

1859, by British Consuls within the Dominions of the Emperor of Japan, but such Order in Council had been repealed previously to the date of the said Letters Patent, that is to say, by Her Majesty's Order in Council of the 23rd of January, 1860.

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 30th day of January, 1860, are hereby revoked and determined.

And whereas by the 13th section of an Order in Council, bearing date the 23rd of January, 1860, 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 Hong Kong, 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 28th section of the aforesaid Order in Council, it was further ordered, that the Supreme Court of the colony of Hong Kong 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 1000 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 15 days after such decision, to give to the Consul notice of appeal to the Supreme Court of Hong Kong, 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 28th Article of the aforesaid Order in Council of 23rd January, 1860.

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 Hong Kong, 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 Hong Kong, 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, one thousand eight hundred and sixty three, in the twenty seventh year of Our Reign.

(Signed) ROMILLY.

*Foreign Office, July 18, 1863.*

The Queen has been graciously pleased to appoint George Hugh Wyndham, Esq., now Second Paid Attaché to Her Majesty's Legation in China, to be a Second Secretary in Her Majesty's Diplomatic Service.