or Martinmas, a servant hired by the half year or year shall, in the absence of express stipulation to the contrary, enter upon or quit such service (any custom or usage to the contrary notwithstanding) at noon on the twenty-eighth day of May if the term be Whit Sunday, or at noon on the twenty-eighth day of November if the term be Martinmas, or on the following day at the same hour when the said terms or either of them fall on a Sunday.

Notwithstanding anything in this Act contained, in all cases in which warning of removal from a house is required forty days before a Whit Sunday or Martinmas term of removal, such warning shall be given forty days before the fifteenth day of May and the eleventh day of November respectively.

CHAPTER 37.

An Act to consolidate the Foreign Jurisdiction Acts.

[4th August 1890.]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exercise of jurisdiction in foreign country.

1. It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

Exercise of jurisdiction over British subjects in countries without regular governments.

2. Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act.

Validity of acts done in pursuance of jurisdiction.

3. Every act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country.

Evidence as to existence or extent of jurisdiction in foreign country.

4. If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable

time his decision on the question, and his decision shall for the purposes of the proceeding be final.

(2.) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

Power to extend enactments in First Schedule.

5.—(1.) It shall be lawful for Her Majesty the Queen in Council, if She thinks fit, by Order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction.

(2.) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.

Power to send persons charged with offences for trial to a British possession.

6.—(1.) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court.

Provided that—

(*a.*) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence and whom he alleges himself unable to produce at the trial in the British possession;

(*b.*) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence, certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court:

(*c.*) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial:

(*d.*) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

(2.) Nothing in this section shall alter or repeal any law, statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof.

Provision as to place of punishment of persons convicted.

7. Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place.

Validity of acts done under Order in Council.

8. Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorised to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court were to have effect wholly within that country.

Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act.

9. It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred, and respecting the enforcement and execution of the judgments, decrees, orders, and sentences of any such court, and respecting appeals therefrom.

Power to amend Orders in Council.

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

Laying before Parliament, and effect of

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made,

if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act. Orders in Council.

12.—(1.) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void. In what cases Orders in Council void for repugnancy.

(2.) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

13.—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted— Provisions for protection of persons acting under Foreign Jurisdiction Acts.

(*a.*) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted; nor

(*b.*) in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

14. It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Jurisdiction over ships in certain Eastern seas.

Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

Provision as to subjects of Indian princes.

15. Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

Definitions.

16. In this Act,—

The expression "foreign country" means any country or place out of Her Majesty's dominions:

The expression "British court in a foreign country" means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise:

The expression "jurisdiction" includes power.

Power to repeal or vary Acts in Second Schedule.

17. The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council.

Repeal.

18. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that,—

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act, shall, if in force at the passing of this Act, continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

Short title.

19.—(1.) This Act may be cited as the Foreign Jurisdiction Act, 1890.

(2.) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 5, 19.

Session and Chapter.	Title.	Enactments which may be extended by Order in Council.	Short Title.
12 & 13 Vict. c. 96. -	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.	The whole Act -	Admiralty Offences (Colonial) Act, 1849.
14 & 15 Vict. c. 99. -	An Act to amend the law of evidence.	Sections seven and eleven.	Evidence Act, 1851.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Part X.	
19 & 20 Vict. c. 113.	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign tribunals.	The whole Act -	Foreign Tribunals Evidence Act, 1856.
22 Vict. c. 20. -	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such tribunals.	The whole Act -	Evidence by Commission Act, 1859.
22 & 23 Vict. c. 63.	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	The whole Act -	British Law Ascertainment Act, 1859.
23 & 24 Vict. c. 122.	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	The whole Act -	Admiralty Offences (Colonial) Act, 1860.
24 & 25 Vict. c. 11. -	An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	The whole Act -	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	Section eleven.	
37 & 38 Vict. c. 94. -	The Conveyancing (Scotland) Act, 1874.	Section fifty-one.	
44 & 45 Vict. c. 69. -	The Fugitive Offenders Act, 1881.	The whole Act.	
48 & 49 Vict. c. 74. -	The Evidence by Commission Act, 1885.	The whole Act.	

SECOND SCHEDULE.

Acts which may be revoked or varied by Order in Council. Section 17.

Session and Chapter.	Title.	Extent of Repeal.
24 & 25 Vict. c. 31. -	An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone.	The whole Act.
26 & 27 Vict. c. 35. -	An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa.	The whole Act.

Section 18.

THIRD SCHEDULE.

Enactments repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 94. -	The Foreign Jurisdiction Act, 1843.	The whole Act.
20 & 21 Vict. c. 75. -	An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam.	The whole Act.
28 & 29 Vict. c. 116.	The Foreign Jurisdiction Act Amendment Act, 1865.	The whole Act.
29 & 30 Vict. c. 87. -	The Foreign Jurisdiction Act Amendment Act, 1866.	The whole Act.
33 & 34 Vict. c. 55. -	The Siam and Straits Settlements Jurisdiction Act, 1870.	The whole Act.
38 & 39 Vict. c. 85. -	The Foreign Jurisdiction Act, 1875.	The whole Act.
39 & 40 Vict. c. 46. -	An Act for more effectually punishing offences against the laws relating to the slave trade.	Sections four and six.
41 & 42 Vict. c. 67. -	The Foreign Jurisdiction Act, 1878.	The whole Act.

CHAPTER 38.

An Act for taking the Census of Scotland.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Census to be taken in 1891.

1. A census for Scotland shall be taken in the year one thousand eight hundred and ninety-one, and the census day shall be Sunday the fifth day of April in that year.

Secretary for Scotland to superintend census.

2. The Secretary for Scotland shall have the care of superintending the taking of the census of Scotland, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, and the Registrar General for Scotland shall issue all such forms and instructions to the persons for whose use they shall be intended; and all the expenses which shall be incurred by authority of the Secretary for Scotland, with the consent of the Treasury, under this Act, shall be paid out of money provided by Parliament.

Copy of Act to be sent to every sheriff and the

3. The Registrar General for Scotland shall send a printed copy of this Act to the sheriff of every county in Scotland, and to the