

GOVERNMENT NOTIFICATION.—No. 177.

The following Circular Despatch with its enclosure is published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 20th March, 1901.

CIRCULAR.^(a)

DOWNING STREET,
1st February, 1901.

SIR,

I have the honour to transmit to you, for publication in the Colony under your Government, a copy of a Convention between the United Kingdom and Japan, for the reciprocal protection of the estates of deceased persons, which was signed at Tokio on the 26th April last.

The ratifications of this Convention were exchanged at Tokio on the 25th October last and its provisions came into force from that date.

It will be observed from Article II. that the stipulations of the Convention are applicable to the Colony under your Government "so far as the laws permit."

I have the honour to be,

Sir,

Your most obedient, humble Servant,

J. CHAMBERLAIN.

The Officer Administering the Government of

HONGKONG.

CONVENTION BETWEEN THE UNITED KINGDOM AND JAPAN FOR THE
PROTECTION OF THE ESTATES OF DECEASED PERSONS.

Signed at Tôkiô, April 26, 1900.

[Ratifications exchanged at Tôkiô, October 25, 1900.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding, which happily exist between them, by laying down rules for the protection of the estates of deceased persons, have agreed to conclude a Convention, and for that purpose have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Ernest Mason Satow, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, and His Majesty the Emperor of Japan, Viscount Aoki Siüzo, Junü, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs ;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

ARTICLE I.

Whenever a subject of one of the High Contracting Parties shall die within the dominions of the other, and there shall be no person present at the time of such death who shall be rightly entitled to administer the estate of such deceased person, the following rules shall be observed :

1. When the deceased leaves, in the above-named circumstances, heirs of his or her own nationality only, or who may be qualified to enjoy the civil status of their father or mother, as the case may be, the Consul-General, Consul, Vice-Consul, or Consular Agent of the country to which the deceased belonged, on giving notice to the proper authorities, shall take possession and have custody of the property of the said deceased, shall pay the expenses of the funeral, and retain the surplus for the payment of his or her debts, and for the benefit of the heirs to whom it may rightly belong.

But the said Consul-General, Consul, Vice-Consul or Consular Agent shall be bound immediately to apply to the proper Court for letters of administration of the effects left by the deceased, and these letters shall be delivered to him with such limitations and for such time as to such Court may seem right.

2. If, however, the deceased leaves in the country of his or her decease and in the above-named circumstances, any heir or universal legatee of other nationality than his or her own, or to whom the civil status of his or her father or his or her mother, as the case may be, cannot be granted, then each of the two Governments may determine whether the proper Court shall proceed according to law, or shall confide the collection and administration to the respective Consular officers under the proper limitations. When there is no Consul-General, Consul, Vice-Consul, or Consular Agent, in the locality where the decease has occurred (in the case contemplated by the first rule of this Article) upon whom devolves the custody and administration of the estate, the proper authority shall proceed in these acts until the arrival of the respective Consular officer.

ARTICLE II.

The stipulations of the present Convention shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to

India,
The Dominion of Canada,
Newfoundland,
The Cape,
Natal,
New South Wales,
Victoria,
Queensland,
Tasmania,
South Australia,
Western Australia,
New Zealand.

Provided always that the stipulations of the present Convention shall be made applicable to any of the above-named Colonies or foreign possessions, on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tokyo, within two years from the date of the exchange of ratifications of the present Convention.

ARTICLE III.

The present Convention shall come into force immediately after the exchange of the ratifications thereof, and shall remain in force until the 17th July, 1911.

Either High Contracting Power shall have the right at any time after the 16th July, 1910, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given, this Convention shall wholly cease and determine.

ARTICLE IV.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokyo as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Tokyo, in duplicate, this 26th day of April, nineteen hundredth year of the Christian era.

(L.S.) ERNEST MASON SATOW.

(L.S.) SIUZO VICOMTE AOKI.