



A REVISED EDITION
OF THE
ORDINANCES
OF THE
COLONY OF THE GAMBIA
WITH AN
APPENDIX

CONTAINING

GOVERNOR'S ORDERS AND PROCLAMATIONS, ORDERS-IN-COUNCIL,
AND RULES AND REGULATIONS MADE UNDER ORDINANCES;
LETTERS PATENT AND STANDING ORDERS OF LEGISLATIVE
COUNCIL; VARIOUS ACTS OF PARLIAMENT IN FORCE IN THE
COLONY; ORDERS OF THE KING IN COUNCIL.

AND AN

INDEX

PREPARED UNDER THE AUTHORITY OF
THE STATUTE LAW REVISION ORDINANCE, 1916,

BY

FREDERICK ALAN VAN DER MEULEN, M.A.,

Of Gray's Inn, Barrister-at-Law;

Judge of the Supreme Court of the Colony of the Gambia.

IN TWO VOLUMES

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7. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.

MOHAMMEDAN COURT.

Ordinance No. 10 of 1905.

AN ORDINANCE TO RECOGNISE MOHAMMEDAN LAW FOR CERTAIN PURPOSES, AND MAKE PROVISION FOR THE ESTABLISHMENT OF A MOHAMMEDAN COURT AT BATHURST. Title.

[8th July, 1905.]

Whereas it is expedient to recognise and make provision for the application of Mohammedan law in questions of civil status, marriage, succession, donations, testaments and guardianship (but in such questions only), affecting natives professing the Mohammedan religion domiciled or being in the Island of Saint Mary, also expressly to declare the validity of marriage between Mohammedan natives duly contracted according to Mohammedan law, and for the more certain application of the true rules of Mohammedan law in such cases as aforesaid, to establish a Court at Bathurst to be known as the Mohammedan Court. Preamble.

Be it enacted, &c. Enacting clause.

1. This Ordinance may be cited as The Mohammedan Law (Recognition) Ordinance, 1905. Short title.

2. In this Ordinance the following expressions, unless where the context otherwise requires, shall have the meanings hereby assigned to them, viz.:— Interpretation.

- “ Court ” means the Mohammedan Court;
- “ Natives ” means natives of West Africa;
- “ Prescribed ” means prescribed by rule under section 10 of this Ordinance.

3. Marriages between Mohammedan natives duly contracted in accordance with Mohammedan law shall be valid and effectual for the purpose of establishing the status of legitimacy within the Colony in favour of the children of any such marriage as though solemnised in accordance with the requirements of the Marriage Ordinance, 1862. Validity of Mohammedan marriages.

4. There shall be a Court at Bathurst to be known as the Mohammedan Court. Appointment of Mohammedan Court.

5. The Court shall be constituted by a Cadi to be appointed by the Governor. Cadi.

Jurisdiction. 6. The Court shall have jurisdiction in all causes and matters, contentious or uncontentious, between, or exclusively affecting Mohammedan natives, relating to civil status, marriage, succession, donations, testaments and guardianship.

Procedure. 7. Save in so far as may be prescribed, the procedure and practice of the Court shall be according to the rules of Mohammedan law.

Appeals. 8. Subject to such restrictions as may be prescribed, appeal shall lie from any decision of the Mohammedan Court to the Supreme Court.

There shall sit as assessor (for advisory purposes only) to the Judge in all such appeals, a Tamsir, or person learned in the Mohammedan law.

Recognition not to extend to criminal law, contracts, religious trusts, &c. 9. The recognition by this Ordinance granted to Mohammedan law shall not extend beyond the matters hereinabove in section 6 of this Ordinance specified; and in particular (but without prejudice always to the foregoing generality) shall not import the recognition of any rules of Mohammedan law relating to:—

(a) Any religious practices or disabilities save in so far as such may form an essential part of the law relating to the matters hereinabove in section 6 of this Ordinance specified.

(b) The constitution of religious trusts.

(c) Civil contracts other than marriage.

(d) Any criminal or quasi-criminal matter whatsoever.

Rules and regulations. 10. It shall be lawful for the Governor-in-Council to make rules:—

(a) Regulating the sittings of the Court.

(b) Prescribing the registers or books of record to be kept in connection therewith.

(c) Providing for the appointment of clerks and other officers of Court, and for the remuneration of such officers.

(d) Regulating the practice and procedure of the Court.

(e) Limiting and defining the jurisdiction of the Court in questions relating to land, and in other cases where it may appear desirable to restrict the same.

(f) Making such provisions as may be necessary for the avoidance of conflicts of law or jurisdiction between the Court and any other Court of law or Tribunal in the Colony or Protectorate.

(g) Regulating appeals to the Supreme Court, and prescribing the procedure to be followed in connection therewith.

(h) Generally for the better carrying out of the purposes of this Ordinance.