

behalf of His Majesty with any State or Government, whether the Government of China or of Corea is a party thereto or not.

"Will" means will, codicil, or other testamentary instrument.

Expressions used in any rules, regulations, or orders made under this Order shall, unless a contrary intention appears, have the same respective meanings as in this Order.

4.—(1) In this Order, words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to the feminine (as the case may require).

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office, as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary, or amend the rules, regulations, or orders.

(5) This Article shall apply to the construction of any rules, regulations, or orders made under this Order, unless a contrary intention appears.

5. The jurisdiction conferred by this Order extends to the persons and matters following, in so far as by Treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such matters and things, that is to say:—

(1) British subjects, as herein defined, within the limits of this Order.

(2) The property and all personal or proprietary rights and liabilities within the said limits of British subjects, whether such subjects are within the said limits or not.

(3) Foreigners in the cases and according to the conditions specified in this Order and not otherwise.

(4) Foreigners, with respect to whom any State, King, Chief, or Government, whose subjects, or under whose protection they are, has by any Treaty as herein defined or otherwise agreed with His Majesty for, or consents to, the exercise of power or authority by His Majesty.

(5) British ships with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order.

6. All His Majesty's jurisdiction exercisable in China or Corea for the hearing and determination of criminal or civil matters, or for the maintenance of order, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, and not otherwise.

PART II.—CONSTITUTION AND POWERS OF COURTS.

(i) *Supreme Court.*

7.—(1) There shall be a Court styled "His Britannic Majesty's Supreme Court for China and Corea" (in this Order referred to as the Supreme Court, and comprised in the term "the Court").

(2) Subject to the provisions of this Order, there shall be a judge, and as many Assistant Judges of the Supreme Court as may from time to time be required, who shall respectively be appointed by His Majesty by warrant under His Royal sign manual.

Every Judge shall be at the time of his appointment a member of the Bar of England, Scotland, or Ireland, of not less than seven years' standing.

(3) The Judges, or any two of them, shall sit together for the purposes described in this Order, and the Supreme Court so constituted is hereinafter in this Order referred to as "the Full Court."

(4) When the Full Court consists of not more than two Judges, and there is a difference of opinion, the opinion of the Judge, or, in his absence, the Senior Assistant Judge, shall prevail.

(5) Subject to any Rules of Court, the Judge shall make any such arrangements as he thinks fit for the distribution of the business of the Court.

(6) If the Chief Justice in office at the passing of this Order becomes the Judge of the Supreme Court under this Order, he shall retain the title of Chief Justice during his tenure of office.

8. During a vacancy in the office of Judge, or in case of the illness or incapacity of the Judge, or of his absence from the district of the Consulate of Shanghai, the Secretary of State may appoint a fit person to act as Judge, but unless or until such appointment is made, the Assistant Judge or Senior Assistant Judge shall act as Judge.

An Acting Judge shall, during the continuance of his appointment, have all the power and authority of the Judge.

9. During a vacancy or temporary vacancy in the office of Assistant Judge, or in case of the absence, or illness, or other incapacity of an Assistant Judge, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint any fit person, approved by the Secretary of State, or by His Majesty's Minister in China, to act as and for such Assistant Judge for the time therein mentioned or during the vacancy, as the case may be; but every such appointment shall be revocable, at pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court, or by the Secretary of State.

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

10. The Secretary of State may appoint either a person qualified as provided in Article 7, or a Consular officer to act as an additional Assistant Judge, and any person so appointed shall, during the continuance of his appointment, have all the power and authority of an Assistant Judge.

11. The Supreme Court shall have a seal, bearing the style of the Court and such device as the Secretary of State approves, but the seal in use at the commencement of this Order shall continue to be used until a new seal is provided.

12.—(1) There shall be attached to the Supreme Court a Sheriff, a Crown Advocate, a Registrar, a Chief Clerk, a Marshal, and such other officers and clerks under such designations as the Secretary of State thinks fit.