













jury's Consul at this place for kicking over a fruiterer's stall under extreme provocation. The copy of a Letter with reference thereto from Sir John Davis has just been sent to me, by which I am surprised and grieved to find His Excellency accuses me of having "excited the frightful tumult and bloodshed in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered," an accusation which I can hardly suppose His Excellency would have brought against me, had he been thoroughly acquainted with all the circumstances of the case, and an opportunity been afforded me of producing Evidence to disprove the Premises he has assumed.

As the Mail leaves this evening, I can only humbly request Your Lordship will suspend your opinion of the case until I can forward a complete statement of the Facts, which I shall have the honor of doing by the following Mail.—I have the honor to be, My Lord, Your Lordship's most obedient Humble Servant.

[Signed] C. S. COMPTON

RESOLUTIONS.

1st. Proposed by Mr Edger and seconded by Mr H. H. Smith.

That this meeting having had submitted to it the whole of the documents connected with the recent proceedings against Mr Compton, and having attentively considered the same, is of opinion that Mr Compton has been irregularly and unfairly tried; without sufficient evidence, unjustly sentenced; and illegally punished under an inapplicable Ordinance.

2nd. Proposed by Mr Church and seconded by Mr Dunlop.

That the attempt to sustain the illegal conviction under authority of another Ordinance No. 5, is arbitrary and oppressive, in as much as Ordinance No. 5 only gives the Superintendent power to punish offences against the Treaty not punishable by the Laws of England, and the offence charged against Mr Compton being a simple misdemeanour punishable by the Law of England, does not come within the scope and meaning of that ordinance.

3rd. Proposed by Mr J. Mackrill Smith, and seconded by Mr Worthington.

That it is the opinion of this meeting that the offence charged against Mr Compton is not, and cannot be held an Infraction of the Treaty, nor of the 13th Article of the Regulations of Trade as declared to be by His Excellency Sir John Davis, in as much as the clause cited by His Excellency, refers to Commercial differences or disputes only, the marginal abstract confirms the interpretation of the clause, and the distinction between commercial disputes and personal wrongs is clearly drawn in the concluding sentences of the Article which declare that *Criminals* shall be punished according to Laws hereafter to be enacted.

4th. Proposed by Mr Ponder, and seconded by Mr Ryler.

That the Laws of England established under Ordinance No. 1 and the Laws as enacted under Ordinance No. 7 are amply sufficient to punish such an offence as that charged against Mr Compton, and that as ordinance No. 7 provides for grave offences a fine equal in amount to that inflicted by His Excellency, there is neither reason, necessity, nor excuse for His Excellency having put aside the Law, and set above it his arbitrary will.

5th. Proposed by Mr Birley, and seconded by Mr Ripley.

That the injustice of the proceedings is aggravated because by the course pursued the accused has been denied the right of appeal to the Supreme Court of Hongkong had the proper forms of Law been observed.

6th. Proposed by Mr Jardine, and seconded by Mr Lyall.

That this meeting does not desire to deny that a punishable offence was committed by Mr Compton on the 4th July in taking the Law into his own hands, although certainly under circumstances of provocation, but it is the opinion of this meeting, that proceedings should have been immediately taken thereupon, in which case the most trifling fine which could have been inflicted, would have amply met the justice of the case. And this meeting is further of opinion, that if the offence committed by Mr Compton was of the grave character since attributed to it, Her Majesty's Consul should have immediately called upon him to answer for conduct of which the Consul's presence on the spot made him fully cognizant.

7th. Proposed by Mr Seare, and seconded by Mr Dilce.

That the meeting solemnly protests against all the proceedings of the British authorities in this matter, holding the persons, fortunes and character of Her Majesty's subjects in China, unsafe under the premises.

8th. Proposed by Mr Silverlock, seconded by Mr Skinner.

That Petitions to Her Majesty in Council, and to the Houses of Parliament be drawn up, Embodying the foregoing Resolutions.

9th. Proposed by Mr Blenkin and seconded by Mr Gilman.

That this meeting offers to Mr Compton the expression of their sympathy under the cruel and unjust proceedings of the authorities against him: aggravated as his injuries are by the publication of Sir John Davis's dispatch of the 22nd October, on the eve of the departure of the Overland Mail, whereby Mr Compton was deprived of the power of exposing by the same opportunity the fallacies and misrepresentations, in the said document.

10th. Proposed by Mr Gilman, and seconded by Mr J. M. Smith.

That the foregoing Resolutions, and the Correspondence to which they refer, be published in the Hongkong Newspapers.

Present 43 Persons, representing 28 British Firms.  
(Signed) A. CAMPBELL.  
Chairman.

Canton, 5th November, 1846.

To His Excellency,  
Sir J. F. DAVIS, Bart., &c., &c.,  
H. M.'s Plenipotentiary, and Superintendent  
of Trade, Hongkong.

Sir—I have the honor to acknowledge receipt of a communication made to me by Her Majesty's

Consul under your Excellency's instructions to me on the 22nd ult., in reply to which I considered the proper course was to address myself to your Excellency, in a letter dated 2nd November, and he has returned to me intimating that the proper mode of proceeding is to address your Excellency direct, and therefore I now have the honor to do so. I find that your Excellency insists on directing H. M. Consul to retain the Fine levied on me confessedly in error, and not according to your Excellency's instructions. It is difficult for me to surmise at what period, your Excellency's instructions to fine me under Ordinance No. 5 for an Infraction of the Treaty, reached H. M. Consul, since his sentence under Ordinance No. 2, was passed on the 24th of September, and on the 6th of October, he informed me he had then received your Excellency's confirmation of that sentence, which however, your Excellency states was not transmitted by him until the 16th of the same month; however, after the sentence had been executed it seems to have been discovered that the Ordinance No. 2 of 1844, did not justify it, certain important forms not having been complied with, and the forms enjoined by No. 7, also not having been observed; and it being necessary to vindicate the act by some Ordinance, your Excellency instructed H. M. Consul to declare the sentence to have been intended to be under Ordinance No. 5. To apply that Ordinance to my case, your Excellency accuses me of having infringed the 13th Article of Schedule accompanying it, according to which you state it was my duty, having a cause of complaint, to represent the same to Her Majesty's Consul, and assume that I did not pursue that course, by which it appears you are very imperfectly acquainted with the facts of the case communicated to Mr Macgregor in my letter of 27th July, which has been so improperly used as evidence against me, for to him, who passed by at the time of the occurrence, I did complain of an annoyance which I, and my Brother Merchants had frequently before brought to his notice. I maintain however, that the clause of the Regulations cited is inapplicable to my case; the words are "whenever a British subject has reason to complain of Chinese, he must first proceed to the Consulate and state his grievance" the meaning clearly being in Commercial disputes or differences only, and that this is the correct interpretation of the words is established by the marginal abstract. "Disputes to be settled, if possible, amicably by arbitration." The Article goes on to point out in the manner in which representations to the Chinese Government are to be made by Merchants, and finally the distinction between Commercial disputes, and personal wrongs is clearly drawn in the concluding Sentence which declares "regarding the punishment of English Criminals, the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force."

Those laws have been enacted, and Ordinance No. 7 of 1844, is no doubt the law under which I ought to have been tried, and which repeals all former enactments inconsistent with it! Further, the power granted to your Excellency under the Ordinance of Sir Henry Pottinger, No 5 Empowers of England—the offence charged against me cannot be so punished. I deny respectfully, but strongly, that there was a full, and fair enquiry into my case, it was either decided without evidence, or upon evidence which H. M. Consul gave me no opportunity of disproving, and of which he has declined to furnish me with a Copy.

From the manner in which the trifling offence which alone can be proved against me, has been dragged into connection with the alarming riot of the 8th July, it would be supposed by any one unacquainted with the facts, that these events immediately followed my act, and not that the riot did not take place until four days afterwards, during which time I had repeatedly passed the same place unmolested; yet it is gravely stated that the upsetting of a fruit stall on the 4th of July was an infraction of the Treaty between Great Britain and China, and in four days time brought forth riot, and bloodshed! I now, Sir, take leave of this discussion, solemnly protesting against the infringement of the liberty of the subject in my person. The Law gave H. M. Consul full power to treat my case, but left me an appeal against injustice, and the opportunity of clearing my character of the stigma cast upon it by the infliction of the highest pecuniary penalty the Law would warrant; Your Excellency has set the Law aside, and to justify the illegal sentence passed on me, have aggravated my offence by imputing to me without evidence, and on a false assumption, charges of a nature repugnant to my feelings. In thus assailing my private character in a public despatch published on the day before the departure of the Mail for England, I was precluded from publishing my defence by the same opportunity. Your Excellency has thus added injury to injustice, and the conventional forms of Office for the Regulation of Correspondence with public Officers alone prevent me from giving utterance to my outraged feelings on the subject.—I have the honor to be, Your Excellency's, most obedient, humble servant,

CHAS: SP: COMPTON.

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