

And whereas it has been agreed by notes exchanged on the 29th day of August, 1907, between the Government of His Majesty the King and the Government of the French Republic, that the expression "land suits" as used in the said Convention shall include suits with regard to mines, minerals and everything under the surface of the soil, and that the words "after two written warnings addressed to the employer," occurring in the fourth sub-section of the fifty-first article of the said Convention shall be omitted therefrom and shall cease to have effect, and that until the establishment of the Joint Court under the terms of the said Convention, British subjects who shall infringe the provisions of the said Convention, or of the regulations made by the High Commissioners thereunder, shall be prosecuted in accordance with the provisions of the twentieth article of the said Convention, and with the provisions heretofore in force :

And whereas it is expedient to provide for the exercise of His Majesty's jurisdiction within the said Islands in accordance with the terms of the said Convention as amended by the said notes of the 29th August, 1907.

Now, therefore, His Majesty in virtue of the powers by the Foreign Jurisdiction Act, 1890, and all other powers thereto Him enabling, by and with the advice of His Majesty's Privy Council, is pleased to order and it is hereby ordered as follows :—

I. The limits of this Order shall include all the Islands of the Pacific Ocean known as the New Hebrides and all the Islands known as the Banks Islands and Torres Islands. The said Islands are hereinafter referred to as the New Hebrides.

II. The Convention made the 20th day of October 1906 between the Government of His Majesty the King and the Government of the French Republic as amended in accordance with the agreement to that affect hereinbefore recited between the said Governments shall have the force of law and shall be binding upon all persons within the said Islands over whom His Majesty shall at any time have jurisdiction, and the provisions of this Order and of all laws and regulations made thereunder shall be read and construed subject to the terms of the said Convention in all respects.

III. His Majesty may appoint a High Commissioner for the New Hebrides. Appointments to the office of High Commissioner shall be made under the Royal Sign Manual and Signet. The High Commissioner shall hold office during His Majesty's pleasure.

Provided that until a High Commissioner is appointed the High Commissioner for the Western Pacific shall be the High Commissioner for the New Hebrides.

IV. The High Commissioner may, on His Majesty's behalf, exercise all powers and jurisdiction which His Majesty at any time before or after the date of this Order, had, or may have within the New Hebrides, and to that end may take or cause to be taken all such measures and may do or cause to be done all such matters and things therein as are lawful and as in the interest of His Majesty's service he may think expedient, subject to such instructions as he may from time to time receive from His Majesty or through a Secretary of State.

V. Subject to the approval of a Secretary of State, the High Commissioner may appoint a Resident Commissioner and so many fit persons as, in the interest of His Majesty's Service, he may think necessary to be Deputy Commissioners, Residents, Assistant Residents, Judges, Magistrates or other officers, and may define from time to time the districts within which such Officers shall respectively discharge their functions.

The Resident Commissioner and every other such officer shall hold office during His Majesty's pleasure and may exercise such powers and authorities as the High Commissioner may, with the approval of a Secretary of State, assign to him, subject nevertheless to such directions and instructions as the High Commissioner may from time to time think fit to give him. The appointment of such Officers shall not abridge, alter or affect the right of the High Commissioner to execute and discharge all the powers and authorities hereby conferred upon him.

The High Commissioner may, subject to confirmation by a Secretary of State remove any Officer so appointed.

VI. There shall be a Public Seal of the High Commissioner which he shall keep and use for sealing all things whatsoever that shall pass the said seal ; provided that until a Public Seal shall be provided, the private seal of the High Commissioner may be used.

VII. The High Commissioner may, upon sufficient cause to him appearing, suspend from the exercise of his office any persons holding or exercising any office in His Majesty's Service within the New Hebrides, whether appointed by the High Commissioner or under or by virtue of any Commission or Warrant granted, or which may be granted by His Majesty in His Majesty's name or under His Majesty's authority, which suspension shall continue and have effect only until His Majesty's pleasure therein shall be signified to the High Commissioner by a Secretary of State. The High Commissioner, in proceeding to any such suspension, shall observe the directions in that behalf given to him through a Secretary of State.

VIII. In the event of the death, incapacity or removal of the High Commissioner all and every the powers and authorities herein granted to him shall until His Majesty's further pleasure is signified therein, be vested in such person or persons as may be appointed by His Majesty : and in case there shall be no person or persons so appointed by His Majesty, then in the person for the time being exercising the functions of His Majesty's High Commissioner for the Western Pacific.

IX. Subject to the provisions of the aforesaid Convention amended as aforesaid and of this Order, the Order of Her late Majesty Queen Victoria known as the Pacific Order in Council 1893, as amended by the Pacific Order in Council 1907, shall (save and except Article 109 of the said Order of 1893) apply to the New Hebrides as if the same were herein incorporated and shall be binding upon all persons over whom His Majesty has jurisdiction within the said Islands. The Order of His Majesty in Council known as the Pacific Islands Civil Marriages Order in Council 1907 shall in like manner apply to and have effect within the New Hebrides.