

IV.—JURIES. ASSESSORS.

26. Every male British subject resident in China or in Japan, — being of the age of twenty-one years or upwards, — being able to speak and read English, — having or earning a gross income at the rate of not less than 250 dollars a year, — not having been attainted of treason or felony, or convicted of any crime that is infamous (unless he has obtained a free pardon), — and not being under outlawry, — shall be qualified to serve on a jury.

27. All persons so qualified shall be liable so to serve, except the following :—

Persons in Her Majesty's Diplomatic, Consular, or other Civil service in actual employment ;
Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of any of Her Majesty's Courts ;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any department connected therewith ;

Persons holding appointments in the Civil service, and Commissioned Officers in the Naval or Military service, of the Emperor of China or of the Tycoon of Japan ;

Clergymen and ministers in the actual discharge of professional duties ;

Advocates and attorneys in actual practice ;

Physicians, surgeons, and apothecaries in actual practice ;

and except persons disabled by mental or bodily infirmity.

28. On or before the fourteenth day of September in the year 1865, and on or before the fourteenth day of January in every subsequent year, each Court shall make out a list of the persons so qualified and liable, resident within its district.

The list shall, on or before the twenty-first day of the same respective month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the end of that month, with a notice annexed that on a day specified, not being sooner than the seventh or later than the fourteenth day of the then next month, the Court will hold a special sitting for the revision of the list.

The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appearing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable, either on the application of the person omitted, or on such notice to him as the Court thinks fit.

The list shall be finally revised and settled not later than the twenty-first day of October in the year 1865, and not later than the twenty-first day of February in every subsequent year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

Such list, as settled, shall be brought into use in the year 1865, on the first day of November, and in every subsequent year on the first day of March, and in every case shall be used as the Jury List of the Court until the first day of March next after the time of its being brought into use.

29. Where, in pursuance of this Order, a jury is ordered, the Court shall summon so many of the persons comprised in the jury list, not fewer than fifteen, as seem requisite.

Any person failing to attend according to such summons shall be liable to such fine, not exceeding 50 dollars, as the Court thinks fit to impose.

Any such fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him within six days after receipt of the notice to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it seems proper, remit the fine.

30. A jury shall consist of five jurors,

31. In civil and in criminal cases the like challenges shall be allowed as in England, with this addition—that in civil cases each party may challenge three jurors peremptorily.

32. A jury shall be required to give an unanimous verdict.

33. Where a Provincial Court proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, with Assessors, the Court shall nominate and summon as Assessors not less than two and not more than four indifferent British subjects of good repute, resident in the district of the Court.

Where, however, by reason of local circumstances, the Court is able to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor ; and where for like reasons the Court is not able to obtain the presence of any fit person as Assessor, the Court may (notwithstanding anything in this Order) sit without an Assessor ; but in every such case the Court shall record in the minutes of proceedings its reasons for sitting with one Assessor only, or without an Assessor.

34. An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal ; but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court or the conviction or the amount of punishment awarded, may record in the minutes of proceedings his dissent and the grounds thereof ; and an Assessor dissenting shall be entitled to receive gratis a certified copy of the minutes.

V.—JURISDICTION AND AUTHORITIES OF HER MAJESTY'S COURTS.

I.—In General.

35. All Her Majesty's jurisdiction, civil and criminal, exercisable in China, shall, for and within the district of the Consulate of Shanghai, be vested exclusively in the Supreme Court as its ordinary original jurisdiction.

36. All Her Majesty's jurisdiction, civil and criminal, exercisable in China beyond the district of the Consulate of Shanghai and not under this Order vested exclusively in the Supreme Court, — and all Her Majesty's jurisdiction, civil and criminal, exercisable in Japan and not under this Order vested exclusively in the Supreme Court, — shall, to the extent and in the manner provided by this Order, be vested in the Provincial Courts each for and within its own district.

37. The Supreme Court shall have, in all matters civil and criminal, an extraordinary original jurisdiction throughout China and Japan, concurrent with the jurisdiction of the several Provincial Courts, such extraordinary jurisdiction to be exercised subject and according to the provisions of this Order.

38. The Judge of the Supreme Court may, from time to time, visit in a magisterial or judicial capacity any Provincial Court, and there inquire of,