

(2.) The Court for Japan shall have a seal, bearing its style and such device as the Secretary of State from time to time directs.

(3.) The Court for Japan shall hold its ordinary sittings at Kanagawa, or, on emergency, at any other place within the district of the Consulate of Kanagawa, but may at any time transfer its ordinary sittings to any place in Japan approved by the Secretary of State or by Her Majesty's Minister in Japan.

(4.) There shall be a Judge and an Assistant-Judge of the Court for Japan.

(5.) The Assistant-Judge shall hear and determine such causes and matters, civil and criminal, and transact such other part of the business of the Court, as the Judge from time to time by general order, or otherwise, directs; and for that purpose the Assistant-Judge shall have all the like jurisdiction, power, and authority as the Judge.

(6.) Any party to a suit or proceeding wherein any matter or question is heard and determined by the Assistant-Judge shall be entitled, as of course, to a rehearing before the Judge, sitting with the Assistant-Judge, or, in the unavoidable absence of the Assistant-Judge, alone.

(7.) If, on any such rehearing, there is a difference of opinion between the Judge and the Assistant-Judge, the opinion of the Judge shall prevail.

(8.) In Japan, persons accused of crimes which in England are capital shall be tried by the Judge of the Court for Japan, with a jury, and not otherwise.

(9.) There shall be attached to the Court for Japan a Chief Clerk, and so many officers and clerks as the Secretary of State from time to time thinks fit.

Jurisdiction in Japan.

6.—(1.) Her Majesty's Consul for the district of the Consulate of Kanagawa shall cease to hold and form a Provincial Court.

(2.) Unless and until the Secretary of State otherwise directs, Her Majesty's Consul for the time being for the district of the Consulate of Kanagawa shall be the Assistant-Judge of the Court for Japan.

(3.) All Her Majesty's jurisdiction, civil and criminal, exercisable in Japan shall, for and within the district of the Consulate of Kanagawa, be vested in the Court for Japan as its ordinary original jurisdiction.

(4.) All Her Majesty's jurisdiction, civil and criminal, exercisable in Japan beyond the district of the Consulate of Kanagawa, and not under this Order vested in the Court for Japan, shall, to the extent and in the manner provided by the China and Japan Order in Council, 1865, as modified by this Order, be vested in the Provincial Courts in Japan, each for and within its own district.

(5.) The Court for Japan shall have, in all matters, civil and criminal, an extraordinary original jurisdiction throughout Japan, concurrent with the jurisdiction of the several Provincial Courts in Japan, the same to be exercised subject and according to the provisions of the China and Japan Order in Council, 1865, as modified by this Order.

7.—(1.) Subject to the provisions of this Order, the provisions of the China and Japan Order in Council, 1865, and the Rules in force in the Supreme Court and other Courts in China and Japan made under that Order, shall extend and apply to the Court for Japan, as if the same were a Court (not a Provincial Court) established under that Order.

(2.) For the purpose of the application thereof to the Court of Japan, in Articles 23, 24, 38, 39, 41, 42, 43, 47, 54 to 57, 59, 61, 62, 67, 68, 69, 72, 74, 77 to 80, 83, 93, 99, 102, 105, 108 to 111, 117, 119, 120 to 126, 144, 153, 155, all inclusive of that Order, and throughout those Rules, there shall, as regards Japan, be deemed to be substituted Japan for China or for China and Japan, Kanagawa for Shanghai, the Court for Japan for the Supreme Court for China and Japan, and the Judge and Assistant-Judge of the Court for Japan for the Judge and Assistant-Judge of the Supreme Court; but not so as to affect those Articles or Rules as regards operation thereof in and for China.

8.—(1.) Article 119 of the China and Japan Order in Council, 1865, relative to appeals in civil cases to the Supreme Court for China and Japan, shall extend and apply to appeals from decisions of the Court for Japan, as if the same were a Provincial Court within that Article; and that Article, and the Rules therein referred to, shall accordingly, notwithstanding anything in this Order, apply to appeals from the Court for Japan to the Supreme Court for China and Japan; but the last-mentioned appeals shall not be heard except by the Chief Justice of the Supreme Court, sitting with the Assistant-Judge of that Court, or, in the unavoidable absence of the Assistant-Judge, alone.

(2.) If, on any such appeal, there is a difference of opinion between the Chief Justice and the Assistant-Judge, the opinion of the Chief Justice shall prevail.

(3.) Articles 120 to 126, both inclusive, of the China and Japan Order in Council, 1865, relative to appeals to the Supreme Court for China and Japan in criminal cases, shall extend and apply to appeals to that Court in criminal cases from decisions of the Court for Japan, both in cases originally tried in the Court for Japan and in cases brought by virtue of this Order before that Court, under those Articles, by way of appeal from any Court or Officer in Japan; and, for the purposes of this Article, the Court for Japan shall, in cases so brought before it by way of appeal, be deemed to be the Court trying the case.

Judges in China and Japan.

9.—(1.) The Chief Justice and Assistant-Judge of the Supreme Court and the Judge and Assistant-Judge of the Court for Japan shall each be appointed by Her Majesty by warrant under Her Royal Sign Manual, subject and according to Article 23 of the China and Japan Order in Council, 1865.

(2.) The Chief Justice and the Judge shall each 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.

10.—(1.) In case of the death or illness, or the absence or intended absence from the district of the Consulate of Shanghai, of the Chief Justice or of the Assistant-Judge of the Supreme Court, Her Majesty's Minister in China may appoint a fit person to be the Acting Chief Justice or to be the Acting Assistant-Judge (as the case may require); but, unless in any case the Secretary of State otherwise directs, the Assistant-Judge, if present and able to act, shall always be appointed to be Acting Chief Justice.

(2.) In case of the death or illness, or the absence or intended absence from the district of the Consulate of Kanagawa, of the Judge or of