

## 2. In this Order—

The expression, the "China and Japan Orders in Council," means the following:—

The China and Japan Order in Council 1865, as amended by the Orders in Council, dated the 13th May, 1869, and the 30th April, 1877;

The Orders in Council of the 19th June, 1868, and the 21st July, 1876, relating to Consular fees;

The China and Japan Maritime Order in Council, 1874;

The China and Japan Order in Council, 1878;

The China and Japan Order in Council, 1881;

The Shanghai Shipping Registry Order in Council, 1883;

and any Order in Council amending or extending this or any of the above-mentioned Orders in Council.

The expression "Corea" means the dominions for the time being of the King of Corea, including the territorial waters thereof.

Other expressions to which meanings are assigned by the China and Japan Orders in Council have the same meanings in this Order unless the subject or context otherwise requires.

In the China and Japan Orders in Council, and in this Order, the expression "British subject" shall include a British-protected person in so far as by Treaty, Capitulation, grant, usage, sufferance, or other lawful means, Her Majesty has jurisdiction in relation to such persons in China, Japan, and Corea respectively.

This Order may be cited as the China, Japan, and Corea Order in Council, 1884.

3. Any person for the time being, acting as Consul-General, Consul, or Vice-Consul holding Her Majesty's commission for Corea or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by or acting with the approval of Her Majesty's Minister for Corea, as and for a Consul-General, Consul, or Vice-Consul as aforesaid, shall in and for such district as may be assigned by his commission or appointment, or as may be so approved, hold and form a Court for the purposes of this Order.

4. For the purposes and subject to the provisions of this Order—

(1.) All Her Majesty's jurisdiction exercisable, for the time being, in Corea, under the Foreign Jurisdiction Acts, shall be exercised by a Court acting under this Order.

(2.) Such jurisdiction shall be exercised under and in accordance with the provisions of the China and Japan Orders in Council, and of any Rules and Regulations made under the authority thereof, and for the time being in force so far as the same are applicable, as if in those provisions expressions referring to Japan, or to any Government, Sovereign, person, thing, or matter in or relating to Japan, referred also *mutatis mutandis* to Corea, and to the corresponding Government, Sovereign, person, thing, or matter in or relating to Corea; and for the purposes of the said Orders in Council, Rules and Regulations as applied by this Order, a Court acting under this Order shall be deemed to be a Provincial Court.

(3.) All powers and jurisdiction, whether original, appellate, or auxiliary, which can, under the said Orders, be exercised by the Supreme Court at Shanghai, or any Judge thereof in relation to Japan, or any district thereof, or Provincial Court therein, shall be exercisable in relation to Corea, and any district or Provincial Court therein.

5. The powers and jurisdiction exercisable under this Order, or under the said Orders in Council, as applied to Corea, shall, in relation to Corea, be

exercised subject to the provisions of the Treaty dated the 26th November, 1883, between Her Majesty and the King of Corea, and to the Regulations and Protocol appended to the said Treaty, and to the provisions of any other Treaty for the time being in force between Her Majesty and the King of Corea, and the provisions of the said Treaty, Regulations, and Protocol shall have effect as if incorporated in this Order.

6. Where, by virtue of any Imperial Act, or of any of the China and Japan Orders in Council, or this Order, or otherwise, any provisions of any Imperial Acts, or of any Orders in Council other than this Order, are applicable in China, Japan, or Corea, or any forms, Regulations, or procedure prescribed or established by or under any such Order or Act, in relation to any matter, are made applicable for any purpose of any of the China or Japan Orders in Council, or of this Order, such Acts, Orders, forms, Regulations, or procedure shall be deemed applicable, so far only as the constitution and jurisdiction of the Courts and the local circumstances permit; and for the purpose of facilitating their application, they may be construed, or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any Court, Judge, officer, or authority may be done by or to a Court, Judge, officer, or authority having the like or analogous functions; and the seal of the Consular Court may be substituted for any seal required by any such Act, Order, form, Regulation, or procedure, and in case any difficulty occurs in the application of any such Act, Order, form, Regulation, or Procedure, it shall be lawful for a Secretary of State to direct by and to whom and in what manner anything to be done under such Act, Order, or Regulation, is to be done, and such Act or Order shall, in its application to matters arising under the China and Japan Orders in Council, or this Order be construed accordingly.

7. (1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death, happened within the jurisdiction of a Court acting under the China and Japan Orders in Council or this Order, such Court shall have the like jurisdiction over any person, being a British subject, who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such Court. In cases tried under this Article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(3.) The foregoing provisions of this Article shall be deemed to be adaptations for the purposes of this Order, and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adapted by this Article (but not further or otherwise), extend to China, Japan, and Corea.

8. "The Fugitive Offenders Act, 1881," shall