

shall be in force touching the said trade and commerce, save so far as the same are repealed or abrogated by the said Act of Parliament, or by any commission and instructions, or Orders in Council, issued or made by His Majesty in pursuance thereof, or are inconsistent therewith, shall continue in full force and virtue; and that all such penalties, forfeitures, or imprisonments as might, on the said twenty-first day of April one thousand eight hundred and thirty-four, be incurred or enforced for the breach of such then existing regulations, shall thenceforth be, in like manner, incurred and enforced for the breach of the same regulations, so far as the same are hereby revived and continued in force as aforesaid; and that all such penalties, forfeitures, or imprisonments, when so incurred, shall be enforced in manner following, that is to say, either by such ways and means by which the same might, on the said twenty-first of April one thousand eight hundred and thirty-four, have been lawfully enforced, or by the sentence and adjudication of the Court of Justice established at Canton aforesaid, under and in pursuance of the said Act of Parliament:

Provided also, and it is further declared, that the regulations herein contained are and shall be considered as provisional only, and as intended to continue in force only until His Majesty shall be pleased to make such further or other order in the premises, in pursuance of the said Act of Parliament, as to His Majesty, with the advice of His Privy Council, may hereafter seem salutary or expedient, in reference to such further information and experience as may hereafter be derived from the future course of the said trade:

And it is hereby further ordered, that the said Superintendents shall compile and publish, for the information of all whom it may concern, the several regulations hereby established and confirmed as aforesaid; and that such publication, when so made with the authority of the said Superintendents, shall, for all purposes, be deemed and taken to be legal and conclusive evidence of the existence and of the terms of any such regulation:

And it is further ordered, that the said Superintendents shall, on the arrival of any British ship or vessel at the port of Canton aforesaid, cause to be delivered to the master, commander, or other principal officer of such ship or vessel, a copy of such regulations; and that every such master, commander, or other officer, together with every other person arriving in or being on board any such ship, shall be bound, and is hereby required, to conform himself to such regulations:

And the Right Honourable Viscount Palmerston, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. C. Greville.

AT the Court at Brighton, the 9th day of
December 1833,

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by a certain Act of Parliament, made and passed in the third and fourth year of His Majesty's reign, intituled "An Act to regulate

"the trade to China and India," it is, amongst other things, enacted, that it shall and may be lawful for His Majesty, by any such Order or Orders as to His Majesty in Council shall appear expedient and salutary, to create a Court of Justice, with criminal and Admiralty jurisdiction, for the trial of offences committed by His Majesty's subjects within the dominions of the Emperor of China, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China, and to appoint one of the Superintendents in the said Act mentioned to be the Officer to hold such Court, and other Officers for executing the process thereof; now, therefore, in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, that there shall be a Court of Justice, with criminal and Admiralty jurisdiction, for the purposes aforesaid, which Court shall be holden at Canton, in the said dominions, or on board any British ship or vessel in the port or harbour of Canton, and that the said Court shall be holden by the Chief Superintendent for the time being, appointed, or to be appointed, by His Majesty under and in pursuance of the said Act of Parliament:

And it is further ordered, that the practice and proceedings of the said Court upon the trial of all issues of fact or law to be joined upon any indictments or informations to be therein brought or prosecuted shall be conformable to and correspond with the practice and proceedings of the Courts of Oyer and Terminer and Goal delivery in England, upon the trial of such issues in such Courts, so far as it may be practicable to maintain such conformity and correspondence, regard being had to the difference of local circumstances; and especially it is hereby ordered, that every such trial of any such issue of fact, or of mixed fact and law, shall be by the said Chief Superintendent for the time being and a jury of twelve men, and that upon every such trial the examination of witnesses for and against the party or parties charged shall take place *viva voce* in open Court; and that the sentence or judgment of the said Court upon every such trial, founded upon the verdict of such jury, shall be pronounced in open Court by such Chief Superintendent as the presiding judge thereof:

And whereas it will be necessary to frame and prescribe rules of practice and proceeding to be observed upon all such prosecutions, in order to ascertain how far the same can be brought into conformity with the practice and proceeding of His Majesty's Courts of Oyer and Terminer and Goal delivery in England, and how far it may be necessary to deviate from such practice and proceeding by reason of the differences of local circumstances, it is, therefore, further ordered, that such Chief Superintendent for the time being shall be, and he is hereby authorised from time to time, but subject to the provisions aforesaid, to promulgate all such rules of practice and proceeding as it may be necessary to adopt and follow, upon, or previously to, the commitment of any person to take his trial in the said Court, and respecting the taking of bail for the appearance of any such person at such trial, and respecting the form and manner of preferring and