

said 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 Chief Superintendent, together with the documents relating to the suit.

XIV. And it is further ordered That it shall be lawful for the Chief Superintendent or 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 the Colony of Hong-Kong in a civil suit is enforced within the said Colony.

XV. And it is further ordered That in an appeal to the Chief Superintendent from the decision of a Consul, it shall not be open to either or any party to adduce any further evidence than that which has 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 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 in an appeal to the Supreme Court of the Colony of Hong-Kong, it shall moreover 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.

XVI. And it is further ordered That the Chief Superintendent or 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 expences 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 Chief Superintendent or 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.

XVII. And it is further ordered That it shall be lawful for the Chief Superintendent or 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 the Chief Superintendent or 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.

XVIII. 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 Emperor of China, or within any British ship or vessel being within one hundred miles from the coast of China, or within any ship or vessel on the high seas within the same limits, not being lawfully entitled to claim the protection of the flag of any State or Nation, or within any Chinese ship or vessel within the said limits; 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 XVI 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 any 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.

XIX. 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