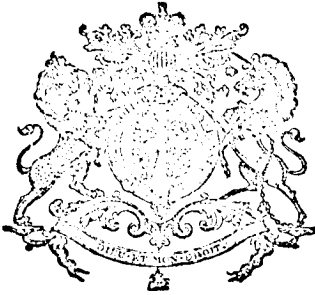


Hongkong



Government

## G A Z E T T E .

SERIES.

VICTORIA, SATURDAY, 30TH JULY, 1859.

VOL. V. No. 219.

## GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given that a New SERIES of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that

“THE HONGKONG GOVERNMENT GAZETTE”

as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,

W. T. MERCER, *Colonial Secretary.*

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

## GOVERNMENT NOTIFICATION.

Treaty with Japan

The subjoined Order of Her Majesty in Council dated 3d March 1859, providing for the exercise of Jurisdiction over British Subjects in Japan, under the 6th and 7th Victoria, cap. 94, having been transmitted to this Government by The Right Honourable The Secretary of State for the Colonies, is, by direction of His Excellency The Governor, published for general information.

By Order,

W. T. MERCER,  
*Colonial Secretary.*

Colonial Secretary's Office, Victoria, Hongkong, 25th July, 1859.

AT THE COURT AT BUCKINGHAM PALACE, THE 3D DAY OF MARCH, 1859.

PRESENT:

*The Queen's Most Excellent Majesty in Council.*

WHEREAS by an Act of Parliament, made and passed in the session of Parliament holden in the sixth and seventh years of the reign 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,” amongst other things, enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy, any jurisdiction which Her Majesty now hath, or at any time hereafter may 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 a Treaty of Peace, Friendship, and Commerce hath been agreed upon and concluded between Her Majesty and His Majesty the Tycoon of Japan, which was signed by the respective Plenipotentiaries of their said Majesties on the twenty-sixth day of August last: And whereas, immediately upon and from the exchange of the ratifications of the said Treaty, Her Majesty will have power and jurisdiction in the dominions of the Tycoon of Japan: Now, therefore, in pursuance of the said Act, Her Majesty is pleased, by and with the advice of Her Privy Council, that it is hereby ordered, as follows:

I. This Order shall commence and take effect immediately upon and from the day of exchange of the ratifications of the said Treaty between Her Majesty and His Majesty the Tycoon of Japan.

II. And it is further ordered, that, in the construction of this Order, the word “Consul” shall be construed to include all and every officer in Her Majesty's service, whether Consul-General, Consul, Vice-Consul, or Consular Agent, lawfully authorised to act in any of the aforesaid capacities in the dominions of the Tycoon of Japan, and engaged in carrying into execution the provisions of this Order; and that the terms “British ship,” or “vessel,” or “ship or vessel under the British flag,” shall be construed to include any ship or vessel British-registered and navigated according to law; and any ship or vessel owned, or partly owned, by a person entitled by law to be an owner of a registered vessel; that the term “crew” shall be construed to include all persons employed in navigating any ship or vessel; and that, wherever in this Order any word or words is or are used importing the singular number of the masculine gender only, such word or words shall, nevertheless, be construed to include several persons as well as males, and females as well as males, unless it be otherwise specially provided, or there be something in the subject next repugnant to such construction.

III. And it is further ordered, that the Consul in the port, place, or district in which he may reside, shall have power and authority to carry into effect and to enforce by fine or imprisonment, as hereinafter provided, the observance of the stipulations of the said Treaty, or of the Articles for the regulation of trade appended thereto, or of any Treaty or Treaties which may be made between Her Majesty, her heirs and successors, and the Tycoon of Japan, his heirs and successors, or of any Articles or Regulations appended thereto, and to make and enforce, by fine or imprisonment, rules and regulations for the observance of the stipulations of any such Treaty, and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Tycoon of Japan.

IV. And it is further ordered, that all rules and regulations made by the Consul as aforesaid shall forthwith be printed, and a copy of the same shall 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 be provided by the 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, signed 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,

Preamble.  
6 & 7 Vict., c. 94.Treaty with Japan  
signed August 26, 1858Commencement of  
this Order.  
Interpretation of  
terms.Power to Consuls to  
enforce Treaties, and to  
establish Rules and Reg-  
ulations.Rules and Regula-  
tions to be exhibited in  
the Consular Office.

until the same shall have been so affixed and exhibited for one calendar month in the public office of the Consular district within which the breach of such rules or regulations shall be alleged to have been committed: Provided always, that no rule or regulation to be hereafter made by any of Her Majesty's Consuls, and to be enforced with penalty, shall take effect until it has been submitted and approved of by the Consul-General, and has thereupon been printed, and a copy of the same has been affixed and exhibited as aforesaid for one calendar month, in the public office of the Consular district.

Proceedings for enforcement of Treaties, and of Rules and Regulations for the observance thereof.

V. And it is further ordered, that it shall be lawful for the Consul, upon information or upon the complaint of any party, that a British subject has violated any of the stipulations of any Treaty between Her Majesty and the Tycoon of Japan, or has disregarded or infringed any of the rules and regulations for the observance of the stipulations of such Treaty, affixed and exhibited according to the provisions of the next preceding Article of this Order, to summon before him the accused party, and to received 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 any offence against any such Treaty, or against any such rules and regulations which may be specified in any Treaty, or in any such rules and regulations; and any charge against a British subject for a breach of any Treaty for a breach of the rules and regulations for the observance of any such Treaty, 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 any such rules and regulations exceed five hundred dollars, or three months' imprisonment.

Proceedings for enforcement of Rules and Regulations other than those for the observance thereof.

VI. And it is further ordered, that any charge against a British subject for a breach of any rules and regulations other than those relating to the observance of Treaties, shall in like manner be heard and determined by the 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 any 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, it shall be obligatory upon the Consul, before he shall proceed to hear the charge, to summon two British subjects of good repute, residing within his district, to act with him as assessors, which assessors shall, however, have no authority to decide on the innocence or guilt of the party accused, 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 accused, 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 accused, 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, within twenty days, 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 Principal 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: Provided always, that if an appeal shall be entered against the decision of the Consul, no such report shall be made to Her Majesty's Secretary of State for Foreign Affairs on the ground of the dissent of the assessors, or either of them, but the appeal shall be prosecuted in the manner hereinafter ordered.

Revision of decisions of subordinate Consular officers.

VII. And it is further ordered, that in any question relating to the observance of Treaties, or of the rules and regulations for the observance of Treaties, or of rules and regulations other than those for the observance of Treaties, a report of any and every decision made by a subordinate Consular Officer, with or without the aid of assessors, shall be sent in to the superior Consular Officer of the district, and that on the receipt of such report, the superior Consular Officer of such district shall proceed, without assessors, to revise such decision as to him may seem fit, and such revision shall have for the purposes of this Order, the same effect as if the case had been originally heard and determined by such superior Consular Officer, with or without the aid of assessors: Provided always, that in any case in which the assessors or either of them shall dissent from a decision of a subordinate Consular Officer, such decision shall not be subject to revision by the superior Consular Officer, but in the event of no appeal being entered as aforesaid, shall be submitted to Her Majesty's Principal Secretary of State for Foreign Affairs for revision, in the same manner as if such decision had been originally made by the superior Consular Officer.

Appeal against convictions for breach of Treaties or of Rules and Regulations.

VIII. And it is further ordered, that any party tried and convicted before a Consul for a breach of any Treaty between Her Majesty and the Tycoon of Japan, or for a breach of rules and regulations for the observance of any such Treaty, or for a breach of rules and regulations other than those relating to the observance of Treaties, may appeal after sentence given by such Consul, to the Consul-General, who shall have power to confirm or vary, or reverse, such sentence, as to the Consul-General may seem fit, and to adjudge the expenses of such appeal, and from whose decision there shall be no further appeal; and upon notice given of such appeal, which notice must be given to the Consul in writing, signed by the party appealing within fifteen days after the conviction, the Consul shall be entitled to require reasonable security from the party so appealing, which security shall, in part, consist of one or two sufficient sureties to be approved by the Consul, to the intent that, if the Consul-General should confirm or vary the sentence passed by the Consul, the appellant shall submit to such sentence, and likewise pay what shall be adjudged by the Consul-General for expenses: Provided always, that the Consul shall forthwith report such appeal, and transmit a copy of the proceedings of such trial to the Consul-General; and the party appealing against the sentence of the Consul shall be required to prosecute his appeal before the Consul-General within such time as shall be, by the Consul, with the approval of the Consul-General, assigned for the prosecution of such appeal; and if the party appealing shall not duly prosecute his appeal within such time as aforesaid, it shall be lawful for the Consul to enforce his sentence in the same manner as if such appeal had not been interposed.

Proceedings against offenders escaping from one Consular district to another.

IX. And it is further ordered, that if any party charged with an offence committed against such Treaties, or such rules and regulations as aforesaid, shall escape or remove from the Consular district within which his offence was committed, and shall be found within another Consular district, it shall be lawful for the Consul within whose district such party shall be found, to proceed against him in the same manner as if the offence had been committed within such last-mentioned district.

Consuls empowered, subject to appeal, to hear civil suits, in which British subjects are defendant and Japanese, or subjects of other Powers, plaintiffs.

X. And it is further ordered, that it shall be lawful for the Consul of the district within which the party sued shall be found, to hear and determine any suit of a civil nature against a British subject, arising within any part of the dominions of the Tycoon of Japan, whether such suit be instituted by a subject of the Tycoon of Japan, or by a subject or citizen of a foreign State in amity with Her Majesty; and if 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 after such decision, to give to the Consul notice of appeal to the Consul-General; whereupon the Consul shall, with as little delay as possible, transmit 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 Consul-General, and shall forthwith notify to the several parties the transmission thereof; and, saving the provision contained in Article XV of this Order, the Consul-General shall decide on such documents and on such statement, and shall communicate his decision to the Consul, who shall forthwith proceed to carry the same into execution, and against such decision of the Consul-General there shall be no appeal: Provided always, that it shall be lawful for the Consul to require from any party appealing to the Consul-General 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 Consul-General.

Consuls empowered, subject to appeal, to hear civil suits in which British subjects are plaintiffs and Japanese, or subjects of other Powers, defendants.

XI. And it is further ordered, that it shall be lawful for the Consul of the district within which the party sued shall be found, in like manner to hear and determine any suit of a civil nature arising within any part of the dominions of the Tycoon of Japan, instituted by a British subject against a subject of the Tycoon of Japan, or against a subject or citizen of a foreign State in amity with Her Majesty, provided 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 Consul-General, and will pay such expenses as the Consul or Consul-General shall adjudge; and if 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 after such decision, to give to the Consul notice of appeal to the Consul-General, and the proceedings in every such suit, or in any 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 Tycoon of Japan, or a subject or citizen of a foreign State in amity with Her Majesty, is plaintiff.

Consuls empowered, subject to appeal, in certain cases, to hear civil suits between British subjects.

XII. 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 Tycoon of Japan, it shall be lawful, upon the application of any party to such suit, for the Consul of the district within which the party sued shall be found, to hear and determine such suit, subject to an appeal to the Supreme Court of the Colony of Hongkong; 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.

XIII. And it is further ordered, that it shall be lawful for any of Her Majesty's Consuls before whom any suit of a Civil nature is brought for decision, to summon two, and not more than four, British subjects, of good fame, residing within his district, to sit with him as assessors at the hearing of such suit, 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 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 such dissent shall transmit the same to the Consul-General, together with the documents relating to the suit.

Assessors in civil suits.

XIV. And it is further ordered, that in an appeal to the Consul-General from the decision of a Consul, it shall be open to any party to adduce any further evidence than that which had been laid before the Consul; and that a party shall not be required to appear personally to prosecute an appeal, or support a sentence: Provided always, that on all appeals from the decision of a Consul, it shall be lawful for a party to allege facts essential to the issue of the suit which have come to his knowledge subsequently to the decision of the Consul, and to produce evidence in support of such facts, and provided also that it shall, moreover, be lawful for the said Consul-General to admit any further legal evidence besides that adduced before the Consul, on its being established, to the satisfaction of the Consul-General, 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 particular circumstances of the case, it shall appear to the said Consul-General that further evidence ought to be received.

Evidence to be adduced on hearing of appeals.

XV. And it is further ordered, that the Consul shall have power in a civil suit to examine on oath, or in such form and with such ceremonies as the witness 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 such 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, and 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, by the said Consul, be convicted of and punished for the crime of wilful and corrupt perjury.

Examination of witnesses.

XVI. And it is further ordered, that it shall be lawful for the 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; 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 the 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 subject to any appeal.

Settlement of suits by agreement or arbitration.

XVII. And it is further ordered, that it shall be lawful for any of Her Majesty's Consuls 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 Tycoon of Japan, or on board of any Japanese ship or vessel within the said dominions; and such Consul shall thereupon proceed, with all convenient speed, to inquire concerning the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremonies as the witness shall declare to be binding on his conscience, any witness who may appear before him to substantiate such 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 XV 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 given 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 effect of any voluntary confession; and shall take, in like manner, 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 by the said Consul be convicted and punished for the crime of wilful and corrupt perjury; and when the case has been fully inquired into, 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 any Consul, having inquired into, 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.

Trial of crimes committed by British subjects.

XVIII. And it is further ordered, that if the crime or offence whereof any person, being a British subject, may be accused before any of Her Majesty's Consuls 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, residing within his district, to sit with him as assessors for inquiring into, trying, and determining the charge against such person; and the Consul who 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 of them, dissenting from the said conviction of, or from the amount of punishment awarded to the accused party, the said assessors or any of them shall be authorized to record in the minutes of the proceedings, the grounds on which the said assessors or any of them may so dissent, and the Consul shall forthwith report to the Consul-General the fact that such dissent has been so recorded in the minutes of the proceedings, and shall as soon as possible before the Consul-General copies of the whole of the depositions and proceedings, with the dissent of the assessors recorded therein; and it shall be lawful thereupon for the Consul-General, by warrant under his hand and seal, directed to the Consul by whom the case was heard and determined, to confirm or vary, or remit altogether, as the Consul-General may seem fit, the punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such warrant.

Assessors on the trial of crimes committed by British subjects.

XIX. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Tycoon of Japan, it is further ordered, that it shall and may be lawful for any of Her Majesty's Consuls 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 Tycoon of Japan; and to this end any such Consul as aforesaid 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 out of the dominions of the Tycoon of Japan; if a native of the territories formerly administered by the East India Company, to some port of the said territories; and if such party is not a native of such territories, to England; and meanwhile to detain him in custody, until a suitable opportunity for sending him out of the said dominions shall occur: 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 ships of war, or, if there should be no such vessel of war available for such purpose, then on board any British ship or vessel bound to any such port as aforesaid or to England; and it shall be lawful for the commander of any of Her Majesty's ships of war, or of any British ship or vessel bound to any such port as aforesaid, or to England, to receive on board 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, and he shall be willing and able himself to defray the expenses of his passage.

Consuls may award deportations on second conviction.

XX. And it is further ordered, that in any case in which any British subject shall be accused before any of Her Majesty's Consuls of the crime of arson, or house-breaking, or cutting or maiming, or stabbing or wounding, or of any other endangering life, or of causing any bodily injury dangerous to life, the proceedings before the Consul shall be conducted with the aid of assessors, convened in the manner aforesaid; and it shall be lawful for the Consul, if he shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or punishment which may be awarded to such person, to be sent out of the dominions of the Tycoon of Japan, and to some port as aforesaid, or to England, 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 just conviction.

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

Consuls to report deportations to who may send the deported person to England, or vary or remit his punishment.

Revision of sentences of subordinate Consular officer in criminal cases.

Persons sentenced by Consuls may be sent to Hongkong for imprisonment.

Consuls may promote reconciliation in cases of assault.

Definition of crimes and offences and misdemeanours.

Minutes of proceedings before Consuls to be drawn up and preserved.

Trade of British subjects in contravention of Treaty with Japan declared unlawful and punishable.

XXI. And it is further ordered that it shall be lawful for any of Her Majesty's Consuls within the dominions of the Tycoon of Japan, upon information laid before him by one or more credible witnesses, upon oath, 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 such 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 be awarded to him by the Consul, to find security for his future good behaviour; and, in the event of any British subject who may be required, as aforesaid, to give security to keep the peace, or to find security for his good behaviour, being unable or wilfully omitting to do so, then, and in every such case, it shall be lawful for Her Majesty's Consul to send such British subjects out of the dominions of the Tycoon of Japan, and to any such port as aforesaid, or to England, in the manner pointed out in Article XIX of this Order.

XXII. And it is further ordered that, in all cases in which a British subject shall have been sent out of the dominions of the Tycoon of Japan to any such port as aforesaid, or to England, as provided in Articles XIX, XX, and XXI 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 aforesaid territories, to the Governor-General of India.

XXIII. And it is further ordered that a report of every sentence passed by a subordinate Consular officer in the matters referred to in Articles XVII, XVIII, XIX, XX, and XXI of this Order, and awarding a fine exceeding twenty dollars, or imprisonment for more than ten days, shall be sent in to the superior Consular officer of the district; and, on the receipt of such report, such superior Consular officer shall proceed, without assessors, to revise such sentence as to him may seem fit; and if the sentence should have been pronounced by the subordinate Consular officer, without assessors, or with the concurrence of assessors, then the decision pronounced by the superior Consular officer, on revision of the proceedings, shall be final; but if the sentence of the subordinate Consular officer shall have been pronounced, with dissent on the part of the assessors, or of any of them, then the superior Consular officer shall not proceed to revise such sentence, but shall submit the whole proceedings to the Consul-General in the same manner as if the case had been originally heard and decided by the superior Consular officer, with dissent on the part of the assessors, or any of them.

XXIV. And it is further ordered, that it shall be lawful for any of Her Majesty's Consuls to send any person sentenced to imprisonment under this Order, at any time while such sentence of imprisonment is in the course of execution, to Hongkong, in any of Her Majesty's ships of war, or in any British ship or vessel, to undergo his term of imprisonment in any jail in Hongkong, and it shall be lawful for the commander of any of Her Majesty's ships of war, or of any British ship or vessel, to receive any such person on board, with a copy of such sentence and a warrant from the Consul for its due execution, addressed to the Chief Magistrate of Police of the said Colony of Hongkong, and thereupon to convey him in custody to Hongkong, and on his arrival there, to deliver him with the said copy of such sentence and warrant, into the custody of the said Chief Magistrate of Police, or other officer of Her Majesty within the said Colony, lawfully acting as such, who, on the receipt of the said warrant, and of the person therein named, shall be authorized to commit, and shall commit, such person to any jail of the said Colony; and such sentence shall be enforced to execution in the said common jail in the same manner as if the sentence had been awarded by the Supreme Court of the said Colony.

XXV. And it is further ordered, that in cases of assault not coming within the terms of Article XX of this Order, 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 the proceedings thereby to be stayed.

XXVI. 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 Tycoon of Japan, or against rules and regulations for the observance of the stipulations of such Treaties, duly affixed and exhibited according to the provisions of Article IV of this Order, or against rules and regulation for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Tycoon of Japan, duly exhibited and affixed as aforesaid, and save and except as regards the offence of engaging in trade, declared in Article XXIII of this Order to be unlawful, no act done by a British subject, being within the dominions of the Tycoon of Japan shall be deemed and taken to be a crime, or misdemeanour, or offence, rendering the person committing it liable to punishment, which, if done within that part of Her Majesty's dominions called England, would not, by a Court of Justice having criminal jurisdiction in England, have been deemed and taken to be a crime or misdemeanour, or offence, rendering the person so committing it, liable to punishment.

XXVII. 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 Hongkong, for trial before the Supreme Court of the said Colony; 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 Colony, and, thereupon, to convey him in custody to Hongkong, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief Magistrate of Police, or other officer within the said Colony 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 any jail of or in the said Colony, and it shall be lawful for the keeper of the said jail 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 the Colony of Hongkong.

And it is further ordered, that Her Majesty's Consul on any occasion of sending a prisoner to Hongkong for trial, shall observe the provisions made with regard to prisoners sent for trial to a British Colony in an Act passed in the sixth and seven 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."

XXVIII. And it is further ordered, that the Supreme Court of the Colony of Hongkong shall have, 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 parts of the dominions of the Emperor of Japan: 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 provision 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.

XXIX. And it is further ordered, that a minute of the proceedings in every case heard and determined before a Consul, in pursuance of this Order, shall be drawn up and signed by the Consul, and shall, in cases when assessors are present, be open for the inspection of such assessors, and for their signature if they shall concur therein; and such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul, and a copy of every such minute and of such depositions shall, if the Consul-General see fit to require them, be transmitted by the Consul to the said Consul-General.

XXX. And whereas it is stipulated in and by the said Treaty agreed upon and concluded between Her Majesty and his said Majesty the Tycoon of Japan as aforesaid, that the ports and towns of Hakodaki, Kanagawa, and Nagasaki, shall be opened to British subjects on the first day of July, one thousand eight hundred and fifty-nine, and that, in addition thereto, the following ports and towns shall be opened to them at the dates thereafter and hereinafter specified, that is to say, Nee-e-gata, or if Nee-e-gata be found unsuitable as a harbour, another convenient port on the west coast of Nipou, on the first day of January, one thousand eight hundred and sixty, and Iliogo on the first day of January, one thousand eight hundred and sixty-three:

Now it is hereby further ordered, that all trade whatsoever of Her Majesty's subjects in, to, or from any part of the dominions of the Tycoon of Japan, excepting the ports and towns aforesaid, and all trade whatsoever of Her Majesty's subjects in, to, or from any of the ports and towns aforesaid, before the respective days and times specified in the said Treaty as aforesaid, shall be and the same is hereby declared to be unlawful, and every person engaged in such trade as a principal, agent, shipowner, shipmaster, or supercargo, shall be liable to be apprehended by any of Her Majesty's Consuls, and shall, when so apprehended, be sent by him to Jeddo, in any of Her Majesty's ships of war, or in any British ship or vessel, for trial before the Consul-General. And it shall be lawful for the Commander of Her Majesty's ships of war, or of any British ship or vessel, to receive any such person on board under a warrant from the said Consul addressed to the Consul-General, and thereupon to convey him in custody to Jeddo, and, on his arrival there, to deliver him, with the said warrant, into the custody of the said Consul-General, who, on the receipt of the said warrant and of the person therein named, shall be authorized to commit, and shall commit, the person so sent for trial, and detain, or cause him to be detained, in any place of safe custody at Jeddo, and the Consul-General shall forthwith proceed to hear and determine the charge against such person, and such person shall, upon conviction, be liable to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding two years.

XXXI. And it is further ordered, that it shall be lawful for any of the Commanders of Her Majesty's ships, or any other officer duly authorized in that behalf, to seize any ship or vessel under the British flag which may reasonably be suspected of having been engaged, or of being engaged, in any trade declared by the next preceding Article of this Order to be illegal, and to bring such ship or vessel, and the master, officers, supercargo, and crew thereof to Jeddo, and there to detain such ship or vessel, and the master, officers, supercargo, and crew thereof, until the said Consul-General shall have tried and determined the charge which may be brought against them, or any of them, in respect of such unlawful trade as aforesaid.

Vessels and persons engaged in unlawful trade may be seized and sent for trial.

XXXII. And it is further ordered, that all fines and penalties imposed by or under this Order may be enforced and levied by distress and seizure, and sale of ships, and goods, and chattels, and no bill of sale, mortgage, or transfer of any property whatsoever, made after the apprehension of any person for any offence against, or cognizable under any of the provisions of this Order, or with a view to security or indemnity against any such offence to be thereafter committed, shall be of any force or avail whatsoever to defeat or affect the operation of any of the provisions of this Order.

Enforcement of fines and penalties.

XXXIII. And it is further ordered that it shall be lawful for the Consul-General 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 distress and 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 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.

Rules of practice, and regulations for the expenses of witnesses, and rates of fees in civil suits to be established.

XXXIV. 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 Japanese Government, shall be paid to the public account, and be applied in diminution of the public expenditure on account of the Consular establishment in Japan: Provided always, that in the event of the Japanese authorities declining to receive any fine payable to the Japanese Government as aforesaid, the same shall be paid to the public account and applied in the manner last mentioned.

Appropriation of fees, penalties, &c.

XXXV. And it is further ordered, that it shall be lawful for any of Her Majesty's Consuls to grant probate of the will, or letters of administration of the intestate estate, of a British subject deceased and leaving property within the limits of the district within which such Consul shall exercise authority; 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 on such proceeds.

Consuls may grant probate, and administer to intestate estates.

XXXVI. And it is further ordered, that a register shall be kept by each and every of Her Majesty's Consuls, of all British subjects residing within the ports, places, or districts of Japan within his jurisdiction; and that every British subject now residing within the dominions of the Tycoon of Japan shall, within a reasonable time after the commencement and taking effect of this Order, to be specified in a notice to be affixed and publicly exhibited in the Consular Office, apply to the Consul of the district 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 or vessel arriving in a port of Japan, shall, within a reasonable time after his arrival, to be specified as aforesaid, apply to the Consul of the district 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 be involved in the dominions of the Tycoon of Japan, within the time during which he shall not have been so enrolled.

Register of British subjects to be kept.

XXXVII. And it is further ordered, that the Consul within his Consular district 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 may exercise powers of justices of the peace for enforcement of Acts relating to seamen and mercantile marine.

XXXVIII. And it is further ordered, that nothing in this Order contained shall be taken or construed to preclude a British Consul within the dominions of the Tycoon of Japan from performing any act of administration or jurisdiction, or other act, which British Consuls within other States in amity with Her Majesty are, by law, usage, or sufferance, enabled to perform.

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

XXXIX. And it is further ordered, that any suit or action brought against any person 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, or in execution of any of the provisions of this Order, shall be commenced within six calendar months after the fact committed, 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, entitled "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."

Limitation of actions and suits.

And the Right Honourable the Earl of Malmesbury, and the Right Honourable Sir Edward Bulwer Lytton, Bart., two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

WM. L. BATHURST.

No. 70.

GOVERNMENT NOTIFICATION.

The following Return of Notes in Circulation and Specie in Reserve at the Bank of the ORIENTAL BANK CORPORATION in Hongkong, is published for general information.

By Order,

W. T. MERCER,  
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 25th July, 1859.

*Account of the Average Amount of Notes in Circulation at the Bank of the Oriental Bank Corporation in Hongkong, for the Month ending 30th June, 1859, rendered in accordance with the Terms of Her Majesty's Royal Charter of Incorporation.*

NOTES ISSUED,	\$492,085.
SPECIE IN RESERVE,	\$300,000.

P. CAMPBELL,  
Manager.

Oriental Bank Corporation, Hongkong, 1st July, 1859.

I inspected this day the Books and Treasure Vault of the Oriental Bank Corporation, and hereby certify, that the Specie in Reserve is in accordance with the Terms of the Royal Charter.

J. A. CARVALHO,  
Accountant.

A. STUART BAYNES, D.A.C.G.,  
for Colonial Treasurer.

Victoria, Hongkong, 22d July, 1859.

No. 71.

GOVERNMENT NOTIFICATION.

The following Return of Notes in Circulation and Specie in Reserve at the Bank of the CHARTERED MERCANTILE BANK OF INDIA, LONDON, AND CHINA, in Hongkong, is published for general information.

By Order,

W. T. MERCER,  
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 25th July, 1859.