

Diplomatic Department.

PROCLAMATION.

Whereas the Commands of Her Most Gracious Majesty The QUEEN have been received through the Principal Secretary for Foreign Affairs, disallowing Consular Ordinance No. 1 of 1856, intituled, "*An Ordinance to declare the Law respecting the Distribution of Estates of Insolvents at the Five Ports in China:*" Notice is hereby given of such disallowance, and the provisions of that Ordinance are hereby declared to be null and void, and of no effect.

His Excellency The Chief Superintendent of Trade is advised that an Order in Council is in preparation, making provision for the state of things which led to the passing of the said Ordinance.

GOD SAVE THE QUEEN.

JOHN BOWRING,
*H. M.'s Plenipotentiary and Chief Superintendent
of British Trade in China.*

Given at Victoria, Hongkong, this 4th Day of November, 1856.

By Command of His Excellency Her Majesty's Plenipotentiary,

W. WOODGATE.

GOVERNMENT NOTIFICATION.

Diplomatic Department.

Her Majesty's Chief Superintendent of Trade in China, Plenipotentiary to China, Siam, &c., &c., publishes for general information, Her Majesty's Order in Council, regulating and defining British Consular Authority in Siam.

By Order,

W. WOODGATE.

Superintendency of Trade, Victoria, Hongkong, 3d November, 1856.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 28TH DAY OF JULY, 1856.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, intituled, "*An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and place out of Her Majesty's dominions, and to render the same more effectual.*" it is amongst other things enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy, any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory;

And whereas Her Majesty hath power and jurisdiction in the dominions of the Kings of Siam;

And whereas it is expedient at the present time to make provision for the due exercise of the jurisdiction possessed by Her Majesty as aforesaid:

I. Now, therefore, in pursuance of the above recited Act of Parliament, Her Majesty is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, That Her Majesty's Consul appointed to reside in the Kingdom of Siam shall have full power and authority to carry into effect, and to enforce, by fine or imprisonment, as Treaties, and to enforce hereinafter provided, the observance of the stipulations of any Treaty, or of regulations appended to any Treaty, now existing or which may hereafter be made between Her Majesty, her heirs and successors, and the Kings of Siam, their heirs and successors, and to make and enforce, by fine or imprisonment, rules and regulations for the observance of the stipulations of such Treaties, and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Kings of Siam.

II. And it is further ordered, That a Copy of all such Rules and Regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul; and printed copies of the said rules and regulations shall, as soon as possible, be provided by the said Consul, and sold at a price not exceeding one dollar for each copy, and for the purpose of convicting any person offending against the said rules and regulations, and for all other purposes of law whatsoever, a printed copy of the said rules and regulations, certified under the hand of the said Consul to be a true copy thereof, shall be taken as conclusive evidence of such rules and regulations; and no penalty shall be incurred, or shall be enforced, for the breach of any such rules or regulations to be hereafter made, until the same shall have been so affixed and exhibited for one calendar month in the public office of the Consul: Provided always, that any such rule or regulation made by Her Majesty's Consul, and to be enforced by a penalty, shall be submitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance, or disallowance, and if any such rule or regulation should be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance; nevertheless the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any act done by him under such rule or regulation previously to its disallowance.

III. And it is further ordered, That it shall be lawful for Her Majesty's Consul, as aforesaid, upon information, or upon the complaint of any party that a British subject has violated any of the stipulations of Treaties, or of regulations appended to any Treaty, between Her Majesty and the Kings of Siam, or has disregarded or infringed any of the rules and regulations for the observance of the stipulations of such Treaties, affixed and exhibited according to the provisions of the next preceding article of this present Order, to summon before him the accused party, and to receive evidence and examine witnesses as to the guilt or innocence of such party in regard to the offence laid to his charge; and to award such penalty of fine or imprisonment to any party convicted of an offence against the said treaties, or appended regulations, or the said rules and regulations, as may be specified therein respectively; and any charge against a British subject for a breach of Treaties or regulations, or for a breach of the rules and regulations for the observance of such Treaties, shall be heard and determined by the Consul, without assessors: Provided always, that in no case shall the penalty to be attached to a breach of the said rules and regulations exceed five hundred dollars, or three months' imprisonment.

IV. And it is further ordered, That any charge against a British subject for a breach of rules and regulations, other than those relating to the observance of Treaties, shall in like manner be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed two hundred dollars or one month's imprisonment, the Consul shall hear and determine the charge summarily, without the aid of assessors; but where the penalty attached to a breach of the rules and regulations other than those relating to the observance of Treaties shall amount to more than two hundred dollars, or to imprisonment for more than one month, the Consul, before he shall proceed to hear the charge, shall summon two British subjects of good repute to sit with him as assessors, which assessors shall however have no authority to decide on the innocence or guilt of the party charged, or on the amount of fine or imprisonment to be awarded to him on conviction; but it shall rest with the Consul to decide on the guilt or innocence of the party charged, and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of rules and regulations other than those for the observance of Treaties exceed five hundred dollars or three months' imprisonment; and provided further that in the event of the said assessors or either of them

dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the grounds thereof, and shall require good and sufficient security for the appearance of the party convicted at a future time, in order to undergo his sentence or receive his discharge; and the Consul shall with as little delay as possible report his decision, with all the particulars of the case, together with the dissent of the assessors or either of them, and the grounds thereof, to Her Majesty's Principle Secretary of State for Foreign Affairs, and Her Majesty's Principal Secretary of State for Foreign Affairs shall have authority to confirm, or vary, or reverse the decision of the Consul, as to him may seem fit.

Consul empowered, subject to appeal, to hear Civil Suits, in which British subjects are defendants, and Siamese or the subjects of other Powers plaintiffs. V. And it is further ordered, That it shall be lawful for Her Majesty's Consul to hear and determine any suit of a civil nature against a British subject, arising within any part of the dominions of the Kings of Siam, whether such suit be instituted by a subject of the Kings of Siam, or by a subject or citizen of a Foreign State in amity with Her Majesty; and if either, or any, party in such suit shall be dissatisfied with the decision given by such Consul, it shall be lawful for such party within fifteen days to give to the Consul notice of appeal to the Supreme Court in Her Majesty's Possession of Singapore; whereupon the Consul shall, with as little delay as possible, transmit all the documents which were produced before him and none other, together with a statement of the grounds on which he has formed his decision, to the said Supreme Court, and shall forthwith notify to the several parties the transmission of the process: Provided always, that it shall be lawful for the Consul to require from any party appealing to the said Supreme Court reasonable security, which shall consist in part of one or two sufficient sureties, to be approved by the Consul, that such party shall abide by the decision to be given by the said Supreme Court, and, if such appeal shall fail, to answer all costs, loss, and damages sustained by the other party in consequence of such appeal.

Consul empowered, subject to appeal, to hear Civil Suits, in which British subjects are plaintiffs, and Siamese or the subjects of other Powers defendants. VI. And it is further ordered, That it shall be lawful for Her Majesty's Consul, in like manner, to hear and determine any suit of a civil nature, arising within any part of the dominions of the Kings of Siam, instituted by a British subject against a subject of the Kings of Siam, or against a subject or citizen of a Foreign State in amity with Her Majesty, provided that the defendant in such suit shall consent to submit to his jurisdiction and give sufficient security that he will abide by the decision of the Consul, or, in case of appeal, by that of the Supreme Court of Her Majesty's Possession of Singapore, and will pay such expenses as the Consul or the said Supreme Court shall adjudge; and if either or any party in such suit shall be dissatisfied with the decision given by such Consul, it shall be lawful for such party within fifteen days to give to the Consul notice of appeal to the said Supreme Court, and the proceedings in such a suit, or in an appeal arising therefrom, shall be conformable to and under the same conditions as the proceedings in a suit, or in an appeal arising therefrom, in which a British subject is defendant, and a subject of the Kings of Siam, or a subject or citizen of a foreign State in amity with Her Majesty, is plaintiff.

Consul empowered, subject to appeal, to hear Civil Suits between British subjects. VII. And it is further ordered, That in the event of any suit of a civil nature arising between British subjects within the dominions of the Kings of Siam, it shall be lawful, upon the application of a party, for Her Majesty's Consul to hear and determine such suit, subject to an appeal to the Supreme Court of Her Majesty's Possession of Singapore; and every such appeal shall be made and conducted in the same manner and form and under the same conditions as in cases in which the defendant only is a British subject.

Assessors in Civil Suits. VIII. And it is further ordered, That it shall be lawful for Her Majesty's Consul to summon two, and not more than four, British subjects of good repute, to sit with him as assessors at the hearing of any suit whatever of a civil nature brought before him for decision: and in case the sum sought to be recovered shall exceed five hundred dollars, such suit shall not be heard by the Consul without assessors, if within a reasonable time such assessors can be procured; and the assessors aforesaid shall have no authority to decide on the merits of such suit, but in the event of such assessors or any or either of them dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and in case of appeal shall transmit the same to the Supreme Court of Her Majesty's Possession of Singapore, together with the documents relating to the suit.

Enforcement of decisions in Civil Suits. IX. And it is further ordered, That it shall be lawful for Her Majesty's Consul to enforce his decision against a British subject in a civil suit, by distress or imprisonment, in like manner as a decision of the Supreme Court of Her Majesty's Possession of Singapore in a civil suit is enforced within the said Possession.

Cases in which further evidence may be adduced in appeals. X. And it is further ordered, That in an appeal to the Supreme Court of Her Majesty's Possession of Singapore from the decision of Her Majesty's Consul, it shall be lawful for the said Supreme Court to admit any further legal evidence, besides that adduced before the Consul, on its being established to the satisfaction of the said Supreme Court, by oath or affidavit, that the party desiring to produce such further evidence was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul, after due and reasonable diligence and exertion on his part in that behalf, or where, under the circumstances of the case, it shall appear to the said Supreme Court that further evidence ought to be received.

Examination of witnesses. XI. And it is further ordered, That Her Majesty's Consul shall have power in a civil suit to examine on oath or in such form and with such ceremony as he may declare to be binding on his conscience, any witness who may appear before him, and shall have power, on the application of any party in the said suit, to issue a compulsory order for the attendance of any person, being a British subject, who may be competent to give evidence in such suit, and any British subject having been duly served with any such compulsory order, and with a reasonable notice of the day of the hearing of such suit, upon his expenses of appearing as a witness having been paid or tendered to him by the party at whose application he shall have been ordered to attend, shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding one hundred dollars, or with imprisonment for a period not exceeding thirty days, at the discretion of the said Consul; and every witness, being a British subject, so examined as aforesaid, in case of wilful false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury.

Settlement of Suits by agreement or arbitration. XII. And it is further ordered, That it shall be lawful for Her Majesty's Consul to promote the settlement of a suit or contention by amicable agreement between the parties, and with the consent of the several parties, to refer the decision of a suit or contention to one or more arbitrators, and to take security from the parties that they will be bound by the result of such reference, and the award of such arbitrator or arbitrators shall be to all intents and purposes deemed and taken to be a judgment or sentence of Her Majesty's Consul in such suit or contention, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall not be open to appeal.

Trial of crimes and offences committed by British subjects. XIII. And it is further ordered, That it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with having committed any crime or offence within the dominions of the Kings of Siam, and such Consul shall thereupon proceed with all convenient speed to inquire of the same, and for such purpose and end shall have power to examine on oath, or in such form and with such ceremony as he shall declare to be binding on his conscience, any witness who may appear before him to substantiate the charge; and shall have power to compel any person being a British subject who may be competent to give evidence as to the guilt or innocence of the party so charged, to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment, in like manner as provided in Article XI of this Order; and shall examine every such witness in the presence and hearing of the party accused, and afford the accused party all reasonable facility for cross-examining such witness; and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over, and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the inquiry; and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effects of any voluntary confession, and shall take the evidence of any witness whom the accused party may tender to be examined in his defence; and every witness, being a British subject, so examined as aforesaid, in case of wilful false testimony, may be convicted and punished for the crime of wilful and corrupt perjury: and when the case has been fully inquired of, and the innocence or guilt of the person accused established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody, if satisfied of his innocence, or proceed to pass sentence on him, if satisfied of his guilt: And it shall be lawful for the Consul, having inquired of, tried, and determined, in the manner aforesaid, any charge which may be brought before him, to award to the party convicted any amount of punishment not exceeding imprisonment for one month, or a fine of two hundred dollars.

XIV. And it is further ordered, That if the crime or offence whereof any person being a British subject, may be accused before Her Majesty's Consul as aforesaid, shall appear to such Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon two, or not more than four, British subjects of good repute, to sit with him as assessors for inquiring of, trying, and determining the charge against such person; and the Consul when he shall try any such charge with the assistance of assessors as aforesaid, shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for twelve months, or a fine of one thousand dollars; and the assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction; but in the event of the said assessors, or any or either of them, dissenting from the conviction of, or from the amount of punishment awarded to the accused party, the said assessors, or any or either of them, shall be authorized to record in the minutes of the proceedings the grounds on which the said assessors, or any or either of them, may so dissent; and the Consul shall forthwith report to Her Majesty's Principal Secretary of State for Foreign Affairs the fact that such dissent has been so recorded in the minutes of the proceedings, and shall as soon as possible lay before him copies of the whole of the depositions and proceedings, with the dissent of the assessor or assessors recorded therein; and it shall be lawful thereupon for Her Majesty's Principal Secretary of State for Foreign Affairs, by warrant under his hand and seal addressed to the Consul, to confirm, or vary, or remit altogether, as to him may seem fit, the punishment awarded to the party accused; and such Consul shall give immediate effect to the injunction of any such warrant; Provided always, that in any case in which the assessor or assessors shall dissent from the conviction of, or from the amount of punishment awarded to, the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof is confirmed by Her Majesty's Principal Secretary of State for Foreign Affairs, which punishment, or any portion thereof, shall commence to take effect from the day on which the decision of Her Majesty's Principal Secretary of State for Foreign Affairs shall be notified to the party accused.

Cases in which Assessors are to be summoned on the trial of crimes and offences committed by British subjects.

XV. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Kings of Siam, it is further ordered, That it shall and may be lawful for Her Majesty's Consul to cause any British subject who shall have been twice convicted before him of any crime or offence, and punished for the same, and who after execution of the sentence of the Consul on any second conviction shall not be able to find good and sufficient security to the satisfaction of the Consul for his future good behaviour, to be sent out of the dominions of the Kings of Siam; and to this end the Consul shall have power and authority, as soon as may be practicable after execution of the sentence on such second conviction, to send any such twice convicted party, if a native of the territories administered by the East India Company, to Her Majesty's Possession of Singapore, or to some other port of the said territories, or if such party is not a native of the said territories, to England, and in the meanwhile to detain such party in custody, until a suitable opportunity for sending him out of the dominions of the Kings of Siam shall present itself; and any person so to be sent out of the said dominions as aforesaid shall be embarked in custody on board one of Her Majesty's vessels of war, or if there should be no such vessel of war available for such purpose, then on board any British vessel bound to Singapore, or to some other port in the territories administered by the East India Company, or to England, as the case may be; and it shall be lawful for the commander of any of Her Majesty's ships of war, or of any British vessel bound to any such port as aforesaid, or to England, to receive any such person as aforesaid under a warrant from the Consul to him addressed, and thereupon to convey him in custody to any such port as aforesaid, or to England, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

Consul may award deportation on second conviction.

XVI. And it is further ordered, That in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson, or house-breaking, or cutting and maiming, or stabbing, or wounding, or assault endangering life, or of wilfully causing any bodily injury dangerous to life, the proceedings before the Consul shall be carried on with the aid of assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Kings of Siam in the manner pointed out in the next preceding Article of this Order, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted before the Consul.

Consul may in certain cases award deportation on first conviction.

XVII. And it is further ordered, That it shall be lawful for Her Majesty's Consul within the dominions of the Kings of Siam, upon information laid before him by one or more credible witnesses that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace; and in the event of any British subject being convicted of and punished for a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul, to find security for his good behaviour; and in the event of any British subject who may be required, as aforesaid, to give sufficient security to keep the peace, or to find security for his good behaviour, being unable or wilfully omitting to do so, then and in that case it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Kings of Siam in the manner pointed out in Article XV of this Order.

Consul may require British subjects to give security to keep the peace.

XVIII. And it is further ordered, That in all cases in which a British subject shall have been sent out of the dominions of the Kings of Siam, as provided in Articles XV, XVII and XVII of this Order, the Consul sending him out shall forthwith report such act of deportation, with the grounds of his decision, to Her Majesty's Principal Secretary of State for Foreign Affairs, or in a case where the party so deported is a native of the territories administered by the East India Company, to the Governor-General of India.

Consul to report deportations and the grounds to the Secretary of State for Foreign Affairs or to the Governor-General of India.

XIX. And it is further ordered, That in cases of assault it shall be lawful for the Consul before whom complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and proceedings thereby to be stayed.

Consul may promote reconciliation in cases of assault.

XX. And it is further ordered, That a minute of the proceedings in every case heard and determined before the Consul in pursuance of this Order, shall be drawn up and be signed by the Consul, and shall, in cases where assessors are present, be open for the inspection of such assessors, and for their signature, if they shall therein concur; and such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

Minutes to be drawn up of proceedings before Consul.

XXI. And it is further ordered, That save and except as regards offences committed by British subjects against the stipulations of Treaties between Her Majesty and the Kings of Siam, or against rules and regulations for the observance of the stipulations of such Treaties, duly affixed and exhibited, according to the provisions of Article II of this Order, or against rules and regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Kings of Siam, duly affixed and exhibited as aforesaid, no act done by a British subject being within the dominions of the Kings of Siam, shall by Her Majesty's Consul be deemed and taken to be a crime or misdemeanour, or offence, rendering the person committing it amenable to punishment, which, if done within any part of Her Majesty's dominions, would not, by a court of justice having criminal jurisdiction in Her Majesty's dominions, have been deemed and taken to be a crime, or misdemeanour, or offence, rendering the person so committing it amenable to punishment; and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's Possession of Singapore as the place where crimes and offences committed by British subjects within the dominions of the Kings of Siam, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished, and Her Majesty's Consul resident in the Kingdom of Siam shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent for trial to Her Majesty's said Possession of Singapore.

Definition of crimes and offences and misdemeanours.

XXII. And it is further ordered, That it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence the cognizance whereof may at any time appertain to him, to be sent, in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's Possession of Singapore for trial before the Supreme Court of the said Possession; and it shall be lawful for the commander of any of Her Majesty's ships of war or of any British vessel to receive any such person on board, with a warrant from the said Consul, addressed to the Chief Magistrate of Police of the said Possession, and thereupon to convey him in custody to Singapore, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief

Prisoners may be sent to Singapore from the ports of Siam for trial before the Supreme Court.

Magistrate of Police, or other officer within the said Possession lawfully acting as such, who, on the receipt of the said warrant and of the party therein named, shall be authorized to commit, and shall commit such party so sent for trial to the common gaol of the said Possession, and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said Supreme Court; and the Supreme Court at the sessions to be next holden shall proceed to hear and determine the charge against such party in the same manner as if the crime with which he may be charged had been committed within Her Majesty's Possession of Singapore.

Provisions with regard to prisoners in 6 & 7 Viet., c. 94, to be observed in sending prisoners to Singapore for trial.

XXIII. And it is further ordered, That Her Majesty's Consul, on any occasion of sending a prisoner to Singapore for trial, shall observe the provisions made with regard to prisoners sent for trial to a British colony in an Act passed in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."

Supreme Court to have concurrent jurisdiction with the Consul in civil suits between British subjects.

XXIV. And it is further ordered, That the Supreme Court of Her Majesty's Possession of Singapore shall take and may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature between British subjects arising within any part of the dominions of the Kings of Siam; Provided always, that the said Supreme Court shall not be bound, unless in a fit case it shall deem it right so to do, by writ of certiorari or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in any such matter.

Enforcement of fines and penalties.

XXV. And it is further ordered, That all fines and penalties imposed under this Order may be levied by distress and seizure and sale of ships, and goods and chattels; and no bill of sale, mortgage or transfer of property made after the apprehension of a party, or with a view to security in regard to crimes or offences committed or to be committed, shall avail to defeat any of the provisions of this Order.

Consul may establish Rules of Practice, Regulations for Expenses of Witnesses, and also Rates of Fees in Civil Suits.

XXVI. And it is further ordered, That it shall be lawful for Her Majesty's Consul from time to time to establish rules of practice to be observed in proceedings before the said Consul, and to make regulations for defraying the expenses of witnesses in such proceedings and the costs of criminal prosecutions, and also to establish rates of fees to be taken in regard to civil suits heard and determined before the said Consul, and it shall be lawful for the said Consul to enforce by seizure and sale of goods, or, if there be no goods, by imprisonment, the payment of such established fees, and of such expenses as may be adjudged against the parties, or either or any of them: Provided always, that a table specifying the rates of fees to be so taken shall be affixed and kept exhibited in the public office of the said Consul.

Manner in which fees, penalties, fines, and forfeitures are to be appropriated.

XXVII. And it is further ordered, That all fees, penalties, fines, and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Siamese Government, shall be paid to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consulate in Siam: Provided always, that in the event of the Siamese authorities declining to receive fines payable to the Siamese Government as aforesaid, the same shall be paid to the public account, and applied in the manner last mentioned.

Consuls may grant Probate, &c., and administer to Intestate Estates.

XXVIII. And it is further ordered, That it shall be lawful for Her Majesty's Consul to grant probate of the will or letters of administration to the intestate estate of a British subject deceased and leaving property within the Kingdom of Siam; and in the case of a party so deceased either leaving a will or intestate, it shall be lawful for the Consul, provided that probate of the will or letters of administration to the estate of the party deceased shall not have been applied for within thirty days by any person lawfully entitled thereto, to administer to such estate, and to reserve to himself out of the proceeds of such estate a commission not exceeding two and a-half per centum.

Register of British Subjects kept.

XXIX. And it is further ordered, That a register shall be kept by Her Majesty's Consul, of all British subjects residing within the Kingdom of Siam, and that every British subject now residing within the dominions of the Kings of Siam, who shall not be already enrolled in such Consular register, shall within a reasonable time after the promulgation of this Order, to be specified in a notice to be affixed and publicly exhibited in the Consular Office, apply to the Consul to be enrolled in such register; and every British subject who may arrive within the said dominions, save and except any British subject who may be borne on the muster-roll of any British ship arriving in a port of Siam, shall within a reasonable time after his arrival, to be specified as aforesaid, apply to the Consul to be enrolled in such register; and any British subject who shall refuse or neglect to make application so to be enrolled, and who shall not be able to excuse, to the satisfaction of the said Consul, such his refusal or neglect, shall not be entitled to be recognized or protected as a British subject in any difficulties or suits whatsoever, in which he may have been involved within the dominions of the Kings of Siam within the time during which he shall not have been so enrolled.

Consuls may exercise the powers of Justices of the Peace for enforcement of provisions of Acts of Parliament relating to Seamen and Mercantile Marine.

XXX. And it is further ordered, That Her Majesty's Consul may exercise any of the powers which by any Acts of the Imperial Parliament now enacted or hereafter to be enacted for the regulation of merchant seamen, or for the regulation of the mercantile marine, may be exercised by one or more justices of the peace within Her Majesty's dominions.

Consuls in Siam may perform all acts which may be performed by British Consuls elsewhere.

XXXI. And it is further ordered, That nothing in this Order contained shall be taken or construed to preclude Her Majesty's Consul within the dominions of the Kings of Siam from performing any act of administration, or jurisdiction, or other act which British Consuls within other States at amity with Her Majesty are by law, usage, or sufferance enabled to perform.

Limitation of actions.

XXXII. And it is further ordered, That any suit or action brought against Her Majesty's Consul by reason of anything done under the authority and in execution of the power or jurisdiction of Her Majesty entrusted to him by this Order, shall be commenced or prosecuted within six months after he shall have been within the jurisdiction of the Court in which the same may be brought and not otherwise, and the defendant in every such action or suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits, in an Act passed in the sixth and seventh years of Her Majesty, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."

Interpretation of terms.

XXXIII. And it is further ordered, That the term "Consul" in this present Order shall be construed to include all and every officer in Her Majesty's service, whether Consul-General, Consul, Vice-Consul, or Consular Agent, or person duly authorized to act in any of the aforesaid capacities within the dominions of the Kings of Siam, and engaged in carrying out the provisions of this Order; and that wherever in this Order, with reference to any person, matter, or thing, any word or words is or are used importing the singular number, or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

XXXIV. And it is further ordered, That this Order shall take effect from and after the first day of December next ensuing.

And the Right Honorable the Earl of Clarendon, and the Board of Commissioners for the Affairs of India, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

True Copy.

W. WOODGATE.