

ARTICLE VII.

Legislation.—Regulations.

The High Commissioners shall have power to issue jointly, for the peace, order, and good government of the Group, as well as for the execution of the measures resulting from the present Convention, local regulations binding on all the inhabitants of the Group, and to enforce such regulations by penalties not exceeding one month's imprisonment or a fine of 20*l*.

ARTICLE VIII.

Native Administration.

(1) In the present Convention "native" means any person of the aboriginal races of the Pacific who is not a citizen or subject or under the protection of either of the two Signatory Powers.

(2) No native, as defined above, shall acquire in the Group the status of subject or citizen or be under the protection of either of the two Signatory Powers.

(3) The High Commissioners and their Delegates shall have authority over the native Chiefs. They shall have power to make administrative and police regulations binding on the tribes, and to provide for their enforcement.

(4) They shall respect the manners and customs of the natives, where not contrary to the maintenance of order and the dictates of humanity.

ARTICLE IX.

Civil Status of the Natives.

(1) The persons appointed by the High Commissioners or their Delegates to receive declarations of births, deaths, and marriages for the subjects or citizens of their respective countries shall receive and enter on their registers all declarations of the same character which natives may wish to make for the purpose of acquiring civil status.

(2) Entries so made shall be kept in a general register at the Registry of the Joint Court.

JOINT COURT.

ARTICLE X.

Composition.

(1) A Joint Court shall be established, consisting of three Judges, of whom one shall be President. A fourth officer shall act as Public Prosecutor, and shall have charge of the preliminary enquiries.

The Court shall be provided with a Registrar and the requisite staff.

(2) Each of the two Governments shall appoint one Judge.

His Majesty the King of Spain shall be invited to appoint the third, who shall be President of the Court. The officer who acts as Public Prosecutor shall be appointed in the same manner. Neither of these two officers shall be a British subject or a French citizen.

The Registrar and the staff shall be appointed by the President.

(3) If either of the two Governments considers that it has a cause of complaint against the President of the Joint Court, or the officer acting as Public Prosecutor, it shall inform the other Government.

If both Governments agree, they shall request His Majesty the King of Spain to appoint another person to fill the post.

If they disagree, His Majesty the King of Spain shall determine whether the complaint is justified, and whether the officer complained of shall be retained or superseded.

(4) The arrangements as to salaries, travelling allowances, leave, acting appointments, and, in general, all matters relating to the working of the Joint Court, shall be settled by common agreement between the two Governments.

ARTICLE XI.

Assessors.

(1) In the trial of criminal cases, the Joint Court shall be assisted by four Assessors, taken from the leading non-native inhabitants of the Group.

(2) The Assessors shall be chosen by lot from a list drawn up jointly by the High Commissioners or their Delegates at the beginning of each year.

(3) The Assessors shall have a vote in deciding the question of the guilt of the accused, but a consultative voice only in deciding the sentence.

(4) The prosecutor and the defendant may each challenge two of the Assessors.

ARTICLE XII.

Jurisdiction.

The Joint Court shall have jurisdiction :—

(1) In civil (including commercial) cases :

(A) Over all suits respecting land in the Group ;

(B) Over suits of every kind between natives and non-natives.

(2) In police and criminal cases :

Over every offence or crime committed by natives against non-natives.