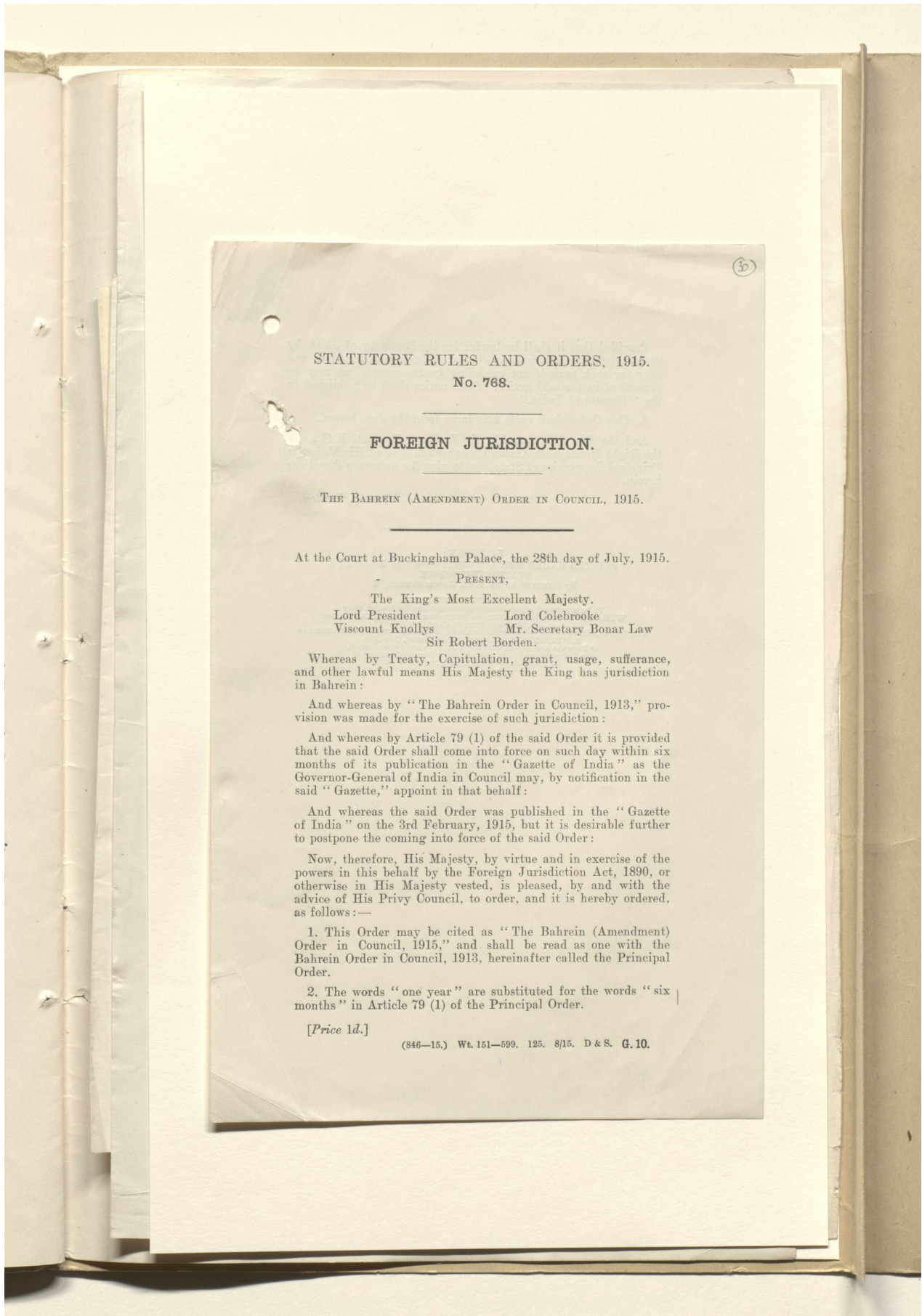
(2) But any appointment under this Order may be made at any time after its passing, and no proof shall, in any proceedings, be required of any of the matters prescribed by this Article.

And the Most Honourable the Marquess of Crewe, K.G., and the Right Honourable Sir Edward Grey, Baronet, K.G., two of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

*one year
(D. C. 495)
Proposed that
5/6 may be added
to the said period of
6 months
Dated as may be
prescribed
4/20/00 (D. C. 494)*

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [30r] (60/77)



STATUTORY RULES AND ORDERS, 1915.
No. 768.

FOREIGN JURISDICTION.

THE BAHREIN (AMENDMENT) ORDER IN COUNCIL, 1915.

At the Court at Buckingham Palace, the 28th day of July, 1915.

PRESENT,

The King's Most Excellent Majesty.

Lord President Lord Colebrooke
Viscount Knollys Mr. Secretary Bonar Law
Sir Robert Borden.

Whereas by Treaty, Capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction in Bahrein :

And whereas by "The Bahrein Order in Council, 1913," provision was made for the exercise of such jurisdiction :

And whereas by Article 79 (1) of the said Order it is provided that the said Order shall come into force on such day within six months of its publication in the "Gazette of India" as the Governor-General of India in Council may, by notification in the said "Gazette," appoint in that behalf :

And whereas the said Order was published in the "Gazette of India" on the 3rd February, 1915, but it is desirable further to postpone the coming into force of the said Order :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

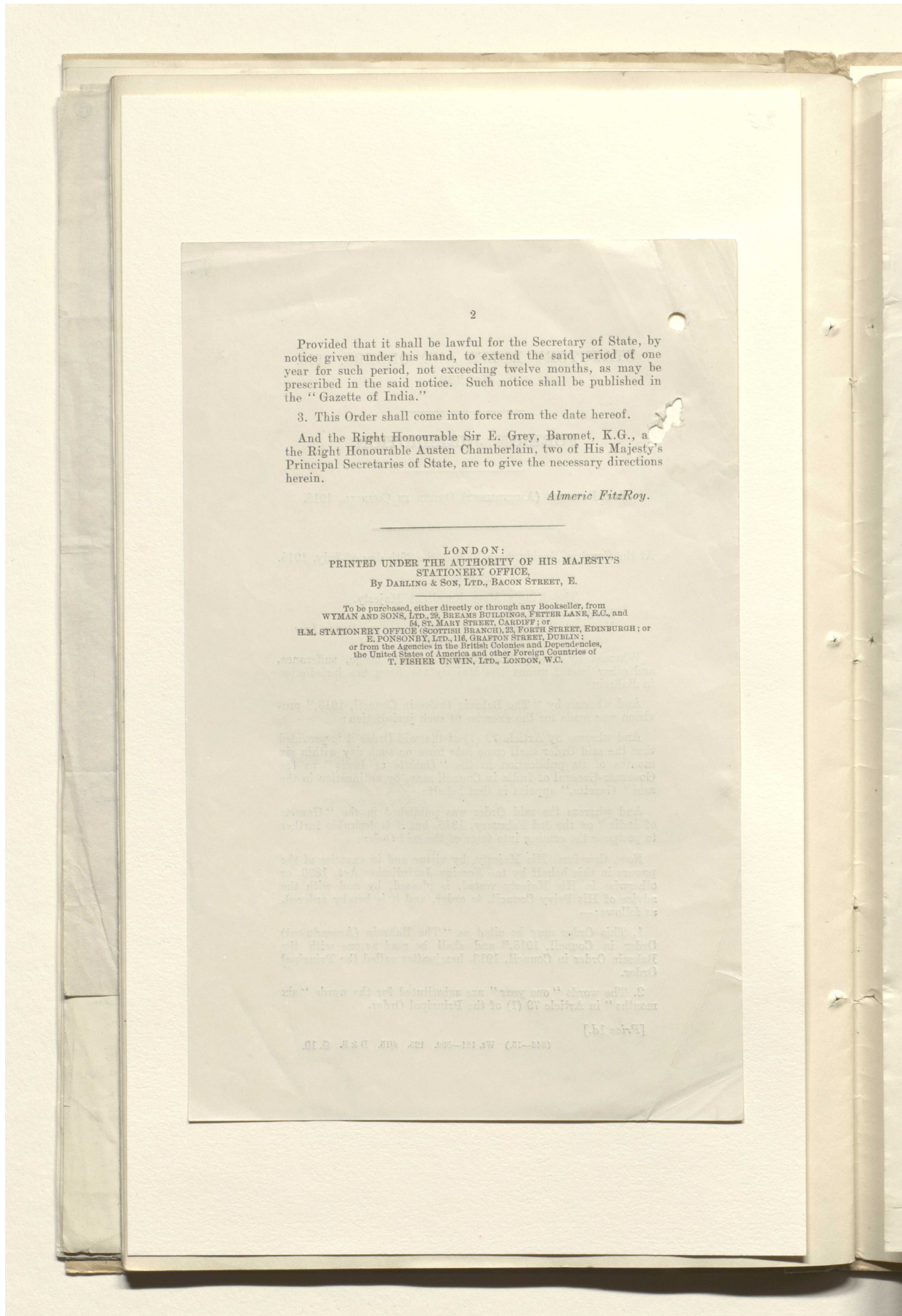
1. This Order may be cited as "The Bahrein (Amendment) Order in Council, 1915," and shall be read as one with the Bahrein Order in Council, 1913, hereinafter called the Principal Order.

2. The words "one year" are substituted for the words "six months" in Article 79 (1) of the Principal Order.

[Price 1d.]

(846—15.) Wt. 151—599. 125. 8/15. D & S. G. 10.

Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [30v] (61/77)



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Provided that it shall be lawful for the Secretary of State, by notice given under his hand, to extend the said period of one year for such period, not exceeding twelve months, as may be prescribed in the said notice. Such notice shall be published in the "Gazette of India."

3. This Order shall come into force from the date hereof.

And the Right Honourable Sir E. Grey, Baronet, K.G., and the Right Honourable Austen Chamberlain, two of His Majesty's Principal Secretaries of State, are to give the necessary directions herein.

Almeric FitzRoy.

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AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of January, 1917.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT.	SIR JOHN JORDAN.
LORD CHAMBERLAIN.	MR. J. W. GULLAND.
LORD COWDRAY.	MR. THOMAS WILES.
SIR FREDERICK PONSONBY.	MR. L. S. JONES.

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction in Bahrein :

And whereas by "The Bahrein Order in Council, 1913," provision was made for the exercise of such jurisdiction :

And whereas by Article 79 (1) of the said Order it was provided that the said Order should come into force on such day within six months of its publication in the "Gazette of India," as the Governor-General of India in Council might, by notification in the said "Gazette," appoint in that behalf :

And whereas the said Order was published in the "Gazette of India" on the 3rd February, 1915 :

And whereas by "The Bahrein (Amendment) Order in Council, 1915," the words "one year" were substituted for the words "six months" in Article 79 (1) of the said Bahrein Order in Council, 1913, and it was further provided that it should be lawful for the Secretary of State, by notice given under his hand, to extend the said period of one year for such period, not exceeding twelve months, as might be prescribed in the said notice, and that such notice should be published in the "Gazette of India" :

And whereas the Secretary of State has, by notices given under his hand, extended the said period of one year for a period of twelve months, and such notices have been published in the "Gazette of India" :

And whereas it is desirable further to postpone the coming into force of the said Bahrein Order in Council, 1913 :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890," or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as "The Bahrein (Amendment) Order in Council, 1917," and shall be read as one with "The Bahrein Order in Council, 1913," and "The Bahrein (Amendment) Order in Council, 1915."

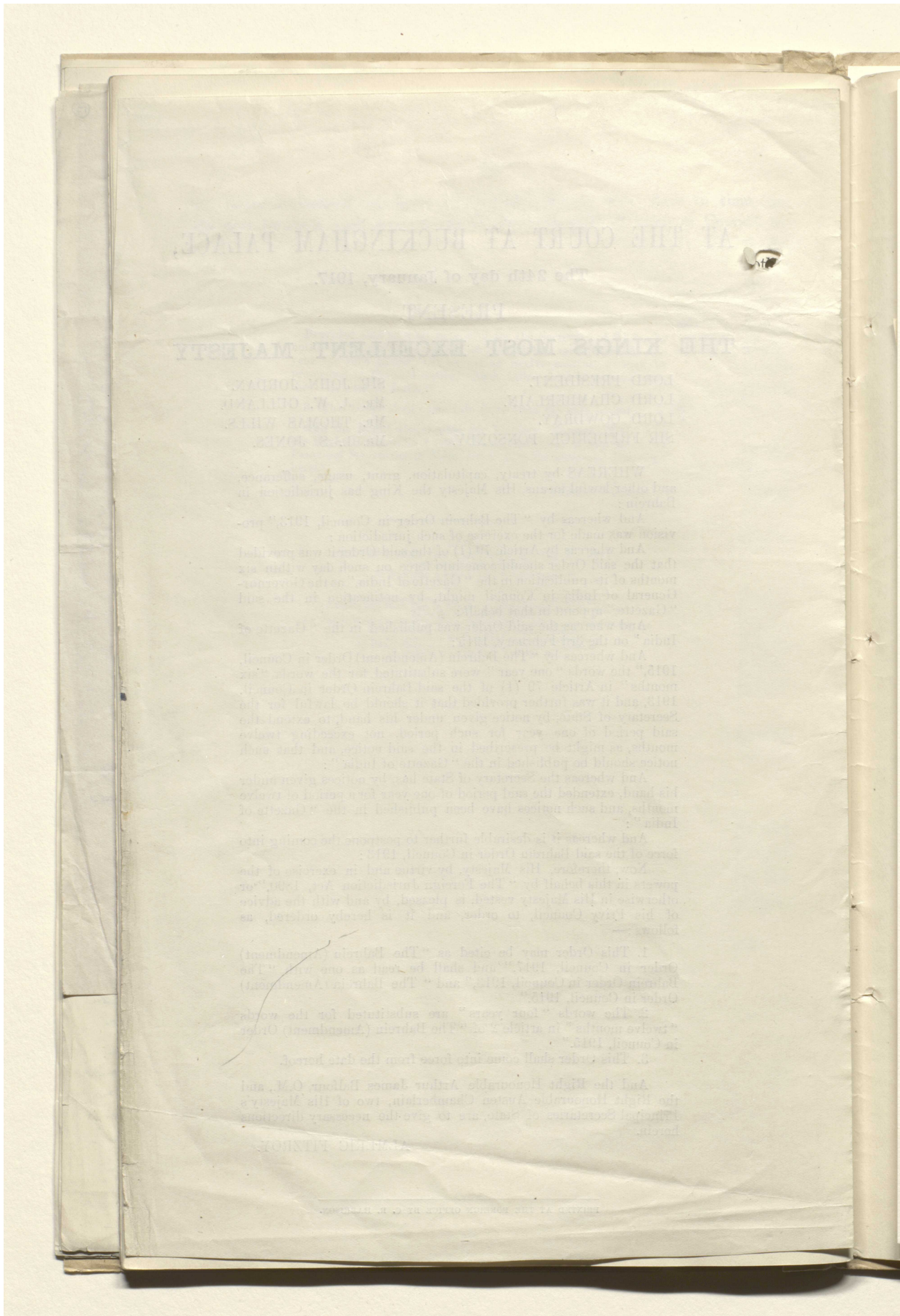
2. The words "four years" are substituted for the words "twelve months" in article 2 of "The Bahrein (Amendment) Order in Council, 1915."

3. This Order shall come into force from the date hereof.

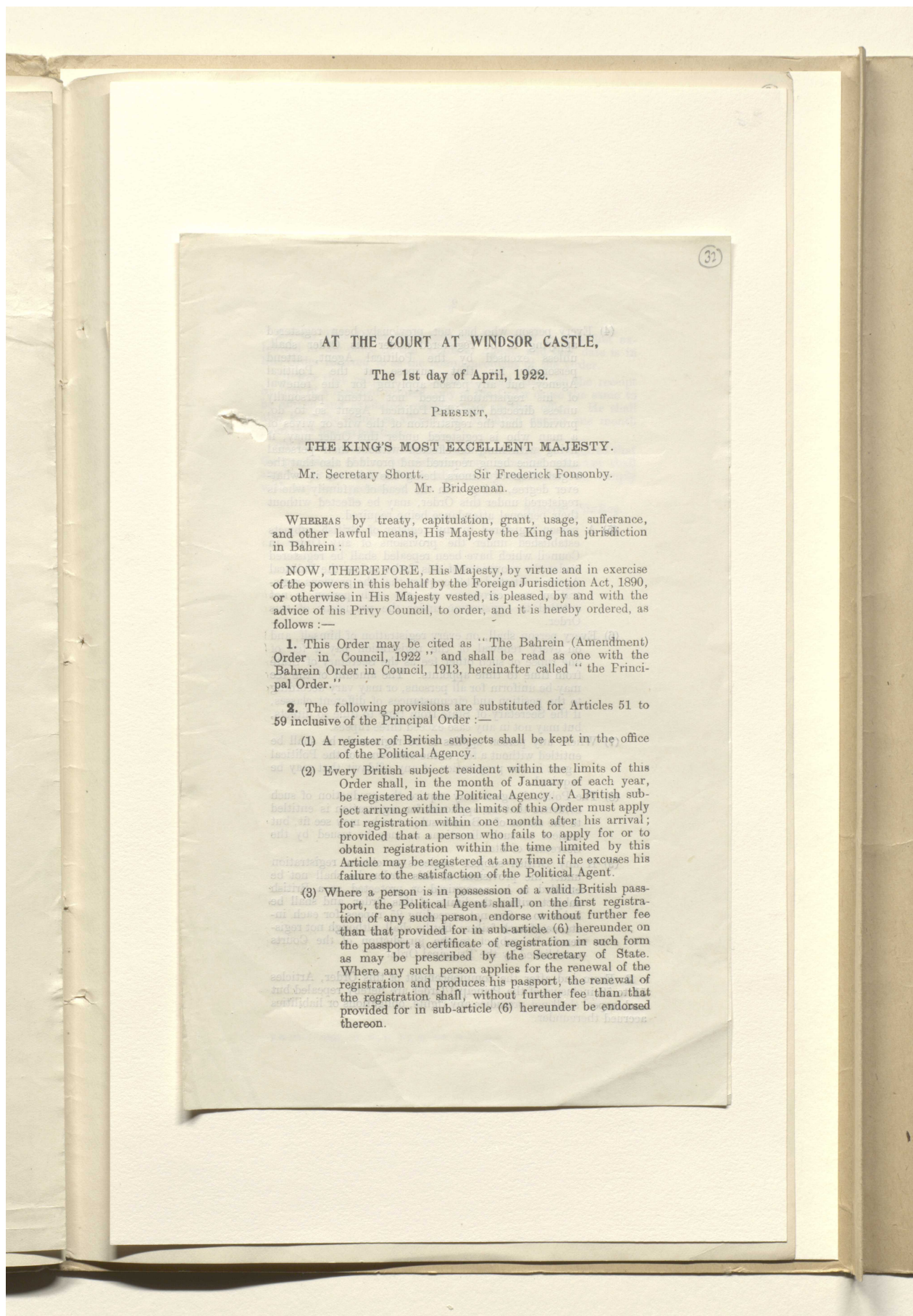
And the Right Honourable Arthur James Balfour, O.M., and the Right Honourable Austen Chamberlain, two of His Majesty's Principal Secretaries of State, are to give the necessary directions herein.

ALMERIC FITZROY.

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in Bahrein Islands.' [31v] (63/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [32r] (64/77)



AT THE COURT AT WINDSOR CASTLE,

The 1st day of April, 1922.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

Mr. Secretary Shortt. Sir Frederick Ponsonby.
Mr. Bridgeman.

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction in Bahrein :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as "The Bahrein (Amendment) Order in Council, 1922" and shall be read as one with the Bahrein Order in Council, 1913, hereinafter called "the Principal Order."

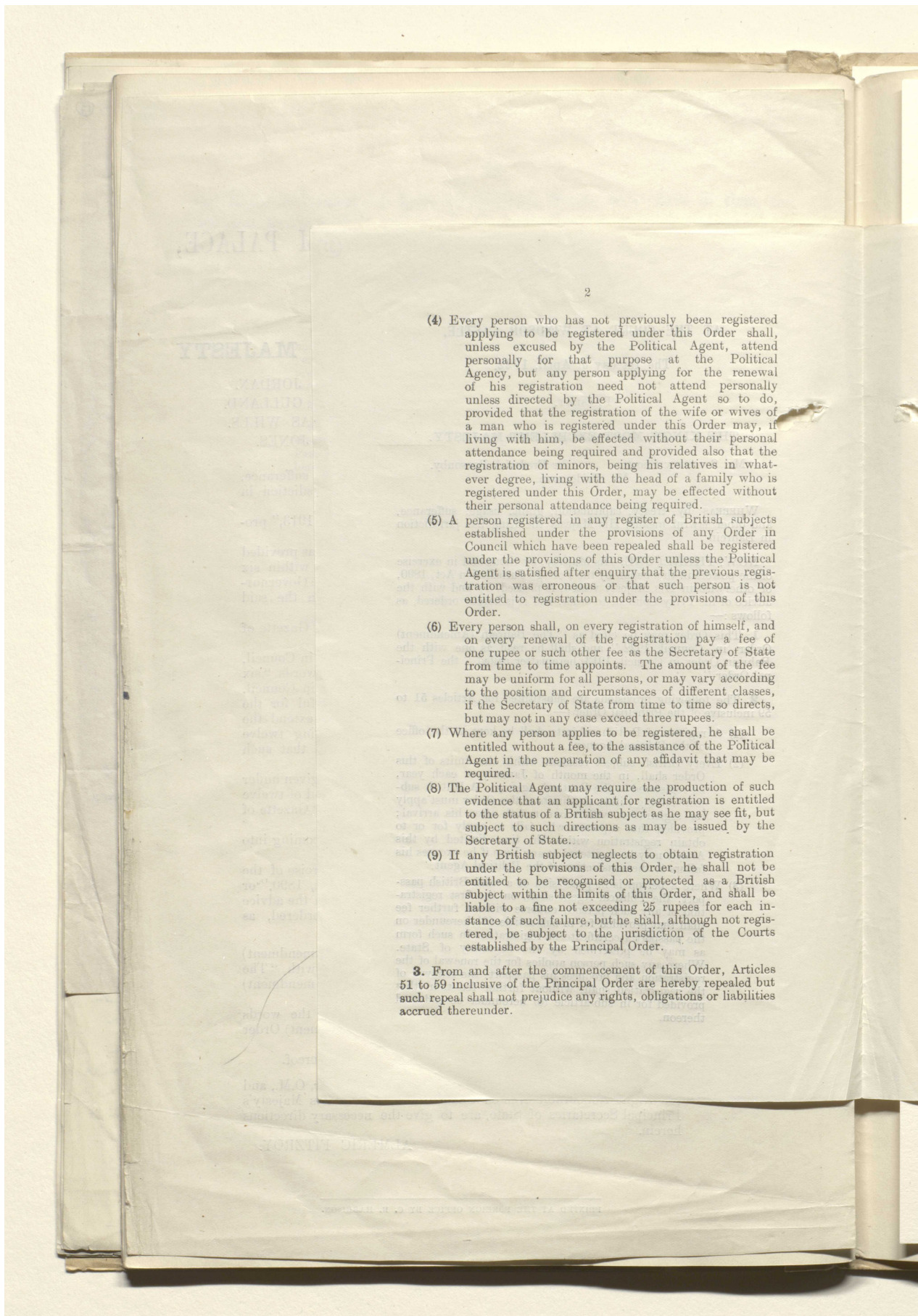
2. The following provisions are substituted for Articles 51 to 59 inclusive of the Principal Order :—

(1) A register of British subjects shall be kept in the office of the Political Agency.

(2) Every British subject resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A British subject arriving within the limits of this Order must apply for registration within one month after his arrival; provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

(3) Where a person is in possession of a valid British passport, the Political Agent shall, on the first registration of any such person, endorse without further fee than that provided for in sub-article (6) hereunder on the passport a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in sub-article (6) hereunder be endorsed thereon.

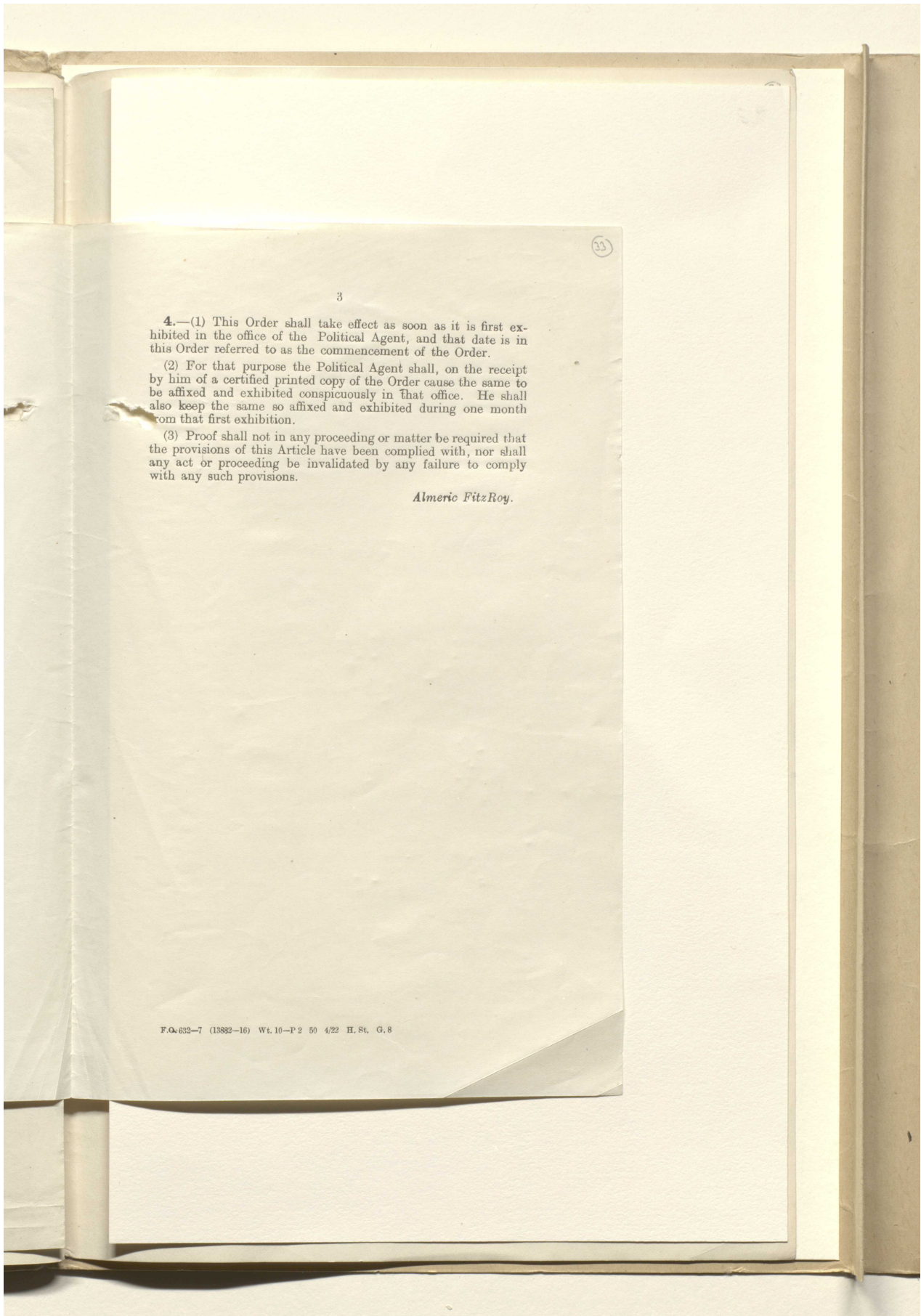
Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [32v] (65/77)

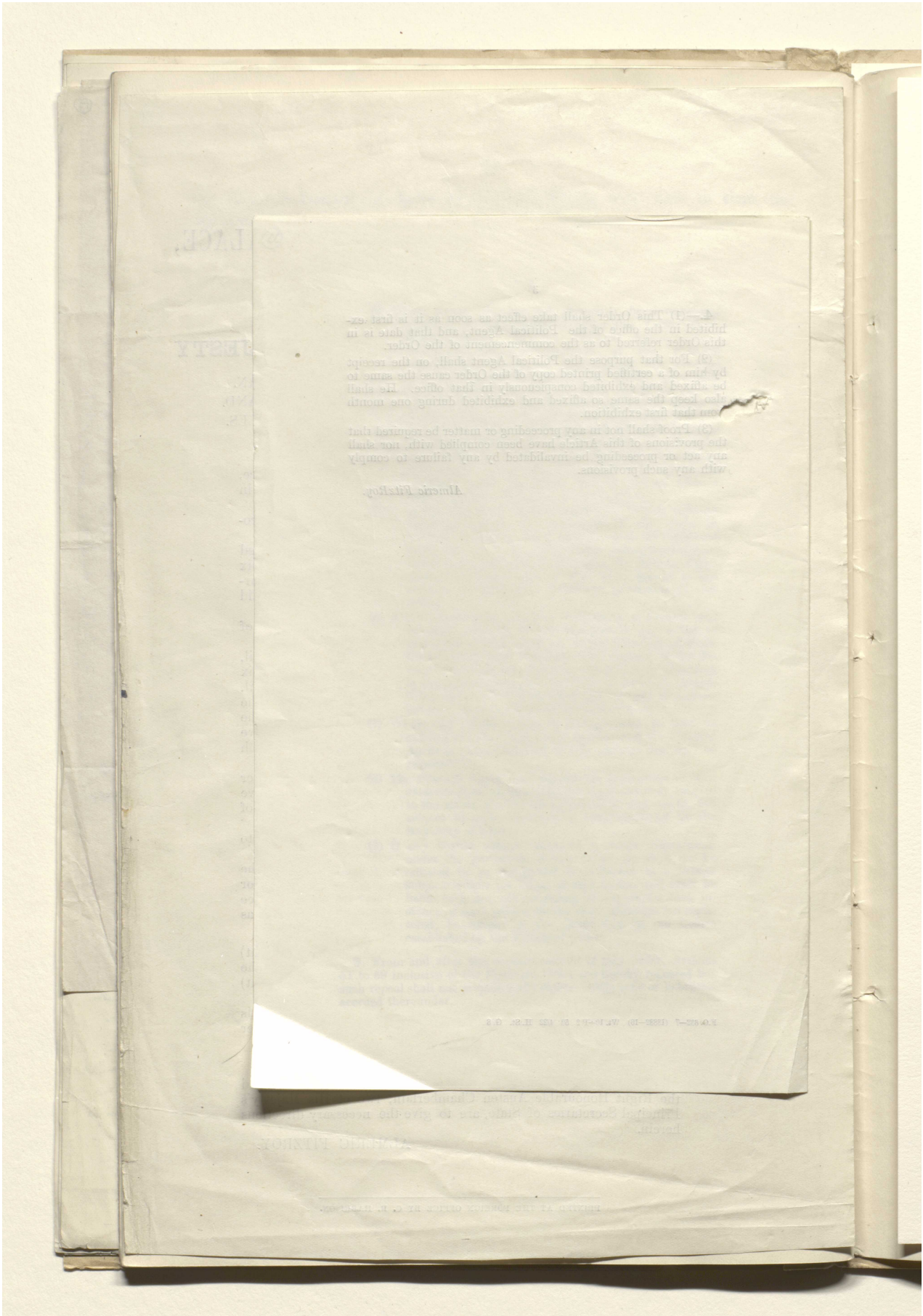


- 2
- (4) Every person who has not previously been registered applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency, but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if living with him, be effected without their personal attendance being required and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.
- (5) A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order unless the Political Agent is satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.
- (6) Every person shall, on every registration of himself, and on every renewal of the registration pay a fee of one rupee or such other fee as the Secretary of State from time to time appoints. The amount of the fee may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed three rupees.
- (7) Where any person applies to be registered, he shall be entitled without a fee, to the assistance of the Political Agent in the preparation of any affidavit that may be required.
- (8) The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.
- (9) If any British subject neglects to obtain registration under the provisions of this Order, he shall not be entitled to be recognised or protected as a British subject within the limits of this Order, and shall be liable to a fine not exceeding 25 rupees for each instance of such failure, but he shall, although not registered, be subject to the jurisdiction of the Courts established by the Principal Order.

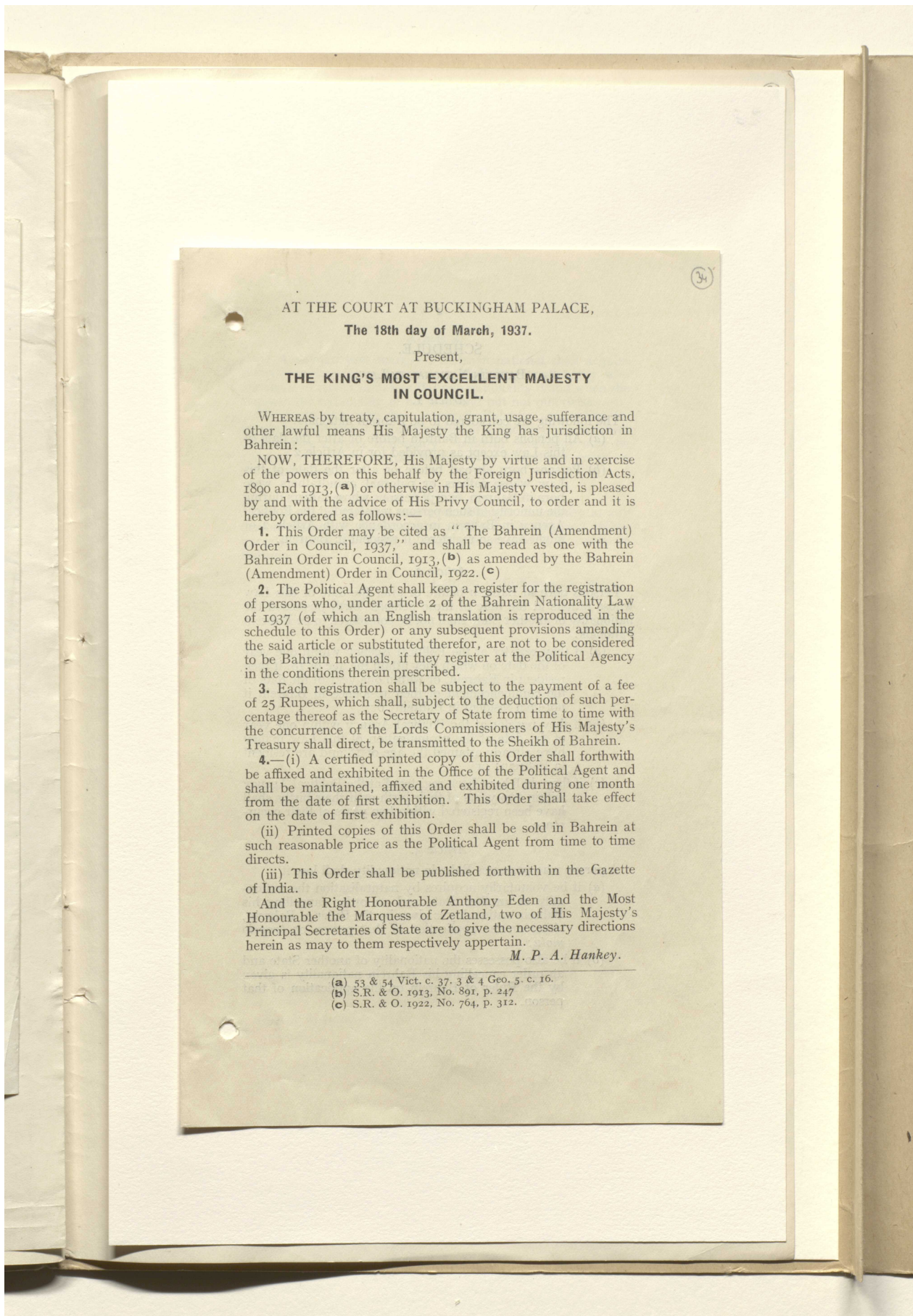
3. From and after the commencement of this Order, Articles 51 to 59 inclusive of the Principal Order are hereby repealed but such repeal shall not prejudice any rights, obligations or liabilities accrued thereunder.

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Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [34r] (68/77)



AT THE COURT AT BUCKINGHAM PALACE,

The 18th day of March, 1937.

Present,

**THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.**

WHEREAS by treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty the King has jurisdiction in Bahrein:

NOW, THEREFORE, His Majesty by virtue and in exercise of the powers on this behalf by the Foreign Jurisdiction Acts, 1890 and 1913, (a) or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council, to order and it is hereby ordered as follows:—

1. This Order may be cited as "The Bahrein (Amendment) Order in Council, 1937," and shall be read as one with the Bahrein Order in Council, 1913, (b) as amended by the Bahrein (Amendment) Order in Council, 1922. (c)

2. The Political Agent shall keep a register for the registration of persons who, under article 2 of the Bahrein Nationality Law of 1937 (of which an English translation is reproduced in the schedule to this Order) or any subsequent provisions amending the said article or substituted therefor, are not to be considered to be Bahrein nationals, if they register at the Political Agency in the conditions therein prescribed.

3. Each registration shall be subject to the payment of a fee of 25 Rupees, which shall, subject to the deduction of such percentage thereof as the Secretary of State from time to time with the concurrence of the Lords Commissioners of His Majesty's Treasury shall direct, be transmitted to the Sheikh of Bahrein.

4.—(i) A certified printed copy of this Order shall forthwith be affixed and exhibited in the Office of the Political Agent and shall be maintained, affixed and exhibited during one month from the date of first exhibition. This Order shall take effect on the date of first exhibition.

(ii) Printed copies of this Order shall be sold in Bahrein at such reasonable price as the Political Agent from time to time directs.

(iii) This Order shall be published forthwith in the Gazette of India.

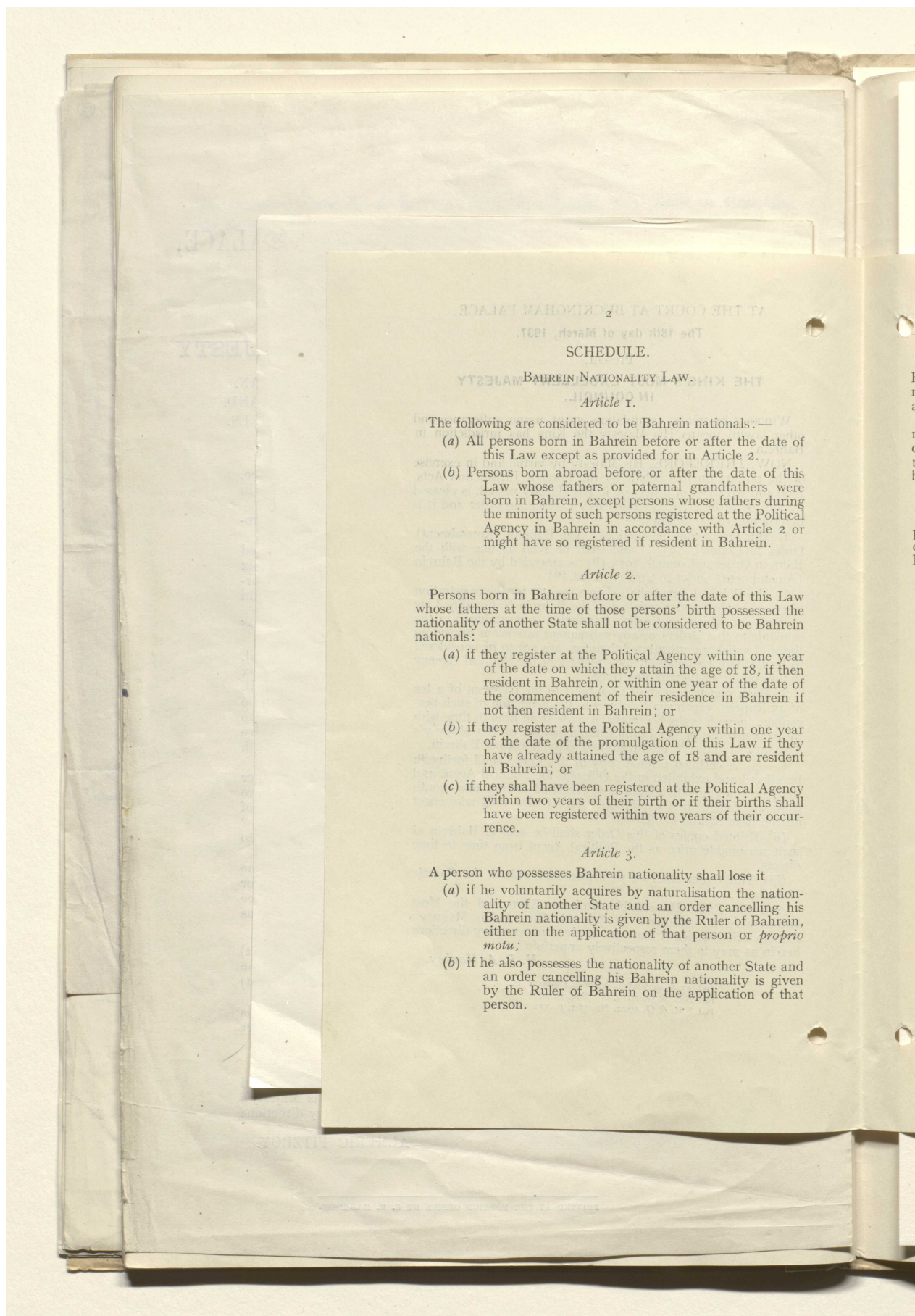
And the Right Honourable Anthony Eden and the Most Honourable the Marquess of Zetland, two of His Majesty's Principal Secretaries of State are to give the necessary directions herein as may to them respectively appertain.

M. P. A. Hankey.

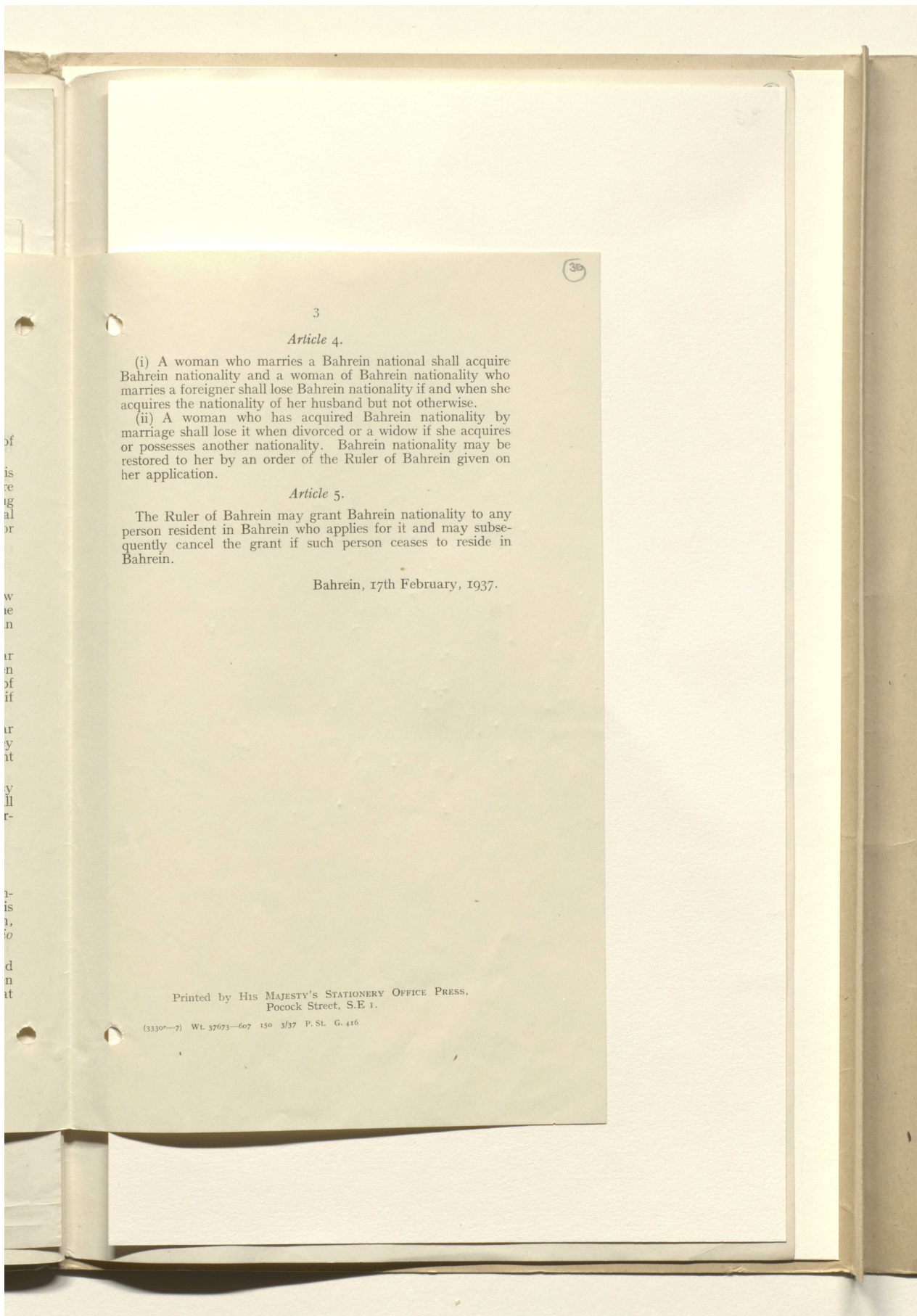
(a) 53 & 54 Vict. c. 37, 3 & 4 Geo. 5. c. 16.

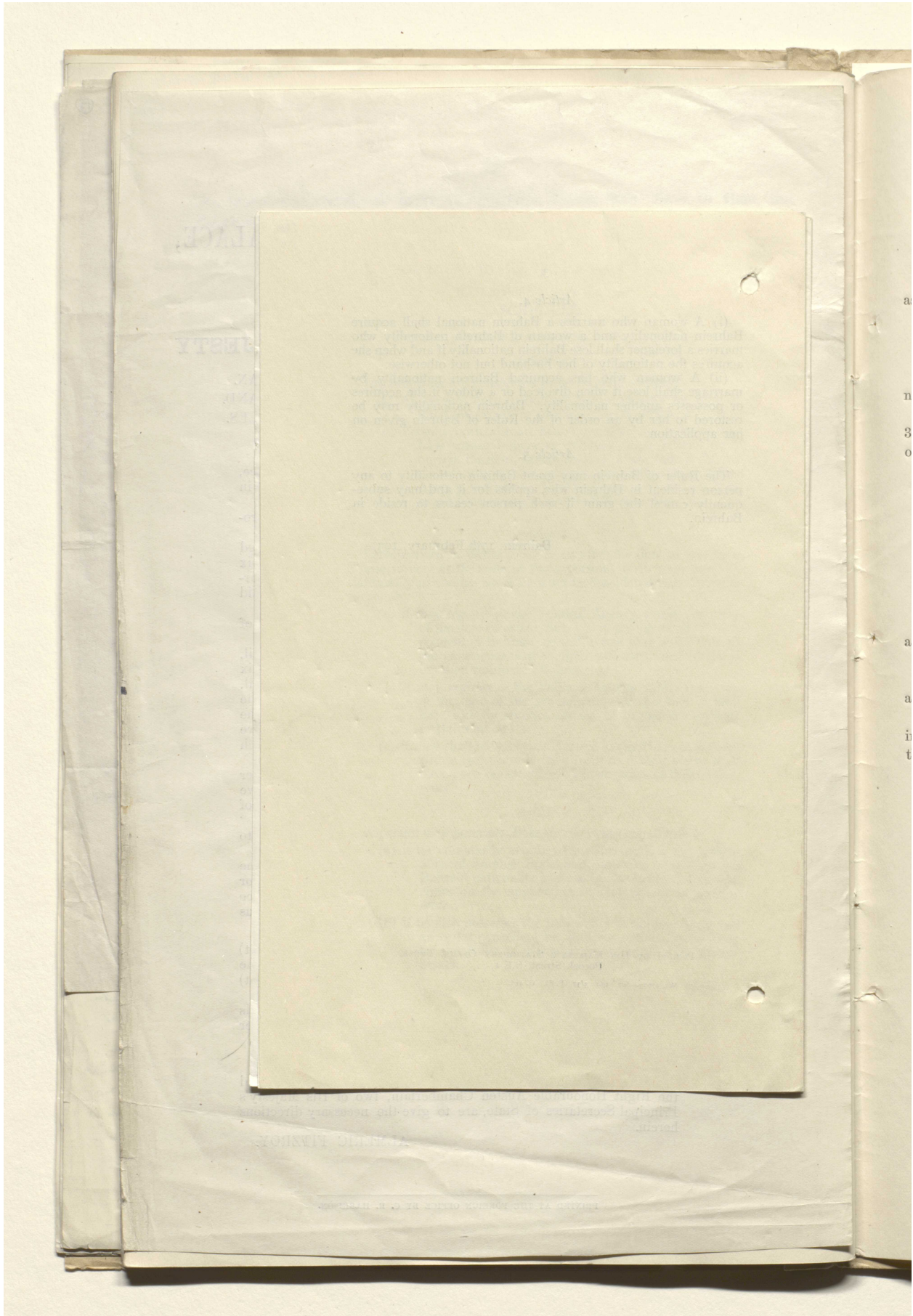
(b) S.R. & O. 1913, No. 391, p. 247

(c) S.R. & O. 1922, No. 764, p. 312.



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Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [36r] (72/77)

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SCHEDULE.

INDIAN ACTS APPLIED.

Acts XXXV. and XXXVI. of 1858 relating respectively to lunatics and lunatic asylums.

The Indian Penal Code (Act XLV. of 1860).

The Whipping Act, 1864 (Act VI. of 1864).

The Indian Succession Act (Act X. of 1865).

The Indian Divorce Act (Act IV. of 1869), except so much as relates to divorce and nullity of marriage.

The Bombay Civil Courts Act, 1869 (Act XIV. of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.

The Indian Evidence Act, 1872 (Act I. of 1872).

The Indian Contract Act, 1872 (Act IX. of 1872).

The Indian Oaths Act, 1873 (Act X. of 1873).

The Indian Majority Act (Act IX. of 1875).

The Provincial Small Cause Courts Act, 1887 (Act IX. of 1887).

The Prevention of Cruelty to Animals Act, 1890 (Act XI. of 1890).

The Indian Pilgrim Ships Act (Act XIV. of 1895).

The Code of Criminal Procedure (Act V. of 1898), except Chapter XXXIII.

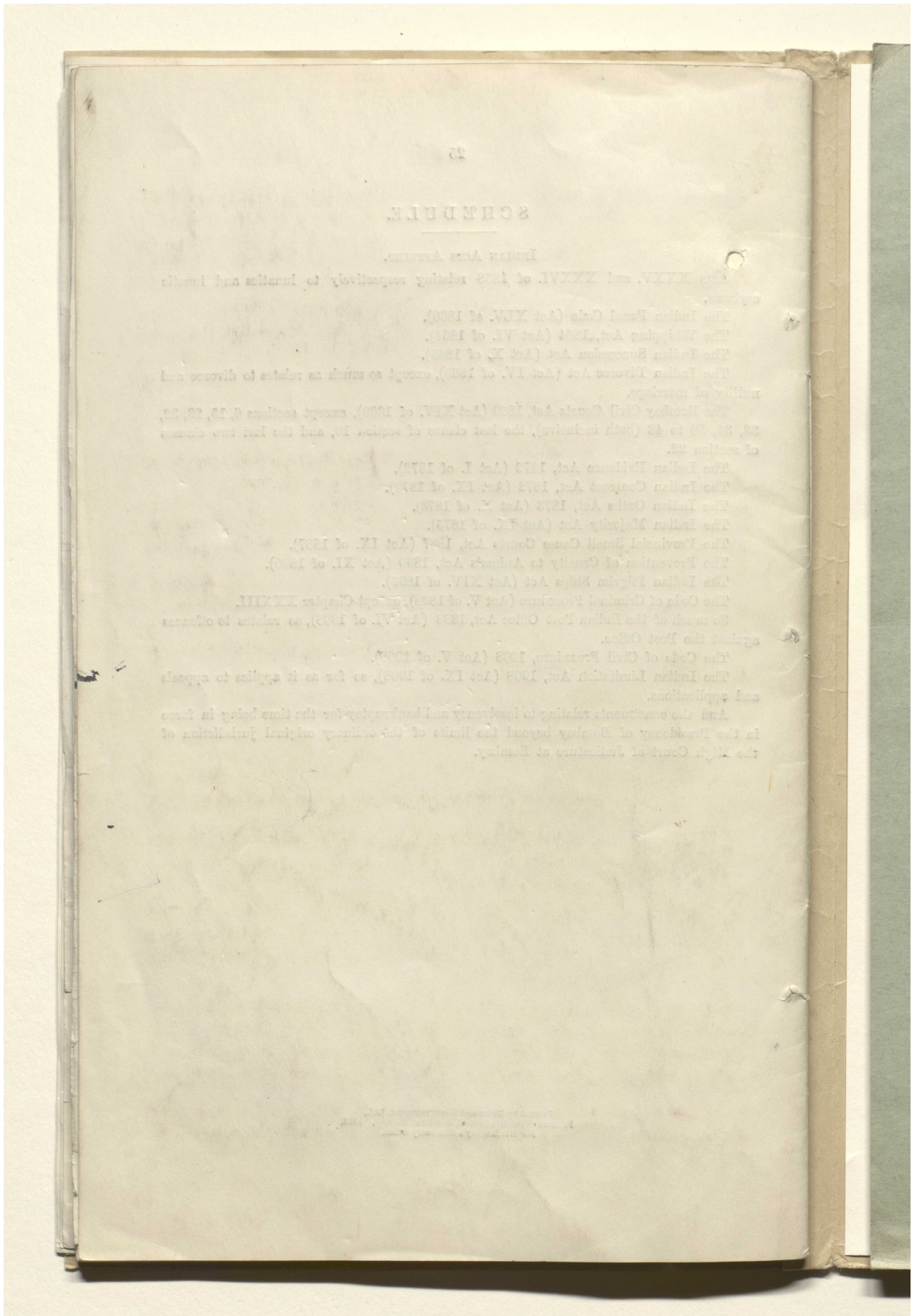
So much of the Indian Post Office Act, 1898 (Act VI. of 1898), as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V. of 1908).

The Indian Limitation Act, 1908 (Act IX. of 1908), so far as it applies to appeals and applications.

And the enactments relating to insolvency and bankruptcy for the time being in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay.

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in Bahrein Islands.' [36v] (73/77)



Coll 30/201 'Persian Gulf. Judicial. Service of documents upon British subjects
in Bahrein Islands.' [37r] (74/77)

(5)

Previous File.
P.


POLITICAL (EXTERNAL) DEPARTMENT.

P.Z.
1267
1931 .

SUBJECT :

This File contains the following papers :—

YEAR.	
1931	P.Z. 1267
19	P.
19	P.
19	P.
19	P.
19	P.
19	P.
19	P.

 Papers may be removed from or placed within this File only by the Political Registry.

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