



THE HONGKONG
Government Gazette.

Published by Authority.

No. 38.

VICTORIA, SATURDAY, 19TH SEPTEMBER, 1863.

VOL. X.

No. 97.

GOVERNMENT NOTIFICATION.

His Excellency the Acting Governor directs the publication of the subjoined Letters Patent for general information.

By Order,

W. H. ALEXANDER,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 15th September, 1863.

[L. s.]

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. TO ALL TO WHOM these Presents shall come Greeting. WHEREAS by an Ordinance passed by the Legislative Council of Hongkong in the Year One thousand eight hundred and forty-five, intituled No. 6 of One thousand eight hundred and forty-five, "An Ordinance to repeal Ordinance No. 15 of One thousand eight hundred and forty-four for the establishment of a Supreme Court of Judicature at Hongkong and to substitute other provisions in lieu thereof," it was enacted that there should be within the said Colony a Court which should be called the Supreme Court of Hongkong. AND WHEREAS by certain Letters Patent bearing date the thirtieth January One thousand eight hundred and sixty provision was professedly made for investing the said Supreme Court with appellate Jurisdiction in cases of Civil Suits heard and determined under authority of Her Majesty's Order in Council of the third March One thousand eight hundred and fifty-nine by British Consuls within the Dominions of the Emperor of Japan, but such Order in Council had been repealed previously to the date of the said Letters Patent, that is to say, by Her Majesty's Order in Council of the twenty-third of January One thousand eight hundred and sixty. AND WHEREAS it is expedient that the said Letters Patent should be revoked: NOW KNOW YE that upon consideration of the premises and of Our certain knowledge and mere motion We have thought fit to direct and ordain and do direct and ordain as follows:—

1. The aforesaid Letters Patent of the thirtieth day of January One thousand eight hundred and sixty are hereby revoked and determined. AND WHEREAS by the thirteenth Section of an Order in Council bearing date the twenty-third of January One thousand eight hundred and sixty it was 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 should be lawful upon the application of any party to such Suit for the Consul of the District within which the party sued should be found to hear and determine such Suit subject in case the sum in dispute should exceed One thousand dollars to an appeal to the Supreme Court of the Colony of Hongkong, and that every such appeal should be made and conducted in the manner and form and under the same conditions as were prescribed by the said Order in Council in cases in which the Defendant only was a British Subject. AND WHEREAS by the twenty-eighth Section of the aforesaid Order in Council it was further Ordered that the Supreme Court of the Colony of Hongkong should have and might 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 should not be bound unless in a fit case it should 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 Sections of the said Order any Suit of a Civil nature between British Subjects or to stay the proceedings of a Consul in any such matter.

2. WE do further direct and ordain that if any party to any such Suit as aforesaid heard and determined in Japan and in which the sum in dispute shall exceed One thousand Dollars shall be

dissatisfied with the decision given upon the said Suit by the Consul before whom the same shall be heard or tried it shall be lawful for such party within fifteen days after such decision to give to the Consul Notice of Appeal to the Supreme Court of Hongkong whereupon the Consul shall with as little delay as possible stamp with his Consular Seal and transmit to the said Supreme Court all the Documents which were produced before him and none other and also the Notes taken by him of the evidence adduced in the said Suit together with a Statement of the grounds on which he formed his decision and an exact Copy of the Order made by him, and shall forthwith notify to the several parties the transmission thereof. Provided always that it shall be lawful for the Consul to require from any party appealing to the said Court reasonable Security which shall consist in part of one or two sufficient Sureties to be approved by the Consul that such party shall and will abide by the decision to be given by the said Supreme Court and pay all such Costs of and incidental to such appeal as the said Supreme Court shall direct.

3. AND WE do further direct and ordain that it shall be competent to the said Supreme Court and the said Court is hereby required to take into consideration such Documents and Statements and decide upon the same and to communicate its decision to the Consul who shall forthwith proceed to carry the same into execution.

4. AND WE do further direct and ordain that in any appeal to the said Court from the decision of a Consul it shall not be open to any party except as hereinafter is provided to adduce any further evidence than that which was 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 in 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 Court to admit any further legal evidence besides that adduced before the Consul on its being established to the satisfaction of the said Court by Oath on Personal Examination or by 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 wheresoever under the particular circumstances of the case it shall appear to the said Court that further evidence ought to be received.

5. AND WE do hereby give and grant to the said Supreme Court full Jurisdiction power and authority to hear and determine all such Causes, Suits, Matters and Things as are mentioned and comprised in the said twenty-eighth Article of the aforesaid Order in Council of twenty-third January One thousand eight hundred and sixty.

6. AND WE do further direct and ordain that it shall be lawful for the said Court to make such rules, orders and regulations not being inconsistent with the provisions of the said Order in Council or with these Our Letters Patent or with the Laws in force in Hongkong as may in the Judgment of the said Court be requisite for the speedy and effectual decision of the aforesaid Appeals and also of the said Causes, Suits, Matters and Things. PROVIDED ALWAYS that all such Rules Orders and Regulations shall forthwith be communicated to the Governor of Hongkong and by him shall be transmitted to Us Our Heirs and Successors under the Seal of the said Court for Our or Their approbation or disallowance to be signified through one of Our Principal Secretaries of State to the said Governor. IN WITNESS whereof WE have caused these Our Letters to be made Patent. WITNESS Ourselves at Westminster the sixth day of July in the twenty-seventh year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL,

G. ROMILLY.

No. 98.

GOVERNMENT NOTIFICATION.

Tenders will be received at the Surveyor General's Office on or before Wednesday the 30th Instant for the construction of a Guard House and Warden's and other Quarters, &c., at the Victoria Gaol.

Plans and Specification may be seen on application at the Surveyor General's Office between the hours of 11 A.M. and 3 P.M.

By Order,

W. H. ALEXANDER,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 16th September, 1863.

No. 99.

GOVERNMENT NOTIFICATION.

Purchasers of the undermentioned Lots are requested to attend at the Land Office on or before the 30th Instant to execute their several Leases, viz:—

In Victoria—Inland Lots 28, 112, 481, 488, 660, 726, 735, 746, 750, 751, 752, 754, 756, 772, 783, 784, 807, 808, 809, 810, 811, 812, 813, 814, 815. Marine Lots 17B, 56, 128, 129, 141, 156, 157, 162, 164, 165, 171, 172, 175.