

to repeal by Order of Her Majesty in Council, and it is expedient that they be repealed, such of their provisions as are not intended to be abrogated being consolidated with this Order:

Now, therefore, Her Majesty, by virtue of the powers in this behalf by the first-recited Act and The Foreign Jurisdiction Act, or either of them, or otherwise, in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

I.—PRELIMINARY.

1. This Order may be cited as The China and Japan Order in Council, 1865.

2. In this Order—

The term "China" means the dominions of the Emperor of China:

The term "Japan" means the dominions of the Tycoon of Japan:

The term "Minister" means the superior diplomatic representative of Her Majesty for the time being, whether Ambassador, Envoy, Minister Plenipotentiary, or Chargé d'Affaires:

The term "Chief Superintendent of Trade" means the Superintendent of the trade of Her Majesty's subjects in China for the time being, or any person for the time being authorized to act as such:

The term "Consular Officer" includes every officer in Her Majesty's Consular Service, whether Consul-General, Consul, Vice-Consul, or Consular Agent, or person authorized to act in any such capacity in China or in Japan:

The term "British vessel" includes every vessel being a British ship within the meaning of The Merchant Shipping Act, 1854, or any other Act of Parliament for the time being in force for the regulation of merchant shipping,—and any vessel owned wholly or in part by any person entitled to be the owner of a British ship in the sense aforesaid,—and any vessel provided with sailing-letters from the Governor or Officer administering the Government of Hong Kong, or from the Chief Superintendent of Trade:

The term "Treaty" includes Convention and any Agreement, Regulations, Rules, Articles, Tariff, or other instrument annexed to a Treaty or agreed on in pursuance of any stipulation thereof:

The term "month" means calendar month:

Words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

3. The provisions of this Order relating to British subjects apply to all subjects of Her Majesty, whether by birth or by naturalization.

The provisions of this Order relating to foreigners apply to subjects of the Emperor of China and of the Tycoon of Japan respectively and subjects or citizens of any State other than China or Japan (not being enemies of Her Majesty).

II.—GENERAL PROVISIONS RESPECTING HER MAJESTY'S JURISDICTION.

4. All Her Majesty's jurisdiction exercisable in China or in Japan for the judicial hearing and determination of matters in difference between British subjects, or between foreigners and British subjects,—or for the administration or control of the property or persons of British subjects,—or

for the repression or punishment of crimes or offences committed by British subjects,—or for the maintenance of order among British subjects,—shall be exercised under and according to the provisions of this Order, and not otherwise.

5. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law, and other Law for the time being in force in and for England, and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

6. Except as to offences made or declared such by this Order, or by any regulation or rule made under it,—

Any act other than an act that would by a Court or Justice having criminal jurisdiction in England be deemed a crime or offence making the person doing such act liable to punishment in England shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence making the person doing such act liable to punishment.

III.—CONSTITUTION OF HER MAJESTY'S COURTS.

I.—*The Supreme Court at Shanghai.*

7. There shall be a Court styled Her Britannic Majesty's Supreme Court for China and Japan.

The Supreme Court shall have a seal bearing its style and such device as one of Her Majesty's Principal Secretaries of State from time to time directs.

8. The Supreme Court shall hold its ordinary sittings at Shanghai, or on emergency, at any other place within the district of the Consulate of Shanghai; but may at any time transfer its ordinary sittings to any such place in China as one of Her Majesty's Principal Secretaries of State or Her Majesty's Minister in China approves.

9. There shall be one Judge of the Supreme Court.

He shall be appointed by Her Majesty, by warrant under Her Royal sign manual.

He shall be a subject of Her Majesty (by birth or naturalization) who at the time of his appointment is a member of the bar of England, Scotland, or Ireland, of not less than seven years' standing, or has filled the office of Assistant Judge or Law Secretary in the Supreme Court, or the office of Judge or Legal Vice-Consul or Law Secretary in Her Majesty's Consular Service.

10. The Judge may, from time to time, in case of his absence or intended absence from the district of the Consulate of Shanghai, either in the discharge of his duty or with permission of one of Her Majesty's Principal Secretaries of State, or in case of illness, appoint, by writing under his hand and the seal of the Supreme Court, a fit person to be his deputy for the time therein mentioned; but every such appointment shall be revocable, at pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court.

The person so appointed shall, during the continuance of his appointment, have all the like power and authority as the Judge.

11. During a vacancy in the office of Judge, or on emergency, a fit person, approved by one of Her Majesty's Principal Secretaries of State, or (in the absence of notice to Her Majesty's