

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 Regulations, Rules, or Orders made under this Order, unless a contrary intention appears.

Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same.

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 persons, 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.

6. All His Majesty's jurisdiction exercisable within the limits of this Order 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, so far as this Order extends and applies.

7.—(1.) The Consul-General shall hold and form a Court, to be called the Court of the Consul-General, and in this Order described as the Court, which shall exercise jurisdiction in accordance with the provisions of this Order.

(2.) The Court shall in the exercise of every part of its jurisdiction be a Court of Record.

(3.) The Consular seal shall be used as the seal of the Court.

PART II.—*Application of Law of British India and of the United Kingdom.*

8.—(1.) Subject to the other provisions of this Order, and to any Treaties for the time being in force relating to Kashgar, His Majesty's criminal and civil jurisdiction within the limits of this Order shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments for the time being applicable as hereinafter mentioned of the Governor-General of India in Council, and of the Lieutenant-Governor of the Punjab in Council, and in accordance with the powers vested in, and the course of procedure and practice observed by and before, the Courts in the Punjab according to their respective jurisdiction and authority, and, so far as such enactments, powers, procedure, and practice are applicable, shall be exercised in accordance with justice, equity, and good conscience.

(2.) The enactments mentioned in the First Schedule to this Order are hereby made applicable within the limits of this Order as from the commencement of this Order.

(3.) Any other existing or future enactments of the Governor-General of India in Council or of the Lieutenant-Governor of the Punjab in Council may be applied within the limits of this Order by King's Regulations under Article 61 of this Order.

(4.) Any Act of the Governor-General of India in Council or of the Lieutenant-Governor of the Punjab in Council, whether passed before or after the commencement of this Order, amending or substituted for any Act of either of these Legislatures which applies or may be applied within the limits of this Order, shall, subject to the provisions of this Order, also apply within the limits of this Order.

9. The enactments described in the First Schedule to "The Foreign Jurisdiction Act, 1890," other than "The Admiralty Offences (Colonial) Act, 1849," "The Merchant Shipping Act, 1854," Part X, "The Admiralty Offences (Colonial) Act, 1860," and "The Merchant Shipping Act, 1867" (section 11), shall apply to Kashgar as if it were a British colony or possession, but subject to the provisions of this Order, and to the exceptions, adaptations, and modifications following, that is to say:—

(i) The Consul-General is hereby substituted for the Governor of a colony or British possession, and the Court is hereby substituted for a Superior Court or Supreme Court, and for a Magistrate or Justice of the Peace of a colony or British possession.

(ii) In section 51 of "The Conveyancing (Scotland) Act, 1874," and any enactment for the time being in force amending the same, the Court is substituted for a Court of Probate in a colony.

(iii) With respect to "The Fugitive Offenders Act, 1881":—

(a) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession or Protectorate to which he may be conveyed he has the right to